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Washington
Hospitality
Association

Hiring Minor Employees: The Basics

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Overview

- Given the current labor shortage, employers are increasingly hiring minor employees, which can come with some challenges.
- There are differences between state and federal law that govern the employment of minor employees.
- Washington state law offers more protections to employees than federal law (the FLSA) does, so state law will govern.
- Under state law, a minor employee is considered any employee under the age of 18 (WAC 296-128-400).



Business License Requirements

- All employers who hire minor employees must have a “Minor Work Permit.”
- Permits can be obtained on the Washington State Department of Revenue website.
- Permits are free.
- Permits must be displayed with the employer’s business license.
- Permits must be renewed annually.



Parent/School Authorization Forms

- Before a minor can begin working, they must provide a parent/school authorization form.
- The forms are different depending on whether school is in session.
- A new summer work form must be completed every year.
- The forms can be found on the Washington Department of Labor and Industries website.



Recordkeeping Requirements

Washington employers are required to verify the age of each minor employee.

Washington employers must request that the minor employee provide a copy of one of the following (for non-agricultural jobs):

- 1) Birth certificate and social security card
- 2) Driver's license
- 3) Baptismal or bible record
- 4) Notarized statement from the parent or legal guardian.

Employers must keep a copy of whatever document the minor employee provides on file.

In addition, records showing the name of minors employed, dates of employment, wages paid and the hours worked by them, must be kept by the employer and available for inspection.



Rest Period Requirements

Minors under 16 years old

- Breaks must not be scheduled near the beginning of the work shift.
- They must take a rest break of at least ten minutes for every two hours worked.
- They cannot work more than two hours without a ten-minute rest break or a thirty-minute meal period.



Minors 16-17 years old

- Employees can't be required to work more than 3 hours without a rest break.
- Breaks must be scheduled as close to the midpoint of a work period as possible.
- Employers can require workers to stay on the job site during a rest break.
- Rest breaks taken are considered "hours worked" when calculating paid sick leave and overtime.



Meal Period Requirements

Youth under 16 years old

- Must not work more than four hours without being given an uninterrupted meal period that must be separate and distinct from, and in addition to, their rest breaks.
- Must receive a paid rest break of at least 10 minutes for every 2 hours worked.
- Must have a rest period after 2 hours for every 4 hours of work.

Youth 16-17 years old

- Are entitled to an uninterrupted meal break of at least 30 minutes if they work more than 5 hours in a day.
- Are entitled to at least a 10-minute paid rest break for each 4 hours worked.
- Must be allowed a rest period no later than the end of the third hour of the shift.



Permissible Working Hours

During the school year:

- 14- and 15-year-olds: Three hours/day, six days a week, between 7 a.m.-7 p.m. for no more than 16 hours total;
- 16- and 17-year-olds: Four hours/day, six days a week, between 7 a.m. and 10 p.m. (midnight Friday-Saturday nights), for no more than 20 hours total.

During the summer/non-school weeks:

14- and 15-year-olds: Eight hours/day, six days a week, between 7 a.m.-10 p.m. for no more than 40 hours in total;

16- and 17-year-olds: Eight hours/day, six days a week, between 5 a.m.-midnight for no more than 48 hours in total.

Note that some employers can also apply for special variances in the hourly maximums.



Permissible Work Duties

- Permissible work duties vary based on the age of the employee.
- No minor employee is permitted to be employed in a hazardous occupation.
- “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.”
- There are additional restrictions for “minor girls” (ex., “an elevator operator, a clerk selling cigars or tobacco, a cabaret performer”).
- The list of all prohibited duties can be found under WAC 296-128-400.



Exigent Circumstances

Minors who are 16-17 years old can work summer/non-school week hours if they:

- Are married.
- Are a parent.
- Are enrolled and taking college courses (e.g. Running Start).
- Have a high school diploma or equivalency (GED).

Minors 16-17 years old who are emancipated by court order do not have hours of work limitations. They do not need to have a parent/school authorization form. Employers must still obtain a minor work permit and may not work emancipated minors in any prohibited occupation. (RCW 13.64.060 (g)).







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