

Restaurant Self-assessment Tool for Employing Youth

The U.S. Department of Labor (DOL) has established special rules for employing minors. The following self-assessment is designed to identify some of the most common problems encountered in the food service industry regarding young workers. If you answer “yes” to any of the following questions, you are likely not in compliance with federal regulations.

Do any workers under age 18 do the following?

1. Operate or clean power-driven meat slicers or other meat processing machines? Minors under age 18 may not set up, operate or assist to operate, clean, oil, adjust, or repair, power driven meat processing equipment. This includes meat slicers, meat grinders, patty forming machines, meat and bone cutting saws, and food processors when used to process meats. Such minors may not hand wash any parts of power-driven meat processing machines, but they may run a rack of the disassembled parts through an automatic dishwasher if they do not touch the parts.
2. Operate or clean any power-driven dough mixer or other bakery machines? Minors under 18 generally may not set up, operate or assist to operate, clean, oil, adjust, or repair power driven bakery machines. This includes horizontal and vertical dough mixers, battermixers, bread dividing, rounding, or molding machines, dough brakes, dough sheeters, cookie and cracker machines, and cake cutting bandsaws. There are limited exemptions that allow 16- and 17-year-olds to operate certain small, portable, counter top

mixers and pizza dough rollers. Sixteen- and 17-year-olds may hand wash the disassembled parts of power-driven bakery equipment.

3. Operate, load, or unload any balers or compactors? Minors under 18 generally may not load, operate or unload any power-driven balers and compactors. There is a limited exemption that allows 16 and 17-year-olds to load, but not operate or unload, certain scrap paper balers and paper box compactors if the equipment meets certain safety standards, there is a posting to this effect on the machine, the on-off switch of the machine has a key-lock or other type of lock-out system, and the equipment is inoperable while it is being loaded.

Take this self-assessment to ensure your restaurant is in compliance with regulations regarding youth workers.

4. Drive a motor-vehicle on the job? Minors under 18 generally may not drive any type of motor vehicle or work as an outside helper on public roads or highways. This prohibition extends to the towing of vehicles and the driving of school buses and trucks. There is a limited exception to this provision that permits 17-year-olds to drive an automobile or truck (gross vehicle weight not exceeding 6,000 pounds) for limited periods of time when certain conditions

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are met. These conditions include that the minor possess a valid license, the driving is only during daylight hours, the driving does not involve urgent time sensitive deliveries such as delivering a pizza to a residence, and the driving is only occasional and incidental to their employment. There are additional requirements that also must be met.

Do any workers under 16 years of age do the following:

5. Cook? Fourteen and 15-year-olds may only perform cooking that (1) involves the use of electric and gas grilles that do not entail cooking over an open flame and (2) involves the use of deep fat fryers which are equipped with and utilize devices which automatically raise and lower the “baskets,” but not pressurized fryers.
6. Bake? Minors under 16 years of age are prohibited from performing any baking duties. Prohibited baking duties include the weighing, mixing and assembling of ingredients and the operation of pizza ovens and convection ovens. The use of warming devices to maintain the heat of cooked food is permitted.
7. Clean cooking equipment or handle hot oil or grease? Fourteen- and 15-year-olds may clean, maintain (including the changing, cleaning, and disposing of oil or grease and oil or grease filters), and repair cooking devices (other than power-driven equipment) when the surfaces of the equipment or liquids do not exceed a temperature of 100° F. All minors under 18 years of age are prohibited from operating and cleaning power-driven meat slicers and bakery equipment.
8. Load or unload goods from a truck or conveyor? Minors 14 and 15-years old may not load or unload goods to and from conveyors, trucks, railroad cars or tanks, trucks, boats, planes, or other means of transportation. See 29 CFR § 570.33(k). Such minors may, however, load into motor vehicles and unload from motor vehicles the light, non-power-driven, hand tools and personal projective equipment that the minor will use as part of his or her employment at the work site. They may also load and unload their own personal gear, such as jackets and lunches they are permitted to take to the job site.
9. Work inside a freezer or meat cooler? Minors 14 and 15-years old are prohibited from working in freezers and meat coolers. This includes duties – such as taking inventory or performing cleanup work – which would require them to enter and remain in coolers or freezers for prolonged durations. These minors may enter freezers only momentarily to retrieve items.
10. Operate power-driven bread slicers or bagel slicers? Minors 14 and 15-years old may not operate, setup, adjust, repair, oil or clean any power-driven food slicers, including bread slicers and bagel slicers.
11. Operate any power-driven equipment? Minors 14 and 15-years old may not operate most power-driven machinery, including lawnmowers, trimmers, golf carts, all terrain vehicles, and “weed-whackers”. These minors may operate office machinery, vacuum cleaners, floor waxers, and machines and devices used in connection with preparing and serving food and beverages, such as dishwashers, toasters, popcorn poppers, milk shake blenders, and coffee grinders.
12. Work from ladders? Minors 14 and 15-years old may not perform work requiring the use of ladders, scaffolds, or their substitutes. This includes outside window washing that involves working from windowsills.
13. Work during school hours? Minors 14 and 15-years old may not work during school hours. School hours are determined by the local public school in the area where the minor is residing while so employed, even if the minor does not attend the public school (i.e.,

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attends a private school or is home schooled). Such minors may be employed outside of school hours with certain limitations. The term outside school hours means such periods as before and after school hours, holidays, summer vacations, Sundays, or any other day or part of a day when the local public school is not in session.

14. Work before 7:00 a.m. on any day? Minors 14 and 15-years old may not be employed before 7:00 a.m. on any day.
15. Work past 7:00 p.m. between Labor Day and June 1? Minors 14 and 15-years old may not be employed past 7:00 p.m. from the day after Labor Day through May 31. This applies even if there is no school the next day, such as a Friday or Saturday night, as well as in weeks when school is not in session such as during spring break. These same minors may not work past 9:00 p.m. between June 1 and Labor Day.
16. Work past 9:00 p.m. between June 1 and Labor Day? Minors 14 and 15-years old may not be employed past 9:00 p.m. between June 1 and Labor Day. They may not work past 7:00 p.m. between the day after Labor Day and May 31.
17. Work more than 3 hours on a school day, including Fridays? Minors 14 and 15-years old may not work more than 3 hours on a school day, including Fridays. This prohibition applies even if there is no school the next day.
18. Work more than 8 hours on any day? Minors 14 and 15-years old may work up to 8 hours a day on Saturdays and Sundays and on other days when school is not in session, as long as they do not exceed the maximum permissible hours in any workweek. They may work up to 18 hours in any week school is in session and up to 40 hours in any week school does not meet.
19. Work more than 18 hours in any week when school was in session? Minors 14 and 15-years old may not work more than 18 hours a week when school is in session. For these purposes, school is in session in any week in which school meets, even if it meets for a part of a day or a portion of the week. School hours and school weeks are determined by the local public school where the minor would attend if he or she attended public school.
20. Work more than 40 hours in any week when school was not in session? Minors 14 and 15-years old may not work more than 40 hours in a week when school is not in session. They may not work more than 18 hours in a week when school meets. For these purposes, school is in session in any week in which school meets, even if it meets for a part of a day or a portion of the week. School hours and school weeks are determined by the local public school where the minor would attend if he or she attended public school.
21. Do you employ any workers who are less than 14 years of age? Minors 13 years of age and younger are generally not allowed to work under the Federal child labor provisions. Permissible employment for such minors is limited to work that is either exempt, such as delivering newspapers and acting, or not covered by the FLSA, such as casual babysitting, performing minor chores around private homes, and working for a parent who is the sole owner of a business.
22. Do you fail to maintain in your records a date of birth for every employee under 19 years of age? Employers are required to maintain and preserve certain records, including the date of birth for all employees who are less than 19 years of age.