



Employment Law Update

Hiring Minors in Alabama

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Hiring Minors in Alabama

Employers who hire employees who are under 18 years old must be mindful of laws that impose additional requirements and restrictions. Even though employees who are 18 years old may be considered minors for some purposes, they generally are not subject to the laws governing child labor. However, an 18 year old still in high school may not work after 10 p.m. or before 5 a.m. on any night preceding a school day. Also, to serve alcoholic beverages for consumption on the premises, an employee must be 21 or older, or if the employer is Responsible Vendor Program certified, the employee can be 19 years old or older. The laws governing child labor apply even if a parent is the owner of the business.

Children 17 years old and younger: There is a long list of specific types of work that no one 17 years old or younger may be employed to perform. Prohibited types of work include working in connection with any mine or quarry in any capacity; wrecking or demolition; excavation or trenching; roofing; scaffolding; sandblasting; operating or driving any truck or heavy equipment over three tons gross weight; logging; operating any power-driven woodworking, bakery, or paper-products machinery; railroad work; firefighting; operating any stamping machines used in sheet metal or tin ware; working in paper or leather manufacturing; working in washer or nut factories; working around any steam boiler or rolling mill machinery; operating any power-driven metal forming, cutting, punching, or shearing machines; operating or assisting in operating any elevators, open freight elevators, cranes, derricks, or other power-driven hoisting apparatus, with exception of an unattended automatic passenger elevator; operating any paper cutting, stapling, corrugating, or punching machines; assembling, working on machinery in motion; operating any circular saws or band saws; working around any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed; working in any capacity with explosive components; working in the manufacturing of brick, tile, or similar products; working in the manufacture or transportation of dangerous or toxic chemicals, compounds, dyes, pesticides, acids, or gases; any activity involving exposure to radioactive substances or ionizing radiation; working around asbestos or any other cancer-causing agents; operating or assisting in operating any printing presses; and slaughtering, butchering, and meat cutting.

Employers hiring children 17 or younger must obtain a Child Labor Certificate from the Alabama Department of Labor for each location where children under 18 years old will be employed. A Class I Child Labor Certificate is required if employees are 14 or 15, and a Class II Child Labor Certificate is required if employees are 16 or 17. Child Labor Certificates can be applied for or renewed at www.labor.alabama.gov/uc/childlabor/.

Employers hiring employees 17 years old or younger must post in a public place the Child Labor Certificates and a state-approved child labor laws poster. The poster is available at www.labor.alabama.gov/docs/posters/childlaborlawposter_english.pdf.

During months when school is in session, an employee who is 16, 17, or 18 years old who is enrolled in a public or private secondary school may not work after 10 p.m. or before 5 a.m. on any night preceding a school day. For months when school is not in session, there are no restrictions on the time of day the work is performed. No breaks are required for employees age 16 and older.

Children 15 years old and younger: There is another long list of specific types of work that no one 15 years old or younger may be employed to perform. Minors under 16 years old are prohibited from working in construction, except that persons 14 or 15 years of age who are members of the immediate family of the contractor may be employed in trades involving nonhazardous duties or occupations. Other prohibited types of work for minors younger than 16 years old include working in connection with any manufacturing or mechanical establishment, cannery, mill, workshop, warehouse, or machine shop; operating or assisting in operating any sandpaper or wood polishing machinery, any washing, grinding, or mixing machinery, or commercial laundry equipment; operating or assisting in operating any machines used in picking wool, cotton, hair, or any other material; working in proximity to any hazardous or unguarded gearing; working upon any vessel or boat engaged in navigation or commerce within the jurisdiction of the State of Alabama; working in the manufacture or packing of paints; working in occupations causing dust in injurious quantities; soldering, brazing, heat treating, or welding; repairing, painting, or cleaning buildings or structures while working at the top of ladders, lifts, or scaffolds exceeding a height of six feet; working in connection with a junk or scrap metal yard; operating any automobile, truck, or motor vehicle, or flagging or directing traffic; working in airport hangers or landing strips or taxi and maintenance aprons; and working in a lumberyard.

A minor 14 or 15 years old may sell fireworks if supervised by someone 18 years or older.

When school is in session, a minor 14 or 15 years old may not work before 7am or after 7pm any day of the week. On days when school is in session, a 14 or 15 year old may not work during hours when school is in session (8am-3pm). A 15 or 14 year old may not work more than 3 hours on any school day or more than 8 hours on non-school days, and a 14 or 15 year old may not work more than 6 days in a week or more than 18 hours in a week. A 30 minute break is required for any 14 or 15 year old employed for more than 5 hours continuously.

Children 13 years old and younger: Generally it is not lawful to employ children 13 years old or younger. However, children 12 years old or older may have a

newspaper route, and children 13 years old or younger may work for a business entirely owned by their parents as long as it is not one of the prohibited activities mentioned above for children 17 years old or younger. Children 13 or younger may also babysit on a casual basis and work as model or a performer in movies, TV, radio, or theater, but certain conditions must be met.

Driving: Employees who are 16 years old may not drive on public roads as part of their job. Employees who are 17 years old may drive only if: the driving is limited to daylight hours; the 17 year-old holds a state license valid for the type of driving involved in the job performed; the 17 year-old has successfully completed a state-approved driver-education course and has no record of any moving violation at the time of hire; the automobile or truck is equipped with a seat belt for the driver and any passengers, and the employer has instructed the youth that the seat belts must be used when driving the vehicle; the automobile or truck does not exceed 6,000 pounds gross vehicle weight; and driving is only occasional and incidental to the 17 year-old's employment (which means that the employee may spend no more than 1/3 of the work time in any workday and no more than 20% of the work time in any workweek driving). Additionally, a 17-year-old employee's job-related driving may not involve towing vehicles; route deliveries or route sales; transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries (such as pizza deliveries); transporting more than 3 passengers including employees of the employer; driving beyond a 30 mile radius of the teen's place of employment; more than 2 trips away from the primary place of employment in any single day to deliver the employer's goods to a customer; and more than 2 trips away from the primary place of employment in any single day to transport passengers other than employees of the employer.

Record keeping: Each employer must keep on premises an Employee Information Form, Proof of Age, and Time Records showing the number of hours worked each day, starting and ending times, and break times for each employee 18 years of age and younger. Acceptable Proof of Age includes a copy of a birth certificate; driver's license; or identification card issued by a federal, state, or local government agency, provided the ID card includes the employee's name and date of birth. An Employee Information Form can be obtained at the Alabama DOL website at www.labor.alabama.gov. Employers may chose not to use the Employee Information Form but if they so chose they must keep a separate file for each employee 18 and younger which includes the following information: The employee's name, address, telephone number, date of birth, date of hire, proof of age, school of attendance, and time records.

Penalties: Employers who violate Alabama's child labor laws may be subject to a civil penalty of between \$300 and \$5,000, depending on the provision of law the employer violated. Employers may be charged criminally with a Class C misdemeanor if it is the employer's first offense or a Class B misdemeanor if the employer has previously violated Alabama's child labor laws. In situations where the violation

involves serious injury or death of a minor, an employer may be charged with a Class A misdemeanor if it is the employer's first offense or a Class C felony if the employer has previously violated Alabama's child labor laws.

Any time you have any questions regarding the employment of a minor, consult a lawyer.

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