

AGRICULTURAL EMPLOYERS HAVE MORE FLEXIBILITY IN EMPLOYING MINORS

Here's the fourth installment in our five-part series on the employment of minors. Although there are still limitations for agricultural employers who employ minors, both state and federal law provide more flexibility in these work settings. Below is a summary of the requirements.

Q. What kinds of duties can minors perform in agriculture?

A. As we mentioned in last week's column, there are certain tasks that are legally off limits for all minors, including minors working in agriculture. However, there are certain circumstances where minors may work in or around power-driven farm machinery.

Q. Are there limits on the number of hours per day or per week that a minor can work in agriculture?

A. Yes. Minors under 16 may not work while school is in session. They also may not work for more than three hours a day on school days, or ten hours a day on non-school days. During school weeks, they may not work more than 25 hours. This is more lenient than the standards for 14 and 15-year olds in non-agricultural settings – where they are only allowed to work 8 hours a day on non-school days and 18 hours a week when school is in session.

During the summer months or other school vacation periods of one week or more, these minors may work for a maximum of 10 hours a day and 60 hours a week, although they may not work more than 6 days a week. This is again more generous, as minors of this age in non-agricultural industries may not work more than 40 hours a week during weeks when school is not in session.

Minors over 16 who operate, assist in the operation of, or ride in or on power-driven farm machinery may not work more than 25 hours a week during school weeks. They may work up to 60 hours per week during harvest season but are prohibited from working more than 6 days a week.

Employers may apply to BOLI's Child Labor Unit for special exceptions to these limits.

Q. Does this mean that I can't let 16 and 17-year olds pick berries at my farm for more than ten hours a day?

A. No, it doesn't. The above limitations on hours only apply to minors younger than 16 and to 16 or 17 year-olds who operate power-driven farm machinery.

Q. Is an Annual Employment Certificate (AEC) required when employing minors in agriculture?

An AEC is not required unless the minor is working with or riding on power-driven farm machinery. These minors must also have a Certificate of Training on tractor operation or tractor and machinery operation issued by a 4-H Extension Service Program or approved secondary vocational agriculture program.

Before employing a minor to perform this type of work, the employer must obtain proof that the minor has the required Certificate of Training. The employer must also apply for and receive an AEC from BOLI.

Q. Do I have to provide breaks and meal periods to my teenage agricultural employees?

A. Minors employed in agriculture must be given the same 30-minute meal periods and 15-minute rest periods as minors in other types of employment.

Q. Do these rules apply if I employ my child at my farm?

No. Minors of any age may work in any job on a farm owned or operated by their parents.

Q. Can an agricultural employer ever employ a minor who is younger than 14?

A. Yes, in very limited circumstances:

- Minors who are 12 and 13 may work in non-hazardous jobs outside school hours if they are working on the same farm where their parents are employed or if they have written consent from their parents.
- Minors who are age 9 through 11 may pick berries and beans outside school hours if they have written parental consent and if the farm only operates locally or is under a certain size.

For more information on this and other important issues affecting Oregon employers, please visit our website at [www. Oregon.gov/boli/ta](http://www.Oregon.gov/boli/ta). You may also call us at 971-673-0824.