

Employment of Persons Under the Age of Eighteen

Background

Persons under the age of eighteen are considered minors whose employment is subject to the Child Labor Law and the New York State Department of Labor's regulations.

The basic requirements are that employment of minors must be properly documented and restricted to certain periods of time and types of occupations.

Documentation

The operating location must have on file an unexpired employment certificate, also known as a "working paper," for employees under the age of eighteen. This certificate must be an original document.

Restrictions

Under the law and regulations, restrictions on the employment of persons under the age of eighteen apply to two areas:

- what such employees are allowed to do.
- when such employees are allowed to work.

Restricted Occupations

Federal and state laws prohibit children under eighteen years of age from performing certain kinds of jobs because of the hazards involved.

Such jobs include:

- operating power-driven equipment or motor vehicles,
- working with poisons, radioactive substances, or explosives,
- maintaining machinery, and
- excavating.

Additional job restrictions apply to fourteen and fifteen-year-olds.

Given the complexity of the laws, operating locations should consult with the Central Office of Employee Services (OES) before hiring a minor. OES will work with the operating location, the Research Foundation's Office of Legal Affairs, and the State Labor Department's Division of Labor Standards (if necessary) to ensure compliance with applicable laws and regulations.

For more information, see [STATE PROHIBITED OCCUPATIONS](#) and [FEDERAL PROHIBITED OCCUPATIONS](#) on the New York State (NYS) Department of Labor Web site at <https://www.labor.state.ny.us>.

Factors Affecting Hours of Work Allowed for Minors

The number of hours per day, hours per week, and days per week that a minor is allowed to work depends on

- the age of the minor,
- whether the minor is attending school, and
- whether school is in session.

Restrictions for Minors Attending School

The following tables contain information about the hours and days of work allowed for a minor attending school when school is in session and when it is not:

When School Is in Session

Age of Minor	Maximum Daily Hours on School Days	Maximum Daily Hours on Other Than School Days	Other Restrictions	Maximum Weekly Hours	Maximum Days per Week
14 or 15	3	8	May not work between 7 p.m. and 7 a.m.	18	6
16 or 17	4	8	May not work between 10 p.m. and 6 a.m.	28	6

When School Is Not in Session

Age of Minor	Maximum Daily Hours	Other Restrictions	Maximum Weekly Hours	Maximum Days per Week
14 or 15	8	May not work between 9 p.m. and 7 a.m.	40	6
16 or 17	8	May not work between midnight and 6 a.m.	48	6

Restrictions for Minors Not Attending School

The following table provides information about the hours and days of work allowed for a minor not attending school:

Age of Minor	Maximum Daily Hours	Other Restrictions	Maximum Weekly Hours	Maximum Days per Week
16 or 17	8	May not work between midnight and 6 a.m.	48	6

Employment of Minors Who Have Another Employer

The total hours of employment for a minor must not exceed the maximums allowed by law.

Therefore, it is important that operating locations that hire minors make an effort to determine whether the minors are also employed elsewhere, and if so, to ensure that the total hours worked by the minor for all his or her employers are within the legal limits.

Note: To help monitor the hours worked by minors, operating locations should use the query and reporting features of the computerized business system.

Responsibilities

Operating Locations

The Research Foundation operations manager is responsible for ensuring that

- valid employment certificates for all minors are maintained.
- hours are accurately reported and are within the legal limits.
- minors are not employed in restricted occupations.
- if a minor employed by the Research Foundation also works for another employer, the total hours worked by the minor for all employers are monitored and are within the legal limits.

Central Office

The director of the Office of Employee Services is responsible for ensuring that

- operating locations are assisted in reviewing for compliance with the law the appointment of minors as employees.

Reference

For more information, see [Laws Governing the Employment of Minors](https://www.labor.state.ny.us/html/workprot/minors.htm) on the NYS Department of Labor Web site at <https://www.labor.state.ny.us/html/workprot/minors.htm>.