



STATE OF FLORIDA
DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
DIVISION OF JOBS AND BENEFITS

PAD 97-01
BOC
8-14-96

DIVISION POLICY

Application

All Division of Jobs and Benefits Associates

Subject

Employment of Minors in the Construction Industry

Effective Date

Upon Issuance

Expiration Date

Until superseded or rescinded

Purpose

To provide guidelines relating to the interpretation of Federal and State Child Labor Law for the employment of minors in the construction industry.

Background

Over the past several months the Division has received numerous inquiries from employers, minors and other interested parties regarding the Division's interpretation concerning the employment of minors in the construction industry. In the past, the Division interpreted Florida Child Labor Law, Chapter 450.061 (2)(b), Florida Statutes, to mean that no minor under 18 years of age could be employed in residential or non-residential construction. However, the Federal Child Labor Law does not prohibit minors ages 16 or 17 from working in construction. Therefore, in order to be less restrictive and more consistent with federal regulations while continuing to protect the health and education of Florida's working minors, the division will more closely follow the application of federal law concerning the employment of minors in construction.

DISTRIBUTION KEY: O

Policy

It is the policy of this division to require all associates to apply the standards of both federal and state child labor law regulations to minors who are employed in construction.

For the purpose of this policy, minors 16 and 17 years of age may be employed or referred for employment in light construction. However, occupations and the use of equipment prohibited by state and federal regulations would still apply to the employment of minors in construction. The prohibited occupations which are most commonly found in the construction trade are: all occupations in roofing operations including any scaffolding, roof, superstructure or ladder above 6 feet; operating, assisting to operate, adjusting or repairing power-driven woodworking machines such as, but not limited to circular, band and chain saws, drills, sanding and nailing machines. A few examples of prohibited activities would be work in demolition or excavation operations; operating and/or riding in a power-driven hoisting apparatus, such as a forklift or elevator; operating or assisting to operate heavy equipment such as, but not limited to a tractor over 20 PTO horsepower, any trencher, earth moving equipment or forklift, work on electric apparatus or wiring.

For the purpose of this policy, minors 15 years of age or younger may not work in the construction industry except in office work away from the actual construction site. The hazardous occupations previously discussed under the employment of 16 and 17 year old minors are also prohibited for minors 15 years of age or younger.

This interpretation does not apply to minors 16 or 17 years of age holding a valid student learner exemption. Such minors may work in construction according to the terms of their exemption.

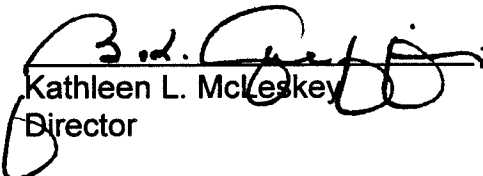
Except as specified above, all other provisions of Florida's Child Labor Law should be applied. Should you have any questions or need additional information, please contact the Child Labor Compliance Section at (800) 226-2536 or SunCom 277-2536.

Action

All Jobs and Benefits associates who deal with child labor issues must familiarize themselves with the information contained in this policy.

Authority

Florida Child Labor Law, Chapter 450, Part I, Florida Statutes,
Florida Child Labor Rule, Florida Administrative Code, Chapter 38H-14
Code of Federal Regulations, Title 29, Part 570


Kathleen L. McLeskey
Director

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