



# California Law Update

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## **As The Department Of Industrial Relations Strengthens Its Enforcement Of Minors Laws, Employers Must Ensure Compliance Or Face Stiff Penalties**

Recently, there has been a rise in investigations by the Department of Industrial Relations into wage violations concerning minors. There are numerous California labor laws that govern the employment of minors. Violations of these labor laws can lead to significant penalties. Employers need to be aware of the wage and hour laws for minors to ensure compliance and avoid significant penalties. Here are the principal wage laws governing minors:


**No Work Over “4” Hours On A Schoolday.** It is a violation of the law to allow a minor 16 or 17 years of age to work more than four (4) hours in any schoolday. Minors 14 or 15 years of age are prohibited from working more than three (3) hours in any schoolday. An exception may apply if the minor is working on a “work experience” permit or independent study program. An employer is subject to a penalty of \$500 to \$1,000 for each violation for the first offense. Violations for second, third or subsequent offenses (i.e. citations) can range from \$1,000 to \$10,000 for each violation. Willful or repeated violations are subject to higher civil penalties. An employer can also be charged in criminal court with a misdemeanor, a fine of \$1,000 to 5,000, and imprisonment.

**No Work Past 10:00 p.m.** It is a violation of the law to allow a minor 16 or 17 years of age to work before 5 a.m., or after 10 p.m., on any day preceding a schoolday (i.e. Sunday through Thursday.) However, a minor 16 or 17 years of age may work during any evening preceding a nonschoolday until 12:30 a.m. of the nonschoolday. For example, minors can work Friday night until 12:30 a.m. on Saturday, and Saturday night until 12:30 a.m. on Sunday. Minors 14 or 15 years of age are prohibited from working before 7 a.m., or after 7 p.m., except they can work until 9 p.m. during summer. The same penalties referenced above apply to these violations.

**No Work Over “8” Hours In One Day.** It is a violation of the law to allow a minor to work more than eight (8) hours in one day. The same penalties referenced above apply to these violations.

**Maintaining Work Permits.** An employer is required to keep a complete copy of the minor’s work permit at the place of business where the minor is working. These are referred to as “Permit To Employ And Work Forms”. Employers must be cautious to ensure that work permits remain up to date. Permits are required year-round, even when school is not in session. Work permits generally expire after a certain period, and must be renewed. The employer is liable if a student fails to renew his or her work permit. For work permit violations, an employer is subject to a penalty of \$500 to \$1,000 for each minor on the first offense.

**Maintaining Names of Minors.** An employer is required to maintain records showing the names, addresses and birth dates of all minors, plus payroll records and time cards of minors, for three (3) years. Other information may be required by applicable Industrial Welfare Commission Orders. An employer who fails to keep these records may be charged with a misdemeanor. Willful violations are subject to a civil penalty of \$500.



To ensure compliance with California law, employers should implement written policies that contain these labor laws. Employers should be diligent in training management and employees as to laws governing minors. It is also advisable to conduct routine audits of payroll records to make sure that management and employees are complying with company policies and labor laws.

Employers with questions about minors' laws and auditing records to avoid violations should consult with an employment attorney. Cathy Arias is the chair of Burnham Brown's Employment Law Department and specializes in counseling and defending employers. She can be reached at 510.835.6806 or [carias@burnhambrown.com](mailto:carias@burnhambrown.com). Mr. Shalauta specializes in employment litigation and counseling for businesses. Mr. Shalauta can be reached at (510) 835-6716 and [ashalauta@burnhambrown.com](mailto:ashalauta@burnhambrown.com).