



**Department of Workforce Services
and
Arkansas Workforce Investment Board Issuance PY07-03**

From: Artee Williams, DWS Director
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Date: July 25, 2007

Subject: Child Labor Laws, Work Permits, the Hatch Act, AJL Data Entry, and Other Guidelines

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1. **Purpose:** To provide general guidance and reiterate requirements regarding the administration of the Workforce Investment Act (WIA) Youth Programs, especially during the Summer months.
 2. **General Information:** During the operation of the WIA youth summer employment activities, DWS, as well as the Arkansas Department of Labor (ADOL), receive telephone calls from participants voicing complaints and/or asking questions about child labor laws and requirements relative to work hours, working conditions and work requirements, etc. In addition, ADOL receives a number of requests for Child Labor Work Permits days or weeks after some youth have started working.

To avoid special reviews and investigations of complaints and questions regarding Youth Program operations, and specifically the lateness in requesting Work Permits, we offer the following guidance.

Please be reminded of the requirements of the Arkansas and Federal Child Labor Laws and the Hatch Act and how they relate to the Workforce Investment Act (WIA). The Workforce Investment Act does not specifically refer to the Hatch Act, as with a number of other Federal, State or local laws and requirements. However, the WIA at §195(6) provides guidance that WIA funds must not be spent on political activities. Also, the WIA Regulations at §667.264 provides a list of activities that are prohibited under Title I of WIA. Reference specifically §667.264(a)(3).

- 1) A complete participant job description, including job title.
 - 2) A list of the job duties (don't just state the job title such as -- secretary) to show that they are not involved in political or campaign work. Do not use catch-all phrases such as -- other duties as required or assigned or appropriate duties -- in the job description.
 - 3) Assurance that the participant will not be involved in any political activity.
 - 4) Pertinent information about the worksite, i.e., type of business, location, supervisor's name, contact information, etc.
- d. **Time Sheets:** Arkansas Child Labor Regulations, Section 2.600, require that employers of individuals under age eighteen maintain records that contain the hours worked each workday, including starting and ending time, and total hours worked each workweek. Time sheets are a method for collecting this information. **NOTE:** *Time sheets must not be completed or signed in advance of time worked.*
- e. **Seat Belts:** State law requires the use of seat belts. Be sure to remind supervisors that seat belts must be worn when in the passenger compartments of moving vehicles.
- f. **Health and Safety:** Arkansas Child Labor Regulations, Section 2.300, require that youth not be permitted to work under conditions which are hazardous or dangerous to their health or safety. It prohibits Subrecipients from assigning participants to work for employers who do not comply with applicable labor laws, including wage and hour, occupational health and safety, and child labor laws/regulations.

Youth may not ride in the back of a truck with the goods that are being transported, since this is considered hazardous or dangerous to their health. If goods and youth are transported in the same truck, the youth must be inside of the cab. Although, according to the DOL Wage and Hour Unit, the transportation of youth in the back of a pickup truck is not a violation of child labor laws in itself, we discourage the transportation of youth in this manner due to the potential for injury to the participant(s) in the event of even minor mishaps.

Other conditions, which are considered hazardous or dangerous, includes situations where participants are mowing, spraying poisonous acids, gasses or other chemicals, or weed eating without eye protection. Riding in moving vehicles without using seat belts and the use of riding or power push mowers with defective safety switches are also considered hazardous and dangerous. Transportation of participants in the rear of vans not equipped with seat belts or with goods is also considered hazardous and dangerous.

- g. **Sling/Grass Blades:** Youth under age sixteen are prohibited from using sling blades, grass blades, etc.

- p. **Job Descriptions:** A copy of the participant's job description should be placed in the participant's file. The original should be at the worksite for easy reference by both the participant and supervisor. Job descriptions for participants involved in work experience are important since they contain a list the parameters for the worksite supervisor to follow. If written clearly, they can prevent inadvertent safety and child labor law violations. Do not just state the job title as "secretary," but list the duties that the participant will be expected to perform. Job descriptions must not contain such general catchall phrases as: other duties as required, other duties as assigned, or duties determined by the supervisor.
- q. **Employment Goal:** 20 CFR 664.405(2) requires that a career goal be included on the Individual Service Strategy (ISS).
- r. **Arkansas JobLink (AJL) Enrollment Information:** We are required by the Department of Labor to report youth who are participating during the summer months. The enrollment data for this activity will be collected by the WIASRD and reported to the Department of Labor.

During the period of summer youth activities, all participating youth must be enrolled in AJL under the service, "Summer Employment Opportunities." This service will not have a definition that is specific to a particular role. LWIAs must complete the required fields for this service and leave the remaining fields blank.

Subsequent to enrolling youth in the "Summer Employment Opportunities" they must also be enrolled in all other services in which they participate during the summer, such as work experience. At the end of the summer program, staff must enter an ending date for the "Summer Employment Opportunities" and any other service in which the youth has completed. Staff must complete all appropriate fields on the service screens.

2. **Action Required:** LWIAs are required to monitor 100% of the summer program worksites and participants during the period in which the summer program is operating, preferably monitoring heavily on the front end to detect and correct problems early. LWIAs are also required to provide the State with a report of monitoring activities, no later than September 16 each year.

The State may also conduct summer monitoring visits. Each LWIA scheduled for monitoring will be contacted via e-mail or telephone to request worksite information prior to a visit.

4. **Inquiries:** Contact the Office of Employment Assistance Mike Kennedy 682-3142 (mike.kennedy@arkansas.gov), or Sandy Monaco 682-3131 (sandy.monaco@arkansas.gov)
5. **Expiration Date:** Continuing.