

Grade \_\_\_\_\_  
Age \_\_\_\_\_  
Sex: M\_\_\_\_ F\_\_\_\_\_

Time of day related class meets \_\_\_\_\_

**TRAINING PLAN AGREEMENT**  
**UNPAID Work-Based Instruction**

STUDENT \_\_\_\_\_

\_\_\_\_\_  
(2-3 credit CTE course name)

\_\_\_\_\_  
(PEIMS Code)

PROGRAM AREA \_\_\_\_\_ SCHOOL CAMPUS \_\_\_\_\_

SCHOOL DISTRICT \_\_\_\_\_ COMPANY NAME \_\_\_\_\_

The student agrees to diligently perform the work-based training experiences and conscientiously pursue the coordinated classroom course of study as outlined in the attached training plan. Work-based training experiences will be assigned by the training sponsor and performed according to the same company policies and regulations applicable to regular employees. The student agrees to take advantage of every opportunity to improve his or her efficiency, knowledge, and personal traits in order to pursue further education and enter the chosen occupation as a desirable employee.

The company and school are responsible for providing students with opportunities for training in the basic skills of an occupation and knowledge of related technical information. In order to provide a systematic plan for well-rounded training, a schedule of work-based training experiences and a parallel classroom course of study have been coordinated and agreed upon by the training sponsor and teacher-coordinator.

It is understood that the work-based training experiences will be unpaid. In order to qualify for an exemption from wage requirements, all six of the following criteria must be met: training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school; training is for the benefit of the students; the students do not displace regular employees, but work under their close observation; the employer that provides the training derives no immediate advantages from the activities of the students, and on occasion operations may actually be impeded; the students are not necessarily entitled to a job at the conclusion of the training period; and the employer and the students understand that the students are not entitled to wages for the time spent in training.

The training period begins the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and extends through \_\_\_\_\_, \_\_\_\_\_.

There will be a probationary period of \_\_\_\_\_ days during which the interested parties may determine if the student has made a wise choice of an occupational training area, and if the training should be continued.

This plan may be terminated for just cause by either party without recourse.

Students will be accepted and assigned to training stations without regard to race, color, creed, national origin, sex, or handicapping condition.

DO ANY TASKS FALL UNDER U.S. DEPARTMENT OF LABOR HAZARDOUS OCCUPATION ORDERS: YES \_\_\_\_\_ NO \_\_\_\_\_  
**If Yes, the EXEMPTION for APPRENTICES and STUDENT LEARNING will APPLY for TASKS COVERED BY HAZARDOUS OCCUPATION ORDERS #5, 8, 10, 12, 14, 16 AND 17 (see attachment) to the extent:**

- 1) The hazardous work of the student learner/apprentice is incidental to the training;
- 2) Such work shall be intermittent and for short periods of time and under the direct and close supervision of a journeyman if the student is an apprentice or a qualified and experienced person if a student learner;
- 3) If the student is to be employed as an apprentice, the apprenticeable trade must be registered by the U.S. Department of Labor, Bureau of Apprenticeship and Training;
- 4) Safety instructions shall be given by the school and correlated by the employer with on-the-job training; and
- 5) A schedule of organized and progressive work processes to be performed on the job shall have been prepared (see reverse side).

The school, the training sponsor, and the student will endeavor to cooperate with each other to insure that the applicable exemption is satisfied.

**SIGNATURE APPROVALS**

\_\_\_\_\_  
(Student) \_\_\_\_\_ Date

\_\_\_\_\_  
(Training Sponsor) \_\_\_\_\_ Date

\_\_\_\_\_  
(Parent or Guardian) \_\_\_\_\_ Date

\_\_\_\_\_  
(Teacher-Coordinator) \_\_\_\_\_ Date

**(Note: Each party to this agreement should receive a signed copy. Keep the original or a copy with the student's permanent record, and for students with disabilities, the Individual Transition Plan.)**

### Description of Specific and Related Occupational Training

The occupational essential knowledge and skills listed below are provided as a convenience to promote quality standards in work-based training. Additional space is available to add specific training opportunities not otherwise identified as essential knowledge and skills. NOTE: Occupational training objectives having no state adopted essential knowledge and skills will require the training plans to be individually developed.

State Adopted Essential Knowledge and Skills	To Be Done		Related Study Assignments
	Work-Based Instruction	Class Instruction	
Additional Occupationally Specific Knowledge and Skills	Work-Based Instruction	Class Instruction	Related Study Assignments

NOTE: The above should serve as a suggested format. Space allowances should be expanded to accommodate inclusion of appropriate information.

**CHILD LABOR LAWS**  
**Texas Workforce Commission,**  
**Labor Law Department, Child Labor Enforcement**  
**U. S. Department of Labor**  
**Wage and Hour Division**

For further information about Texas' child labor laws, call:

**1-800-832-9243**

**TDD 1-800-735-2989**

*This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Labor Law department for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child-labor laws, consult your local listing for the nearest office of the U.S. Department of Labor, Wage and Hour Division.*

**The following are prohibited occupations for 14- through 17-year old children:**

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the U.S. Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or wellbeing of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.
- (2) involving the driving of motor vehicles and outside helpers
  - A on any public road or highway
  - B in or about any place where logging or sawmill operations are in progress, or
  - C in excavations.(Under certain conditions driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state law.)
- (3) connected with coal mining.
- (4) including logging operations and sawmill occupations.
- (5) \*operating power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations.
- (7) operating power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks.
- (8) \*operating power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) \*operation of power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering with the exception of the killing and processing of poultry, rabbits, or small game in areas separated from the killing floor.
- (11) operating power-driven bakery machines.
- (12) \*operating power-driven paper product machines.
- (13) manufacturing brick, tile, and kindred products.
- (14) \*operating power-driven circular saws, band saws and guillotine shears, with the exception of machines equipped with full automatic feed and ejection.
- (15) wrecking, demolition, and ship breaking operations.
- (16) \*involving roofing operations.
- (17) \*connected with excavation operations.

**Additional prohibited occupations that apply only to 14- and 15-year olds:**

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year old children include:

- (1) Mining.
- (2) Manufacturing.
- (3) The performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed.
- (4) Public messenger service.
- (5) The operation or tending of hoisting apparatus or any power-driven machinery other than office machines.
- (6) Occupations in connection with:
  - A Transportation of persons or property by rail, highway, air, water, pipeline, or other means. However, office or sales work is permitted except on vehicles and other transportation conveyances or at the actual construction site.
  - B Warehousing and storage
  - C Communications and public utilities.
  - D Construction including demolition and repair.
- (7) Any of the following occupations in a retail food service or gasoline service establishment:
  - A Work performed in or about boiler or engine rooms.
  - B Work in connection with maintenance or repair of the establishment, machines or equipment.
  - C Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
  - D Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking.
  - E Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
  - F Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas.)
  - G Loading and unloading goods to and from trucks, railroad cars or conveyors.
  - H All occupations in warehouses, except office and clerical work.

**Work times for 14- and 15-year olds**

State Law – A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 48 hours in one week.
- (2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school.
- (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law – The FLSA further regulates hours of employment for children:

- (1) no more than eight hours on a non-school day or 40 hours during a non-school week.
- (2) no more than three hours on a school day, 18 hours during a school week.
- (3) Children may work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

**Certificate of Age/Child Actors**

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

**PENALTIES:**

State of Texas – An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal – The FLSA prescribes a maximum administrative penalty of \$10,000 per violation and/or criminal prosecution and fines.

## **Hazardous Occupational Orders**

### **U. S. Department of Labor**

The following are conditions deemed hazardous for the employment of minors between 16 and 18 years of age.

Occupations with an \* are exempt from child labor laws for apprentices and student learners under the conditions (e.g. incidental to the training, intermittent and for brief periods of time, under close supervision, etc.) set forth on the first page of the training plan. Exemptions do not apply to student learners under age 16.

1. Manufacturing, storing, handling or transporting explosives or articles containing explosives (ammunition, black powder, blasting caps, fireworks, high explosives primers, smokeless powder). Exceptions are retail establishments and non-explosive areas.
2. Engage as a motor-vehicle driver or outside helper (in the use of an automobile, truck, truck-tractor, trailer, semitrailer, motorcycle or similar vehicle on a public road, highway, near a mine, near logging or sawmill, or in an excavation) except incidental and occasional driving.
3. Engaged in coal mining, including all work underground, in open-pit, or at surface contributing to extraction, grading, clearing or other handling. Exceptions are picking slate or other refuse at a table or chute in a tippie or breaker, working in surface offices or maintenance or repair shops.
4. Work in all logging occupations or in the operations of any sawmill, lath mill, shingle mill, or cooperage stock mill. Exceptions include work in offices or in repair or maintenance shops: construction, operations, repair, or maintenance of living and administrative quarters; work in timber cruising, surveying or logging-engineering parties; repair or maintenance of roads, railroads or flumes; clearing fire trails or roads, piling and burning slash; maintaining fire-fighting equipment; constructing and maintaining telephone lines; acting as fire lookout or fire patrolman away from logging operations; peeling of fence posts, pulpwood, chemicalwood, excelsior wood, cordwood, or similar products when not done in conjunction with and at the same place as logging functions; and feeding or caring for animals. (Note: Exceptions shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operations of power-driven machinery, the handling or use of explosives and work on trestles.)
- \*5 Operating power-driven woodworking machines (feeding material into fixed or portable machines used or designed for doing any of the following to wood or veneer: cutting, shaping, forming, surfacing, nailing, stapling, wirestitching, fastening, otherwise assembling, pressing, printing, or removal of materials directly from the point of operations of circular saws and guillotine-action veneer clippers.
- 6 Exposure to radioactive substances and to ionizing radiations. Includes storing or using radium; making, using, storing, processing, or packaging self-luminous compounds and incandescent mantles; and exposure to other radioactive substances and ionizing radiations that exceed federal standards.
- 7 Operating or assisting in the operation of power-driven hoisting apparatus (elevator, crane, derrick, hoist, and high-lift truck), including functions performed by crane hookers, crane chasers, and riggers. Exceptions include operating an unattended automatic passenger elevator or electric or air-operated hoist not exceeding one-ton capacity, and riding on a freight elevator operated by an assigned operator.
- \*8 Operating power-driven metal forming, punching and shearing machines (*metal-working machines* [e.g. dies, rolls, knives mounted on rams, plungers], *rolling machines* [e.g. beading, straightening, corrugating, flanging, bending, hot or cold rolling mills], *pressing and punching machines* [e.g. full automatic feed & ejection punch presses with fixed barrier guards, power presses, plate punches], *bending machines*, [e.g. apron brakes, press brakes, hammering machines, drop hammers, power hammers, shearing machines, guillotine shears, squaring shears, alligator shears, rotary shears].)
- 9 Engaged in mining, other than coal. Exceptions are work in an office, warehouse, supply house, change house, laboratory, repair or maintenance shop not under ground. Other exceptions include operating and maintaining living quarters, surveying, road work, general clean-up outside the mine; building and maintaining railroad track when no mining or hauling is ongoing; surface placer operations other than dredging and hydraulic; metal millwork other than mercury recovery or using cyanide; operating jigs, sludge tables, flotation cells, drier filters; hand sorting at picking table or belt.
- \*10 Operating power-driven meat processing machines (meat patty forming machines, meat and bone cutting saws, knives, head-splitters, guillotine cutters, snoutpullers and jawpullers, skinning machines, horizontal rotary washing machines, casing-cleansing machines, crushing machines, stripping machines, finishing machines, grinding machines, mixing machines, chopping machines, hashing machines, or presses machines.)
- 11 Operating bakery machines (dough mixer, batter mixer, bread dividing, rounding, or molding machine: dough brake; dough-sheeter, combination bread slicer/wrapper, cake cutting band saw; setting up or adjusting [only] cookie or cracker machine).
- \*12 Operating, assisting with, setting up or maintaining power-driven paper-products machines (arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler, vertical slotters, hand feed platen die-cutting, platen printing and punch presses.)
- 13 Manufacturing of brick, tile, and kindred products. Exceptions include work in offices, laboratories and storerooms, storage and shipping, and drying departments for sewer pipe.
- \*14 Operating circular saws, band saws and guillotine shears. (Note: Apprentices and student learners restricted to machines equipped with full automatic feed and ejection.)
- 15 Engaged in wrecking, demolition and shipbreaking, including cleanup and salvage done at razing, demolishing, or dismantling of buildings, bridge, steeple, tower, chimney, other structure, ship, other vessel.
- \*16 Engaged in roofing (applying weatherproofing materials and substances to roofs, the installation of roofs [including flashing], alterations, additions, maintenance, or repair [including painting and coating]. (Note: Apprentices and student learners also may engage in gutter and downspout work, construction for sheathing or base of roofs, installation of television antennas, air conditioners, exhaust and ventilating equipment and similar appliances.)
- \*17 Engaged in excavation (working in or backfilling trenches, building excavations, tunnels or shafts). (Note: Apprentices and student learners restricted to depths of no more than four feet, excavations whose side walls are shored or sloped to the angle of repose, and tunnels or shafts after all driving or sinking and shoring operations are complete.)