

Readopt with amendment Lab 1000, effective 09/15/2015 (Document # 10931), to read as follows:

CHAPTER Lab 1000 YOUTH EMPLOYMENT

PART Lab 1001 DEFINITIONS

Lab 1001.01 "Academic performance level" as used in RSA 276-A:5, I, means the guidelines set by the school district in New Hampshire in which the minor is enrolled.

Lab 1001.02 "Brief duration" as used in RSA 276-A:3, VII to define the term "casual work", means employment of no more than 3 calendar days for any one employer.

Lab 1001.03 "Duly enrolled in school" as used in RSA 276-A:4, VI and VII, means any one of the following:

- (a) The youth minor is enrolled as a student in a school;
- (b) The youth minor is attending classes or enrolled in a program for the purpose of receiving a general equivalency diploma; or
- (c) The youth minor is currently being home-schooled by a parent or guardian in a program authorized by the New Hampshire department of education pursuant to RSA 193-A for the purpose of receiving a diploma.

Lab 1001.04 "General equivalency diploma" as used in RSA 276-A:4 includes having obtained a New Hampshire High School Equivalency Certificate.

Lab 1001.05 "Youth employment certificate", as required by RSA 276-A: 5, means the document which is issued to a youth minor by a principal, or authorized representative, of a school in New Hampshire or by a parent or legal guardian of the youth by an employee of a New Hampshire school who is authorized by them upon the receipt of an Employer's Request for Child Labor Form and proof of age.

PART Lab 1002 PROHIBITIONS

Lab 1002.01 Youth Employment Certificate Requirements.

(a) Under RSA 276-A: 4, II, no youth under the age of 16 shall be employed or permitted to work without first obtaining a youth employment certificate, except that he/she may work for his/her parents, grandparents, guardian, for casual work defined in RSA 276-A:3, VII or farm labor.

(b) A youth employment certificate shall not be obtained through any other state.

(c) A youth employment certificate or similar document issued by any other state shall not be recognized by the State of New Hampshire.

(d) A youth employment certificate shall not be required for youths enrolled in approved school- to-work curricula under RSA 279:22-aa.

(e) A youth employment certificate shall not be required for ~~youths minors~~ working for ~~corporations an employer~~ when the ~~employer corporation~~ is owned, controlled and managed exclusively by the youth's parents, grandparents, and/or legal guardians.

(f) A youth employment certificate shall not be required for youth performing public service work pursuant to a court order.

Lab 1002.02 Parental Permission Requirements.

(a) In accordance with RSA 276-A: 4, VIII, no youth 16 or 17 years of age, who has not graduated from high school or obtained a general equivalency diploma, shall be permitted to work without prior written authorization by the youth's parent or legal guardian.

(b) The parental permission shall include the following:

- (1) The establishment's name and location;
- (2) The date permission is given by the parent or legal guardian;
- (3) The signature of the parent or legal guardian;
- (4) The title of the position the minor will fill or a description of the work activities; and
- (5) The minor's date of birth.

(c) The parental permission shall be on file at the establishment's worksite prior to the first day of employment.

Lab 1002.03 Hours Limitations.

(a) As used in RSA 276-A: 4, IV ~~and VII~~, the term "~~school~~-vacations" shall not include any week in which school is in session for one or more days.

(b) Pursuant to RSA 276-A: 4, IV, no youth under 16 years of age shall work earlier than 7 o'clock a.m. or later than 9 o'clock p.m.

(c) Pursuant to RSA 276-A:13, any youth scheduled to work more than 2 nights in a week past 8 o'clock p.m. shall not be permitted to work more than an 8 hour shift during that particular week.

PART Lab 1003 INCORPORATION BY REFERENCE

Lab 1003.01 Hazardous Occupations. Under the authority of RSA 276-A:8, and in reference to the term hazardous occupation, as defined in RSA 276-A:3, V, employers shall comply with the following federal orders regulating youth employment in hazardous occupations:

(a) The following standards and orders of the Child Labor Bulletin No. 101 contained in "Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standard Act", publication WH-1330 ~~Revised February 2013~~, available as noted in Appendix II:

- (1) The occupation standards for 14- and 15 year olds;
- (2) The employment standards for 16- and 17 year olds; and
- (3) The exemptions for apprentices and student-learners.

(b) The following standards and orders of the Child Labor Bulletin No. 102 contained in "Child Labor Requirements in Agricultural Occupations Under the Fair Labor Standard Act", publication WH-1295-revised June 2007, available as noted in Appendix II:

- (1) The Hazardous Occupation Orders for Agricultural Employment; and
- (2) The exemptions for Student-Learners, 4-H Federal Extension Service; and
- (3) Vocational Agriculture Training Programs.

PART Lab 1004 YOUTH EMPLOYMENT IN FIREFIGHTING TRAINING – EXPIRED

Lab 1004.01 – 1004.04 - EXPIRED

APPENDIX I

Rule	Statute
Lab 1001.01	RSA 276-A:5, I
Lab 1001.02	RSA 276-A:3 VII
Lab 1001.03	RSA 276-A:3, VI and VII
Lab 1001.04	RSA 276-A:4, VIII
Lab 1001.05	RSA 276-A:5, I, II, III & V
Lab 1002.01	RSA 276-A:4, II
Lab 1002.02	RSA 276-A:4, VIII
Lab 1002.03	RSA 276-A:4, IV & RSA 276-A:13
Lab 1003.01	RSA 276-A:3, V & RSA 276-A:4, I

APPENDIX II

Rule	Title	Obtain at:
Lab 1003.01 (a)	Child Labor Bulletin No. 101 contained in "Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standard Act", publication WH- 1330	This publication is available on the Internet on the NH Department of Labor's Website at the following address: http://www.nh.gov/labor/links/index.htm or by calling (603) 271-3176. Also, this publication is available on the Internet on the Wage and Hour Division Home Page at the following address: https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf
Lab 1003.01 (b)	Child Labor Bulletin No. 102 contained in "Child Labor Requirements in Agricultural Occupations Under the Fair Labor Standard Act", publication WH- 1295	This publication is available on the Internet on the NH Department of Labor's Website at the following address: http://www.nh.gov/labor/links/index.htm or by calling (603) 271-3176. Also, this publication is available on the Internet on the Wage and Hour Division Home Page at the following address: http://www.dol.gov/whd/regs/compliance/childlabor101_text.htm .