



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

May 27, 2008

MEMORANDUM

To: Senior Continuing Education Administrators
Chief Academic Officers
Emergency Services Training Coordinators

From: Scott Bullard, Director
Emergency Services

Subject: Fire and Rescue Junior Member Standard Certification Credit

Questions have arisen regarding the North Carolina Fire and Rescue Commission's voluntary Junior Member Standard and the following is offered for your information. The attached 15 April 2008 Memorandum from the Commission includes a list of certification classes that will not transfer for credit if taken before the student's eighteenth birthday. It is hoped that chief officers and training officers will join local college delivery agents in informing students of these restrictions imposed by the Commission before beginning any classes that might not yield anticipated certification credit.

Compliance assistance with the standard, comments and any questions should be directed to Mr. Harley Cook, Chairman and Mr. Tim Bradley, Executive Director of the North Carolina Fire and Rescue Commission. Contact may be made either by (800) 634-7854 or 1202 Mail Service Center, Raleigh, NC 27699-1202.

For additional information or concerns, please contact me or any Regional Fire and Rescue Coordinator.

Attachments

c: Regional Fire/Rescue Coordinators

CC08-122
E-Mail

MEMORANDUM

TO: NCCCS School Directors

FROM: Harley Cook, Chairman, Fire and Rescue Commission
Tim Bradley, Executive Director, Fire and Rescue
Commission

DATE: April 15, 2008

RE: Junior Member Non-Certification Credit

As you may be aware, the NC Fire and Rescue Commission developed and approved a voluntary Junior Member (JM) standard for fire and rescue departments regarding participation of members under the age of eighteen. We want to clarify how we feel this affects certification training and testing which may also give you some suggestions on how to handle your non-certification training classes as well. We want you to know that we recognize it is not our job to provide guidance, or coordination recommendations to you, therefore, this information is offered with the intent to provide a clear understanding of our position on certification records.

Many of you received a list of courses in the certification programs (FIP #'s) that would be affected by the standard during our recent regional meetings, copies were provided to NCCCS state staff as well. However, recently at the Fire and Rescue Commission meeting state NCCCS staff indicated the Commission should formally provide a list of courses affected by the standard. Since it is a voluntary standard we simply provide this information to assist you in developing policies within your school concerning the standard, and to clearly define how we will handle records regarding junior members in certification classes.

First, it is a voluntary standard, as are all of the Commission standards. Fire and Rescue departments are not required to follow it. Your school is not obligated to follow it, and any decisions you make operationally should be decided by your policy makers. We can only make recommendations. Secondly, it adds nothing new to restrictions for youth since all of the voluntary limitations set forth in the standard were already included in federal and state labor rules. Third, since the standard has been approved by the Fire and Rescue Commission, the Commission staff must follow it in our decisions and operations regarding certification. The Office of State Fire Marshal's other divisions have adopted it as well for their training programs.

The Commission will not accept, for credit, any certification course listed below when the course is taken prior to the age of eighteen. The reason for this policy is simple. It is a Commission standard, and to give credit would be to encourage departments to ignore the voluntary standard passed by the Commission. There is one important point: For any certification class taken by a junior member that does not involve dangerous evolutions and is not on the list below, the junior will receive credit for the class. As such, planning for junior member training could begin by completing all of the eligible certification classes which are not on the list and as such, do not involve dangerous evolutions, as well as other required training that is available such as blood borne pathogens, right to know, public fire education, safety, injury prevention, etc., can be completed offering a wide range of training available.

Memorandum
April 14, 2008
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The certification classes listed on the following pages will not transfer for credit if taken before the individual's 18th birthday, regardless of when they are submitted. Any other certification classes not shown on the list can be taken and credit received after their 18th birthday.

cc: Fire and Rescue Commission Members

Junior Member Non-Credit Classes

Firefighter

Course Title	FIP Number
Personal Protective Equipment	3106/3306
Forcible Entry	3107/3307
Ventilation	3108/3205/3308
Ladders	3110/3310
Fire Hose, Streams and Appliances	3111/3207/3311
Foam Fire Streams	3208/3312
Fire Control	3113/3209/3313
Rescue	3117/3211/3317
Hazardous Materials Operations	3225/3325

Driver Operator

Course Title	FIP Number
Emergency Driver	3601
Intro to Pumps	3610
Basic Pump Operations	3611
Pump Maintenance	3612
Sprinklers and Standpipes	3613
Pump Hydraulics	3614
Service Testing	3615
Pump Water Supply	3616
Intro to Aerial	3617
Basic Aerial Operations	3618
Aerial Maintenance	3619
Aerial Testing	3620

Rescue Technician

Course Title	FIP Number
General PPE/Equipment	5502
General Inspections and Maintenance	5506
General Ropes, Anchors and Lowers	5507
VMR PPE	5509
VMR Equipment	5510
VMR Extrication	5511
Surface Water Rescue	5520
Ropes Site Operations	5531
Ropes Anchors	5532

Junior Member Non-Credit Classes
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Ropes Mechanical Advantage	5533
Ropes Fixed Ropes	5534
Ropes Lowers and Raises	5535
Rescue Technician	

Course Title	FIP Number
Ropes Highlines	5536
Victim Removal	5557
Trench Incident Planning	5551
Trench PPE	5552
Trench Rescue Equipment	5553
Trench Load Stabilizations Systems	5554
Trench Mechanical Advantage Systems	5555
Trench Anchor Systems	5556
Trench Protective Systems	5557
Trench Victim Removal Systems	5558
Structural Collapse Incident Planning	5541
Structural Collapse PPE	5542
Structural Collapse Basic Rescue Equipment	5543
Structural Collapse Shoring	5544
Structural Collapse Breaching and Breaking	5545
Structural Collapse Lifting and Moving	5546
Structural Collapse Search Management	5547
Structural Collapse Victim Removal	5548
Confined Space Incident Planning	5561
Confined Space PPE	5562
Confined Space Rescue Equipment	5563
Confined Space Hazard Control	5564
Confined Space Mechanical Advantage	5565
Confined Space Anchor Systems	5566
Confined Space Victim Removal	5567

JUNIOR MEMBER STANDARD



NC FIRE AND RESCUE COMMISSION
1st Edition

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JUNIOR MEMBER STANDARD (JUNIOR FIREFIGHTER AND JUNIOR RESCUER STANDARDS)

Background

The need for well-trained and highly-motivated volunteer firefighters, rescue, and EMS personnel throughout America's communities has never been greater. Over 70% of the fire and rescue personnel who protect our nation are volunteers. Yet, statistics show that while fire and rescue departments call volume is steadily increasing, the number of volunteers is decreasing. The causes for the downward trend in volunteers are varied, including increasing time demands on two-income families, more rigorous training standards, and limited advocacy for volunteering among youth. Retention and recruitment of new members has never been more challenging. In response to the challenge of recruiting volunteers, many departments have initiated programs to encourage the involvement of youth through Explorer programs and Junior Firefighter/Rescue member programs.

Encouraging young people to enter the emergency services as a career often places departments in competition with careers that pay better, and provide a better preparation and learning structure for school age youth. Junior Member programs provide an opportunity to encourage and interest youth in the field of emergency service, as well as training and educational mechanisms to prepare them for future employment.

Whether volunteer or career, departments may benefit from programs that allow participation by youth in the activities of the emergency services.

The North Carolina Fire and Rescue Commission recognizes the need for this initiative to reach out to North Carolina's youth and engage them in non-operational roles within emergency departments. Reaching out to people when they are young has long-range effects, and encouraging youth to take part in the emergency services is extremely beneficial to local communities and departments. Benefits of junior programs include:

- Allowing youth to gain insight and interest in becoming long-term members of the emergency services
- Increasing awareness among youth about volunteering and supporting the fire and rescue services
- Providing departments with additional help in accomplishing non-firefighting or non-emergency tasks
- Leadership development for America's youth who will be tomorrow's leaders
- Educating parents and mentors on the importance of encouraging volunteerism

In an effort to encourage Junior Firefighter and Rescue Responder programs, the NC Fire and Rescue Commission established this voluntary *Junior Member Standard* to offer guidance to fire and rescue departments in developing and administering programs. While designed to take into account state and federal child labor laws, the Fair Labor Standards Act, Wage and Hour Act, as well as recognized programs nationwide, the Commission recommends that departments research additional requirements that may be implemented between editions of this standard.

Overview

Junior members shall be separated into two groups: (1) minors **16 and 17 years of age**; and (2) minors **14 and 15 years of age**. This standard is not intended to address youth under the age of 14 years of age. In addition to training requirements, there are a number of regulations that impact the limitations of Junior Members. These are; *State and Federal Child Labor Laws; the Fair Labor Standards Act; and the Wage and Hour Act*. While this Standard references the laws, and every attempt was made to include their provisions, each department must review with the NC Department of Labor before allowing participation by Junior Members in activities of the Department. Employment of minors restricts, in some cases, the hours which minors may work. Whether career or volunteer, participating in activities may be considered working hours with minors by the Department of Labor and departments must take into account the time of day and number of hours minors work.

Fire Departments and Rescue Squads should make sure their By-Laws, Constitution, and Charter reflect the proper authority to have junior members.

General Restrictions

This standard does not address **minors under the age of 14 (fourteen)**. In general, the following guidelines should be used to restrict the activities of Junior Members. When not specifically listed or discussed, **all activities should be limited to those considered non-emergency**.

- Junior Members shall not be substituted for trained personnel.
- Junior Members shall be equipped with appropriate personal protective equipment to accomplish the assigned tasks
- Junior Members who ride on apparatus or other department vehicles shall be seated and must wear a seat belt.
- Junior Members shall not drive department vehicles.
- Junior Members shall not climb aerial ladders.
- Junior Members shall not climb ground ladders that exceed 10 feet in length, or ladders that are not supported against a structure.
- Junior Members shall not don self-contained breathing apparatus (SCBA). They may be introduced, on an awareness level, but shall not be allowed to wear the apparatus.
- Junior Members shall not be allowed to fill SCBA bottles, or be in the area of the filling operation.
- Junior Members shall not enter or perform ventilation procedures on a burning structure.
- Junior Members shall not use any tools or gloves on energized electrical equipment.
- Junior Members shall not operate cutting torches
- Junior Members shall not operate hydraulic rescue tools or equipment.
- During events, the Junior member's shall be clearly marked in order to easily identify them from a distance. This may be accomplished by different methods including different colored helmets or helmet striping, different colored coats, or special vests.

In addition, specific guidelines are provided based on age groups.

Guidelines for Minors 16 and 17 Years of Age

Minors who are 16 and 17 MAY:

- Ride as a passenger in the cab of a fire truck or in a rescue vehicle not in emergency response. The Junior shall be seated with his/her seat belt securely fastened;
- Attend and take part in supervised non-hazardous training.
- Participate in department functions within the rehabilitation area of an emergency scene. This could include setting up the engine or light truck, assisting in water supply efforts, handling of wood and other technical rescue materials, and other
- support functions, which do not expose the Junior member to hazardous areas or atmospheres.
- Pick up hose, or other materials and clean up at the emergency scene after it has been declared safe by the Incident Commander.
- Enter a structure only when accompanied by an adult responder once the structure has been determined safe by the Incident Commander and not considered immediately dangerous to life or health (IDLH).
- Perform search and rescue activities, other than structural firefighting, high level, other areas considered dangerous or IDLH.
- Operate a fire pump or equipment located outside the danger zone at the direction of the Incident Commander.
- Use pressurized hose lines, if properly trained, under the direction of an Incident Commander and out of the danger area.

Minors who are 16 and 17 MAY NOT:

- Perform fire suppression involving structures or vehicles.
- Perform high level, confined space, collapse rescue, or any rescue operation that places them in danger or areas of IDLH.
- Drive fire department or rescue vehicles.
- Respond with operating red lights (drive any vehicle, including their personal vehicle with attached operating red lights) to the scene of a fire or emergency or to the station to respond to an emergency.
- Perform firefighting “overhaul” activities (except when the structure has been declared safe by the Incident Commander and then only with an adult firefighter).
- Remove technical, confined space, or high level rescue equipment unless the removal has been declared a safe operation by the Incident Commander.
- Respond to a Hazardous Materials events (except for support functions within the cold zone).
- Perform any activity which involves the use of self-contained breathing apparatus.

- Participate or assist in any extrication activities at the scene of an accident or emergency (except in the capacity of a support function).
- Participate in any activities at the scene of an accident or emergency where fire or hazardous materials are involved, unless they are performing support functions from outside the danger area.
- Participate in actual “ice rescue” activities, but may provide assistance within any designated rehabilitation area or as a support member on dry land only.
- Direct traffic at the scene of a fire or other emergency.
- Train on departmental equipment or remove equipment from an apparatus unless under the supervision of an instructor.
- Youth under 18 years of age who are enrolled in school in Grade 12 or below may not be employed between 11 p.m. and 5 a.m. when there is school for the youth the next day. Sixteen and Seventeen (16/17) year old youths may get the hour restriction waived upon written permission from the parent/guardian and from the youth's principal/designee.
- Youth under 18 years of age who are enrolled in school in Grade 12 or below may respond, in a non-emergency mode, to calls during school hours.

Guidelines for Minors Age 14 and 15 Years of Age

In addition to those restrictions listed for 16 and 17 year olds, the following are additional restrictions for minors age 14 and 15 year olds.

Minors who are 14 and 15 years of age and younger MAY NOT:

- Perform any hazardous duties at the fire station;
- Ride in the cab of the fire apparatus responding to an emergency scene;
- Stand on any fire apparatus at anytime it is in motion

The North Carolina youth employment provisions limit the hours and the time of day that minors age 14 and 15 year olds can work:

- 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 during a week when school is not in session;
- between 7 a.m. and 7 p.m. - except between June 1 and Labor day when the evening hour is extended to 9 p.m.
- Youths under the age of 16 must be given at least a 30 minute break after five consecutive hours of work under the Wage and Hour Act.
- School hours are determined by the local public school in the area the minor is residing while employed - this is true even if the minor does not attend the public school (i.e., attends a private school or is home schooled).
- Minors 14 and 15 years of age may **not** operate most power-driven machinery, including lawn mowers, lawn trimmers and weed cutters.

Training Recommendations

It is beneficial for Junior members to begin training in fire and rescue practices and operations as early as possible, as long as the training can be supervised by trained personnel, conducted safely, and limited to non-hazardous related activities. This keeps them interested, involved, and makes them more useful to the department and prepared when they reach the age of 18.

It could be argued that all fire and rescue courses have a potential for hazard, but from a practical stance qualified instructors recognize the operations can be conducted without normal risk, and those that cannot. It also could be argued that some youth are similar in physical and emotional stature to an 18 year old. This does not, however, diminish the fact that by law they are under 18 years of age and a minor.

Any course design that may introduce a hazard to Junior Members should have notes to provide guidance to the instructor as to which portion of the class the Junior Member should be excluded. This section lists general guidelines as compared to NFPA 1001 and NFPA 1006 (2003 version) and can be used as a guide for which activities may be viewed as appropriate for Junior Members.

General

- Course schedules should begin with the basic course to allow an introductory training phase for Junior Members. Courses such as Blood - borne Pathogens, Right to Know, and Station Safety are examples.
- Training should always be supervised by qualified instructors or lead personnel.
- Emergency Vehicle Driver training should be discouraged until the responder has reached the age of 18, but if the Junior Member attends an Emergency Vehicle Driver (EVD) course, it must be reinforced that they are not allowed to drive emergency vehicles and cannot respond in their personal vehicles.
- Care should be taken to ensure that personal protective equipment provided to Junior members fits properly, and provides the necessary protective qualities required by appropriate standards. The tendency to provide out of date, out of compliance, or worn out equipment must be avoided if the responder is to expect protection during even non-hazardous duties.
- Training for Junior Members should be limited to those who have completed the necessary enrollment process, have completed parental approval, and have been properly insured and covered by Worker's Compensation. Allowing friends of Junior members to hold hoses, stand on ladders, etc., exposes the department to additional liabilities.

- When Junior members attend routine training sessions at the department, the lead instructor shall be notified of the Junior's presence, and any restrictions pertaining to the particular class.
- During training evolutions, the Junior Members shall be clearly marked in order to easily identify them from a distance. This may be accomplished by different methods including different colored helmets or helmet striping, different colored coats, or special vests.
- Even though Junior members are precluded from hazardous material incidents, recognition training is required before involvement in any incident. Junior members should be given Hazardous Materials Awareness Training per OSHA 1910.120. The Fire and Rescue Commission class shall meet this requirement. Operations Level training is acceptable, but the Junior shall not be allowed to operate in an Operations Zone at any Hazardous Materials incident or training.

Junior Member Training

The NC Fire and Rescue Commission allows 16 and 17 year olds to take NFPA 1001 Firefighter Certification classes for credit. Certification, however, cannot be granted until they reach the age of 18. While some classes in the Firefighter Certification standard may be taken in their entirety by Junior members, others may be restricted or prohibited completely based on the evaluation by the instructor that the class is hazardous. The Fire and Rescue Commission classes will be amended to list specifics for Instructors to make decisions concerning Junior members involvement in classes. The following courses with the 2002 version of NFPA 1001 Firefighter I and II are examples of how the course will be structured in the future to list what can be taken by Junior Members:

5.1 General.

This Section may be completed by the JUNIOR MEMBER in its entirety.

5.2 Fire Department Communications.

This Section may be completed by the JUNIOR MEMBER in its entirety.

5.3 Fire ground Operations.

This section may be completed in limited format with the following restrictions:

5.3.2 Response to an emergency scene demonstrating the proper donning, seatbelt use, etc., may be simulated, but the JUNIOR MEMBER may not be on an apparatus during emergency response.

5.3.3 In this section, the JUNIOR MEMBER shall not be used in an actual situation directing traffic.

5.3.4* In this section, the JUNIOR MEMBER may be taught skills and cognitive lessons, but may not operate power tools.

5.3.5* The JUNIOR MEMBER may not complete this section in actual smoke or live fire conditions, but may take the cognitive session and may take the practical if simulated, non-hazardous (IDLH) smoke is used.

5.3.6 The JUNIOR MEMBER may complete this section, but shall not operate from a height of more than 10 feet, given the restrictions in the Child Labor Laws.

5.3.7 The JUNIOR MEMBER may not complete this section. Simulation may be allowed, but verification of passing for Certification cannot be completed using live fire until the JUNIOR MEMBER reaches the age of 18.

5.3.8 The JUNIOR MEMBER may not complete this section. Simulation may be allowed, but verification of passing for Certification cannot be completed using live fire until the JUNIOR MEMBER reaches the age of 18.

5.3.9 Search and rescue in a structure may be allowed with simulated smoke for training the JUNIOR MEMBER if the instructor has determined that the structure is safe, and simulated smoke is used. No IDLH conditions may exist. This section may not be completed for Certification.

5.3.10 The JUNIOR MEMBER may not complete this section. Simulation may be allowed, but verification of passing for Certification cannot be completed using live fire until the JUNIOR MEMBER reaches the age of 18.

5.3.11 This section may be completed providing the JUNIOR MEMBER does not use power tools, and the height of ladder work does not exceed 10 feet.

5.3.12 This section may not be completed by a JUNIOR MEMBER, since working on a roof will exceed the 10 foot margin established by the Child Labor Laws.

5.3.13 The JUNIOR MEMBER may not complete this section as it deals with IDLH.

5.3.14 This section may be completed, by the JUNIOR MEMBER, if the instructor determines there are no IDLH conditions.

5.3.15 This section may be completed by the JUNIOR MEMBER.

5.3.16 This section may be completed by the JUNIOR MEMBER.

5.3.17 This section may be completed by the JUNIOR MEMBER.

5.3.18 The cognitive skills of this section may be completed, but JUNIOR MEMBERS are not allowed to deal with live utilities.

5.3.19 Ground fire training may take place as long as the JUNIOR MEMBER is not placed in the running (leeward) side of the fire.

5.5 Prevention, Preparedness, and Maintenance.

5.5.1 This section may be completed by the JUNIOR MEMBER.

5.5.2 This section may be completed by the JUNIOR MEMBER.

5.5.3 This section may be completed by the JUNIOR MEMBER.

5.5.4 This section may be completed by the JUNIOR MEMBER.

Chapter 6 Fire Fighter II

6.2 Fire Department Communications.

This section may be completed by the JUNIOR MEMBER.

6.2.2 This section may be completed by the JUNIOR MEMBER.

6.3 Fire Ground Operations.

6.3.1 This section shall not be performed by the JUNIOR MEMBER, since dealing with flammable or combustible liquids is a hazardous duty.

6.3.2 This section may not be completed by the JUNIOR MEMBER since it involves live fire.

6.3.4 This section may be completed by the JUNIOR MEMBER.

6.4 Rescue Operations.

This duty involves performing activities related to accessing and extricating victims from motor vehicle accidents and helping special rescue teams, according to the following job performance requirements.

6.4.1 Extrication training may be provided in cognitive form, showing the JUNIOR MEMBER the procedures, but the JUNIOR MEMBER cannot participate in extrication involving power or hydraulic tools.

6.4.2 This section may be completed by the JUNIOR MEMBER.

6.5 Prevention, Preparedness, and Maintenance.

This section may be completed by the JUNIOR MEMBER

6.5.1 This section may be completed by the JUNIOR MEMBER.

6.5. This section may be completed by the JUNIOR MEMBER provided it is not necessary for the JUNIOR MEMBER to use power or hydraulic tools.

6.5.3 This section may be completed by the JUNIOR MEMBER under the close supervision of an instructor, since charged hose lines under test pressure present a significant possible hazard.

6.5.4 This section may be completed by the JUNIOR MEMBER..

Junior Members Training

The NC Fire and Rescue Commission allows 16 and 17 year olds to take NFPA 1006 Rescue Technician Certification classes for credit. Certification, however, cannot be granted until they reach the age of 18. While some classes in the RT certification standard may be taken in their entirety by Junior Members, others may be restricted or prohibited completely based on the evaluation by the instructor that the class is hazardous. The Fire and Rescue Commission classes will be amended to list specifics for Instructors to make decisions concerning Junior Members involvement in classes. The following courses with the 2003 version of NFPA 1006 Rescue Technician are examples of how the course will be structured in the future to list what can be taken by Junior Members:

5.2 Site Operations.

Most of this section can be completed by the JUNIOR MEMBER safely, but consideration should be given to the leadership aspects of the section. JUNIOR MEMBER training should be more basic in nature.

5.3 Victim Management.

This section can be completed by the JUNIOR MEMBER, however, no power or hydraulic tools are to be used.

5.4 Maintenance.

This section can be completed by the JUNIOR MEMBER.

5.5 Ropes/Rigging.

This section can be completed by the JUNIOR MEMBER, however, the JUNIOR MEMBER is prohibited from operating above 10 feet.

Chapter 6 Rope Rescue

This section can be completed by the JUNIOR MEMBER, however at no time is the JUNIOR MEMBER to be operating above 10 feet, or operating in a confined space, trench, or other area considered IDLH.

Chapter 7 Surface Water Rescue

The basics of this section can be completed by the JUNIOR MEMBER, however due to the hazards associated with water rescue, care should be taken to limit the JUNIOR MEMBERS to those training activities that can be conducted without risk.

Chapter 8 Vehicle and Machinery Rescue

The JUNIOR MEMBER should be restricted, in this course, to support activities that do not involve power or hydraulic tools.

Chapter 9 Confined Space Rescue

The JUNIOR MEMBER should be restricted, in this course, to support activities that do not require working from heights above 10 feet or in confined spaces, trenches, etc.

Chapter 10 Structural Collapse Rescue

The JUNIOR MEMBER should be restricted, in this course, to support activities that do not involve power or hydraulic tools, or working in collapse areas.

Chapter 11 Trench Rescue

The JUNIOR MEMBER should be restricted, in this course, to support activities that do not involve power or hydraulic tools, heights above 10 feet, or working within the trench.

Chapter 12 Subterranean Rescue

This is not an appropriate course for JUNIOR MEMBERS.

Chapter 13 Dive Rescue

This is not an appropriate course for JUNIOR MEMBERS.

Chapter 14 Wilderness Rescue

The JUNIOR MEMBER can complete the objectives of this course, but should be closely supervised and only operate as a member of a team with experienced adults.

Glossary of Terms and Definitions

ABC	Alcohol Beverage Control
DOL	Department of Labor
FCLL	Federal Child Labor Laws
FLSA	Fair Labor Standards Act
HOs	Hazardous Occupations Orders
IC	Incident Commander
IDLH	Immediately Dangerous to Life and Health
JM	Junior Member
NC DOL	North Carolina Department of Labor
NFPA	National Fire Protection Association
OSHA	Occupational Safety & Health Administration
SCLL	State Child Labor Laws
WHA	Wage and Hour Act

APPENDIX A

Child Labor in Non-Agricultural Occupations in North Carolina

Joint Federal and State Requirements

OVERVIEW

This Reference Guide provides general information about the Federal child labor and North Carolina youth employment provisions applicable to non-agricultural occupations. Different Federal standards apply to farm work, but the North Carolina youth employment provisions do not apply to farm work. Both federal and state Departments of Labor are committed to helping young workers find those positive and early employment experiences that can be so important to their development, but the work must be safe. In this regard, the child labor provisions of the FLSA and the youth employment provisions of the WHA were enacted to ensure that when young people work, such work does not jeopardize their health, well being or educational opportunities. It is an unfortunate fact that children do get injured, even killed, in the workplace. The National Institute for Occupational Safety and Health estimates that over 210,000 American children suffer occupational injuries every year - and over 70,000 of these injuries are serious enough to warrant emergency room treatment. Employers may be subject to either the Federal child labor or the North Carolina youth employment provisions or both. The Federal provisions apply under the same coverage criteria as established for the other provisions of the FLSA. Refer to Fact Sheet 14 or Federal regulations. The North Carolina youth employment provisions generally apply to all employers doing business in North Carolina regardless of their size or number of employees except that governmental, agricultural and domestic employers are totally exempt from the North Carolina youth employment provisions including the requirement to obtain a North Carolina work permit for youths under 18.

Both Federal and State laws govern the employment of young workers and when both are applicable, the law with the more stringent standard must be obeyed. The child Labor/youth employment provisions do not:

- apply where no FLSA or WHA employment relationship exists, such as bona fide volunteers in medical, educational, religious, or non-profit organizations where an employer-employee relationship does not exist;
- regulate such issues as discrimination, harassment, verbal or physical abuse, or morality, though other Federal and State laws may.

Minimum Age Standards for Employment

The FLSA and the child labor regulations issued at 29 CFR, Part 570, and the WHA and the youth employment regulations establish both hours and occupational standards for youth. Children of any age are generally permitted to work for businesses entirely owned by their parents, except those under 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous or the Commissioner of Labor has declared to be detrimental.

18	Once a youth reaches 18 years of age, he or she is no longer subject to the child labor/youth employment provisions. Youths under 18 years of age must obtain a youth employment certificate (work permit) when employed, even if they are employed by their parents. The certificate and the issuing instructions are obtained from the N.C. Department of Labor Web site http://www.nclabor.com/wh/youth_instructions.htm
16 & 17	Basic minimum age for employment. Sixteen- and 17-year-olds may be employed in any occupation other than those declared hazardous or detrimental. No youth under 18 years of age who is enrolled in school in Grade 12 or lower may be employed between 11 p.m. and 5 a.m. when there is school for the youth the next day. 16/17 year old youths may get the hour restriction waived upon written permission from the parent/guardian and from the youth's principal/designee.
14 & 15	Young persons 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous/non-detrimental jobs for limited periods of time and under specified conditions.
Under 14	Children under 14 years of age may not be employed in non-agricultural occupations. Permissible employment for such children is limited to work that is exempt from the FLSA and WHA (such as actors or performers in motion pictures, theatrical, radio or television productions). Children may also perform work not covered by the FLSA or WHA such as completing minor chores around private homes or casual baby-sitting.

OCCUPATIONS BANNED FOR ALL MINORS UNDER THE AGE OF 18

The Hazardous Occupations Orders (HOs)

The FLSA and the WHA both establish an 18-year minimum age for those non-agricultural occupations that the Secretary of Labor finds and declares to be particularly hazardous for 16- and 17-year-old minors, or detrimental to their health or well-being. In addition, Child Labor Regulation No. 3 also bans 14- and 15-year-olds from performing any work proscribed by the HOs. There are currently seventeen HOs that include a partial or total ban on the occupations or industries they cover. NOTE: The NCDOL has adopted the seventeen federal HOs as a part of the WHA in **addition** to establishing its own Detrimental Occupations, which are discussed after this section.

HO 1. Manufacturing or storing explosives - prohibits minors working where explosives are manufactured or stored, but permits work in retail stores selling ammunition, gun shops, trap and skeet ranges, and police stations.

HO 2. Driving a motor vehicle or work as an outside helper on motor vehicles - bans operating motor vehicles on public roads and working as outside helpers on motor vehicles. Seventeen year-olds may drive cars or small trucks during daylight hours for limited times and under strictly limited circumstances as specified in federal.

HO 3. Coal mining - bans most jobs in coal mining.

HO 4. Logging and sawmilling - bans most jobs in logging and timbering (including cutting firewood) and in sawmills.

HO 5. Power-driven woodworking machines - bans the operation of most power-driven woodworking machines, including chain saws, nailing machines, and sanders.*

HO 6. Exposure to radioactive substances and ionizing radiation - bans exposure to radioactive materials.

HO 7. Power-driven hoisting apparatus - bans the operation of most power-driven hoisting apparatus such as forklifts, non-automatic elevators, bobcats and cranes, including most high lift trucks, but does not apply to chair-lifts at ski resorts nor to electric and pneumatic lifts used to raise cars in garages and gasoline service stations.

HO 8. Power-driven metal-forming, punching and shearing machines - bans the operation of certain power-driven metal-working machines but permits the use of most machine tools.*

HO 9. Mining, other than coal - bans most jobs in mining at metal mines, quarries, aggregate mines, and other mining sites including underground work in mines, work in or about open cut mines, open quarries, and sand and gravel operations.

HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants - bans the operation of power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including restaurants and delicatessens). This ban includes the use of this machinery on items other than meat, such as cheese and vegetables. HO 10 also bans most jobs in slaughtering and meatpacking establishments.*

HO 11. Power-driven bakery machines - bans the operation of power-driven bakery machines such as vertical dough and batter mixers (including most countertop models), dough rollers and dough sheeters. This ban covers such machinery wherever used.

HO 12. Power-driven paper-products machines - bans the operation of power-driven paper processing machines including scrap paper balers, paper box compactors, guillotine paper cutters and shears, platen printing presses, and envelope die-cutting presses. The prohibitions concerning balers and compactors extend to equipment that processes other materials in addition to paper, such as trash, foam rubber, metal, food waste, plastic and fabric. Sixteen- and 17-year-olds may load, but not operate or unload, certain balers and compactors under very specific guidelines as specified in federal.

HO 13. Manufacturing of brick, tile and related products - bans most jobs in the manufacture of brick, tile and similar products.

HO 14. Power-driven circular saws, band saws and guillotine shears - bans the operation of various types of power-driven band and circular saws and guillotine shears, no matter what kind of items are being cut by the saws and shears.*

HO 15. Wrecking, demolition, and ship-breaking operations - bans most jobs in wrecking, demolition, and ship-breaking operations, but does not apply to remodeling or repair work which is not extensive.

HO 16. Roofing operations - bans **all** jobs in roofing and related operations including work performed on the ground and removal of the old roof.

HO 17. Trenching and excavation operations - bans most jobs in trenching and excavation work, including working in a trench more than four feet deep.*

* The regulations provide a limited exemption from HOs 5, 8, 10, 12, 14, 16 and 17 for apprentices and student-learners who are at least 16 years of age and enrolled in approved programs. 29 CFR Part 570.50 . The term "operation" as used in HOs 5, 8, 10, 11, 12 and 14 generally includes the tasks of operating, setting up, adjusting, repairing, oiling or cleaning the equipment.

Detrimental Occupations

In addition to the seventeen HOs, the WHA establishes nine Detrimental Occupations that the North Carolina Commissioner of Labor has declared to be detrimental to the health and well-being of all youths under the age of 18. These Detrimental Occupations apply to most employers in North Carolina. The only employers exempt from these Detrimental Occupations are governmental, agricultural, and domestic employers. All other employers operating in North Carolina are subject to these Detrimental Occupations regardless of federal or State coverage. No youth under 18 years of age may be employed by an employer in the following nine Detrimental Occupations:

(1) Welding, brazing and torch cutting as defined in the Occupational Safety and Health Administration (OSHA) General Industry Standards, 29 CFR 1910. 251 through 255 and OSHA Construction Standards, 29 CFR 1926.350 through 354;

OSHA General Industry Standards, 29 CFR 1910. 251 through 255:

OSHA Construction Standards, 29 CFR 1926.350 through 354:

(2) Any processes where quartz or any other form of silicon dioxide or an asbestos silicate is present in powdered form;

(3) Any work involving exposure to lead or any of its compounds in any form;

(4) At any work involving exposure to benzene or any benzene compound which is volatile or which can penetrate the skin;

(5) Occupations in canneries, seafood and poultry processing establishments which involve the use, setting up, adjusting, repairing, or cleaning of cutting or slicing machines, or freezing or packaging activities;

(6) Any work which involves the risk of falling a distance of 10 feet or more, including the use of ladders and scaffolds (includes construction workers and firefighters and other emergency personnel under 18);

(7) Any work as an electrician or electrician's helper [NCDOL position that "electrician's helper" means an employee helping an electrician with live (hot) wires, fuse/breaker boxes, etc. where there is the danger of electrical shock];

(8) Any work in confined spaces as defined by OSHA General Industry Standard, 29 CFR 1910.146 and OSHA Construction Standard, 29 CFR 1926.21;

OSHA General Industry Standard, 29 CFR 1910.146:

OSHA Construction Standard, 29 CFR 1926.21:

(9) Occupations in which the use of a respirator is required by OSHA General Industry Standard, 29 CFR 1910.134 or OSHA Construction Industry Standards, 29 CFR 1926 (includes firefighters and other emergency personnel under 18).

OSHA General Industry Standard, 29 CFR 1910.134:

OSHA Construction Standard, 29 CFR 1926:

NOTE: Youths and employers working under the supervision of bona fide apprenticeship and student learner programs, as defined by the Fair Labor Standards Act (FLSA) and the rules and regulations promulgated thereunder, are exempt from the prohibition against employment of youths in Detrimental Occupations.

HOURS OF WORK AND PERMITTED OCCUPATIONS FOR 14- AND 15-YEAR-OLDS IN NON-AGRICULTURAL EMPLOYMENT

The child labor and youth employment regulations limit the times of day, number of hours, and industries and occupations in which 14- and 15-year-olds may be employed. For details on permitted industries and occupations, please refer to federal.

Hours Standards for 14- and 15-Year-Olds

Child Labor Regulation No. 3, 29 CFR Part 570, Subpart C, (CL Reg 3), and the North Carolina youth employment provisions limit the hours and the times of day that 14- and 15-year-olds may work to:

- outside school hours*;
- no more than 3 hours on a school day (including Friday);
- no more than 8 hours on a nonschool day;
- no more than 18 hours during a week when school is in session
- no more than 40 hours during a week when school is not in session;
- between 7 a.m. and 7 p.m. - except between June 1 and Labor day when the evening hour is extended to 9 p.m.
- Youths under the age of 16 must be given at least a 30 minute break after five consecutive hours of work under the Wage Hour Act.
- School hours are determined by the local public school in the area the minor is residing while employed - this is true even if the minor does not attend the public school (i.e., attends a private school or is home schooled).
- Fourteen- and 15-year-olds may work in most office jobs and retail and food service establishments, but may not work in processing, mining, or in any workroom or workplace where goods are manufactured or processed.
- Fourteen- and 15-year-olds may be employed in food preparation, but they may **not** perform any baking activities and may only perform cooking which involves the use of (1) electric or gas grills that do not entail cooking over an open flame, and (2) deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease as specified in federal.
- Fourteen- and 15-year-olds may be employed in occupations such as bagging groceries, office work, stocking shelves, cashiering.
- Fourteen- and 15-year-olds are also prohibited from working in any of the Hazardous Orders, Detrimental Occupations, or in occupations involving transportation, construction, warehousing, communications and public utilities.
- Fourteen- and 15-year-olds may **not** operate most power-driven machinery, including lawn mowers, lawn trimmers and weed cutters. Such youth may operate most office machines and certain equipment found in food service establishments such as dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders.

**Special Alcoholic Beverage Control (ABC) Restrictions
Under the Wage Hour Act**

Any employer that holds an on-premises ABC permit for the sale or consumption of alcoholic beverages shall not employ any youth:

- Under 16 years of age on the premises for any purpose; except that youths at least 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing, or sale of alcoholic beverages. Parent or guardian signature on work permit is acceptable as written consent.
- Under 18 years of age to prepare, serve, dispense or sell any alcoholic beverages, including beer, wine, and mixed beverages.

HIGHLIGHTS:

- On-premises ABC permit is one that allows the consumption of alcoholic beverages on the premises where the sale occurred.
- Premises is the land, building, or combination of these as described in the on-premise ABC permit.
- To sell means to offer, to accept the order for, to exchange or deliver for money or equivalent, or to handle payment.
- There is a parental exemption that allows youths under 16 who are employed by their parents to work on the premises as long as another person at least 21 years of age is in charge of and present at the licensed premises. Such youths are still prohibited from preparing, serving, dispensing or selling the alcoholic beverages.

Enforcement and Penalties

Investigators of the Wage and Hour Division who are stationed across the U.S. enforce the child labor provisions of the FLSA. As the Secretary of Labor's authorized representatives, they have the authority to conduct investigations and gather data on wages, hours, and other employment conditions or practices, in order to determine compliance with child labor and the other provisions of the FLSA. Violators of the Child Labor provisions may be subject to a civil monetary penalty of up to **\$11,000** for each minor employed in violation. The FLSA prohibits the shipment in interstate commerce of goods that were produced in violation of the Act's minimum wage, overtime, or child labor provisions. The FLSA authorizes the Department of Labor to obtain injunctions to prohibit the movement of such "**hot goods.**" The North Carolina Wage and Hour Bureau has investigators located throughout the State who enforce the youth employment provisions of the WHA and provide technical assistance. As the North Carolina Commissioner of Labor's authorized representatives, they have the authority to conduct investigations and gather data on wages, hours, and other employment conditions or practices, in order to determine compliance with the youth employment provisions and the other provisions of the WHA. Violators of the youth employment provisions may be subject to a civil money penalty of up to **\$250** for each youth employment violation.