



**U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division**

Fact Sheet #55: Changes in the Rules on the Employment of Minors Exempt from Compulsory School Attendance in Businesses Where Machines Process Wood Products

This fact sheet provides general preliminary guidance concerning recent changes to the Fair Labor Standards Act (FLSA) that impact the employment of youth exempt from compulsory school attendance laws in businesses where machines process wood products. These provisions have not yet been incorporated into the Code of Federal Regulations. Additional guidance will be provided through the rulemaking process. For detailed information about other areas of the federal youth employment provisions, please read Regulations, 29 CFR Part 570 located at http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/toc.htm.

The Department of Labor Appropriations Act, 2004 (PL 108-199) amends the FLSA by creating a limited exemption from the youth employment provisions for minors 14 to 18 years of age who are excused from compulsory school attendance beyond the eighth grade. The exemption, contained in Section 13(c)(7) of the FLSA, allows eligible youth to be employed by businesses that use machinery to process wood products, but does not allow such youth to operate or assist in operating power-driven woodworking machines.

This new provision permits the employment of *new entrants into the workforce* inside or outside places of business where machinery is used to process wood products if certain conditions are met.

A **new entrant into the workforce** is defined as a youth who is at least 14 years of age and under 18 years of age who by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade.

Although the amendment does not define the term **places of business where machinery is used to process wood products**, we interpret the amendment as applicable to such workplaces as saw mills, furniture and cabinet making shops, gazebo and shed making shops, toy manufacturers, and pallet shops, and not as applicable to construction firms, logging firms, landscaping firms or mining operations.

Conditions that must be met for the employment of youth under the FLSA Section 13(c)(7) exemption:

The entrant must be supervised by an adult relative or by an adult member of the same religious sect or division as the entrant. An adult is someone who has reached his or her eighteenth birthday. A relative, for purpose of this exemption, includes at a minimum a parent or person standing in place of a parent, a grandparent, an aunt or uncle, or a sibling.

- **The entrant may not operate or assist in the operation of power-driven woodworking machines.** Power-driven woodworking machines include all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood or veneer.

- **The entrant must be protected from wood particles or other flying debris within the workplace** by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation.
- **The entrant must use personal protective equipment** to prevent exposure to excessive levels of noise and saw dust.

Other provisions of the FLSA and its youth employment rules, which are not changed by this new amendment, also limit the tasks that minors may perform in such workplaces. We interpret the amendment as permitting new entrants to sweep floors, stack lumber and write orders.

The Wage and Hour Division will work with the Department of Labor's Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health to develop appropriate guidelines and compliance assistance concerning such things as appropriate workplace barriers, sufficient distances from machines, and excessive levels of noise and saw dust.

For more information about these provisions contact your local Wage and Hour Division Office. These offices can be found in the blue pages of your telephone directory. You may also call 1-866-4US-WAGE (1-866-487-9243). For more information about other laws enforced by the Wage and Hour Division, visit our **e-laws Advisor** at: <http://www.dol.gov/elaws/>.

This fact sheet is intended as general information only and does not carry the force of legal opinion.

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