



STATE AND FEDERAL LAWS REGULATING THE EMPLOYMENT OF MINORS IN AGRICULTURE



This summary provides general information concerning the application of state and federal wage and hour regulations to the employment of minors in agriculture. In those cases where both state and federal laws apply, compliance with the most stringent standard is required. For more detailed information, visit the U.S. Department of Labor's website at www.dol.gov/whd or contact the Wage and Hour Division at (503) 326-3057. Visit the Bureau of Labor and Industries' website at www.oregon.gov/boli or contact BOLI's Wage and Hour Division at (971) 673-0844.

DEFINITION OF AGRICULTURE

Agriculture includes farming in all its branches when performed by a farmer or on a farm as an incident to or in conjunction with such farming operations. Employees of a farmer who handle agriculture commodities of other farmers are not considered to be engaged in agriculture.

MINIMUM AGE REQUIREMENTS

Minors age 16 and above may work at any time in jobs not declared hazardous by the U.S. Secretary of Labor.

Minors ages 14 and 15 may work outside school hours in jobs not declared hazardous by the U.S. Secretary of Labor. (See "PROHIBITED WORK" on reverse.)

Minors ages 12 and 13 may work outside school hours in jobs not declared hazardous by the U.S. Secretary of Labor, either with written parental consent or on the same farm where their parents are employed.

Minors ages 9 through 11 may pick berries and beans outside school hours if they have the written consent of their parents or guardians and ONLY if the farm has used less than 500 man days of labor in all calendar quarters of the preceding year OR the produce is sold within the state AND the produce is not transported outside the state in any form. The container must be distinctly marked so as to prevent the product from entering interstate commerce.

Local minors ages 10 and 11 may hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 IF their employers have obtained special waivers from the U.S. Secretary of Labor.

Minors of any age may work in any job on a farm owned or operated by their parents.

HOURS LIMITATIONS FOR MINORS UNDER 16

Minors under age 16 may not work while school is in session. A maximum of three hours/day may be worked on school days; 10 hours/day on non-school days; and a maximum of 25 hours/week may be worked during school weeks. During the summer months or other school vacation periods of one week or more, a maximum of 10 hours/day and 60 hours/week may be worked unless a special permit is first obtained from BOLI. No more than six days/week may be worked.

Minors under age 16 employed to operate, assist in the operation of, or ride in or on power-driven farm machinery may work a maximum of eight hours/day on non-school days; and 18 hours/week during school weeks. During the harvest season (summer months), a maximum of 10 hours/day and 60 hours/week may be worked unless a special permit is first obtained from BOLI. Outside the harvest season, a maximum of 44 hours/week is allowed without an emergency overtime permit.

There is no restriction on starting and quitting times for minors employed in agriculture, so long as the minor does not work when school is in session.

HOURS LIMITATIONS FOR MINORS OVER 16

Minors 16 and 17 years of age who are employed to operate, assist in the operation of, or ride in or on power-driven farm machinery may work a maximum of 25 hours/week during school weeks and 60 hours/week during the harvest season unless a special permit is first obtained from BOLI.

PROHIBITED WORK

Minors under 16 may not be employed in feed mills, flour mills, grain warehouses, or any workplace where power-driven machinery is used in or incidental to adapting articles or goods for sale. No minor under age 18 may be employed to operate or assist in the operation of power-driven machinery; however, under certain circumstances, agricultural employers may employ 16 and 17 year olds to operate or assist in the operation of power-driven machinery in an agricultural warehouse. Youths employed on farms owned or operated by their parents may be employed in any occupation. Fourteen and 15 year old student learners enrolled in vocational agricultural programs are exempt from some of the hazardous occupations provisions when certain requirements are met. For a complete listing of prohibited/hazardous occupations or operations or for more information, contact BOLI or the U.S. Department of Labor.

POWER-DRIVEN FARM MACHINERY

Minors employed to operate, assist in the operation of, or ride in or on power-driven farm machinery or conveyances connected to power-driven farm machinery must first complete training relating to the safe operation of the machinery. (For more information regarding specific training requirements, contact BOLI.)

MINIMUM WAGE/OVERTIME/REST AND MEAL PERIOD REQUIREMENTS

Agricultural employees must be paid the state minimum wage, with the following exceptions:

- Agricultural employers who utilized less than 500 man days or piece-rate work days of agricultural labor in all calendar quarters of the preceding calendar year;
- Agricultural employees who are immediate family members;
- Employees who are principally engaged in the range production of livestock;
- Local hand harvest laborers who commute daily from their permanent residence, are paid on a piece rate basis in traditionally piece-rated occupations, and were employed in agriculture less than 13 weeks during the preceding calendar year.
- Hand harvest workers 16 years of age and younger who are employed on the same farm as their parents, paid on a piece rate basis in traditionally piece-rated occupations, and paid the same piece rate as those over 16.

Agricultural employment is exempt from the overtime provisions of both state and federal law.

Meal periods of not less than 30 minutes must be provided to non-exempt minor employees who work six or more hours in one work period.

Paid rest periods of at least 15 minutes must be provided to minor employees during each four hour period (or major portion) of work time. Rest periods may not be added to the meal period or deducted from the beginning or end of the work period in order to reduce the length of the work period.

EMPLOYMENT CERTIFICATES

Employers who employ minors to operate, assist in the operation of, or ride in or on power-driven farm machinery are first required to obtain an annual employment certificate from BOLI. Agricultural employers who do not employ minors to operate power-driven farm machinery are not required to obtain an employment certificate.

This summary is for general information only and does not represent a complete statement of the wage and hour regulations.