

## Labor/Legal Issues: Child Labor Laws

### *Work-based Learning Guide 2016*

Because both federal and state laws regulate the employment of students under 18, educators must be familiar with the basic provisions that affect work-based learning programs. The following chart provides a brief summary of key points. Specific questions should be directed to a qualified attorney, the Iowa Division of Labor Services, or the US Department of Labor.

### **Brief Comparison: State and Federal Child Labor Laws**

*In all cases, the most restrictive law must be followed.*

ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Administration and Enforcement</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Iowa Division of Labor Services</li> <li><input type="checkbox"/> Enforces Iowa Minimum Wage Law; see exemptions under "Wages"</li> <li><input type="checkbox"/> Assists in dispute resolution relating to wages under Iowa Wage Payment Collection Law</li> <li><input type="checkbox"/> Employees filing complaints may not be discriminated against or terminated</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Wage and Hour Division of US Department of Labor</li> <li><input type="checkbox"/> Administers and enforces the Fair Labor Standards Act (FLSA) for employers in private sector, state and local governments, US Postal Service and Postal Rate Commission, the Tennessee Valley Authority, and federal employment of the Library of Congress</li> <li><input type="checkbox"/> Special rules for state and local government employment involving fire protection, law enforcement, volunteers, and compensatory time</li> <li><input type="checkbox"/> Employees filing complaints may not be discriminated against or terminated</li> </ul>
<b>Employers Affected</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> All employers</li> </ul>	Closely based on mandatory minimum wage guidelines for <ul style="list-style-type: none"> <li><input type="checkbox"/> Companies with annual gross volume sales/business of \$500,000 or more OR</li> <li><input type="checkbox"/> Hospitals, institutions for physically or mentally ill, disabled, aged; schools, including pre-school, secondary, or postsecondary OR</li> <li><input type="checkbox"/> Public agencies OR</li> <li><input type="checkbox"/> Minor employees engaged in interstate commerce or production of goods for interstate commerce</li> </ul>

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<b>Agricultural Employment</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Children 14 years and older may detassel corn during June-August; 14- and 15-year-olds may work part-time in agriculture at half of regularly allowed hours: 20 hours per week/4 hours per day in summer, 14 hours per week/2 hours per day when school is in session</li> <li> </li> <li>See Iowa Code 92.17</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 14- and 15-year-olds: work prohibited during schools hours or in hazardous occupations</li> <li><input type="checkbox"/> 12- and 13-year-olds: may work on parent's farm and, with parents' permission, on farms where minimum wage is required</li> <li><input type="checkbox"/> Complete set of regulations available: <i>Child Labor Requirements in Agriculture</i></li> </ul>
<b>Age Certificate or Work Permit</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Work permits required for ages 14 and 15</li> <li><input type="checkbox"/> Recommended: age certificates on file for all workers under 18</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> No work permits required</li> <li><input type="checkbox"/> Recommended that employers protect themselves by keeping age certificates on file for all workers under age 18</li> </ul>
<b>School Training</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Training allowed for students instructed in industrial arts department, school shop, industrial plant, or vocational education course, or apprenticeship; no hour limits</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Training allowed without employment relationship, regardless of age; 16 or older may also be employed during school hours; hazardous occupations (HOs) prohibited for all ages</li> </ul>
<b>Wages</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Minimum wage rate: \$7.25</li> <li><input type="checkbox"/> Business volume: \$300,000</li> <li><input type="checkbox"/> Several types of minimum wage</li> <li><input type="checkbox"/> Initial employment or training minimum wage rate (\$4.25) for first 90 consecutive calendar days of employment with employer</li> <li><input type="checkbox"/> No youth minimum wage rate; basic state minimum wage rate applies to all employees of all ages in Iowa</li> <li><input type="checkbox"/> Tipped employees minimum wage</li> <li><input type="checkbox"/> Requirements for payment and deductions</li> <li><input type="checkbox"/> Covers all employers</li> <li><input type="checkbox"/> Subminimum wages may be permitted for certain persons and employment situations</li> <li><input type="checkbox"/> Specific exemptions from minimum wage</li> <li><input type="checkbox"/> Provisions for recovery of back wages</li> <li><input type="checkbox"/> Iowa Minimum Wage Law poster display requirement</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Minimum wage rate: \$7.25</li> <li><input type="checkbox"/> Business volume: \$500,000</li> <li><input type="checkbox"/> Several types of minimum wage</li> <li><input type="checkbox"/> Initial employment or training minimum wage rate (\$4.25) limited to employees under 20 years of age</li> <li><input type="checkbox"/> Youth minimum wage rate for employees under 20 years of age during first 90 consecutive days of employment</li> <li><input type="checkbox"/> Tipped employees minimum wage</li> <li><input type="checkbox"/> Requirements for payment and deductions</li> <li><input type="checkbox"/> Covered employers specified</li> <li><input type="checkbox"/> Subminimum wages may be permitted for certain persons and employment situations</li> <li><input type="checkbox"/> Specific exemptions from minimum wage and/or overtime pay law</li> <li><input type="checkbox"/> Provisions for recovery of back wages</li> <li><input type="checkbox"/> FLSA poster display requirement</li> </ul>

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ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Record keeping</b>	<input type="checkbox"/> Required, including <ul style="list-style-type: none"> <li>– identifying information about employee: name, address with zip code, social security number, birth date if under 19</li> <li>– occupation</li> <li>– hours worked</li> <li>– wages earned</li> <li>– deductions made</li> <li>– employment agreements</li> </ul>	<input type="checkbox"/> Required for employees under 19, including <ul style="list-style-type: none"> <li>– name</li> <li>– home address</li> <li>– date of birth, if under 19</li> <li>– gender</li> <li>– daily starting and quitting times</li> <li>– daily and weekly hours worked</li> <li>– occupation</li> <li>– regular hourly pay rate</li> <li>– total overtime pay for work-week</li> <li>– deductions from or additions to wages</li> <li>– total wages paid each pay period</li> <li>– date of payment and pay period covered</li> </ul>
<b>Penalties</b>	<input type="checkbox"/> Simple misdemeanor, punishable by up to \$500 fine and/or 30 days in jail per offense for parent or guardian of minor child, who willfully permits them to work in violation of law	<input type="checkbox"/> Administrative fine up to \$10,000 per minor for employers  <input type="checkbox"/> For second willful violation, fine of \$10,000 or imprisonment for not more than 6 months, or both. District Court restraining order can be requested to prevent future civil or criminal child labor violations.
<b>Waivers</b>	<input type="checkbox"/> May issue written special orders allowing prohibited work to occur	<input type="checkbox"/> None
<b>Contacts</b>	<input type="checkbox"/> State Office: 515-281-3606 <input type="checkbox"/> Child Labor Permits: 515-242-5869 <input type="checkbox"/> Minimum Wage: 515-281-5337	<input type="checkbox"/> Federal Office: 515-284-4625

Additional discussion of many issues listed in the chart above are provided in other sections of the *WBL Guide 2016*.

### **Child Labor Work Permits: Iowa Code, Chapter 92**

The following sections of the Iowa Code refer to work permit requirements for children under 16 and are appropriate to students enrolled in work-based learning experiences.

- *92.10 Permit on file.* A person under sixteen years of age shall not be employed to work with or without compensation unless the person, firm, or corporation employing such person receives and keeps on file, accessible to any officer charged with the enforcement of this chapter, a work permit issued as provided in this chapter, and keeps a complete list of the names and ages of all such persons under sixteen years of age employed.

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Certificates of age shall be issued for persons sixteen and seventeen years of age and for all other persons eighteen and over upon request of the person's prospective employer.

- *92.14 Contents of work permit.* Every work permit shall state the date of issuance, name, sex, date and place of birth, residence of the child in whose name it is issued, color of hair and eyes, height and weight, proof of age, school grade completed, name and location of the establishment where the child is to be employed, industry, specified occupation, a brief description of duties for which the permit is issued, that the papers required for its issuance have been duly examined, approved, and filed, and that the person named therein has personally appeared before the officer issuing the permit and has been examined.
- *92.16 Forms for permits furnished.* The proper forms for the work permit, the employer's agreement, the school record, the certificate of age, and the physician's certificate shall be formulated by the labor commissioner and furnished to the issuing authorities.

Iowa work permits may be obtained from:

Iowa Division of Labor Services  
1000 East Grand Avenue  
Des Moines, Iowa 50319  
<http://www.iowadivisionoflabor.gov/child-labor>