

Adding Minors to Your Summer Workforce? Be Mindful of Youth Employment Laws!

Public entities are long-time supporters of youth employment opportunities. Particularly during summer months, the use of minors in the workforce increases, most significantly in park- and recreation-related activities. Minors benefit by gaining useful work experience, and public entities benefit from the channeling of youthful energy into productive endeavors.

To reduce risks, however, public entities should be mindful of the federal and state laws governing work by minors. This article introduces the legal framework of the laws governing youth employment and provides links to additional information on applicable youth labor requirements.

FEDERAL FAIR LABOR STANDARDS ACT & COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT

General Framework: The FLSA and YEA use similar approaches. For example, the YEA focuses on permissible occupations at various age levels and includes a list of hazardous occupations that are generally prohibited for any minor. The FLSA regulations similarly set minimum age standards for certain work activities and, via Hazardous Occupations Orders, ban all minors from certain occupations. Generally, both laws severely restrict the types of work that minors under 16 may perform and allow for broader work activities by minors 16-18, but prohibit all minors from particularly hazardous activities (such as operating heavy machinery, working with most power-driven tools, and many others).

Despite their similar approaches, the FLSA and YEA use different verbiage and have different standards in some areas, which can sometimes make the two difficult to reconcile. Importantly, however, when both federal and state laws apply the more stringent standard must be followed. As one example to illustrate this principle, the YEA states operation of a motor vehicle is permissible for minors 16 years of age and older; however, the FLSA essentially prohibits driving by persons under 17 and has strict rules for driving by any 17-year-old. Thus, work-related driving by minors should be avoided altogether, or strictly controlled and supervised to ensure compliance with more stringent FLSA standards. In short, for any proposed work by a minor, each law must be closely reviewed to ensure the more restrictive standard is identified and followed.

Resources: Fact sheets on the FLSA and YEA can be found [here \(FLSA\)](#) and [here \(YEA\)](#). Additional resources are available on the child labor and youth law sections of the federal Department of Labor, Wage and Hour Division [website](#), and the Colorado Department of Labor and Employment (CDLE) [website](#). Each website includes links to applicable laws and regulations. Helpful information on employment of minors as lifeguards can be found in this FLSA [Fact Sheet #60](#).

While a fuller discussion of federal and state child labor laws is beyond the scope of this article, CIRSA members may also obtain a more detailed CIRSA memorandum entitled "Overview of Federal and State Child Labor Laws". For a copy, contact CIRSA's Deputy Executive Director/General Counsel Sam Light at saml@cirsa.org.

Hours Worked by Minors: In addition to meeting minimum age requirements and removing minors from prohibited and particularly hazardous tasks and occupations, employers must be mindful of the FLSA and YEA limits on minors' work hours. Minors 16 years of age and older may generally work up to eight hours a day and forty hours a week. Minors under 16 have additional restrictions on their hours of work and may only work between the hours of 7:00 a.m. and 7:00 p.m. (except that from June 1 to Labor Day work may extend to 9:00 p.m.).

Enforcement & Remedies: The FLSA and YEA each have their own enforcement provisions and remedies for violations that can be pursued separately by federal and state enforcement officials. As such, a single act may give rise to violations of each law. For FLSA violations, the U.S. DOJ may impose civil penalties of up to \$11,000 per offense, and higher amounts (and potential criminal sanctions) for willful violations. By contrast, violations of YEA are misdemeanors and upon conviction for a knowing violation are subject to a fine of up to \$100 for a first offense and up to \$500 for any subsequent offenses.

All minor employees are also subject to the rights and remedies of the Workers' Compensation Act of Colorado (Act). Therefore, if a minor employee is injured on the job, whether lawfully engaged or not, they are entitled to the benefits and protections of the Act. In addition, [House Bill 23-1196](#), passed during the 2023 Legislative session, clarifies that benefits under Act are not the only remedy available if a minor is injured while engaging in work or working during hours prohibited under the YEA. In these situations, claimants may pursue tort claims such as negligent supervision which, for public entities, may not be barred by governmental immunity if the YEA violation is willful and wanton.

Concluding Thoughts. The employment of minors in your public entity can present great opportunities for your organization and youth in your community. However, the work performed and hours worked by minors must be carefully selected, supervised, and controlled to ensure compliance with federal and state laws and further the safety of your workforce. CIRSA members are encouraged to consult with their human resources, legal, and safety teams to ensure their youth employment programs comply with applicable laws and incorporate appropriate safety practices.

If you have questions or would like additional CIRSA assistance regarding the topics addressed in this article, contact CIRSA's Deputy Executive Director/General Counsel Sam Light at saml@cirsa.org.