



Work-Based Learning: TN Child Labor Law Quick Reference Guide

Work-Based Learning Objective: Safe and Quality Learning Environments

Disclaimer:

This information has been packaged for the use of WBL Coordinators in Tennessee. These slides are intended as general information only and do not carry the force of legal opinion.

There may be a delay between this publication and new areas of enforcement that may not be reflected herein.

For the most up-to-date information or to address specific questions related to allowable placements and requirements, please contact the Department of Labor and Workforce Development (TDLWD):

- Phone: (866) 588-6814, select option 3
- Website: <http://www.state.tn.us/labor-wfd/index.shtml>

“College and Career Ready”



- **Capstone WBL experiences** demonstrate advanced academic, technical and social skills through industry immersion and self-directed experiences to prepare students for life after high school
- **Child Labor Laws** protect students, businesses, and schools when Capstone WBL experiences take place at a business workplace or a student becomes employed by a business for a paid or un-paid work experience

Key TN and Federal Labor Laws

WBL Coordinators are responsible for ensuring conformity with applicable laws relating to Worker's Compensation, Workplace Safety, and Child Labor Laws as they are provided on the TDLWD's website. (*Tennessee Department of Education WBL Policy Guide*)

Applicable labor laws include:

- Tennessee Lawful Employment Act – T.C.A. § 50-1-701
- Wage Regulation Act – [T.C.A. § 50-2-101](#)
- Non-Smokers Act – T.C.A. § 39-17-1811
- Employment of Illegal Aliens Act – T.C.A. § 39-17-1811
- Child Labor Act – [T.C.A. § 50-5-101 – 115](#)

Tennessee Lawful Employment Act

WBL Coordinators:

- WBL Coordinators should be familiar with the requirements of the TLEA to the extent that they ensure all required WBL paperwork is provided to the business
- Employers are ultimately responsible for compliance with TLEA

Employers:

- TLEA imposes employment eligibility verification requirements on Tennessee employers and becomes effective on staggered dates during 2012 and 2013
- Employers may be asked to provide work authorization documents to inspectors
- Tennessee Employers without internet access may receive free assistance with the E-Verify Program by contacting the TN Labor Standards Division at 1-855-TNeBILL or 615-7412247

Tennessee Lawful Employment Act

- Requires Employer Verification Of Employees And Non-Employees
 - Applies To All State And Local Government Agencies
 - Applies To All Tennessee Employers Hiring Employees To Work Inside Or Outside Of Tennessee
- Employers are responsible for compliance by EITHER
 - Verifying workers through the use of the E-Verify system, or
 - Securing one of the 11 documents specifically listed in the state law (such as a valid TN Drivers License, US birth certificate, valid alien registration documentation, etc...)
- For a complete copy of the TLEA, Public Chapter No. 436: <http://www.tn.gov/sos/acts/107/pub/pc0436.pdf>
- For additional information and guidelines concerning the TLEA: <http://www.tn.gov/labor-wfd/eVerify/>

Wage Regulation Act

General Application	<ul style="list-style-type: none"> Covers private employments of 5 or more employees Complies with the Federal Fair Labor Standards Act (FLSA), which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards.
Rest or Meal Breaks	<ul style="list-style-type: none"> Employees scheduled to work 6 consecutive hours or more shall be provided with a 30-minute rest or meal break unless your position provides ample opportunity as defined in the law
Employment at Will	<ul style="list-style-type: none"> TN law allows either the Employer or Employee to terminate the work relationship at any time without prior notice Termination decisions may not be based on factors which violate current discrimination laws
Violations & Penalties	<ul style="list-style-type: none"> Employers found to be in violation of the Wage Regulation Act may be subject to a civil penalty of \$500.00 - \$1,000.00 per violation
Payment Notification and Issue	<ul style="list-style-type: none"> Employees must be informed of wages prior to performing the work Employers must establish, post, and maintain notice of regular paydays in at least 2 locations within the business Employees must be paid at least twice a month

Wage Regulation Act

Method of Payment	<ul style="list-style-type: none"> • Payment may be by Cash or Payroll Check • Employer may mandate Direct Deposit but cannot mandate the Financial Institution chosen by the Employee • Payment may be by Debit Card <i>if</i>: Employee Participation is voluntary, Employee has one free transaction per pay cycle, and Employee has ability to receive all wages earned within pay cycle
Deductions To Earned Wages	<ul style="list-style-type: none"> • Employer must have an employee signed written agreement in place • Employer must notify employee in writing 14 Calendar Days prior to any deductions • Employer may not offset wages if employee provides affidavit to employer & the TDLWD within 7 days of receiving notification
Final Paychecks	<ul style="list-style-type: none"> • If an employee is terminated voluntarily or involuntarily, all wages or compensation (including vacation provided by company policy) is due on the final paycheck • Final paycheck is to be issued on the next regular payday or within 21 days of separation from the company

Non-Smokers Act



- Smoking is prohibited in all enclosed public places within Tennessee unless they are specifically exempted under the law. T.C.A. 39-17-1803(a)

Exemptions:

- Age-restricted venues for 21 year old and older and require proper ID check at the door
- Hotel-Motel rooms – not to exceed 25% of the total hotel rooms within that hotel and must have separate ventilation system
- Non-Enclosed areas of public places such as outdoor patios, porches or decks
- Other Exemptions are detailed in the Statute

Posting Requirements:

- ALL entrances and exits must be clearly marked with a “No Smoking” sign or the international symbol.
- ALL businesses should develop an action plan to properly handle any person(s) who may violate the law within their business.

Penalties:

- Individuals found in violation of the law can be cited and fined up to \$50.00 plus court costs.
- Employers found in violation of the law can be fined up to \$500.00 per violation.

Employment of Illegal Aliens Act

1. An employer may not knowingly employ, recruit or refer for a fee for employment an illegal alien
2. Complaints filed must be signed and include substantial evidence that a violation has occurred
3. Valid complaint results in an on-site investigation by an Inspector to review proper documentation:
 - Properly Completed I-9 Forms
 - E-Verify Confirmation Results
 - Lawful Verification Information Pursuant to the Federal Guidelines
4. If violations are found:
 - 1st Offense – license(s) suspended until business becomes compliant
 - 2nd or subsequent offense – license(s) suspended for a period of one year

Child Labor Act

Applies to and protects all minors working under the age of 18 *unless* proof of one of the following is provided in the minor's employment file:

- The minor is married, divorced or a parent
- The minor has been emancipated by a court of law
- The minor has graduated or earned a GED diploma

Prohibited Occupations for Minors:

- Child Labor Laws in Tennessee identify 21 "Hazardous Occupations" that are prohibited to minors, which are outlined in Tennessee Code (TCA 50-5-106) and are listed on the Child Labor Poster provided by TDLWD
- Exemptions exist in a few Hazardous Occupations for students who are over 16 AND who are enrolled in a related CTE program of study or are apprentices (TCA 50-5-107). To participate in these placements for WBL, a Hazardous Occupation Exemption form must be completed and kept on file with all other required paperwork.

Child Labor Act (cont.)

Examples of Hazardous Occupations for minors 14 or 15 years old:

- Cooking
- Operating any machinery other than office machines
- Operating power-driven lawn equipment
- All other prohibited occupations for minors 16 or 17 years old

Examples of Hazardous Occupations for minors 16 or 17 years old:

- Motor vehicle driving occupations
- Any type of explosive/fireworks work
- Occupations involved in Door-to-door sales
- Occupations involved in roofing operations
- Occupations involved in the operation of circular saws
- Operation of power driven machinery and heavy equipment
 - *Exception for students in CTE programs of study related to Agriculture*
- Operation of power-driven wood working machines
 - *Exception for students in CTE programs of study related to Architecture & Construction*
- Operation of metal stamping or forming machines
 - *Exception for students in CTE programs of study related to Architecture & Construction or Advanced Manufacturing*

Minors 14 or 15 years old:

Outside of school, MAY:

- Work up to 3 hours per day on a school day
- Work up to 8 hours per day on Saturday or Sunday but no later than 7:00 p.m.
- Work up to 18 hours per week
- Work up to 8 hours per day, 40 hours per week, and no later than 9:00 p.m. during summer break & non-school weeks

May **NOT** participate in capstone WBL for credit (*TDOE WBL Policy*)

Minors 16 or 17 years old:

MAY:

- **Work until 10:00pm** without a parental consent form, but no later
- Work until midnight 3 nights per week on a school night IF a notarized parental consent form is retained in work file for one year after expiration and updated yearly
- **Work any number of hours per week AS LONG AS** school attendance and grades are NOT affected
- Work any number of hours per week when school is not in session
- **Work during school hours** if a written Training Agreement verifies enrollment and authorizes the student to be engaged in employment for educational purposes, renewed yearly

May participate in capstone WBL for credit (*TDOE WBL Policy*)

Employer Responsibilities:

Rest or Meal Breaks	<ul style="list-style-type: none">• Any minor working 6 or more hours must be given a 30 minute unpaid meal break not before or during the first hour of work.• Employer must maintain written documentation of each minor's required breaks.
Employee Files for Minors	<p>Employers must have the following items in each minor's personnel file at the work location:</p> <ul style="list-style-type: none">• An employment application• A copy of proof of age• Time records including breaks• Parental Consent Form(if applicable)• A copy of the WBL Training Agreements and Safety Training Log
Proof of Age	<p>Employer must maintain a copy of one of the following items for proof of age in each minor's employee file:</p> <ul style="list-style-type: none">• Birth Certificate• Driver's License• State issued ID card• Valid Passport• Statement of Oath from the Court

Tennessee Department of Labor & Workforce Development

For questions related to Child Labor Laws and WBL student placements, please contact:

The Workplace Regulations & Compliance Labor Standards Unit

(866) 588-6814, option 3

<http://www.state.tn.us/labor-wfd/>



Districts and schools in Tennessee will exemplify excellence and equity such that all students are equipped with the knowledge and skills to successfully embark on their chosen path in life.

Excellence | Optimism | Judgment | Courage | Teamwork