

## **BACK TO PENCILS, BACK TO BOOKS BUT NO MORE LATE HOURS FOR MINORS TO WORK!**

**Q. Most of my employees are minors. Needless to say, with the kids all back in school I'm having trouble making up my weekly schedules. Can you give me any advice?**

A. Sorry, the Bureau does not give advice on how to schedule your employees; however, you need to know there are specific requirements regarding maximum number of hours minors under 17 years of age can work during the school year.

- Minors 16 – 17 may work at any time, but not more than 44 hours a week without a special emergency permit which may be applied for through the Bureau's Child Labor unit.
- Minors 14-15 may only work up to a maximum of 18 hours a week, no more than 3 hours a day during the school week, and may not work before 7 a.m. or later than 7 p.m.

**Q. I recently hired a young lady to work in my video store. She told me her age but she looked younger that she said she was. Can I demand proof of her age? What kind?**

A. In this situation, show and tell is a good thing. The law requires that employers verify the age of all minors by requiring minors to provide acceptable proof of age. Some examples are birth certificates, hospital birth record, state issued drivers license or ID with photo and which includes a date of birth, US Military card or passport or Certificate of Naturalization. This is not an exhaustive list. Other forms of acceptable proof of age can be found at OAR 839-021-0185.

**Q. Should I verify that she has her work permit?**

A. There used to be a requirement that minors needed a work permit; however, that requirement changed in 1995. Now the employer is required to obtain an Annual Employment Certificate if they plan to employ minors. You can apply for the certificate through our Child Labor Unit free of charge. See our website for additional information.

**Q. I forgot to notify my minor employee that I'd changed the work schedule. Even though I had no work for him, he showed up as scheduled. I wasn't sure what to do, but I didn't want to pay him to just stand around so I sent him home. That was O.K. to do, right?**

A. Yes and no. It was O.K. to send the employee home, but you could have a problem if you failed to pay him for at least part of that scheduled shift. The employer may not require a minor to report for work and then send them home unless sufficient work or adequate compensation has been provided them.

**Q. What is meant by sufficient or "adequate work and adequate compensation?"**

A. "Adequate work" means to allow the employee to work enough time to earn at least ½ the amount the minor would have earned had he worked the hours he and the employer had previously agreed to.

A. "Adequate compensation" means compensation equal to at least one hour of pay at his regular rate, or compensation in the amount the employee would have earned had he been allowed to work half of his regularly scheduled shift, whichever is greater.

**Example:** Billy showed up for his 3 hour scheduled shift. He was sent home because it was a slow night. Billy was making \$7.80/hr. Billy would be entitled to have been allowed to work 1 ½ hours of that shift before being sent home or he could have been sent home immediately if you were willing to pay him for the \$11.70/hr. he would have earned had he worked half of his scheduled shift.

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