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CHILD LABOR LAWS UPDATED: The U.S. Department of Labor (DOL) recently updated the federal child labor regulations. These new regulations will take effect on July 19, 2010. If you employ persons under the age of eighteen you should be aware of these updates. A summary (prepared by Jones Waldo employment lawyer Shane Shumway) is below.

14 AND 15 YEAR-OLDS: In general, 14 and 15 year-olds are not allowed to work unless the work involves one of the enumerated occupations the Department of Labor does not consider "oppressive child labor." The recent updates provide several new occupations in which this age group can now work. These occupations include work of an intellectual or artistically creative nature (including computer programming and software writing), performance of lifeguard duties by 15-year-olds at traditional swimming pools and water parks if they are a certified lifeguard, employment in processing wood products if the employee is exempt from compulsory school attendance and is supervised by an adult relative or religious leader, and certain work in connection with riding inside the passenger compartment of a vehicle. On the other hand, the Department of Labor has provided two new occupations in which 14 and 15 year-olds can no longer work. These occupations are (1) youth peddling including activities like door to door sales and having the child hold, wear, or wave signs for advertisement and (2) catching and cooping poultry in preparation for transport to market.

16 AND 17 YEAR-OLDS: If the employee is a 16 or 17 year-old they may work in any occupation unless it is considered hazardous or dangerous to health. The recent updates provide three new occupations considered too hazardous for anyone under 18. These occupations are (1) forest fire fighting and prevention, (2) work connected with operating balers and compactors, (3) and work with chain saws, reciprocating saws, wood chippers and abrasive cutting discs.

INCREASED CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS: Before the new regulations became effective, employers could receive a maximum civil penalty of \$11,000 for each employee who was the subject of a violation. The new regulation increases this penalty to \$50,000 if the violation causes death or serious injury. This penalty may be doubled if it is a repeated or willful violation.

DOL RESOURCES: DOL has published some helpful resources on the new regulations. Here is a link to a DOL fact sheet outlining the highlights of the new rule: <http://www.dol.gov/whd/cl/whdfsCLFR.htm> Here is a link to a chart comparing the old and new rules regarding what are hazardous occupations: <http://www.dol.gov/whd/cl/SidebySideHOsFinalRule.htm> And finally, here is a link to a side-by-side comparison between the old and new rules: <http://www.dol.gov/whd/cl/SidebySideReg3FinalRule.htm>

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Legal-mail is a legal and legislative update service sent out about twice a month to various Utah SHRM members and chapters. As a courtesy to SHRM, the Utah law firm of Jones Waldo Holbrook & McDonough P.C. underwrites the costs of the service. If you have any questions or comments, please contact Michael Patrick O'Brien.

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