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## Labor & Workplace Standards Committee

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### HB 2035

**Brief Description:** Concerning restrictions on the working conditions and hours of sixteen- and seventeen-year olds.

**Sponsors:** Representatives McClintock, Stonier, Couture, Schmidt, Waters, Ramos, Reed, Jacobsen, Callan, Cheney, Sandlin, Riccelli, Reeves and Santos.

#### Brief Summary of Bill

- Requires rules adopted by the Department of Labor and Industries to allow a 16- or 17-year old to work the same number and frequency of hours during the school year as would be permitted during school vacations or holidays (nonschool week hours) if the minor is enrolled in either a bona fide college program or a career and technical education program, with some limitations.

**Hearing Date:** 1/23/24

**Staff:** Kelly Leonard (786-7147).

#### Background:

Both federal and state laws impose restrictions on the employment of minors (persons under 18 years of age). State law directs the Department of Labor of Labor and Industries (L&I) to establish requirements and restrictions on the wages, working hours, and other conditions for the employment of minors in all trades, businesses, and occupations, except for L&I is not permitted to limit the working hours of emancipated minors. In order to employ a minor, an employer must: (1) obtain a minor work permit; (2) obtain parental and school authorization, if applicable; (3) verify the minor's age and comply with any restrictions imposed based on age; and (4) limit

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the hours worked by the minor, if applicable. Sixteen and 17 year-olds must be paid the minimum wage, and minors under 16 years old must be paid at least 85 percent of the minimum wage.

The restrictions on the working hours for minors varies based on the age group, the type of work (agricultural or nonagricultural), and whether school is in session. The work week for minors is Sunday through Saturday, and the school week is Monday through Friday. Any week with any amount of school time is considered a school week. Minors cannot work during school hours. "School hours" are defined as the hours that the minor's applicable neighborhood public school is in session, which apply even in instances where the minor is not enrolled in school. In some instances, an employer may seek a variance from L&I to allow a minor to work additional hours in nonagricultural work during school weeks.

Working Hours for Minors Performing Nonagricultural Work.

For 16- and 17-year olds, L&I rules limit working hours for nonagricultural work as follows:

| <b>Schedule</b>                   | <b>Maximum Hours Per Day</b>             | <b>Maximum Hours Per Week</b> | <b>Maximum Days Per Week</b> | <b>Start to End Times</b>                            |
|-----------------------------------|--|-------------------------------|------------------------------|--|
| School Week                       | 4 hours (except for 8 hours on weekends) | 20 hours                      | 6 days                       | 7 a.m. – 10 p.m. (midnight on Fridays and Saturdays) |
| Nonschool Week (Vacations)        | 8 hours                                  | 48 hours                      | 6 days                       | 5 a.m. – Midnight                                    |
| School Week with special variance | 6 hours                                  | 28 hours                      | 6 days                       | 7 a.m. – 10 p.m. (midnight on Fridays and Saturdays) |

There are some exceptions to the hours restrictions. A 16- or 17-year old may work the same hours during a school week as would be permitted during a nonschool week if the minor: (1) is married; (2) is a parent; or (3) has a high school diploma or equivalent. In addition, a minor enrolled in a bona fide college program, like a running start program, may work nonschool week hours during school weeks.

Working Hours for Minors Performing Agricultural Work.

Different restrictions apply to agricultural work. For 16- and 17-year olds, L&I rules limit working hours for agricultural work as follows:

| <b>Schedule</b> | <b>Maximum Hours Per Day</b> | <b>Maximum Hours Per Week</b> | <b>Maximum Days Per Week</b> | <b>Start to End Times</b> |
|-----------------|------------------------------|-------------------------------|------------------------------|---------------------------|
| School Week     | 4 hours (except              | 28 hours                      | 6 days                       | 5 a.m. – 10 p.m.          |

|                            |                          |                                 |        |   |
|----------------------------|--------------------------|---------------------------------|--------|---|
|                            | for 8 hours on weekends) |                                 |        | (except cannot work past 9 p.m. on more than two consecutive school days) |
| Nonschool Week (Vacations) | 10 hours                 | 50 hours (with some exceptions) | 6 days | 5 a.m. – 10 p.m.  |

There are more limited exceptions for agricultural work. A 16- or 17-year old may work the same hours during a school week as would be permitted during a nonschool week if the minor: (1) is married; (2) is a parent; (3) or has a high school diploma or equivalent. There is no exception for minors enrolled in a bona fide college program.

**Summary of Bill:**

L&I rules must allow a 16- or 17-year old minor to work the same number and frequency of hours during the school year as would be permitted during school vacations or holidays (nonschool week hours) if the minor is enrolled in a career and technical education program and the work is performed for an employer approved by the program. A "career and technical education program" refers to a work-based learning program approved by the Office of the Superintendent of Public Instruction or the minor's school district, including, for example, core plus programs.

The same allowance of hours must be made for a 16- or 17-year old enrolled in a bona fide college program, except the minor is not required to work for an approved employer. This effectively codifies the L&I rule with respect to nonagricultural work and extends the same allowance of hours to agricultural work for this category of minors.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2024.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.