

**1999 HOUSE EDUCATION**

**HB 1097**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1097

House Education Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meter #
one	x		39.7-45.2 ✓
Committee Clerk Signature <i>L. J. Wagner</i>			

Minutes:

MARK BACKMEIER, Interim Commissioner of the Department of Labor: See Testimony enclosed with minutes.

REP HANSON: Did this bill go through an interim study.

BACKMEIER: We introduced this bill. We pre filed it. It did not come out of an interim study committee.

ACTION TAKEN: Do Pass Recommendation

MOTION MADE BY: Rep Nottestad

SECOND BY: Rep Haas

VOTE: Yes-14, No- 0 Absent- 1

FLOOR ASSIGNMENT: Rep Brandenburg

Date: 1-6-99  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1097

House Education Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass Recommendation

Motion Made By Nottestad Seconded By Haas

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson					
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Brandenburg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
January 7, 1999 8:00 a.m.

Module No: HR-02-0346  
Carrier: Brandenburg  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1097: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1097 was placed on the  
Eleventh order on the calendar.

**1999 SENATE EDUCATION**

**HB 1097**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1097

Senate Education Committee

Conference Committee

Hearing Date February 9, 1999

Tape Number	Side A	Side B	Meter #
1	x		2553-5209
Committee Clerk Signature <i>Jinda Christman</i>			

Minutes:

Hearing opened on HB1097.

Testimony in Favor: Robin Bosch, Human Relations Manager, ND Dept. of Labor. The intent of the bill is to clarify. Explained the bill. Testimony attached.

SENATOR O'CONNELL : How does federal law read now.

Robin: Federal law does not have an exemption currently for those attending private, parochial or home school. Upgrade.

SENATOR KELSH : Why in the law is a school week from Monday through Sunday. There used to be exemptions for Friday and Saturday.

Robin: My supervisor would have more history as to where the child labor laws have come and what they were in the past.

Testimony in Favor: Ray Gumeringer, ND Labor Dept.

SENATOR KELSH : Seems we had a law that they could work on Friday and Saturday night until 9 PM. As I read this bill it is no longer allowed and considered a school week. 7 PM is the latest they could work.

Ray: Matches federal

SENATOR O'CONNELL : What would happen if all the laws were repealed.

Ray: There would be guidelines or support put in place to protect the minors because first of all their education is important and for their safety.

Discussion followed on labor laws involving farm life and working on a farm. Recommend that should your child work for you, they should be paid minimum wage.

Close hearing on HB1097.

SENATOR FREBORG : Any discussion.

SENATOR COOK : I move a DO PASS.

SENATOR WANZEK : 2ND

Vote 7 Yes 0 No

CARRIER: SENATOR KELSH





REPORT OF STANDING COMMITTEE (410)  
February 9, 1999 11:30 a.m.

Module No: SR-26-2323  
Carrier: Kelsh  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1097: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the  
Fourteenth order on the calendar.

**1999 TESTIMONY**

**HB 1097**

# State of North Dakota



State Capitol  
600 East Boulevard - 6th Floor  
Bismarck, North Dakota 58505

## North Dakota Department of Labor

### Testimony on HB 1097 prepared for the House Education Committee

January 6, 1999

Madam Chair and members of the committee, good morning. My name is Mark Bachmeier and I am the Interim Commissioner at the Department of Labor.

The intent of HB 1097 is simply to clarify the relationship between certain specific provisions of child labor law and compulsory school attendance. Two sections of child labor law allow exemptions from their provisions for minors ages fourteen and fifteen who are exempt from compulsory school attendance. The sections are NDCC 34-07-02, which requires the filing of an Employment and Age Certificate or "work permit" by fourteen and fifteen year olds who become employed, and NDCC 34-07-15, which limits the hours that can be worked by persons fourteen and fifteen on school days and during school weeks.

Currently, NDCC 34-07-02 neither defines, nor refers to a definition of compulsory school attendance and NDCC 34-07-15 refers to exemptions from compulsory school attendance under NDCC 15-34.1. The exemptions under this section are exemptions from "public" school attendance and consequently include exemptions for students enrolled in parochial or private schools or receiving home education.

We do not believe the intent of either NDCC 34-07-02 or 34-07-15 was to exclude these specific groups from their provisions. The remainder of child labor provisions under NDCC 34-07 apply to them, we do not enforce the provisions as if they do not apply, and similar provisions in federal law would apply in nearly all situations, as they would be interpreted to be the more stringent. HB 1097 simply adds language to identify the specific exemptions under NDCC 15-34.1 that apply so that we can avoid potential confusion on this issue.

I ask for your support of HB 1097.

Thank you for your time. I would be pleased to answer any questions you may have.

# State of North Dakota



North Dakota Department of Labor

**Testimony in support of HB 1097  
prepared for the  
Senate Education Committee**

**February 9, 1999**

Mr. Chairman and members of the committee, good morning. For the record, my name is Robin Bosch and I am the Human Relations Manager for the North Dakota Department of Labor.

The intent of HB 1097 is simply to clarify the relationship between certain provisions of child labor law and compulsory school attendance.

Two sections of child labor law allow exemptions from their provisions for students ages fourteen and fifteen who are exempt from compulsory school attendance. The sections are NDCC 34-07-02, which requires the filing of an Employment and Age Certificate or "Work Permit" by fourteen and fifteen year olds who become employed, and NDCC 34-07-15, which defines the maximum hours which can be worked on school days and during school weeks by persons fourteen and fifteen years of age.

Currently, NDCC 34-07-02 neither defines nor refers to any definition of compulsory school attendance, while NDCC 34-07-15 refers to exemptions from compulsory school attendance under NDCC 15-34.1. The exemptions under NDCC 15-34.1 are exemptions from "public" school attendance and consequently include exemptions for children enrolled in parochial or private schools and children receiving home education.

We do not believe the intent of either NDCC 34-07-02 or 34-07-15 was to exclude these specific individuals from their provisions. The remainder of the child labor provisions under NDCC 34-07 apply to these students and similar provisions in federal law also apply in nearly all situations. HB 1097 simply adds language to identify the specific exemptions under NDCC 15-34.1 that are applicable so we may avoid the potential for confusion in this area.

I ask for your support of HB 1097.

Thank you for your time. I would be pleased to answer any questions you may have.

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## Application of the Law

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While state child labor laws extend only to 14-15 year old employees, the U.S. Dept of Labor enforces federal laws which apply to youths age 14-15 and 16-17. Federal laws for 14-15 year old employees supplement state laws, while the laws applying to 16-17 year old employees are separate federal hazardous occupations orders.

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## Types of Work - Federal

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Federal law regarding the types of employment prohibited for 14-15 year old employees mirrors state law (listed on the inside of this brochure), with a few additions.

In addition to state law, the following occupations are prohibited under federal law:

- lawnmowing (except in domestic employment)
  - manufacturing/processing
  - public messenger
  - transportation of persons or property
  - warehousing and storage
  - communications and public utilities
  - freezers/meat coolers
  - loading and unloading goods to and from trucks, railroad cars, or conveyors
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## Federal Hazardous Occupations

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The following occupations are prohibited under the federal child labor laws which apply to 16-17 year olds and may not be performed by anyone under age 18:

- 1 Manufacturing and storing explosives.
- 2 Motor-vehicle driving and outside helper (limited exception for age 17).
- 3 Coal mining.
- 4 Logging and sawmilling
- 5 Power-driven woodworking machines.
- 6 Exposure to radioactive substances.
- 7 Power-driven hoisting apparatus.
- 8 Power-driven metal forming, punching, and shearing machines.
- 9 Mining, other than coal mining.
- 10 Slaughtering, or meat-packing, processing, or rendering.
- 11 Power-driven bakery machines.

- 12 Power-driven paper mills machines.
- 13 Manufacturing of brick, tile, and kindred products.
- 14 Power-driven circular saws, band saws, and guillotine shears.
- 15 Wrecking, demolition, and ship-breaking operations.
- 16 Roofing operations.
- 17 Excavation operations.

For further information on these restrictions, contact the U.S. Department of Labor.

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## Highest Standard of the Law

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When applying child labor laws in each employment situation, employers must follow the highest standard of the law taking into consideration both state and federal regulations.

For example, if state law allows a certain occupation or job duty, but federal law does not, the federal law would apply as the highest standard and the occupation or job duty would not be permitted. This situation can also be reversed to where the state law is the highest standard in a given situation.

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*Unless otherwise noted, state laws regarding child labor can be found in NDCC Chp 34 and NDAC Title 46. Federal laws related to child labor are contained in the Fair Labor Standards Act (Child Labor Bulletin No. 101).*

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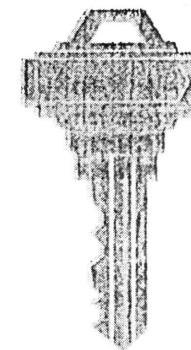
Have Additional Questions?  
Need more information?  
Contact us at:

**ND Department of Labor**  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone - (701)328-2660 or 1-800-582-8032  
Fax - (701)328-2031  
E-Mail - labor@pioneer.state.nd.us  
Website - www.state.nd.us/labor

**U.S. Department of Labor**  
Bismarck, ND - (701)250-4320  
Fargo, ND - (701)239-5229  
Denver, CO - (303)844-4405

# Youth Employment in North Dakota

## State & Federal Laws & Regulations



*Youth — the key to our future.*

**North Dakota  
Department of Labor**

**U.S. Department of Labor**

## Age of .ment

To be employed in North Dakota, an individual must be at least 14 years of age, unless he/she meets one of the following exemptions:

- works as an independent business person
- works for his/her parent, grandparent, or legal guardian
- works on a farm (doing agricultural work)
- works in domestic service (this refers to services of a household nature performed in or about the private home of the employer)

## Working Hours

Under state and federal laws, youths age 14 & 15 may work:

### Permitted Working Hours\* -

Labor Day - May 31st:  
7:00 a.m. - 7:00 p.m.  
June 1st to Labor Day:  
7:00 am. - 9:00 p.m.

### Maximum hours per day -

3 per school day  
8 per non-school day

### Maximum hours per week -

18 per school week\*\*  
40 per non-school week

\* Youths age 14-15 may not work during school hours.

\*\* A school week is any week in which school attendance is required for any period of time for four or more days.

There are no state or federal restrictions on the working hours of 16 & 17 year old employees.

## Employment & Age Certificate

All 14 & 15 year old employees in ND are required to file an Employment & Age (E&A) Certificate (also called a work permit).

The E&A certificate has sections for the youth, parent, and employer to complete.

The ND Department

is responsible to protect the safety and welfare of ND's teen workforce through the enforcement of youth employment laws. Together with the U.S. Department of Labor, it is our aim to provide safe, quality employment opportunities for our youth — the key to our future.

Once completed, copies are to be distributed to the employer, the school principal, and the ND Dept. of Labor.

A separate E&A certificate must be completed for each job held through ages 14-15. E&A certificates are available through the ND Dept. of Labor, Job Service offices, and County School Superintendents' offices.

## Wages

The minimum wage in ND is \$5.15 per hour. Employees are entitled to compensation for all hours worked including preparation time, closing time, and any required meetings or training. North Dakota does not have a training wage. The minimum wage applies to all employees, regardless of age.

Babysitting - Babysitting, in domestic service, for less than 20 hrs/week is exempt employment to which minimum wage does not apply. Babysitting for more than 20 hrs/wk for 3 or more consecutive weeks is considered to be employment and is subject to minimum wage.

## Types of Work - State

State law prohibits 14 and 15 year old employees from working in the following:

- 1 Employment involving the use of any power-driven machinery. Permitted exceptions: a) office machines such as adding machines or typewriters; b) tagging, pricing, or similar machines used in retail stores; c) domestic-type machines used in food service such as toasters, coffee grinders, blenders; d) machines used in service stations such as those in connection with car cleaning, washing, or polishing, or in the dispensing of gas or oil (provided that no work involves the use of pits, racks, or lifting apparatus

or the inflation of any tire mounted on a rim equipped with a removable retaining ring); e) lawnmowers.

- 2 Construction work other than cleaning, errand-running, moving, stacking, loading, or unloading materials by hand.
- 3 Lumbering or logging operations.
- 4 Sawmills or planing mills.
- 5 The manufacture, disposition, or use of explosives.
- 6 The operation of any steam boiler, steam machinery, or steam generating apparatus.
- 7 The operation or assisting in the operation of laundry machinery.
- 8 Preparing any composition in which dangerous or poisonous acids are used.
- 9 The manufacture of paints, colors, or white lead.
- 10 Operating or assisting in the operation of passenger or freight elevators.
- 11 Work in a mine or quarry.
- 12 The manufacture of goods for immoral purposes.
- 13 Any other employment not herein specifically enumerated that may be considered dangerous to life or limb or in which health may be injured or morals depraved.
- 14 Occupations which involve working on an elevated surface, with or without the use of safety equipment, including ladders and scaffolds in which the work is performed higher than six feet off of the ground.
- 15 Security positions or occupations that require the use of a firearm or other weapon.
- 16 Door-to-door sales of any kind.
- 17 Occupations involving the loading, handling, mixing, applying, or working around or near any fertilizers, herbicides, fungicides, pesticides, insecticides, or any other chemicals, toxins, or heavy metals.
- 18 Occupations in or in connection with medical or other dangerous wastes.
- 19 Occupations which involve the handling or storage of blood, blood products, body fluids, and body tissues.
- 20 Cooking, baking, grilling, or frying.



**EMPLOYMENT AND AGE CERTIFICATE - MINORS**  
 NORTH DAKOTA DEPARTMENT OF LABOR  
 SFN 4598 (Rev. 07-98)

**COPY**

**ALL BLANKS MUST BE COMPLETED**

**Please Type or Print Firmly**

Social Security Number		County		Date	
Name of Minor				Grade Completed	
Address of Minor			City	State	Zip Code
Age _____ Years _____ Months	Date of Birth		Telephone Number		
Signature of Minor			Date Signed		

<b>CERTIFICATE FOR EMPLOYMENT OF MINOR:</b>					
Name of Minor's Employer					
Address of Employer			City	State	Zip Code
Type of Industry				Telephone Number	
Duties/Occupation of Minor				Rate of Pay	
Type of Evidence of Age Accepted: <input type="checkbox"/> School Records <input type="checkbox"/> Birth Certificate <input type="checkbox"/> Other (Explain)					
I certify that I have examined, approved, and filed the evidence of age and promise of employment for this minor.					
Signature of Employer				Date Signed	

Name of Parent			Telephone Number		
Address of Parent			City	State	Zip Code
I certify that I am the parent or legal guardian of this minor and approve of the employment of this minor.					
Signature of Parent			Date Signed		

**EMPLOYER:** Keep certificate on file while minor is in your employ.

**NDCC 34-07-15.** Maximum hours of labor of minors fourteen or fifteen years of age - Notice to be posted. No minor fourteen or fifteen years of age may be employed or permitted to work at any occupation, except in domestic services and at farm labor, before the hour of seven a.m. nor after the hour of seven p.m., except that these hours are seven a.m. to nine p.m. from June first through Labor Day, nor more than eighteen hours during school weeks, nor more than three hours on school days, nor more than forty hours during nonschool weeks, nor more than eight hours on nonschool days. A school week is considered to be any week Monday through Sunday in which a youth is required to be in attendance, for any period of time, four or more days. Provided, however, that the limitations restricting hours of work during school weeks and school days do not apply to minors who are not attending school because they are excepted from compulsory school attendance by the provisions of **chapter 15-34.1**. Every employer shall post in a conspicuous place where minors are employed, a printed notice stating the hours of work required of the minors each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or other meals. The printed form of the notice must be furnished by the Commissioner of Labor. The employment of any minor for a longer period than that stated in the notice is a violation of this chapter.

**DISTRIBUTION:**

- Blue/Yellow North Dakota Department of Labor, State Capitol, 600 E Blvd Ave, Dept 406, Bismarck ND 58505-0340  
(701) 328-2660, Toll Free 1-800-582-8032  
Email Address: labor@pioneer.state.nd.us Website Address: http://www.tradecorridor.com/ndlabor/
- Pink Principal of school minor attends or a principal in the municipality which minor resides
- Gold Employer