U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

U.S. Wage and Hour Division

(November 2007)

Fact Sheet #38: Employing Youth in Grocery Stores under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the federal youth employment provisions to grocery stores and supermarkets that employ workers under 18 years of age. For detailed information about the federal provisions, see Regulations, 29 CFR Part 570 located at http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/toc.htm.

The Department of Labor is committed to helping young workers find positive appropriate and safe employment experiences. The youth employment provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults. For information about these requirements in the grocery store and supermarket industry, please see Fact Sheet 6 in this series, The Retail Industry under the Fair Labor Standards Act, located at http://www.dol.gov/esa/regs/compliance/whd/whdfs6.htm.

All states have their own youth employment provisions. When federal and state laws differ, the higher standard applies.

Minimum Age Standards for Employment

The FLSA and the youth employment regulations, issued at 29 CFR Part 570, establish both hours and occupational standards for youth. Youth 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.

18 Years of Age

Once a youth reaches 18 years of age, he or she is no longer subject to the federal youth employment provisions.

16 & 17 Years of Age

Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor. Examples of equipment declared hazardous in grocery stores include power-driven meat processing machines (meat slicers, saws, patty forming machines, grinders, or choppers), forklifts, commercial mixers and certain power-driven bakery machines. Employees under 18 are not permitted to operate, feed, set-up, adjust, repair, or clean such machines.

Generally, no employee under 18 years of age may operate a forklift, drive a motor vehicle on a public road as part of his or her employment, or serve as an outside helper on a motor vehicle on a public road. Seventeen-year-olds who meet certain specific requirements, however, may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job. Such minors are, however, prohibited from making time sensitive deliveries (such as deliveries of catered food or other trips where time is of essence) and from driving at night. (*See Fact Sheet 34, Hazardous Occupation Order No.2. Youth Employment Provisions and the Driving of Automobiles and Trucks under the FLSA.)*

Minors under 18 years of age may not operate or unload scrap paper balers or paper box compactors. Sixteen- and 17-year-olds may load such machines under certain specific circumstances. (*See Fact Sheet #57, in this series Hazardous Occupations Order No. 12. Rules for Employing Youth and the Loading of Power-Driven Balers and Compactors under the FLSA.)*

14 & 15 Years of Age

Fourteen- and 15- year-olds may be employed in grocery stores and supermarkets outside school hours in a variety of jobs for limited periods of time and under specified conditions.

Hours Standards for 14- and 15-Year-Olds	**Occupations Standards for 14- and 15-Year-Olds**
Child Labor Regulation No. 3, 29 CFR Part 570, Subpart C, limits the hours and the times of day that 14- and 15-year-olds may work: • outside school hours; • no more than 3 hours on a school day, including Fridays; • 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.	**Fourteen- and 15-year-olds may work in grocery stores and supermarkets, but only in certain jobs.** • They may perform cashiering, shelf stocking, and the bagging and carrying out of customer orders. • They may perform clean up work, including the use of vacuum cleaners and floor waxers. • They may perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook with deep fryers that are equipped with and utilize devices that automatically raise and lower the "baskets" into and out of the hot grease of oil. They may not operate NIECO broilers, rotisseries, pressure cookers or fryolators. • They may not perform any baking. • They may not operate, clean, set-up, adjust, repair or oil power-driven machines including food slicers, processors, or mixers. • They may clean kitchen surfaces and non-power-driven equipment, and filter, transport and dispose of cooking oil, but only when the temperature of the surfaces and oils do not exceed 100ºF. • They may not operate power-driven lawn mowers or cutters or work in freezers or meat coolers.

	• They may not work in warehousing or load or unload goods to or from trucks or conveyors. • They are prohibited from working in any of the Hazardous Orders (discussed above for 16- and 17-year-olds).

Under 14 Years of Age

Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA, including grocery stores and supermarkets. Permissible employment for such children is limited to work that is exempt from the FLSA (such as delivering newspapers to the consumer and acting). Children may also perform work not covered by the FLSA such as completing minor chores around private homes or casual baby-sitting.

Work Experience and Career Exploration Program (WECEP)

WECEP is a program designed to provide a carefully planned work experience and career exploration program for 14- and 15-year-old youths who can benefit from a career oriented educational program designed to meet the participants' needs, interests and abilities. The program is aimed at helping youths to become reoriented and motivated toward education and to prepare them for the world of work.

State Departments of Education are granted approval to operate a WECEP by the Administrator of the Wage and Hour Division for a 2-year period. Certain provisions of youth employment provisions are modified for 14- and 15-year-old participants during the school term.

- They may work during school hours.
- They may work up to 3 hours on a school day; and as many as 23 hours in a school week.
- They also may work in some occupations that would otherwise be prohibited under a variance issued by the Administrator, but they may not work in manufacturing, mining or any of the 17 Hazardous Occupations.

Individual employers may partner with participating local school districts in those states authorized to operate WECEPs.

Where to Obtain Additional Information

For more information on youth employment laws, visit the YouthRules! Web site at www.youthrules.dol.gov or call toll-free 1-866-4US-WAGE (1-866-487-9243). For additional information on the Fair Labor Standards Act, visit the Wage and Hour Division Web site: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us