



Rules and Guidance for Hiring Youth in Manufacturing Training Programs

FEDERAL CHILD LABOR RULES FOR MANUFACTURING

- **14- and 15-Year Olds May Not Work in Any Manufacturing Occupations** (although they may perform some administrative, clerical and other errand-type work at a manufacturing facility)
- **16- and 17-Year Olds May Work in Manufacturing Occupations, with Some Limitations**
- **Hazardous Occupations** – The USDOL recognizes 17 Hazardous Occupations for 16 and 17 year olds. Below is a summary only for manufacturing-related occupation. More information may be found at <https://www.dol.gov/whd/regs/compliance/childlabor101.htm>.

PROHIBITED MANUFACTURING OCCUPATIONS:

The manufacturing occupations listed below are NOT allowed for any 16 or 17 year old to perform **under any circumstances**:

- Occupations associated with the manufacturing and storing of explosives;
- Occupations associated with power-driven hoisting apparatus, including forklifts;
- Occupations associated with power-driven bakery machines including vertical dough or batter mixers; and
- Occupations associated with the manufacturing of bricks, tile, and kindred products.

HAZARDOUS MANUFACTURING OCCUPATIONS WITH LIMITED EXEMPTIONS:

The occupations listed below allow ONLY **qualified** apprentices or student learners to perform duties or operate machinery otherwise deemed hazardous. Certain limitations still apply.

- Occupations associated with power-driven woodworking machines;
- Occupations associated with power-driven metal-forming, punching, and shearing machines;
- Occupations associated with power-driven balers, compactors, and paper processing machines; and
- Occupations associated with power-driven circular saws, bandsaws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs.

APPRENTICES can apply the exemptions above and perform those occupations ONLY if:

- 1) The apprentice is employed in a craft recognized as an apprenticeable trade or occupation;
- 2) The work of the apprentice in the occupation declared particularly hazardous is incidental to his training;
- 3) Such work must be intermittent and /or **for short periods of time**, and the work is under the direct and close supervision of a journeyman (following the DOL defined ratios)*; and
- 4) The apprentice must be registered with the Department of Labor.

To be considered for the **STUDENT LEARNER exemption, a 16- or 17-year old** must be:

- 1) Enrolled in a *course* of study and training in a cooperative vocational training program (see Indiana Code 20-37-2-7 for the definition of a cooperative employer program);
- 2) Such work must be **intermittent** and **for short periods of time** and is under the direct and close supervision of a qualified and experienced person (following the journeyman/apprentice required ratios and applies only during periods when the student-learner is actually performing work that would otherwise be prohibited by the HO*);
- 3) Safety instructions must be given by the school and correlated by the employer with on-the-job training;
- 4) A schedule of organized and progressive work processes to be performed on the job must have been prepared; and
- 5) A written agreement that contains the student-learner's name must be signed by the employer and the school coordinator or principal. Copies of each agreement must be kept on file by both the school and the employer.

A high school graduate may be employed in an occupation in which he or she has completed training as provided in 1-5 above, even though he or she is not yet 18 years of age.



Rules and Guidance for Hiring Youth in Manufacturing Training Programs

WAGE REQUIREMENTS

Youth apprentices are paid based on the requirements of their associated Registered Apprenticeship program. Student learners typically must be paid minimum wage, however **SOME** employees under 20 years of age **may** be eligible to be paid a minimum of \$4.25 per hour during their first consecutive 90 calendar days of employment, only if their work does not displace other workers. There are a few other specific situations where less than minimum wage may be paid. More information on minimum wage may be found at <https://www.dol.gov/whd/minwage/q-a.htm>.

GRADUATION PATHWAYS AND CAREER AND TECHNICAL EDUCATION

In Indiana, any high school student who is enrolled in a work-based learning program as a part of a Career and Technical Education pathway must have an employment relationship that provides a worker with paid work experience and corresponding classroom instruction.

In Indiana, for the purposes of Career and Technical Education and Graduation Pathways, an apprenticeship refers only to a program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et. Seq.) or another federal apprenticeship program administered by the United States Department of Labor (Indiana Code 20-32-4-1.5; Indiana Code 20-43-8-0.3; Indiana Code 20-43-8-0.7).

INSURANCE REQUIREMENTS

For worker's compensation purposes, youth apprentices and student learners performing services for the employer are considered employees, and they must be covered by Worker's Compensation Insurance. (Indiana Code 20-37-2-8; Indiana Code 22-3-2-4(b)). It is possible to obtain WC and liability insurance for youth apprentices/student learners. In this regard, apprentices and student learners are no different than any other employee. Employers should call their respective insurance companies with any questions they may have, and individual coverage will vary. Nothing in Indiana law requires a different designation, with respect to worker's compensation coverage, for apprentices or student learners in comparison to regular employees.

RESOURCES

USDOL Federal Wage & Hour <https://www.dol.gov/whd/local/?IN#stateDetails>

Indiana Department of Labor Child Labor <https://www.in.gov/dol/childlabor.htm>

USDOL Office of Apprenticeship: John Delgado, deado.john@dol.in.gov, 317-226-7001

Indiana State Board of Education

- Graduation Pathways: <https://www.in.gov/sboe/files/Grad%20Pathways%20-%20Draft%20Pathway%20Recommendations%20-%20final.pdf>

- Graduation Pathways FAQ: <https://www.in.gov/sboe/files/Graduation%20Pathways%20Frequently%20Asked%20Questions.final.docx>

- Graduation Pathways Guidance: <https://www.in.gov/sboe/files/Graduation%20Pathways%20-%20Guidance%20final.v7.pdf>

Indiana Department of Education CTE: <https://www.doe.in.gov/wf-stem/indiana-college-career-pathways>

Information Accurate as of July 19, 2018

***Intermittent and short periods of time** — the apprentice or student learner may not be the principal operator of prohibited machinery. He/she must work under the close supervision of a fully qualified and experienced adult, such as a journeyman. The duties assigned the minor may not be such that he or she is constantly operating the prohibited machinery during the work shift, but only doing so as part of the training experience. This would preclude an apprentice or student-learner from being a production worker, responsible for spending a significant portion of the workday operating prohibited machinery or performing prohibited tasks. The Wage and Hour Division also considers the performance of otherwise prohibited work which totals more than 20% of the student-learner's work shift to be more than for short periods of time. **Direct and Close Supervision** is considered to be one experienced adult for the first apprentice on-site and three experienced adults alongside each additional learner.