

**WAC 296-128-400 Minors.** (1) **Applicability of order.** This order shall apply to all minors employed in any industry or establishment in the state of Washington who are not expressly covered by another minimum wage and welfare order issued by the industrial welfare committee, except: Minors employed:

(a) By common carrier railroads, sleeping car companies and freight or express companies subject to regulations of federal law.

(b) In agricultural labor.

(c) In domestic work or chores performed in or about private residences.

(d) In a vocational education, work experience or apprentice training program, when such program is properly supervised by school personnel or in accordance with written agreements and approved training schedules.

(e) Directly by a telephone or telegraph company. This order shall not apply to newspaper vendors and newspaper carriers.

(2) Definitions. For the purpose of this order:

(a) A "minor" is a person of either sex under the age of eighteen years.

(b) The term "employee" shall mean any minor who is employed to work in any industry or establishment in the state of Washington other than those expressly excluded by the foregoing paragraphs.

(c) The term "employer" shall mean any person, association, corporation, co-partnership, or municipal corporation, engaged in any industry or establishment covered by this order and who (or which) employs any minor covered by this order.

(d) The term "agricultural labor" shall mean employment.

(i) On a farm, in the employ of any person in connection with the cultivating of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(ii) In handling, planting, packing, packaging, grading, storing, or delivering to storage or to a market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations, or, in the case of fruits and vegetables in their raw and natural state, as an incident to the preparation of such fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to services performed in connection with commercial canning or commercial freezing or any other commercial processing which changes the character of the product from its raw and natural state or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(3) **Minimum wages.**

(a) Minimum wages for all minors covered by this order, in the state of Washington shall be fifty cents per hour, regardless of the manner in which they are computed, except when another order (or orders) issued by the industrial welfare committee of the state of Washington provides a different minimum.

(b) Whenever the administrator of the wage and hour division of the United States department of labor shall issue a certificate or certificates permitting the employment of learners, apprentices, mes-

sengers, and handicapped workers, at wage rates below the minimums herein fixed, the payment of wages in accordance with such permits shall not constitute a violation of this order.

**(4) Hours.**

(a) No minor shall be employed more than five hours without a meal period, on the employee's time, of at least thirty minutes.

(b) There shall be a rest period on the employer's time of ten minutes in every four-hour period of employment.

(c) Minors 14 and 15 years of age shall not be employed more than eight hours in any one day or six days in any one week. In computing the hours, one-half the total attendance hours in school shall be included. When school is not in session said minors shall not be employed more than forty hours in any one week.

(d) Minors 16 and 17 years of age shall not be employed more than eight hours in any one day or six days in any one week except in seasonal industries or in cases of emergency.

(e) Minors 14 and 15 years of age shall not be permitted to work after the hours of 7:00 p.m. or before 6 a.m. (pacific standard time), unless such employment is specifically authorized by the terms of this order, or by a permit specifically authorizing such employment issued by the industrial welfare committee of the state department of labor and industries, or its duly designated agent for the issuance of such permit.

(f) Minor boys 14 and 15 years of age may be issued permits to work in approved amusement industries not more than six days a week and not later than 7:00 p.m. (pacific standard time).

(g) Minors 16 and 17 years of age attending school may be employed after 7:00 p.m. (pacific standard time) for such hours not exceeding eight hours in any one day, and in such employments, as shall be specifically authorized in the individual permits issued to each minor, when upon investigation by the supervisor of women and minors in industry the conditions of employment are found not detrimental to the welfare of the minors or their school program. Such permits shall not be issued to girls unless satisfactory assurance is given the industrial welfare committee of the state department of labor and industries or its authorized agent that such minors are to be safely conveyed to their homes.

**(5) Work permits and proof of age certificates.**

(a) No minor shall be employed in any occupation covered by this order unless the employer has on file during the period of employment an unexpired work certificate or permit issued by the industrial welfare committee of the state department of labor and industries or its duly designated agent for the issuance of such permit. Such permit will not be issued except upon presentation of such evidence of age as is required by the industrial welfare committee.

(b) The issuance of a certificate or permit to work shall not authorize or excuse a violation of the state of Washington compulsory school attendance law, and shall not be issued to any minor legally required to attend school when school is in session except with the approval of the school authorities.

**(6) Employment prohibited to all minors.**

(a) No minor shall be employed in any occupation which the state department of labor and industries, through its industrial welfare committee, shall upon due notice and hearing find and by order declare to be particularly hazardous for the employment of minors under the ages specified in such order as detrimental to their health or morals.

(b) No minor shall be permitted to work in any of the following occupations:

(i) In any place where intoxicating liquor is served in the same room.

(ii) As driver or helper on state licensed motor vehicles in traffic congested areas.

(iii) In operating, tending or in dangerous proximity to dangerous power driven machinery.

(iv) In connection with the commercial operation of a 35 millimeter projection machine in a motion picture theatre or public building.

(v) To give signals to engineers in logging operations, or to receive and forward signals.

(vi) As an engineer, or within dangerous proximity to any cables, rigging or hazardous machinery.

(7) **Employment prohibited to all minor girls.** No minor girl shall be employed as:

(a) A shaker in a laundry, except on hand towels, handkerchiefs, napkins and similar small articles.

(b) In or in connection with a barber shop.

(c) A canvasser or peddler from house to house.

(d) An elevator operator.

(e) A clerk selling cigars or tobacco.

(f) A hotel messenger.

(g) A cabaret performer.

(h) In shooting galleries, penny arcades, bowling alleys.

(i) A public messenger (i.e., one whose services are available to the public for hire), except that girls 16 and 17 years of age will be permitted as building messengers in buildings within a radius of three blocks from one another.

(8) **Employment entirely prohibited to minors under 16 years of age.** Minors under sixteen years of age shall not be permitted to operate machinery in connection with processing or manufacturing plants.

(9) **Employments prohibited to minors under 14 years of age.** Minors under fourteen years of age shall not be employed in the following occupations unless such employment is specifically authorized by a permit issued by a judge of the superior court of the state of Washington:

(a) In stock room work in warehouses.

(b) As clerks in mercantile establishments.

(c) In offices as errand or office maintenance workers.

(d) In cafes as bus boys or dishwashers or helpers.

(e) As service station attendants.

(f) In other occupations which the industrial welfare committee, after due notice and hearing, shall have determined to be hazardous or detrimental to the welfare of the minor.

(10) **Employment of minors 14 to 18 years of age.** Minors 14 to 18 years of age may be employed in any occupation or industry except where such employment is expressly prohibited by this order or by statute of the state of Washington, provided that all the conditions and requirements of this order are complied with.

(11) **Working conditions.**

(a) All places where minors are employed shall be maintained in a safe and sanitary condition. The requirements for safety, sanitation and first aid shall be in conformity with the safety standards, rules and regulations as adopted by the division of safety of the department of labor and industries.

(b) Every room in which minors are employed shall be adequately heated and ventilated, and supplied with adequate natural or artificial light in accordance with the general safety standards of the department of labor and industries.

(c) Each such room shall be provided with a smooth, tight floor, which can be kept clean and sanitary. Where wet processes are employed, the floors must be adequately drained so that there will be no unreasonable depth of liquid at any point. Where floors are wet, wooden racks or grating of an adequate height shall be provided at such points.

(d) Toilet rooms shall be provided for women and female minors sufficiently separated and isolated to insure privacy, which rooms shall be maintained in a sanitary condition, adequately lighted, heated and ventilated. A sufficient number of wash bowls or sink space shall be located either within the toilet room or adjacent to the toilet room. Any wash bowls or sinks not so located shall be installed in an approved location. Sufficient soap and either individual or paper towels shall be provided.

(e) Employers shall provide for adequate keeping of employee's outer clothing during working hours, and for their work clothes during nonworking hours. When the occupation requires a change of clothing, a suitable space adequately heated shall be provided where employees may make such change in privacy.

(f) (i) A suitable rest room for women and female minors shall be provided, and shall be properly ventilated and heated.

(ii) An adequate cloak room shall be provided.

(iii) An adequate lunch room furnished with tables and chairs, and facilities for heating water shall be provided: Provided, however, That where less than ten women and female minors are regularly employed, the supervisor of women and minors in industry, upon application and showing, may permit a modified compliance with the foregoing part of this section or any part of the same.

(g) No female minor shall be required or permitted to lift or carry an excessive weight.

(h) No female minor shall be knowingly employed for a period of four weeks before confinement for pregnancy or four weeks thereafter.

(12) **Records.** Records showing the name of minors employed, dates of employment, wages paid and the hours worked by them, shall be kept by the employer and available for inspection by the representatives of the industrial welfare committee of the state department of labor and industries at all reasonable times.

(13) **Posting of order.** The employer shall post a copy of this order in all places where minor workers are employed.

(14) **Separability.** If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word or portion of this order shall be held invalid or unconstitutional, the remaining provisions thereof shall not be affected thereby but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included therein.

(15) **Penalties.** The supervisor of women and minors in industry shall investigate the complaint of any individual alleging that this order has been violated. Any person employing a minor in violation of this order shall upon conviction thereof be punished in accordance with the applicable laws of the state of Washington, RCW 49.12.170, now states as follows: "Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been speci-

fied, at less than said minimum wage, or under conditions of labor prohibited by order of the committee; or violating any other of the provisions of RCW 49.12.010 through 49.12.180, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars."

[Minimum Wage and Welfare Order No. 49, filed 3/23/60.]