



## Fact Sheet #37: Application of the Federal Child Labor Provisions to Amusement Parks and Recreation Establishments under the Fair Labor Standards Act (FLSA)

The [Fair Labor Standards Act \(FLSA\)](#) requires that most employees be paid at least the applicable Federal minimum wage for [all hours worked](#) and [overtime pay](#) at time and one-half the regular rate of pay after 40 hours in a workweek. The FLSA also includes child labor and [recordkeeping provisions](#). The FLSA provides an exemption from minimum wage and overtime pay for many seasonal and recreational establishments, but this exemption does not include the child labor or record keeping provisions of the Act. Most amusement parks and recreation establishments are subject to, and must comply with, the Federal child labor provisions.

### **Child Labor Provisions of the FLSA**

The Federal child labor provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

- Once youths reach 18 years of age, the Federal child labor provisions no longer apply to their employment.
- Youths 16 and 17 years of age may perform any nonhazardous job, for unlimited hours. The Secretary of Labor has declared 17 Hazardous Occupations Orders (HOs) which restrict the types of jobs and/or industries in which youth under 18 years of age may be employed. Although not exhaustive, the following list represents the most common tasks which occur at amusement parks and recreation establishments that are prohibited by one or more HO. Under the Federal child labor provisions, workers under 18 years of age generally may **not**:
  - Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven woodworking, metalworking, bakery, meat processing, and paper products machinery - including meat slicers, paper box compactors, mixers, and saws.
  - Drive or serve as an outside-helper on a motor vehicle on a public road; but 17-year-olds who meet certain specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job ([see Fact Sheet #34](#)).

- Operate power-driven hoists such as elevators, cranes, derricks, and high-lift trucks. However, 16- and 17-year-olds may operate and assist in the operation of most water amusement park and recreation establishment rides.
- Load, operate, or unload power-driven balers and compactors used in the disposal of waste. A limited exemption exists that permits the loading, but not the operating or unloading, of certain scrap paper balers and paper box compactors under certain specific conditions (*see* [Fact Sheet #57](#))
- Youths **14 and 15 years old** may be employed by amusement parks and recreation establishments, but only for certain periods of time and only in certain types of jobs.
  - **Hours Limitations:** The employment of 14- and 15-year-olds is limited to:
    - ⌚ Outside school hours;
    - ⌚ 3 hours on a school day, including Fridays;
    - ⌚ 8 hours on a nonschool day;
    - ⌚ 18 hours in a week that school meets;
    - ⌚ 40 hours in a week that school does not meet;
    - ⌚ Also, 14- and 15-year-olds may not work before 7 a.m. or after 7 p.m. (except from June 1 through Labor Day when the evening limit is extended to 9 p.m.).
  - **Occupations Limitations:** Fourteen- and 15-year-olds may not be employed in the following occupations often found at amusement parks and recreation establishments:
    - Work involving the operation or tending of any power-driven machinery and hoists (except office machinery). This prohibition includes work involving most amusement park and recreation establishment rides, and power-driven lawn mowers and trimmers.
    - All baking and most cooking. These minors may perform cooking with electric and gas grills that does not involve open flames. They may also cook with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the basket into and out of the hot oil or grease. They may not operate NEICO broilers, rapid broilers, pressure cookers, ovens, or rotisseries.
    - The cleaning of cooking equipment and the filtering, transporting and disposing of hot oil and grease when the surfaces or hot oil or grease exceed 100° F.
    - All work in construction, including demolition and repair.
    - All work involving the use of ladders or scaffolding.
    - All work in freezers, but they may enter freezers equipped with safety latches, for brief periods of time, to retrieve items.
    - Fourteen-year-olds may not be employed as lifeguards. Fifteen-year-olds may, under specific conditions, be employed as lifeguards at traditional swimming pools and water amusement parks (*see* [Fact Sheet #60](#)).

- Minors 13 years of age and younger are generally not allowed to work, including in amusement parks and recreation establishments. However, the FLSA does allow a parent who is the sole-owner of a business to employ his or her child in any occupations other than mining, manufacturing or those declared to be hazardous by the Secretary of Labor (HOs). Children employed as actors or performers in theatrical productions are also exempt from the child labor provisions.

### **Where to Obtain Additional Information**

For more information regarding the FLSA child labor provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! Web site at <http://www.youthrules.dol.gov>.

For more information regarding the Fair Labor Standard Act, visit the Wage and Hour Division Web site at <http://www.wagehour.dol.gov> or call our toll-free helpline, available 8am to 5pm in your time zone, 1-866-4US-WAGE (1-866-487-9243). The FLSA statute appears at 29 U.S.C § 201 et seq.

When state child labor laws differ from the Federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at [http://www.dol.gov/whd/contacts/state\\_of.htm](http://www.dol.gov/whd/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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