

Youth and Seasonal Employment

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Youth Employment in North Dakota

- North Dakota Youth Employment Laws:
 - Establish minimum age (14)
 - Restrict hours of work of youths aged 14-15
 - Prohibit certain types of work for youths aged 14-15
 - Require an employment and age certificate for youths 14-15

Exemptions to Youth Employment Laws

- Agriculture
- Working for parents
- Exempt from school attendance
- Domestic service

Employment and Age Certificate (Work Permit)

- Required for each job held by persons age 14 or 15
- Sections to be completed by minor, employer, and parent
- Must describe work to be performed and rate of pay
- Requires evidence of age
- Filed with Department of Labor
- Copy to school principal
- On our website at: <http://www.nd.gov/labor/forms/sfn-04598.html>

Restricted Hours of Work

The hours youth ages 14 and 15 may work are limited to:

- No more than 3 hours on a school day;
- No more than 18 hours in a school week;
- No more than 8 hours on a non-school day;
- No more than 40 hours in a non-school week;
- Between 7 a.m. and 7 p.m. while school is in session;
- Between June 1 and Labor Day, work hours are extended until 9 p.m.

A school week is any week in which school attendance is required for any period of time 4 or more days.

Prohibited Occupations for 14 and 15-year olds

-Employment involving the use of any power driven machinery. Exceptions:

- Office machines (adding machines, computers, typewriters)
- Tagging or pricing machines
- Domestic-type machines used in food service operations (toasters, coffee grinders, milkshake blenders)

Prohibited Occupations (Cont.)

- Construction work
- Operation of any steam boiler or steam machinery
- Operation or assisting in the operation of laundry machinery
- Any work that may be considered dangerous to life or limb or in which health may be injured or morals depraved

Prohibited Occupations (Cont.)

- Working on an elevated surface including ladders and scaffolds more than 6 feet off the ground
- Security positions or occupations requiring a weapon
- Work involving use of fertilizers, herbicides, fungicides, pesticides, insecticides, toxins or heaving metals
- Cooking, baking, grilling or frying

Lawn-mowing?

- State law allows lawn-mowing by 14-15 year olds
- Federal law only allows lawn-mowing in domestic employment

Youth Employment under Federal law

- Federal law also restricts certain types of employment for those aged 16 and 17
 - Operation of motor vehicles
 - Power driven circular saws, bandsaws, and guillotine shears
 - Work on a roof

Seasonal or Part-time Employment

- No state law requiring benefits – negotiated between employer and employee
- Considerations:
 - Family Medical Leave Act
 - Affordable Care Act – Health Insurance Requirement (50/30/130)
 - ERISA
 - Classifying employees (Independent contractors, overtime exemptions)
 - Overtime
 - Applying policies, procedures, and benefits consistently between full time employees and those employed on a part-time or seasonal basis
 - Minimum wage and anti-discrimination laws still apply
 - Unemployment and workers compensation insurance