

Guide to Employment of Minors

Utah Labor Commission | Wage Claim Unit



State Policy Regarding the Employment of Minors

The State of Utah has the policy of encouraging the growth and development of minors by providing opportunities for work and for related work learning experiences while at the same time adopting reasonable safeguards for their health, safety, and education. This policy is set forth in the Utah Employment of Minors Act.

The Utah Employment of Minors Act is the applicable state law that governs the employment of minors. It is administered and enforced by the Utah Labor Commission.

Who is required to comply with the Utah Employment of Minors Act?

The Utah Employment of Minors Act applies to all employers in the state of Utah.

Who is covered by the Utah Employment of Minors Act?

Minors are defined as anyone 17 years old or younger. However, the Act does not apply to minors 16 or 17 years of age if they:

- ▶ have received a high school diploma,
- ▶ have received a school release certificate,
- ▶ are legally married, or
- ▶ are heads of a household.

Are minors required to have a work permit?

Minors are not required to have a work permit for employment purposes. However, all school districts are expected to cooperate with employers' requests for information regarding a prospective minor employee's age (i.e., age certificate.)

Your Rights as a Minor Employee

Work Hours

There is no limit on the number of hours 16 and 17 year olds can be required to work. Employers cannot require minors under 16:

- ▶ to work during school hours (except as authorized);
- ▶ to work more than four hours before and after school hours;
- ▶ to work more than 8 hours in a 24-hour period;
- ▶ to work before 5:00 A.M. or after 9:30 P.M., unless the next day is not a school day.
- ▶ to work more than 40 hours in any week.

Breaks

- ▶ Employers must provide at least a 30-minute lunch within the first five hours of a minor employee's workday.
- ▶ Employers must also give minors a 10-minute break for each four hours worked. However, they cannot work more than three consecutive hours without a 10-minute break.

Wages

Employers may pay a training wage of \$4.25 per hour during the first 90 days of employment, after which they must pay at least the minimum wage \$7.25 per hour. Questions about exceptions to minimum wage laws should be directed to the Commission.

Minors who believe they have not been paid the minimum wage, have not been paid their wages in full, or were paid late, can file a claim with the Commission under the Utah Payment of Wages Act.

Safety

Employers must provide a safe work environment for minors of all ages. The type of non-hazardous work that a minor can perform depends on the minor's age. Minors are prohibited by law from working in any hazardous occupation, including mining, manufacturing, roofing, using heavy machinery or operating power equipment.

In addition to complying with the Utah Labor Commission laws on safe, age-appropriate jobs for minors, employers must also limit their minor hiring practices taking into account those job categories deemed hazardous for minors and disallowed by the U.S Department of Labor.

Application for Authorization to Employ a Minor

The Utah Employment of Minors Act gives the Utah Labor Commission authority to grant employers authorization to employ minors in jobs other than those specifically listed as appropriate in the Act and to exempt employers from certain provisions of the Act when appropriate to fulfill the purposes of the Act. To request authorization to employ a minor in an unlisted job or to seek an exemption an employer must submit an "Application for Authorization to Employ a Minor" to the Wage Claim Unit of the Utah Labor Commission. The Unit will review the application and notify the applicant of its decision to grant or deny the request promptly. This form and information about the jobs listed as

appropriate in the Act are available at the Utah Labor Commission website www.laborcommission.utah.gov. Employers can also contact the Utah Labor Commission at (801) 530-6801 for information or to request a form.

Door-to-Door Sales

For rules governing employing minors in door-to-door sales, see the state's Administrative Rule R610-2-4 or Contact the Commission for more information.

Federal Law

The U.S. Department of Labor administers the Fair Labor Standards Act covering overtime, minimum wage and child labor laws. Employers with questions about their responsibilities under these laws may visit the U.S. Department of Labor website at www.dol.gov or phone their Salt Lake City regional office at (801) 524-5706.

Some federal laws are more restrictive than state laws, and vice-versa. Employers should always follow the more restrictive laws.

Employer Violations

If you believe that an employer may be violating these laws, you can file a Child Labor Law Violation Complaint Form with the Commission. A Commission investigation or administrative proceeding may result in the issuance of a penalty of up to \$500 per violation against the employer. Criminal charges could also be filed. For more information on how to file a complaint, please visit the Labor Commission's website (see below).



Utah Labor Commission Wage Claim Unit

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