

RULES FOR EMPLOYING YOUTH IN RESTAURANTS

The United States Department of Labor has established guidelines for the employment of youths in the restaurant and quick-service food industry. These regulations come under the Fair Labor Standards Act (FLSA) 29 CFR Part 570.

The FLSA establishes both hours and occupational standards for youth. Youths of any age are generally permitted to work for businesses entirely owned by their parents, except youths under the age 16 may not be employed in mining or manufacturing and no one under the age of 18 may be employed in an occupation that has been declared “hazardous” by the Secretary of Labor. In the restaurant and food industry “hazardous” occupations include using power-driven machinery (meat slicers, meat saws, patty forming machines, meat grinders and choppers), commercial mixers and certain power-driven bakery machines. Employees under the age of 18 are not permitted to operate, feed, set-up, adjust, repair or clean any of these machines.

Generally, no employee under 18 is permitted to drive a motor vehicle on a public road in the performance of the duties of the job. This rule would preclude them from performing any delivery duties, for example pizza delivery. Minors under 18 may not operate or unload balers or trash compactors under these regulations.

Once a youth has reached the age of 18 he or she is no longer subject to the federal youth employment provisions. Sixteen and seventeen year olds may be employed for unlimited hours in any occupation other than those that have been declared hazardous.

Hour and occupation standards for youths younger than 16 are much more stringent. Fourteen and fifteen year-olds are limited to hours as follows:

- Outside school hours; no more than 3 hours on a school day, including Friday;
- No more than 8 hours on a non-school day;
- No more than 18 hours during a week when school is in session;
- No more than 40 hours a week when school is not in session; between 7am and 7pm – except between June 1 and Labor Day when the evening hour is extended to 9pm.

Fourteen and fifteen year-olds may work in restaurants and quick-service food establishments, but only in certain jobs. Below are some of the occupational standards:

- They may perform cashiering, table service, bussing and clean-up work, including the use of vacuum cleaners and floor waxers.
- They may perform kitchen work and other work involved in preparing food and beverages, including such devices as dish washers, toasters, blenders, warming lamps and coffee grinders.
- They may perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook using deep fryers that are equipped with automatic devices that lower and raise baskets into and out of hot grease or oil.
- They may not perform baking duties.
- They may not operate power machinery such as slicers, processors, or mixers.
- They may clean kitchen surfaces and non-power driven equipment, and filter, transport and dispose of cooking oil, but only when the temperature of the surface or oil is below 100°F.

Children under the age of fourteen may not work in food service establishment unless the establishment is owned by their parent(s).

Pennsylvania regulations regarding employment of minors mirror the Federal regulations that are currently in force. This includes hours and restrictions on types of employment allowed for minors.

If you have any questions about restaurant-related work rules that apply to young people, please do not hesitate to contact me for a free initial consultation at 1-877-LAW-2555 (1-877-529-2555).

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