

Youth Employment in Restaurants and Quick Service Establishments under the Fair Labor Standards Act (FLSA)

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This fact sheet provides general information concerning the application of the federal child labor provisions to restaurants and quick-service establishments that employ workers who are less than 18 years of age. For detailed information about the federal youth provisions, please read Regulations, 29 CFR Part 570.

The Department of Labor is committed to helping young workers find positive, appropriate, and safe employment experiences. The child labor provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being, or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults.

Minimum Age Standards for Employment

The FLSA and the child labor regulations, issued at 29 CFR Part 570, establish both hours and occupational standards for youth. Youth of any age are generally permitted to work for businesses entirely owned by their parents, except those under 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous.

Age	Regulations	
18 years of age	Once a youth reaches 18 years of age, he or she is no longer subject to federal child labor provisions.	
16 & 17 years of age	<p>Individuals who are 16 or 17 years of age may be employed for unlimited hours in any occupation other than those declared hazardous by the DOL. Examples of equipment declared hazardous in food service establishments include:</p> <ul style="list-style-type: none"> • <i>Power-driven meat processing machines</i> (meat slicers, meat saws, patty forming machines, meat grinders, and meat choppers), commercial mixers and certain power-driven bakery machines. Employees under 18 years of age are not permitted to operate, feed, set-up, adjust, repair, or clean any of these machines or their disassembled parts; • <i>Motor Vehicles</i>. Generally, no employee under 18 years of age may drive on the job or serve as an outside helper on a motor vehicle on a public road. However, 17-year-olds (who meet certain specific requirements) may drive automobiles and trucks with a gross vehicle weight that does not exceed 6,000 lbs. for limited amounts of time as part of their job. Still, even these minors are prohibited from making time-sensitive deliveries (such as pizza deliveries or other trips where time is of the essence) and from driving at night; and • <i>Balers and Compactors</i>. Minors under 18 years of age may not load, operate, or unload balers or compactors. Minors who are 16 or 17 years old may load, but not operate or unload, certain scrap paper balers and paper box compactors under certain specific circumstances. 	
14 & 15 years of age	Minors who are 14 or 15 years of age may be employed in restaurants and quick-service establishments outside school hours in a variety of jobs for limited periods of time and under specified conditions. Child Labor Regulation No. 3, 29 C.F.R. 570, Subpart C limits both the time of day and number of hours this age group may be employed as well as the types of jobs they may perform.	
	Hours and times of day standards for the employment of 14- and 15-year-olds:	Occupation standards for the employment of 14- and 15-year-olds:

	<ul style="list-style-type: none"> • Outside school hours; • No more than three hours on a school day, including Fridays; • No more than eight hours on a nonschool day; • No more than 18 hours during a week when school is in session; • No more than 40 hours during a week when school is not in session; and • Between 7 a.m. and 7 p.m., except between June 1 and Labor Day when the evening hours are extended to 9 p.m. <p>NOTE: school hours are determined by the local public school in the area where the minor resides while employed.</p>	<ul style="list-style-type: none"> • They may perform cashiering, table service, "busing" and clean up work, including the use of vacuum cleaners and floor waxers; • They may perform kitchen work and other work involved in preparing food and beverages, including the operation of devices used in this type of work, including dish-washers, toasters, milk shake blenders, warming lamps and coffee grinders; • They may perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook with deep fat fryers that are equipped with and utilize devices that automatically raise and lower the baskets into and out of the hot grease or oil. They may not operate NEICO broilers, rotisseries, pressure cookers, fryolators, high-speed ovens or rapid toasters; • They may not perform any baking activities; • They may dispense food from cafeteria lines and steam tables and heat food in microwave ovens that do not have the capacity to heat food over 140° F; • They may not operate, clean, set up, adjust, repair or oil power-driven machines, including food slicers, grinders, processors and mixers; • They may clean kitchen surfaces and non-power-driven equipment and filter, transport and dispose of cooking oil, but only when the temperature of the surface and oils do not exceed 100° F; • They may not operate power-driven lawn mowers or cutters or load or unload goods to or from trucks or conveyors; • They may not work in freezers or meat coolers, but they may occasionally enter a freezer momentarily to retrieve items; and • They are prohibited from working in any occupation the DOL has declared hazardous.
Under 14 years of age	<p>Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA, including food service establishments. Permissible employment for these children is limited to work that is exempt from the FLSA (such as newspaper delivery to consumers and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting.</p>	

Work Experience and Career Exploration Program (WECEP)

WECEP is a program designed to provide a carefully planned work experience and career exploration program for 14- and 15-year-olds. This program is a career-oriented educational program designed to meet the participants' needs, interests and abilities. The program is aimed at helping youths to motivate and recommit to pursue their education and to prepare them for the labor market.

To run this program in any state, that state's department of education must receive approval from the Wage and Hour Division. Once the state receives approval, the state can run the program for a two-year period. Under this program, certain aspects of child labor regulations are modified for 14- and 15-year-old participants during the school term.

Students enrolled in an authorized WECEP may work:

- During school hours;
- Up to three hours on a school day and as many as 23 hours in a school week; and
- In some occupations that would otherwise be prohibited, but not in manufacturing, mining or any hazardous occupations identified by the DOL.

Individual employers may partner with participating local school districts in those states authorized to operate WECEPs.

Work-Study Program (WSP)

WSP is a program designed to help academically-oriented students enrolled in a college preparatory high school curriculum to pursue their college diplomas. Some of the hour and standard provisions of Child Labor Regulation No. 3 vary for certain 14- and 15-year-old students participating in a DOL-approved and school-supervised and administered WSP. Participating students must be enrolled in a college preparatory curriculum and identified by authoritative personnel of the school as being able to benefit from the WSP.

Students enrolled in an authorized WSP:

- Are held to all the occupation standards established by Child Labor Regulation No. 3; and
- May work no more than 18 hours in any one week when school is in session, a portion of which may be during school hours if:
 - During three weeks in a four-week period, the participant is permitted to work for up to eight hours once a week during regular school hours;
 - During the week in the four-week cycle that is not one of the three weeks mentioned above, the participant is permitted to work for up to eight hours twice a week during regular school hours; and
 - The participant's employment remains otherwise subject to the time-of-day and number-of-hour standards mentioned above.

Where to Obtain Additional Information

For more information on the FLSA child labor provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! [website](#).

For additional information on the Fair Labor Standards Act visit the [Wage and Hour Division website](#) or call 1-866-4USWAGE (1-866-487-9243).

When state child labor laws differ from the federal provisions, an employer must comply with the standard most favorable to the employee. Links to your state labor department can be found at http://www.dol.gov/whd/contacts/state_of.htm.

Source: U.S. Department of Labor, Wage and Hours Division