

## **EMPLOYMENT OF MINORS**

### **EMPLOYMENT OF MINORS UNDER 14 YEARS OF AGE**

Except as provided in §§ 32-206 and 32-207, no minor under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia, in, about, or in connection with any gainful occupation, with the exemption of housework performed outside of school hours in the home of the minor's parent or legal guardian or agricultural work performed outside of school hours in connection with the minor's own home and directly for the minor's parent or legal guardian; provided, that minors 10 years of age and over may be employed outside of school hours in the distribution or sale of newspapers, subject to the provisions of § 32-215 to 32-221.

### **EMPLOYMENT OF MINORS UNDER 18 YEARS OF AGE**

Except as provided in § 32-206, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except in agricultural work, or housework, or in the distribution or sale of newspapers, as prescribed in § 32-201, and except in newspaper stuffing, subject to the provisions of § 32-215, more than 6 consecutive days in any 1 week, or more than 48 hours in any 1 week, or more than 8 hours in any 1 day, nor shall any minor 16 or 17 years of age be employed, permitted, or suffered to work before 6:00 a.m. or after 10:00 p.m. of any day; nor shall any minor under 16 years of age be employed, permitted, or suffered to work before 7:00 a.m. or after 7:00 p.m. of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be 9:00. Every employer shall post and keep conspicuously posted in the establishment, in or about which any minor is employed, permitted, or suffered to work, a printed notice, furnished by the official authorized to enforce this subchapter, setting forth the legal regulations governing the employment and hours of work of minors and occupations prohibited to minors in such establishments, and, in addition, shall keep accessible in the place of employment a list of minors under 18 employed, permitted, or suffered to work, and an accurate time record showing the hours of beginning and ending work each day. **The presence of any such minor in the place of work for a longer time in the day or week than stated in the printed regulation hours shall be prima facie evidence of a violation of the provisions of this section.**

### **EMPLOYMENT DANGEROUS OR PREJUDICIAL TO LIFE PROHIBITED**

No minor shall be employed, permitted, or suffered to work in any place of employment, or at any employment, dangerous or prejudicial to the life, health, safety, or welfare of such minor. **It shall be the duty of the Board of Education of the District of Columbia and the said board shall have the power, jurisdiction and authority, after hearing duly held, to issue general or special orders prohibiting the employment of such minors in any employment or at any place of employment dangerous or prejudicial to the life, health, safety, or welfare of such minors; provided, that no such order shall permit the employment of any minor at any employment specified in § 32-204 through 32-206 at a lower age than the age therein specified; provided further, that no hearing shall be necessary for the issuance of an order prohibiting employment in any occupation found by the Secretary of Labor under the authority of the Fair Labor Standards Act to be particularly hazardous for minors under 18 years of age or detrimental to their health and well-being.**

## **EMPLOYMENT OF MINORS UNDER 16 YEARS OF AGE IN CERTAIN OCCUPATIONS PROHIBITED**

(a) No minor under 16 years of age shall be employed, permitted, or suffered to work at any of the following occupations:

- (1) In the operation of any machinery operated by power other than hand or foot power; or
- (2) In oiling, wiping, or cleaning machinery or assisting therein.

(b) This section does not apply to any duly approved vocational education program or training under the auspices of the Board of Education or the Trustees of the University.

## **EMPLOYMENT OF MINORS UNDER 18 YEARS OF AGE IN CERTAIN OCCUPATIONS PROHIBITED**

No minor under 18 years of age shall be employed, permitted, or suffered to work at operating any freight or nonautomatic elevator, or in any quarry, tunnel, or excavation.

## **THEATRICAL PERMITS FOR MINORS UNDER 18 YEARS OF AGE FOR PERFORMANCES AND PROFESSIONAL SPORTS ACTIVITIES**

(a) The Board of Education may issue a theatrical employment permit to a minor under 18 years of age permitting the minor to:

- (1) Perform on the stage of a licensed theatre within the District of Columbia in a professional theatrical production;
- (2) Perform in a musical or dance recital or concert;
- (3) Participate in a radio or television program;
- (4) Participate in a motion picture;
- (5) Appear as a fashion model; or
- (6) Participate in a professional sports activity or circus.

(b) An application for a theatrical permit shall be made by the parent or guardian, and by the agent if applicable, of the minor to the Board of Education. **The Board of Education may issue a theatrical employment permit if the Board is satisfied that adequate provisions have been made for the educational instruction of the minor, for safeguarding the minor's health, and for the proper supervision of the minor. The Board of Education may require the employer to provide the necessary resources to satisfy the requirements of this subsection.**

(c) A minor shall not appear in more than 2 live performances in 1 day or more than 8 live performances in 1 week. A minor shall not appear in a live performance, or otherwise be required to work, before 7:00 a.m. or after 11:30 p.m. A licensed practical nurse with substantial pediatric experience, or a registered nurse who is a pediatric nurse practitioner, shall be provided for each 3 or fewer infants under the age of 30 months.

(d) A theatrical employment permit shall limit the time during which a minor 7 years of age or younger is permitted at the place of employment within a 24 hour period according to age as follows:

- (1) An infant under the age of 6 months may be permitted to remain at a place of employment for a maximum of 2 hours, which shall consist of not more than 20 minutes of work.

- (2) A minor between the ages of 6 months and 30 months may be permitted at the place of employment for a maximum of 4 hours, which shall consist of not more than 2 hours of work, with the balance of the 4 hour period being rest or recreation.
- (3) A minor between the ages of 30 months and 7 years may be permitted at the place of employment for a maximum of 6 hours, which shall consist of not more than 3 hours of work, with the balance of the 6-hour period being rest, recreation, or education.

(e) For the purposes of this section, the term "theatrical employment permit" means an authorization to perform or appear in any of the activities listed in subsection (a) of this section for monetary remuneration, a gift, or other form of valuable consideration.

### **WORK OR VACATION PERMIT--PROCUREMENT BY EMPLOYER**

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except in agricultural work or housework as specified in § 32-201, unless the employer procures and keeps on file and accessible to any attendance officer, inspector or other person authorized to enforce this subchapter a work or vacation permit issued as hereinafter prescribed, except that minors under 18 years of age may be employed without a permit outside of school hours in irregular or casual work usual to the home of the employer; provided, that such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer; and provided further, that such employment shall not be specifically prohibited by any provision of this subchapter or by any order issued under the authority of §32-203.

### **WORK OR VACATION PERMIT**

The work or vacation permit required by this subchapter shall be issued by the Board of Education and shall state the name, sex, date, and place of birth, and place of residence of the minor, the grade last completed by said minor, and the kind of evidence of age accepted, and such other details as may be necessary for the identification of the minor. It shall certify that all the requirements for issuing a work or vacation permit under the provisions of this subchapter have been fulfilled and shall be signed by the person issuing it. It shall state the name and address of the employer for whom and the nature of the specific occupation in which the work permit authorizes the minor to be employed, and no permit shall be valid except for the employer so named and for the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the minor for whom it is issued in the presence of the person issuing it, and shall be mailed or delivered to the employer. The Board shall maintain an office record for each applicant containing the minor's name, sex, date and place of birth; evidence of age, residence, name and address of the employer; and nature of the specific occupation in which the minor is employed; the grade and school last attended by the minor; the employer's statement of intention to employ; and the parent's, guardian's, or custodian's written consent if such written consent is required.

### **WORK OR VACATION PERMIT--APPLICATION REQUIREMENTS**

The Board of Education shall issue a work or vacation permit only upon application in person of the minor desiring employment, and upon submission to and approval by the Board of the following:

- (1) A statement signed by the prospective employer or the employer's authorized agent,

stating that the employer expects to give such minor present employment, setting forth the specific nature of the occupation in which such minor will be employed, and the number of hours per day and of days per week which said minor will be employed;

- (2) Evidence of age as provided in §32-210;
- (3) Written consent of the parent, guardian, or custodian, if the minor is under 16 years of age, specifying permission for employment of such minor; provided, that if such minor is withdrawing from school for purposes of employment, the parent, guardian or custodian must appear in person before the issuing officer and sign the consent form;
- (4) A school record, if the minor is under 16 years of age and is withdrawing from school for purposes of employment, signed by the principal of the public, private or parochial school last attended by the minor, or by a person duly authorized by said principal. The school record shall certify that the minor has completed the 8<sup>th</sup> grade or the equivalent thereof in a public school, or has regularly received, in a private or parochial school, instruction deemed equivalent by the Board of Education to that prescribed for the completion of the 8<sup>th</sup> grade in the public school of the District of Columbia. The school record shall contain also the full name, date of birth, grade last completed, and residence of the minor as shown on the records of the school; and
- (5) A certificate, if the person is less than 16 years of age, of physical fitness for the employment specified in the statement submitted in accordance with paragraph (1) of this section. Such certificate shall be signed by a licensed physician.

## **EVIDENCE OF AGE**

The evidence of age required by this subchapter shall consist of 1 of the following proofs of age, which shall be required in the order herein designated:

- (1) A birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births;
- (2) A record of age as given in the records of the school first attended by the minor, if obtainable, or in the earliest available school census;
- (3) A baptismal record or duly certified transcript thereof showing the date of birth and place of baptism of the minor; or
- (4) A bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or other documentary evidence satisfactory to the Board of Education, such as a passport showing the age of the minor, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the minor, or a life insurance policy.

## **VACATION PERMITS**

The Board of Education shall have authority to issue a vacation permit to a minor between the age of 14 and 16 years, permitting employment during the regular summer vacation period of the public schools, or during the school term at such time as the public schools are not in session, if the age of such minor has been proved according to § 32-210, and such minor has in all other respects, except as to completion of the 8th grade, fulfilled the requirements for a work permit specified in this

subchapter. These permits shall be different in color from the work permit allowing employment while school is in session and shall state the periods during which its use is valid.

## **EMPLOYER TO FURNISH, ON DEMAND, PROOF OF AGE OF EMPLOYEE**

Whenever any person authorized to enforce this subchapter shall have reason to doubt that any minor employed in any occupation for which a permit is required by this subchapter, and for whom a work permit or vacation permit is not on file, has reached the age of 18 years, such person may make demand on such minor's employer that such employer shall either furnish him within 10 days the evidence required for a work permit showing that the minor is in fact 18 years of age, or shall refuse to employ or permit or suffer such minor to work. In case such evidence is not furnished to such person within 10 days after such demand, the employer shall not thereafter continue to employ such minor or permit or suffer such minor to work in such establishment. Proof of the making of such demand and of failure to deliver such proof of age shall be *prima facie* evidence, in any prosecution brought for violation of this subchapter, that such minor is under 18 years of age and is unlawfully employed.

## **PENALTIES**

- (a) A person commits an offense under this subchapter if that person:
  - (1) Employs a minor or permits a minor to work in violation of this subchapter, of any regulation promulgated by the Board of Education pursuant to § 32-224, or of any order issued under the provisions of § 32-203; or
  - (2) Interferes with the Board of Education, its officers or agents, or any other person authorized by the District to inspect places of employment of minors.
- (b) A person convicted of a 1st offense under this section shall be fined not less than \$1,000 nor more than \$3,000, or imprisoned not less than 10 days nor more than 30 days, or both. A person convicted of a 2nd or subsequent offense under this section shall be fined not less than \$3,000 nor more than \$5,000, or imprisoned not less than 30 days nor more than 90 days, or both. Each day during which a violation of this subchapter occurs shall constitute a separate offense.

## **BOARD OF EDUCATION TO ENFORCE LAW**

It shall be the duty of the Board of Education to cause all the provisions of this subchapter to be enforced, to make complaints against persons violating its provisions, and to prosecute violations of the same. The Board of Education, its inspectors, and agents are empowered and instructed to visit and inspect at any time, and as often as shall be necessary in order effectively to enforce the provisions of this subchapter, all places where minors are employed, and shall have authority to enter any place or establishment covered by the terms of this subchapter, and to have access to work or vacation permits kept on file by the employer and such other records as may aid in the enforcement of this subchapter.

## **LIMITATIONS ON EMPLOYMENT**

No minor under 16 years of age shall be employed in the stuffing of newspapers, nor shall the work of any minor 16 or 17 employed stuffing newspapers exceed 40 hours in any 1 week, nor shall such minor be employed on more than 1 night in any week. No minor under 12 years of age shall distribute, sell, expose, or offer for sale any newspapers, magazines, periodicals, or any other articles or merchandise of any description, or distribute handbills or circulars, except political literature as specified below, in any street or public place, or exercise the trade of bootblack or any other trade, in any street or public place; provided, that the provisions of this subchapter shall not apply to minors 10 years of age and over engaged in the distribution of newspapers, magazines, or periodicals on

fixed routes; provided further, that no minor under 16 years of age shall be employed or permitted or suffered to work at any of the trades or occupations mentioned in this section, in any street or public place, after 7:00 p.m. or before 6:00 a.m., or, unless holding a work permit issued in accordance with the provisions of this subchapter, during the hours when such minor's school is in session. Nothing in this section shall be construed a prohibiting the distribution or circulation, by a minor, of political literature or petitions, or such other materials, for which the minor receives no pecuniary compensation.

### **STREET-TRADES BADGES--REQUIRED**

No minor under 16 years of age shall work at any time, or be employed or permitted or suffered to work at any time, in any of the trades or occupations mentioned in § 32-215, unless such minor shall have procured and shall wear in plain sight while so working a badge as hereinafter provided, issued by the Board of Education, and unless the minor complies with all the legal requirements concerning school attendance.

### **STREET-TRADES BADGES--APPLICATION REQUIREMENTS**

The Board of Education shall issue a street-trades badge only upon the application of the minor desiring it, with the written consent of the parent, guardian, or custodian of such minor, and upon proof that the minor is of the age required by §32-215, which shall consist of the same evidence as is required for a work permit under this subchapter. A work permit issued as required by this subchapter may be accepted in lieu of any other requirements of said badge.

### **STREET-TRADES BADGES--CONTENTS**

Such badge shall bear a number, and every such badge on its reverse side shall be signed in the presence of the officer issuing the same by the minor in whose name it is issued and shall contain the minor's name, address and date of birth and such other information as the officer issuing the same shall deem necessary. A complete record of badges issued and refused, and of the facts relating thereto, including the name and address of the parent, guardian or custodian, the day, year, and month of birth of the minor, the date of issuance and kind of evidence of age accepted, and school grade and name of school attended, shall be kept by the Board of Education. No minor to whom such badge is issued shall give, lend, sell, or otherwise transfer it to any other person, or be engaged in any of the trades or occupations mentioned in §32-215 without wearing such badge, and such minor shall exhibit the same upon demand to any police or attendance officer, or to any person charged with the duty of enforcing this subchapter.

### **VIOLATION OF §§ 32-215 TO 32-221**

The Board of Education shall order any minor found to be engaged in any of the trades or occupations mentioned in § 32-215, in violation of any of the provisions of §§ 32-215 through 32-221, to cease and desist from engaging in such trade or occupation, and the parent, guardian, or custodian of such minor shall be notified by the Board of its order. The Board of Education may also revoke the badge or work permit of any minor who violates any provision of this subchapter, or who fails to comply with all legal requirements concerning school attendance for such period as the Board may require. Upon revocation, the Board shall so notify the parent, guardian, or custodian to surrender or require said minor to surrender said badge or work permit to the Board. After notice to the minor and the parent, guardian, or custodian of the revocation of such badge or work permit, said minor shall be deemed to be in the same status as a minor without a badge. The refusal of any such minor to surrender the badge upon such revocation shall be deemed a violation of this subchapter.

### **PERSONS SELLING MERCHANDISE TO MINOR FOR RESALE OR DISTRIBUTION TO**

## **ASCERTAIN THAT MINOR WEARS BADGE**

Any person who either personally or as agent of any other person, or of any firm, corporation, or company, furnishes or sells or offers for sale to any minor under 16 any article of any description to be used for the purpose of sale or distribution in any public place shall first ascertain that said minor wears the badge issued by the Board of Education in plain sight as herein provided, and if said minor has no badge, no article shall be furnished or sold to the minor. Any person who fails to comply with the foregoing provision, or who furnishes or sells or offers for sale to any minor any article of any description, with the knowledge that the minor intends to sell or distribute such article in violation of any provision of this subchapter, or after having received written notice from any officer charged with the enforcement of this subchapter that such minor is selling such article in violation of any provision of this subchapter, or any person who procures any minor to violate any provision of this subchapter shall for a 1<sup>st</sup> offense be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than 10 nor more than 30 days, or by both such fine and imprisonment, and for any subsequent offense shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not less than 30 nor more than 90 days, or by both such fine and imprisonment. Whoever, having under control or custody any minor, permits or consent to the violation by such minor of any of the provisions of § 32-215 to 32-220 shall for a 1<sup>st</sup> offense be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment of not less than 5 nor more than 30 days, or by both such fine and imprisonment, and for any subsequent offense shall be punished by a fine of not less than \$10 nor more than \$200, or by imprisonment for not less than 10 nor more than 60 days, or by both such fine and imprisonment. Nothing in this section shall be construed as prohibiting the distribution or circulation, by a minor, of political literature or petitions, or such other materials, for which the minor receives no pecuniary compensation.

## **LOITERING AROUND BUSINESS ESTABLISHMENTS PROHIBITED DURING SCHOOL HOURS; PENALTY**

No owner or employee of a business establishment shall permit a minor under the age of 16, having reasonable grounds to believe that such minor is a truant or unlawfully absent from school, to loiter on the premises of such business establishment during those hours when school is in session. Any person violating the provisions of this section may be fined not less than \$25 nor more than \$300, or may be imprisoned for not less than 10 days or longer than 30 days.

## **PROSECUTIONS**

Prosecutions for violations of any of the provisions of this subchapter, or of any regulation made by the Board of Education under authority of this subchapter, shall be on information filed in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any assistants.

## **SEVERABILITY**

If any provision of this subchapter or the application of such provision to certain circumstances be held invalid, the remainder of this subchapter and the application of such provision to circumstances other than those as to which it is held invalid shall not be affected thereby.

## **BOARD OF EDUCATION AUTHORIZED TO ENFORCE SUBCHAPTER**

The Board of Education of the District of Columbia is hereby empowered to carry out and enforce the provisions of this subchapter, and is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this subchapter. The Board of Education is further authorized to delegate the performance of any of its functions and duties under this subchapter to any officer, agent, or department of the Board, and to appoint such number of child labor inspectors or other

employees as may be necessary to carry out the provisions of this subchapter.