

Metro | *Policies and procedures*

Subject Employment of Minors
Section Human Resources
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

Metro may hire minors between the ages of 14 and 18 in compliance with applicable law. Due to legal restrictions on the type of work minors may perform and the hours during which they may be employed, Metro is able to employ minors in a limited range of positions.

Applicable to

All employees.

Definitions

Minor: A person under the age of 18.

Guidelines

1. Metro will not employ minors under the age of 14.
2. Metro must verify the age of every minor hired and post an employment certificate issued by the State of Oregon Bureau of Labor and Industries.
3. State and federal law regulate minors' work hours and the types of work they may perform. Supervisors of employees who are minors must comply with all legal requirements.

Procedures

1. A supervisor who is considering hiring minors must contact the Human Resources (HR) Department prior to offering employment. The HR Department will review job duties, applicable laws and regulations and will give advice on procedures and scheduling.
2. Job offers to minors will be made contingent upon age verification at hire. Acceptable documents for age verification include a birth certificate, state identification card, drivers' license, or passport. Metro may accept other documents as proof of age only if permitted by law.
3. Metro must maintain and post an employment certificate issued by the State of Oregon Bureau of Labor and Industries (BOLI) Child Labor Unit.

- a. The HR Department will complete and submit the certificate application. The application requires Metro to estimate the number of minors to be employed during the following year and describe their anticipated job duties and use of equipment. Department Directors must provide this information to the HR Department promptly upon request.
 - b. Department Directors must ensure that a current employment certificate is posted in a conspicuous place in every department where minors work.
 - c. If minors' work duties are changed at any time, Metro must submit a Notice of Change Form to the BOLI Child Labor Unit. Supervisors must notify the HR Department before changing minors' work duties so that the HR Department can evaluate the anticipated change for legal compliance and submit the necessary paperwork.
4. If a minor is required to report to work, Metro must provide enough work (or compensation in lieu of work) to allow the employee to earn at least one half of the scheduled day's earnings. If a minor employee arrives for a scheduled shift but is not needed for the entire shift, the employee's supervisor is responsible for ensuring that this time is recorded correctly in Kronos.

Work hours, meals and rest periods

5. Minors who are 14 or 15 years old may not work:
- a. During school hours;
 - b. More than three hours on any school day;
 - c. More than eight hours on a non-school day;
 - d. Before 7 a.m. or after 7 p.m., except that they may work as late as 9 p.m. between June 1 and Labor Day;
 - e. More than 18 hours per week during the school year; or
 - f. More than 40 hours per week when school is not in session.
6. All minors who are 16 or 17 years old may work up to 44 hours per week (subject to overtime requirements), and may work the same number of hours per day as adult employees.
7. All minors must receive a paid rest break of at least 15 minutes for every work session of four hours or the major portion thereof (i.e., for any period longer than two hours).
8. Minors must receive at least 30 minutes for lunch, beginning no later than five hours after reporting for duty.
- a. Minors who are 14 or 15 years old must be completely relieved of all duties during lunch.
 - b. Minors who are 16 or 17 years old may perform work or remain on call during the lunch period when business conditions require it, but in that case they must be paid for the entire lunch period.

Prohibited job duties

9. Oregon law contains specific safety-related restrictions on the types of work minors may perform. Supervisors and managers must obtain advance approval from the HR Department for all work duties to be assigned to minors.

10. Legal restrictions on job duties include, but are not limited to, the following:
- a. Minors with drivers' licenses may drive to and from work but may not drive on public roads while on the job.
 - b. Minors are not permitted to operate power-driven machinery. Minors who are 14 or 15 years old may not work in areas where power-driven machinery is used.
 - c. Minors are not permitted to lift excessive weight.

Responsibilities

Supervisors:

- Contact the HR Department if you are considering hiring minors, and before changing the work duties of employees who are minors, to ensure legal compliance.
- If a minor reports to work for a scheduled shift but is not needed for the entire shift, make the appropriate adjustments in Kronos to ensure the employee will receive pay for at least half the scheduled shift. Contact the Kronos Help Desk with any questions.
- Monitor and ensure compliance with legal requirements regarding minor employees' work hours, meals and rest periods, and prohibited job duties. Notify HR or the Office of Metro Attorney of any questions or concerns about compliance.

Department Directors:

- Monitor and ensure compliance with legal requirements regarding minor employees' work hours, meals and rest periods, and prohibited job duties. Notify HR or the Office of Metro Attorney of any questions or concerns about compliance.
- Respond promptly to HR requests for information about anticipated and current employment of minors.
- Ensure that a current compliance certificate from the State of Oregon Bureau of Labor and Industries is posted conspicuously in every department where minors work.

Human Resources Department:

- Verify the age of every minor employee at hire or delegate verification duties to a trained supervisor.
- Advise supervisors and managers about legal compliance and best practices.
- Complete and submit the annual employment certificate application.

References

ORS 653.305 et seq.; OAR 839-021-0006 et seq.

Fair Labor Standards Act (FLSA), as amended 29 USC §201 et seq; 29 CFR Parts 570 to 580.