Chapter 296-125 WAC Summary

NONAGRICULTURAL EMPLOYMENT OF MINORS

WAC 296-125-015 Definitions: The section adds definitions for “non-school week,” “school week,” and "serious physical injury.” The section includes minor revisions to the definition of “school holiday” and “school vacation.” The remaining definitions are unchanged.

WAC 296-125-018 Minimum age for employment: No changes to the section.

WAC 296-125-031 Hiring minors – Recordkeeping: The section consolidates the requirements currently found in WACs 296-125-0200, -0260, -0263, and -0275. The section establishes proof of age as an independent document rather than an addendum to the parent/school authorization form. The section removes the requirement for employers to gather a minor’s social security card and expands proof of age to include other documents with the minor’s date of birth.

WAC 296-125-041 Minor work permits: The section consolidates minor work permit requirements currently found in WAC 296-125-0200 through -0231. The section clarifies the process for permit issuance and expiration and matches the description with the Dept. of Revenue’s procedures.

WAC 296-125-051 Minor work permit – revocation: The section describes when L&I may revoke a minor work permit. The section incorporates requirements currently found in RCW 49.12.390(4) and WAC 296-125-0230.

WAC 296-125-061 Parent/School Authorization: The section consolidates requirements currently found in WAC 296-125-0260 through -0268. The section describes the process for completing a parent/school authorization form.

WAC 296-125-071 Parent/School Authorization – Minor not Attending School or Living with Parent/legal Guardian: The section provides guidance on how to complete the parent/school authorization form if a minor is not enrolled in school, not living with a parent or guardian, or both. The section incorporates guidance currently found in WAC 296-125-0267.

WAC 296-125-081 Minimum wages— Minors: The section reflects the requirements currently found in WAC 296-125-043.

WAC 296-125-091 House-to-house sales: The section reflects requirements currently found in WAC 296-125-024. The section also clarifies that house-to-house sales registration certificates expire upon the expiration of the employer’s minor work permit.

WAC 296-125-101 Hours of work for minors: Subsections (1) and (2) reorganize the hours of work standards found in WAC 296-125-030(1) and (2) to improve readability without altering the hours of work requirements.

Subsection (3) incorporates guidance from L&I’s administrative policy ES.C.4.1 allowing 16- and 17-year-old minors enrolled in alternative schools, home schools, and private schools to work during the hours their neighborhood public school is in session without a variance. Minors enrolled in worksite learning programs may also work during school hours without a variance if they have been released by their school to start work for an employer participating in such a program.

Subsection (4) describes the circumstances where 16- and 17-year-old minors may work non-school week hours year-round. Subsection (4) removes marriage from the list of circumstances and adds career and technical education in accordance with HB 1121.

WAC 296-125-111 Meal and Rest breaks –Minors under the age of 16: The section simplifies and reorganizes break requirements for 14- and 15-year-old minors. The simplification does not change break requirements for minors.

WAC 296-125-121 Meal and rest breaks -- sixteen- and seventeen-year-old minors: The section simplifies and reorganizes break requirements for 16- and 17-year-old minors by focusing on relative rather than static timing requirements. The simplification does not change break requirements for minors.

WAC 296-125-131 Prohibited and hazardous employment—All minors: The section reorganizes existing prohibited duties in WAC 296-125-030 to more closely match federal standards. Examples include consolidating references to hoisting apparatuses in subsection (7) and separating occupations as a flagger in subsection (27) from occupations involving driving in subsection (2).

The section also amends existing prohibited duties to more closely match federal standards. Examples include adding callouts to chain saws, reciprocating saws, woodchippers, and abrasive cutting discs to subsection (13) and poultry packing to subsection (9).

The section adds exemptions for minors who have successfully completed a health care career training or vocational education program to the prohibited duties concerned with exposure to bloodborne pathogens (subsection (22)) and personal protective equipment (subsection (24)).

The section also updates subsection (25), which is concerned with hazardous substances. The subsection clarifies that minors may not work around asbestos, or work in oxygen-deficient atmospheres or in atmospheres that are immediately dangerous to life or health.

The description of student-learner variances has been consolidated with other variances in WAC 296-125-151.

WAC 296-125-141 Prohibited and hazardous employment—Special restrictions for minors under the age of 16 – The section reorganizes existing prohibited duties in WAC 296-125-033 to more closely match federal standards. This includes separating occupations involving loading and unloading goods from trucks or conveyors into individual prohibited duties.

The section also incorporates federal prohibited occupations for 14- and 15-year-old minors into rule. This includes occupations involving work in work rooms (subsection (3)), serving as a helper on motor vehicles (subsection (6)), and youth peddling and sign waiving (subsection (11)).

WAC 296-125-151 Variances: The section consolidates requirements currently found in WAC 296-125-0600 through -0670. The section also consolidates the description of student-learner variances, which has been moved from WAC 296-125-131.

The section incorporates the requirement created by ESHB 1644 that L&I conduct a safety and health and child labor consultation before issuing a student-learner variance.

The section adds guidance from L&I's administrative policy ES.C.11 and federal standards clarifying eligibility for student-learner variances.

WAC 296-125-161 Special variances: The section updates the description of special variances. The section describes L&I current procedures for getting a special variance and does not change requirements for employers.

WAC 296-125-171 Retaliation: The section establishes retaliation protections for minor employees who exercise their workplace rights. L&I will use the same procedures for investigating allegations of child labor retaliation as the department uses for the Minimum Wage Act.

WAC 296-125-181 Department enforcement authority: The section clarifies L&I's enforcement authority for the chapter. The section clarifies the steps that L&I may take during an investigation, including requesting the employer notify affected employees of an investigation and request the employer conduct a self-audit.

WAC 296-125-191 Department Enforcement – Civil Penalties: The section describes the enforcement action L&I may take if it determines that a child labor violation occurred. The section reflects the requirements created by ESHB 1644 and found in RCW 49.12.390.

WAC 296-125-201 Appeals: The section describes the appeals procedures following an L&I action or decision. The section reflects procedures found in RCW 49.12.400.

WAC 296-125-211 Severability: The section describes L&I's ability to enforce the rules if a portion of the rules are found to be invalid.