



PIMA COUNTY, ARIZONA

BOARD OF SUPERVISORS POLICY

Subject:

YOUTH EMPLOYMENT LAWS

Policy
Number

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Purpose

To ensure that Pima County is in compliance with the State of Arizona Youth Employment Laws (Attachment I) and the Federal Fair Labor Standards Act.

Policy

It is the policy of the Board of Supervisors to encourage the hiring of youth in its youth opportunity programs. However in doing so, it is mandatory that Appointing Authorities and Elected Officials familiarize themselves with the State of Arizona's Youth Employment Laws and the Federal Fair Labor Standards Act. To ensure the maximum safety and protection, all Appointing Authorities and Elected Officials are responsible for properly directing any staff involved with supervising or monitoring the employment and/or volunteer activities of any youth while under the guidance and/or employ of Pima County. All Appointing Authorities and staff involved with youth activities must read the attached law in its entirety immediately and prior to hiring a youth either on a volunteer or paid basis. Any work assignments must be in conformance with this law. It must be noted that the Federal Fair Labor Standards Act, administered by the Wage and Hour Division of the U.S. Department of Labor, also contains provisions regulating the employment of children. Where there is a difference between Federal and State Law, the stricter law takes precedence. Failure to abide by these laws may result in disciplinary action, up to and including dismissal. Any technical assistance must be obtained from the Human Resources Department.

Attachment

Responsible Party: County Administrator
All County Departments

Effective Date: December 3, 2002

STATE OF ARIZONA



YOUTH EMPLOYMENT LAWS

THE INDUSTRIAL COMMISSION
of ARIZONA

LABOR DEPARTMENT

800 W WASHINGTON STREET
Phoenix, Arizona 85007

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This Publication is circulated by the Industrial Commission of Arizona for the purpose of providing a brief and handy reference to the statutes of the State of Arizona having a particular reference to child labor issues and matters connected therewith. It is not intended as a complete statement of the law. Section references in this pamphlet are to the Arizona Revised Statutes. They are set forth without annotation. References should be made to the annotated code itself and to the sources in the body of the law for complete and accurate information and analysis in any particular instance

Current Publication Date: June 2001.

Constitution
of the
STATE OF ARIZONA

ARTICLE XVIII

LABOR

2. Child labor

Section 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb; nor for more than eight hours in any day.

ARIZONA REVISED STATUTES

TITLE 23

LABOR

Chapter 2 – Employment Practices & Working Conditions

Article 3: YOUTH EMPLOYMENT

23-230. Definitions

In this article, unless the context otherwise requires:

1. "Automatic elevator" means a passenger or freight lift operated by push buttons so that the starting, moving, leveling, holding and opening and closing of the doors is entirely automatic.
2. "Clay construction product" means brick, hollow structural tile, sewer pipe, refractories, architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping and drain tile.
3. "Construction" means building, altering, repairing, adding to, subtracting from, improving, moving, wrecking or demolishing a building, highway, road, railroad, excavation or other structure, project, development or improvement, including the erection and use of scaffolding or a similar structure and providing mechanical or structural service for a structure, project, development or improvement.
4. "Elevator" means a power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. Elevator does not include dumbwaiters.
5. "Explosive" means ammunition, black powder, blasting caps, fireworks or any substance or combination of substances commonly used for the purpose of detonation and which, on exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat.
6. "Hazardous agricultural chemicals" means any substance that has a toxicity level that requires manufacturer or distributor labeling as category I, category II and category III toxicity in accordance with the regulations adopted by the administrator pursuant to the federal environmental pesticide control act of 1972, as amended.

23. "Warehousing" means loading, unloading, storing or otherwise moving any item or items to and from trucks, railroad cars, conveyors and buildings.

24. "Wrecking, demolition and ship breaking" means all work, including cleanup and salvage work, performed on or at the site of the total or partial razing, demolishing or dismantling of a building, bridge, steeple, tower, chimney, other structure, motor vehicle, ship or other vessel.

23-231. Prohibited employments of persons under the age of eighteen

A. Unless a variance is granted pursuant to section 23-241, a person shall not employ or allow a person under the age of eighteen years to work in, about or in connection with:

1. An establishment manufacturing or storing explosives, except a retail establishment if the employment does not include any handling of explosives other than prepackaged small arms ammunition. In this paragraph "small arms ammunition" means ammunition not exceeding .60 caliber in size, shotgun shells or blasting caps.

2. Occupations as a motor vehicle driver or outside helper, except for driving incidental to employment if the person has a valid license for operation of the vehicle and either:

(a) The total driving time does not exceed two hours per day or twenty-five per cent of the work period per day.

(b) The total mileage driven is fewer than fifty miles per day.

3. Mine or quarry occupations.

4. Logging occupations.

5. Occupations involving the operation, setup, repair, adjustment, oiling or cleaning of a power-driven woodworking machine.

6. Occupations involving exposure to radioactive substances and to radiation in excess of 0.5 rem per year.

7. Occupations involving the operation or assistance in the operation of a power-driven hoist with a capacity exceeding one ton or an elevator, except operation of an automatic elevator incidental to employment.

8. Occupations involving the operation of a power-driven metal working, forming, punching or shearing machine.

9. Occupations involving slaughtering, meat packing, processing or rendering of meat or the operation, setup, repair, adjustment, oiling or cleaning of a power-driven meat processing machine.

10. Occupations involving the operation of a power-driven bakery machine.

11. Occupations involving the operation of a power-driven paper products machine.

12. Occupations involving the manufacture of clay construction products or silica refractory products.

13. Occupations involving the operation of a power-driven saw.

14. Occupations involving wrecking, demolition and ship-breaking operations.

15. Occupations involving roofing operations or equipment attached to or placed on roofs.

16. Occupations in excavation or tunnel operations, except manual excavation, backfilling or working in trenches or other penetrations of the ground surface that do not exceed two feet in depth at any point.

B. The industrial commission may by regulation declare other occupations to be dangerous to lives or limbs or injurious to the health and morals of persons under the age of eighteen years and prohibit the employment or allowance to work in, about or in connection with the occupations by such persons unless a variance is granted.

23-233. Permissible hours of labor for persons under the age of sixteen; exceptions; definition

A. Employment of persons under the age of sixteen shall be confined to:

1. Not more than forty hours in any one-week when the person is not enrolled in a session of school or when school is not in session.
2. Not more than eighteen hours in any one-week when the person is enrolled in any session of school when school is in session.
3. Not more than eight hours in any one day when the person is not enrolled in a session of school or on a day when school is not in session.
4. Not more than three hours in any one day when the person is enrolled in any session of school on a day when school is in session.

B. A person shall not employ persons under the age of sixteen at night nor shall they be employed in solicitation sales or deliveries on a door-to-door basis between 7:00 p.m. and 9:30 p.m. on days preceding a day when school is in session and between 7:00 p.m. and 11:00 p.m. on days preceding a day when school is not in session.

C. The provisions of this section do not apply to persons who deliver newspapers to a consumer.

D. For the purpose of this section, "night" means:

1. On a day preceding a day when school is in session, those hours beginning at 9:30 p.m. and continuing until 6:00 a.m. on the succeeding day.
2. On a day preceding a day when school is not in session, those hours beginning at 11:00 p.m. and continuing until 6:00 a.m. on the succeeding day.

23-234. Minimum age of newspaper carriers

No child under the age of ten years shall sell, expose for sale or otherwise offer for sale newspapers, magazines or periodicals in any street or public place.

23-235. Exemptions

A. The provisions of sections 23-231, 23-232 and 23-233 shall not apply to persons:

1. Employed by a grandparent, brother, sister, aunt, uncle, first cousin, stepparent or parent, including a relative of the same degree through marriage or adoption, or person in loco parentis in occupations in which the grandparent, brother, sister, aunt, uncle, first cousin, stepparent or parent or person in loco parentis owns at least ten per cent of the employing organization and such owner is actively engaged in the daily operation of the organization, if either:

(a) The person is under the age of eighteen years and not engaged in manufacturing or mining occupations.

(b) The person is between the ages of sixteen and eighteen years and is engaged in manufacturing or mining occupations.

2. Employed as stars or performers in motion picture, theatrical, radio or television productions if before the beginning of production the production company provides the department of labor of the industrial commission with the name and address of the person, the length, location and hours of employment and any other information required by the department.

3. Involved in career education programs.

4. Involved in vocational or technical training school programs pursuant to title 15, chapter 7, article 5.

5. Employed as apprentices and registered by the bureau of apprenticeship and training of the United States department of labor in accordance with the standards established by that bureau or registered by the apprenticeship council or employed under a written apprenticeship agreement and conditions which are found by the secretary of labor to conform substantially with such federal or state standards.

23-239. Violation; classification

Any person who violates any provision of this article is guilty of a class 2 misdemeanor.

23-240. Rules and regulations

The commission shall promulgate such rules and regulations as are necessary to carry out the provisions of this article.

23-241. Application for variation; contents; notice; denial; hearing

A. A person who desires a variation from this article or a modification or renewal of a variation granted under this section shall file a written application with the director of the department of labor of the industrial commission containing the following information:

1. The name and address of the firm, the name and title of the person filing the application, the name and date of birth of the person under the age of eighteen years and the name and address of the school the person under the age of eighteen years is attending if the person is attending school.
2. The address of the place of employment involved and the type of business.
3. A specific description of the variation, modification or renewal sought.
4. A statement detailing how the granting of the variation would be in the best interests of the person under the age of eighteen years and the community.
5. A statement indicating any training the person under the age of eighteen years has received in the proposed employment, including a copy of certification of successful completion of any training program.
6. The maximum hours to be worked in the employment on a daily and weekly basis.
7. The scale of wages and the method and timing of payment of wages.
8. A statement of how the safety, health and personal well-being of the person under the age of eighteen years would be protected.
9. The name of the immediate supervisors and the frequency of supervision.
10. The approval of the parent or guardian.

B. The director, after conducting an investigation and evaluation of the jobsite and application, shall notify the parties concerned by mail of the granting of a variation, modification or renewal including any prescribed terms and conditions.

C. If a variation is granted, the employer shall retain a copy of the variation at the place of employment of the person under the age of eighteen years.

D. The director may decline to consider an application for a variation on a subject, issue or employer if a cease and desist order has been issued or an investigation is proceeding.

E. On denial of a variation, modification or renewal by the director, the applicant may request a hearing by the industrial commission. The industrial commission shall conduct the hearing pursuant to title 41, chapter 4, article 1.

23-242. Applicability of other laws

No provision of this article alters or excuses noncompliance with any applicable federal statute or regulation relating to the employment of child labor. If both federal law and the provisions of this article are applicable, the law with the higher standard governs.

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