

Employing Minors on Your Farm

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Now that school is out of session students may be looking for a summer job on your farm baling hay, milking cows, picking vegetables or assisting with many of the other day-to-day tasks. Students are often eager to work, but there are some precautions you as the employer must be aware of prior to hiring. The following paragraphs will help answer some of the more common questions.

Who is Covered?

The employment of minors under age 16 is subject to federal requirements set by the Fair Labor Standards Act and the agriculture requirements are less than for many other industries. In 1967, the U.S. Secretary of Labor determined that certain jobs in agriculture are hazardous to children less than 16 years of age. However, like many other federal regulations, there are exemptions. These include the employment of children less than 16 years of age when employed on farms owned or operated by their parents or guardians and those who have completed an approved tractor and machinery certification course.

In addition to federal hazardous occupation regulations, there are also state regulations. For most Ohio laws, a person under the age of 18 is considered a minor and the Ohio Revised Code prohibits minors from working in certain hazardous jobs related to agriculture. The Ohio list of hazardous occupations is the same as the federal list, but the Ohio code sections and related regulations say the Ohio hazardous occupation list applies to those under 16 years of age. There are many sections of the Ohio Revised Code concerned with the employment of minors that do not apply to minors employed on farms. These include obtaining an age and schooling certificate (unless you employ children of migrant workers); keeping a list of minor employees; and paying the minimum wage.

Hazards Occupations in Agriculture:

Although it would be easier to list the non-hazardous jobs in agriculture, below is a list of those jobs declared hazardous by the U.S. Secretary of Labor. Because of space limitations, the full details of each hazardous occupation can not be provided here. Please see a copy of the "Ohio Farm Labor Handbook" for complete details. Jobs designated as hazardous to youth under 16 years old include:

- Operating a tractor of more than 20 PTO horsepower, or connecting or disconnecting implements from such a tractor.

- Operating any of the following:
 - Corn picker, combine, hay mower, forage harvester, hay baler or potato digger.
 - Feed grinder, grain dryer, forage blower, auger conveyor or the unloading mechanism of a non-gravity type self-unloading wagon or trailer.
- Operating a trencher, earth moving equipment, fork lift, or power-driven circular, band or chain saw.
- Working in a yard, stall or pen occupied by a bull, boar or stud horse; or sow with suckling pigs or cow with newborn calf.
- Felling, bucking, skidding, loading or unloading timber with butt diameter of greater than six inches.
- Working on a ladder at a height of more than 20 feet.
- Driving a bus, truck or automobile or riding on a tractor as a passenger.
- Working in a forage, fruit or grain storage facility; an upright silo within two weeks after silage has been added or when a top unloading device is operating; a manure pit; or a horizontal silo when operating a tractor for packing purposes.
- Handling or applying pesticides with the words or symbols "Danger", "Poison", "Skull and Crossbones" or "Warning" on the label.
- Handling or using blasting agents.
- Transporting, transferring or applying anhydrous ammonia.

When Can Minors Work?

Under the federal regulations, minors under 16 years of age may not be employed during school hours unless employed by their parent or guardian. Unless provided a special exemption, minors are subject to the following restrictions:

1. No person under 16 years of age is to be employed:
 - a. during school hours
 - b. before 7:00am or after 9:00pm from June 1 to September 1 or during any school holiday of five school days or more duration, or after 7:00pm at any other time.
 - c. for more than three hours a day in any school day.
 - d. for more than 18 hours in any week while school is in session.
 - e. for more than eight hours in any day which is not a school day.
 - f. for more than 40 hours in any week that school is not in session.

2. No person under 16 years of age is to be employed more than 40 hours in any one week nor during school hours unless the employment is incidental to a state approved program.
3. No minor is to be employed more than five consecutive hours without allowing the minor a rest period of at least thirty minutes.

What Records Should I Keep?

The Federal Regulations require employers of minors under 16 years of age to maintain and preserve records with the following information about each minor employee:

1. Name in full.
2. Place where the minor lives while employed.
3. Date of birth.
4. Proof of needed parental or guardian signatures.

Keep in mind that minors employed by a parent or guardian are exempt from these record keeping requirements.

The Ohio Revised Code exempts agricultural employers from record keeping provisions related to minors. However, the Ohio Revised Code requires an agreement as to wages for work to be performed be made between the employer and a minor before employment begins. For the protection of the employer, this agreement should be in writing and signed by both parties.

The state agency responsible for enforcement of the Ohio Code as it relates to prohibited jobs for minors is the Division of Minimum Wage, Prevailing Wage and Minors, Department of Industrial Relations. You may contact them at 614-644-2239.

It is your responsibility as the employer to make sure you follow the rules and keep your farm a safe place to work.

(This article was written from materials contained in Ohio State University Extension Bulletin 833, *Ohio Farm Labor Handbook*, written by Dr. Bernie Erven and Russell Coltman, The Ohio State University. Copies of the *Ohio Farm Labor Handbook* are available for purchase through your local county Extension office).