

**§ 553.231**

Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
7 .....	53	43

**§ 553.231 Compensatory time off.**

(a) Law enforcement and fire protection employees who are subject to the section 7(k) exemption may receive compensatory time off in lieu of overtime pay for hours worked in excess of the maximum for their work period as set forth in § 553.230. The rules for compensatory time off are set forth in §§ 553.20 through 553.28 of this part.

(b) Section 7(k) permits public agencies to balance the hours of work over an entire work period for law enforcement and fire protection employees. For example, if a firefighter's work period is 28 consecutive days, and he or she works 80 hours in each of the first two weeks, but only 52 hours in the third week, and does not work in the fourth week, no overtime compensation (in cash wages or compensatory time) would be required since the total hours worked do not exceed 212 for the work period. If the same firefighter had a work period of only 14 days, overtime compensation or compensatory time off would be due for 54 hours (160 minus 106 hours) in the first 14 day work period.

**§ 553.232 Overtime pay requirements.**

If a public agency pays employees subject to section 7(k) for overtime hours worked in cash wages rather than compensatory time off, such wages must be paid at one and one-half times the employees' regular rates of pay. In addition, employees who have accrued the maximum 480 hours of compensatory time must be paid cash wages of time and one-half their regular rates of pay for overtime hours in excess of the maximum for the work period set forth in § 553.230.

**§ 553.233 "Regular rate" defined.**

The rules for computing an employee's "regular rate", for purposes of the Act's overtime pay requirements, are set forth in part 778 of this title. These rules are applicable to employees for whom the section 7(k) exemption is

**29 CFR Ch. V (7-1-06 Edition)**

claimed when overtime compensation is provided in cash wages. However, wherever the word "workweek" is used in part 778, the words "work period" should be substituted.

**PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION**

**Subpart A—General**

Sec.

- 570.1 Definitions.
- 570.2 Minimum age standards.

**Subpart B—Certificates of Age**

- 570.5 Certificates of age and their effect.
- 570.6 Contents and disposition of certificates of age.
- 570.7 Documentary evidence required for issuance of a certificate of age.
- 570.8 Issuance of a Federal certificate of age.
- 570.9 States in which State certificates of age are accepted.
- 570.10 Rules for certificates of age in the State of Alaska and the Territory of Guam.
- 570.11 Continued acceptability of certificates of age.
- 570.12 Revoked certificates of age.

**PROVISIONS OF OTHER LAWS**

- 570.25 Effect on laws other than the Federal child labor standards.

**Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)**

- 570.31 Secretary's determinations concerning the employment of minors 14 and 15 years of age.
- 570.32 Effect of subpart C.
- 570.33 Prohibited occupations for minors 14 and 15 years of age.
- 570.34 Occupations minors 14 and 15 years of age are permitted to perform in retail, food service, and gasoline service establishments.
- 570.35 Hours of work and conditions of employment permitted for minors 14 and 15 years of age.
- 570.35a Work experience and career exploration program.
- 570.36 Effect of a certificate of age under this subpart.
- 570.37 Effect of this subpart on other laws.

**Wage and Hour Division, Labor**

**Pt. 570**

**Subpart D [Reserved]**

**Subpart F [Reserved]**

**Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being**

**Subpart G—General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended**

- 570.50 General.
- 570.51 Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1).
- 570.52 Occupations of motor-vehicle driver and outside helper (Order 2).
- 570.53 Coal-mine occupations (Order 3).
- 570.54 Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).
- 570.55 Occupations involved in the operation of power-driven woodworking machines (Order 5).
- 570.57 Exposure to radioactive substances and to ionizing radiations (Order 6).
- 570.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7).
- 570.59 Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8).
- 570.60 Occupations in connection with mining, other than coal (Order 9).
- 570.61 Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing, or rendering (Order 10).
- 570.62 Occupations involved in the operation of bakery machines (Order 11).
- 570.63 Occupations involved in the operation of paper-products machines, scrap paper balers, and paper box compactors (Order 12).
- 570.64 Occupations involved in the manufacture of brick, tile, and kindred products (Order 13).
- 570.65 Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14).
- 570.66 Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).
- 570.67 Occupations in roofing operations and on or about a roof (Order 16).
- 570.68 Occupations in excavation operations (Order 17).

**Subpart E-1—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16**

- 570.70 Purpose and scope.
- 570.71 Occupations involved in agriculture.
- 570.72 Exemptions.

GENERAL

- 570.101 Introductory statement.
- 570.102 General scope of statutory provisions.
- 570.103 Comparison with wage and hour provisions.

COVERAGE OF SECTION 12(a)

- 570.104 General.
- 570.105 "Producer, manufacturer, or dealer".
- 570.106 "Ship or deliver for shipment in commerce".
- 570.107 "Goods".
- 570.108 "Produced".
- 570.109 "Establishment situated in the United States".
- 570.110 "In or about".
- 570.111 Removal "within 30 days".

COVERAGE OF SECTION 12(c)

- 570.112 General.
- 570.113 Employment "in commerce or in the production of goods for commerce".

JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12(a) AND 12(c)

- 570.114 General.
- 570.115 Joint applicability.
- 570.116 Separate applicability.

OPPRESSIVE CHILD LABOR

- 570.117 General.
- 570.118 Sixteen-year minimum.
- 570.119 Fourteen-year minimum.
- 570.120 Eighteen-year minimum.
- 570.121 Age certificates.

EXEMPTIONS

- 570.122 General.
- 570.123 Agriculture.
- 570.124 Delivery of newspapers.
- 570.125 Actors and performers.
- 570.126 Parental exemption.

ENFORCEMENT

- 570.127 General.
- 570.128 Good faith defense.
- 570.129 Relation to other laws.

SOURCE: 16 FR 7008, July 20, 1951, unless otherwise noted. Redesignated at 28 FR 1634, Feb. 21, 1963, and further redesignated and amended at 36 FR 25156, Dec. 29, 1971.

### Subpart A—General

AUTHORITY: Secs. 3, 11, 12, 52 Stat. 1060, as amended, 1066, as amended, 1067, as amended; 29 U.S.C. 203, 211, 212.

SOURCE: 41 FR 26834, June 29, 1976, unless otherwise noted.

#### § 570.1 Definitions.

As used in this part:

(a) *Act* means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201-219).

(b) *Oppressive child labor* means employment of a minor in an occupation for which he does not meet the minimum age standards of the Act, as set forth in § 570.2 of this subpart.

(c) *Oppressive child labor age* means an age below the minimum age established under the Act for the occupation in which a minor is employed or in which his employment is contemplated.

(d) A *certificate of age* means a certificate as provided in § 570.5(b) (1) or (2) of this part.

(e) [Reserved]

(f) *Secretary* or *Secretary of Labor* means the Secretary of Labor, United States Department of Labor, or his authorized representative.

(g) *Wage and Hour Division* means the Wage and Hour Division, Employment Standards Administration, United States Department of Labor.

(h) *Administrator* means the Administrator of the Wage and Hour Division or his authorized representative.

(i) *State agency* means any officer, executive department, board, bureau or commission of a State or any division or unit thereof authorized to take action with respect to the application of laws relating to minors.

#### § 570.2 Minimum age standards.

(a) *All occupations except in agriculture.* (1) The Act, in section 3(1), sets a general 16-year minimum age which applies to all employment subject to its child labor provisions in any occupation other than in agriculture, with the following exceptions:

(i) The Act authorizes the Secretary of Labor to provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufac-

turing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being (see subpart C of this part); and

(ii) The Act sets an 18-year minimum age with respect to employment in any occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of minors of such age or detrimental to their health or well-being (see subpart E of this part).

(2) The Act exempts from its minimum age requirements the employment by a parent of his own child, or by a person standing in place of a parent of a child in his custody, except in occupations to which the 18-year age minimum applies and in manufacturing and mining occupations.

(b) *Occupations in agriculture.* The Act sets a 16-year age minimum for employment in agriculture during school hours for the school district in which the employed minor is living at the time, and also for employment in any occupation in agriculture that the Secretary of Labor finds and declares to be particularly hazardous except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person (see Subpart E-1 of this part). There is a minimum age requirement of 14 years generally for employment in agriculture outside school hours for the school district where such employee is living while so employed. However, (1) a minor 12 or 13 years of age may be so employed with written consent of his parent or person standing in place of his parent, or may work on a farm where such parent or person is also employed, and (2) a minor under 12 years of age may be employed by his parent or by a person standing in place of his parent on a farm owned or operated by such parent or person, or may be employed with consent of such parent or person on a farm where all employees are exempt from the minimum wage provisions by virtue of section 13(a) (6) (A) of the Act.