U.S. Department of Labor in the 21st Century

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elaws - Fair Labor Standards Act Advisor

Hours Restrictions

The age of the young worker typically determines which child labor rules apply. In particular, the age of the young worker determines how many hours in a day or week, or what hours in the day they may work. In addition to restrictions on hours, the Secretary of Labor has found that certain jobs are too hazardous for anyone under 16 years of age to perform. The section on Prohibited Occupations explains what jobs are considered hazardous for youth.

Hours restrictions for non-agricultural employees

14 years old is the minimum age for non-agricultural employment covered by the FLSA. The basic rules for when and where a youth may work are:

Youth **18 years or older** may perform any job, whether hazardous or not, for unlimited hours.

Youth **16 or 17 years old** may perform any non-hazardous job for unlimited hours.

Youth **14 and 15 years old** may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs. They cannot work:

More than 3 hours a day on school days, including Fridays;
More than 18 hours per week in school weeks;
More than 8 hours a day on non-school days;
More than 40 hours per week when school is not in session.

Also, 14- and 15-year-olds may not work before 7:00 a.m., nor after 7:00 p.m., except from June 1 through Labor Day, when their permissible hours are extended to 9:00 p.m. Under a special provision, youth 14 and 15 years old who are enrolled in an approved Work Experience and Career Exploration Program may be employed for up to 23 hours during school weeks and 3 hours on school days (including during school hours).

Hours restrictions on agricultural employees

The hours restrictions are the same for all youth, migrant children as well as local resident children.

Once a young person turns **16 years old**, he or she can work on any day, for any number of hours and in any job in agriculture.

A youth **14 or 15 years old** can work in agriculture, on any farm, but only during hours when school is not in session and only in non-hazardous jobs.

If the youth is **12 or 13 years of age**, he or she can only work in agriculture on a farm if a parent has given written permission, or a parent is working on the same farm. Again, the work can only be performed during hours when school is not in session and in non-hazardous jobs.

If the youth is **younger than 12**, he or she can only work in agriculture on a farm if the farm is not required to pay the Federal minimum wage. Under the FLSA, "small" farms

(are exempt from the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small," workers under 12 years of age can be employed in non-hazardous jobs, but only during hours when school is not in session, and only with a parent's permission.

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