



# Employment of Minors

Informational Booklet

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## **Mission**

The Louisiana Workforce Commission will be an indispensable provider of workforce solutions.

## **Reference**

LOUISIANA REVISED STATUTES, TITLE 23  
CHAPTER 3, EMPLOYMENT STANDARDS AND CONDITIONS  
PART I. MINORS  
Revised August 15, 2004

LOUISIANA ADMINISTRATIVE CODE, TITLE 40, LABOR AND EMPLOYMENT,  
PART VII REGULATION OF CONDITIONS UNDER WHICH MINOR LABOR MAY BE USED  
Revised August 9, 2009

LOUISIANA REVISED STATUTES, TITLE 23  
CHAPTER 3, EMPLOYMENT STANDARDS AND CONDITIONS  
PART I. MINORS  
PART II. EMPLOYMENT OF MINORS IN THEATRICAL PERFORMANCES OR EXHIBITIONS  
Revised August 15, 2011

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## **Disclaimer of Responsibility for Errors or Omissions**

The information contained in this document has been compiled by clerical staff of the Louisiana Workforce Commission, Labor Programs Section, from information contained in Louisiana Revised Statutes and regulations published in the Louisiana Administrative Code. For clarity purposes, the Louisiana Department of Labor became the Louisiana Workforce Commission subsequent to July 2008 legislation.

This booklet was produced as a working copy of laws and rules under which the Louisiana Child Labor Law Program is administered, primarily for the convenience of our staff in having all regulatory information pertinent to Louisiana Child Labor Law located in one easily accessible place. In turn, this booklet is made available to the public for similar reasons of convenience.

We have attempted to be as careful as possible in compiling this information. We have proofread the entire document and believe the information to be accurate and complete. However, we wish to caution you that the official laws governing this program are the Louisiana Revised Statutes, as published by West's Publishing Co., St. Paul, Minnesota and that the official pertinent rules are those published in the Louisiana Administrative Code, available from the office of the State Register.

Any errors or, omissions made by our staff in preparing these handouts does not relieve any person or entity from the responsibilities of LSA R.S. 23:151 et seq., or LAC Title 40,Part VII. All employers and other users should be guided accordingly.

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# LOUISIANA REVISED STATUTES

## TITLE 23, CHAPTER 3 PART I. MINORS

### Sub-Part A. General Provisions

#### § 151. Application of provisions

The provisions of this Part shall not apply to minors employed in agriculture, domestic services in private homes, nor shall they be construed as conflicting with any laws requiring minors to attend school. Relief from the disabilities which attach to minority shall not defeat the protections extended by this Chapter to persons under the age of eighteen.

#### § 152. Enforcement of provisions

The executive director or his authorized representatives shall visit and inspect at all reasonable times, and as often as possible, all places where minors are employed; they shall have access to the employment certificates kept on file by the employer, as well as to all other records which may aid in the enforcement of this Part. The executive director shall institute judicial proceedings to enforce the provisions of this Part, and the district attorney shall prosecute.

#### § 153. Regulations

The executive director shall have power to regulate and supervise the administration of minor labor laws and to make, repeal, prescribe, and enforce orders, rules, and regulations to effectuate the provisions and purpose of the Chapter.

### Sub-Part B. Employment Privileges and Restrictions

#### § 161. Minors; prohibited employments

Minors, except those indentured as apprentices in accordance with Chapter 4 of this Title, shall not be employed, permitted, or suffered to work:

- (1) In oiling, cleaning, or wiping machinery or shafting, or in applying belts to pulleys;
- (2) In or about any mine or quarry;
- (3) In or about places where stone cutting or polishing is done;
- (4) In or about any plant manufacturing explosives or articles containing explosive components; or in the use or transportation of the same;
- (5) In or about iron or steel manufacturing plants, ore reduction works, smelters, foundries, forging shops, hot rolling mills, or in any other place in which the heat treatment of metals is done;
- (6) In the operation of machinery used in the cold rolling of heavy metals, or in the operation of power-driven machinery for punching, shearing, stamping, bending, or planing metals;
- (7) In or about sawmills or cooperage stock mills;
- (8) In the operation of power-driven woodworking machines, or off-bearing from circular saws;
- (9) In logging operations;

- (10) As drivers of any motor vehicle on a public road if they are minors sixteen years of age or younger. Minors seventeen years of age or older may be employed, permitted, or suffered to work as drivers of a motor vehicle only under the following restrictions:
  - (a) The driving constitutes no more than one-third of the minor's work time in any work day and no more than twenty percent of the minor's work time in any work week.
  - (b) Any further restrictions imposed by federal law on the driving of minors during employment under the provisions of the Teen Drive for Employment Act which amends the Fair Labor Standards Act, 29 U.S.C. 212 through 213. (see page 4)
- (11) In the operation of passenger or freight elevators or hoisting machines;
- (12) In spray painting, or in occupations involving exposure to lead or its compounds, or to dangerous or poisonous dyes and chemicals;
- (13) In any place or establishment in which the sale of alcoholic beverages, as defined in R.S. 26:241, constitutes its main business, unless the minor is a musician performing in a band on the premises under written contract with the holder of the alcoholic beverage permit for a specified time period and is under direct supervision of his parent or legal guardian during such time. Any place or establishment holding a duly issued retail dealer's alcohol beverage permit or license, for which the sale of alcoholic beverages does not constitute the main business of the establishment may employ anyone under the age of eighteen provided the minor's employment does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for consumption on the premises. (see page 5)
- (14) In any other place of employment or in any other occupation that the Executive Director shall, after public hearing thereon, determine hazardous or injurious to the life, health, safety, or welfare of such minors.

**§ 162. Minors under fourteen; general prohibition against employment**

- (A) Except as otherwise provided in this Chapter, no minor under the age of fourteen years shall be employed, permitted, or suffered to work in any gainful occupation at any time.
- (B) Minors under the age of fourteen may be employed, if all of the following conditions are met:
  - 1. The minor is at least twelve years of age.
  - 2. The minor's parent or legal guardian is an owner or partner in the business in which the minor is to be employed.
  - 3. The minor shall work only under the direct supervision of the parent or legal guardian who owns or is a partner in the business.
  - 4. All of the protections afforded to minors fourteen and fifteen years of age shall be afforded to minors twelve and thirteen years of age.
  - 5. The minor obtains an employment certificate pursuant to R.S. 23:184.

**§ 163. Minors under sixteen; prohibited employments**

No minor under the age of sixteen years shall be employed, permitted, or suffered to work:

- (1) In, or about, or in connection with a pool room, or billiard room.
- (2) In, or about, or in connection with power driven machinery.
- (3) In any manufacturing or processing establishment, or in any manufacturing mechanical, or processing occupation.
- (4) In the close proximity of any lounge or other location where alcoholic beverages are sold, except as provided in this Chapter and in R.S. 26:90 and 286.
- (5) In any other occupation for which a higher minimum age is required.
- (6) In the distribution or delivery of goods or messages for any person engaged in the business of transmitting or delivering of goods or messages.

**§ 166. Minors fourteen and fifteen years of age; employments permitted**

Minors fourteen and fifteen years of age may be employed in any gainful occupation not prohibited in this Part, only after school hours and during non-school days.

**§ 171. Minors; employment on vessels**

Employment of a minor, sixteen years of age or older, who is enrolled in, or who has completed an accredited nautical science training program, upon a vessel documented or registered under the laws of the United States is lawful. The written permission of either the father or mother of the minor, who has custody of the minor, otherwise, the written permission of the minor's tutor or other person having custody of him, shall be required before the minor may be so employed.

## Teenage Driving Related Provisions

LSA R.S.23:161(10)(b) incorporates by reference certain provisions of the federal Fair Labor Standards Act, which provisions impose additional restrictions on minors driving motor vehicles during their employment. Listed below are the additional restrictions which are now a part of Louisiana's Child Labor Law.

Employees who are seventeen years of age may drive automobiles or trucks on public roadways only if:

- (B) such driving is restricted to daylight hours;
- (C) the employee holds a State license valid for the type of driving involved in the job performed and has no record of any moving violation at the time of hire;
- (D) the employee has successfully completed a State approved driver education course;
- (E) the automobile or truck is equipped with a seat belt for the driver and any passengers and the employee's employer has instructed the employee that the seat belts must be used when driving the automobile or truck;
- (F) the automobile or truck does not exceed 6,000 pounds of gross vehicle weight;
- (G) such driving does not involve;
  - i. the towing of vehicles;
  - ii. route deliveries or route sales;
  - iii. the transportation for hire of property, goods, or passengers;
  - iv. urgent, time-sensitive deliveries;
  - v. more than two trips away from the primary place of employment in a single day for the purpose of delivering goods of the employee's employer to a customer (other than urgent, time-sensitive deliveries);
  - vi. more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers (other than employees of the employer);
  - vii. transporting more than three passengers (including employees of the employer);
  - viii. driving beyond a 30 mile radius from the employee's place of employment; and
- (H) such driving is only occasional and incidental to the employee's employment.

For purposes of subparagraph (G), the term "occasional and incidental" is no more than one-third of an employee's work time in any workday and no more than 20 percent of an employee's work time in any workweek.

## **Alcoholic Beverages Related Provisions**

Several questions have been raised concerning the employment of minors working in situations involving the sale of alcoholic beverages. Accordingly, this policy statement is offered to clarify this issue and state the policy of the Louisiana Workforce Commission regarding minors working in such places.

### **Policy Statement**

Minors employed in retail outlets such as grocery stores or other places where the sale of alcoholic beverages does not constitute the main source of business and is not sold for consumption on the premises are permitted to participate in the sale of packaged alcoholic beverages, to collect the price and taxes and issue receipts and may be permitted to bag packaged alcoholic beverages, or both, where immediate supervision is provided.

In restaurants where alcoholic beverages are sold for consumption on the premises but such sales do not constitute the main source of business, minors may be employed provided that the minor's employment does not involve the sale, mixing, dispensing or serving of alcoholic beverages for consumption on the premises.

Any questions concerning this matter should be addressed to the Louisiana Workforce Commission, Labor Programs Section, Minor Labor Law Division, at (225) 342-7824.

## **Sub-Part C. Employment Certificates**

### **§ 181. Executive Director to furnish forms**

The Executive Director shall prescribe and furnish all forms to be used in connection with the issuance of employment certificates by each issuing authority.

### **§ 182. Employers to keep records**

Every person employing minors shall procure and keep on file an employment certificate for each minor, except for those minors employed in approved federally funded youth training programs and those minors employed in theatrical, modeling, motion picture or television production, musical occupations, or in other performing arts. Such certificate shall be accessible on the job site, or in the immediate area of the work location, at all times to any officer charged with the enforcement of the provisions of this Chapter.

### **§ 183. Persons authorized to issue**

Employment certificates shall be issued by the parish or city school superintendent or by his or her designated representative, whose name shall be submitted in writing for approval to the executive director of the Louisiana Workforce Commission. The superintendent or his designee must completely fill out and electronically submit the Employment Certificate Interactive Form located on the Louisiana Workforce Commission's website. The employment certificate shall be printed online from the website from the information that has been entered into the department's employment certificate database. The original employment certificate shall be signed by the minor and the issuing authority and presented to the minor for delivery to his or her employer.

### **§ 184. Requirements for issuance**

Employment certificates shall be issued only upon the personal application by the minor desiring employment, accompanied by the written permission of the minor's parent or legal guardian and upon submission to and approval by the issuing authority of the following papers:

- (1) A statement signed by the prospective employer that it is his intention to employ the minor, and stating the specific nature of the occupation in which the minor is to be employed, the number of hours per day and per week he is to work, and the amount of wages he is to receive.
- (2) One of the following proofs of age:
  - a. A birth certificate, a short-form birth certification card, or a signed statement thereof issued by the recorder of births.
  - b. A baptismal certificate showing the date of birth and the place of baptism.
  - c. A contemporaneous bible record of the birth.
  - d. A passport or certificate of arrival in the United States, showing the age of the applicant, dated at least two years prior to the application.
  - e. A life insurance policy covering the life of the minor, dated at least two years prior to the date of application.
  - f. A school record or school identification showing the minor's age.
  - g. A current valid Louisiana driver's license or other state-issued identification, including a special identification card, with the minor's date of birth.
  - h. An affidavit signed by the minor's parent or legal guardian showing the name, date, and place of birth of the minor and stating that the proofs of age specified in the preceding Subparagraphs of this Paragraph cannot be produced.

### **§ 184.1. Blanket work permits**

Under certain circumstances, such as athletic events, exhibitions, fairs, carnivals, or events of a similar nature, and inventories at large department stores, the Director of the office of Workforce Development, in his discretion, shall have the authority to authorize the issuance of blanket work permits to employers for minors desiring employment. Work permits issued under this Section shall expire sixty days after issuance.

### **§ 187. Signing of certificate by minor; return by employer after termination of employment**

The employment certificate shall be signed by the minor in the presence of the issuing authority and then it shall be returned to the minor for delivery to the employer. An employment certificate shall be valid only for the employer for whom issued; and the employer shall be required to maintain it on file for a period of fourteen days after the termination of the minor's employment.

### **§ 188. Records kept by issuing authority**

A copy of each employment certificate shall be retained in the office of the issuing authority together with the papers required to be submitted by the applicants under R.S. 23:184. The issuing authority shall also keep a record of all applications denied.

### **§ 191. Revocation**

The executive director may revoke any employment or other certificate if in his judgment it was improperly issued or if the minor is illegally employed. If the certificate is revoked, the issuing authority, the employer, and the minor, shall be notified and the minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained.

### **§ 192. Certificates as evidence of age of minors**

Employment certificates issued in accordance with the provisions of this Subpart shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor subsequent to the issuance thereof.

## **Sub-Part D. Hours of Work**

### **Section 211. Minors; maximum hours in general**

No minor under the age of sixteen shall be employed, permitted, or suffered to work in any gainful occupation more than eight hours in any one day, nor more than six consecutive days in any one week.

### **§ 213. Recreation or meal period**

No minor shall be employed, permitted, or suffered to work for any five hour period without one interval of at least thirty minutes within such period for meals. If the period of work before the interval exceeds five hours by ten minutes or less, that difference shall be considered de minimus and shall not be considered a violation of this Section. Such interval shall not be included as part of the working hours of the day. This interval shall be thirty minutes. If the length of the meal break is at least twenty minutes, the difference between the actual break time and the required thirty-minute break time shall be considered de minimis, and shall not be considered a violation of this Section. The break shall be documented, using the employer's normal timekeeping system. If a minor fails to clock in or out for a work period of meal break, and a time edit is necessary, the time edit shall be documented and acknowledged in writing by the minor and the manager who performs the time edit.

**§ 214. Minors under sixteen; maximum hours when school in session**

- (A) Minors under sixteen years of age shall not be employed, permitted, or suffered to work more than three hours each day on any day when school is in session, nor more than eighteen hours in any week when school is in session.
- (B) The school calendar of the school in which the minor is enrolled or the public school calendar for the district in which the minor resides shall be used to determine a school day or week.

**§ 215. Minors; Minors under sixteen; prohibited hours; maximum work week**

- (A)
  - 1. No minor sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day.
  - 2. No minor seventeen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day.
- (C) No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m. except from June first through Labor Day at which time the permissible hours are extended to 9:00 p.m. Minors who are employed in the dairy industry shall be exempt from the provisions of this Section.
- (D) No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work in, about, or in connection with any occupation, more than 40 hours in any one week.
- (E) For purposes of this Section, a school day is a day during which school is in session as designated by the local school superintendent for the school district in which the minor resides.
- (F) For purposes of this Section, a minor who has taken and passed a General Education Development test (GED) and who has been awarded a high school Equivalency Diploma from the Louisiana Department of Education will be considered to have graduated from high school.
- (G) Employment pursuant to this Section shall be subject to the provisions of any local curfew ordinance.

**§ 217. Records to be kept by employers**

Every employer of minors shall keep conspicuously posted at the place of employment:

- (1) A printed abstract of the provisions of this Part prepared and furnished by the Executive Director.
- (2) A list of the occupations prohibited to such minors, prepared and furnished by the Executive Director.

**Sub-Part E. Penal Provisions**

**§ 231. Specific violations; penalties; enforcement**

- (B) No person shall:
  - (1) Employ, permit, or suffer a minor to work in violation of the provisions of this Part.
  - (2) Refuse, to the executive director or his authorized representatives, admission to the premises where minors are employed, or otherwise obstruct the executive director or his representatives in the performance of their duties.

- (3) Hide or cause any minor to escape, or give him warning of the approach of any officer charged with the enforcement of the provisions of this Part.
- (C) Any person who violates Subsection A or any other provision of this Part for which a penalty is not otherwise provided, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.
- (D)
  - (1) Any person violating the provisions of this Part shall, in addition to the criminal penalty provided in Subsection B, be liable for a civil penalty not to exceed five hundred dollars.
  - (2) Reasonable litigation expenses may be awarded to the prevailing party of the adjudicatory hearing. "Reasonable litigation expenses" means any expenses, not exceeding seven thousand five hundred dollars, reasonably incurred in prosecuting, opposing, or contesting an agency action, including but not limited to attorney fees, stenographer fees, investigative fees and expenses, witness fees and expenses, and administrative costs.
- (E) Civil penalties for a violation of this Part may be imposed by the Louisiana Workforce Commission only by a ruling of the executive director pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.
- (F) The executive director may institute civil proceedings in the Nineteenth Judicial District Court to enforce his rulings. The court shall award to the prevailing party reasonable attorney fees and judicial interest from the date of judgment until paid and all court costs.
- (G) The executive director may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part. The court shall award reasonable attorney fees and court costs to the prevailing party.
- (H) The executive director is empowered to enforce the civil provisions of this Part and to adopt and promulgate such reasonable rules and regulations and to conduct such investigations as he deems necessary to ensure enforcement of this Part.
- (I) Out of the civil penalties collected for violations of this chapter, expenses incurred in enforcing the provisions of this chapter may be paid by the department.

**§232. Parents or tutors inducing violations by minors; penalty**

Every parent or tutor, or other person having control of any minor under sixteen years of age who permits or induces the minor to violate the provisions of R.S. 23:168 or of R.S. 23:216 shall be fined not more than twenty-five dollars.

**§ 233. Presence of minor at place of employment; Presumption of employment**

The presence of any minor under sixteen years of age in any place of employment prohibited to him under the provisions of this Chapter, and observed to be performing work duties on the employer's behalf, shall constitute prima facie evidence of his employment therein.

**§ 234. Continuing violations; penalty**

Each day during which any violation of this Part continues shall constitute a separate offense and the employment of any minor in violation of this Part shall, with respect to such minor, constitute a separate offense.

## **Part II. Employment of Minors in Theatrical Performances or Exhibitions**

### **§ 251. Minors under sixteen; prohibited employments or occupations; penalty**

- (A) No minor under sixteen years of age shall be employed, exhibited, used, or trained for the purpose of exhibition:
  - 1. As a rope or wire walker, gymnast, wrestler, contortionist, stunt rider, or acrobat upon any bicycle or other similar mechanical vehicle or contrivance.
  - 2. In any illegal, indecent, or immoral exhibition or practice.
  - 3. In the exhibition of such minor when insane or idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development.
  - 4. In any practice, exhibition, or place, dangerous or injurious to the life, limbs, health, or morals of the minor.
- (B) Any person who employs, exhibits, uses, or trains for the purpose of exhibition, or any parent, tutor, or other person having the custody or control of any minor or any talent agent representing such minor who sells, lets out, gives away, trains, or consents to the employment, training, use, or exhibition of such minor, or neglects or refuses to restrain such minor from training, engaging, or acting in any of the above mentioned exhibitions or performances, shall be guilty of contributing to the delinquency of minors, and upon conviction thereof, shall be fined not more than one thousand dollars, or imprisoned for not more than two years, or both.
- (C) Any person violating the provisions of this Section shall, in addition to the criminal penalty provided in Subsection B, be liable for a civil penalty not to exceed five hundred dollars.
- (D) Reasonable litigation expenses may be awarded to the prevailing party of the adjudicatory hearing. "Reasonable litigation expenses" means any expenses, not exceeding seven thousand five hundred dollars, reasonably incurred in prosecuting, opposing, or contesting an agency action, including but not limited to attorney fees, stenographer fees, investigative fees and expenses, witness fees and expenses, and administrative costs.
- (E) Civil penalties for violation of this Section may be imposed by the Louisiana Workforce Commission only by a ruling of the executive director pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.
- (F) The executive director may institute civil proceedings in the Nineteenth Judicial District Court to enforce his rulings. The court shall award to the prevailing party reasonable attorney fees and judicial interest on such civil penalties from the date of judgment until paid and all court costs.
- (G) The executive director may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Section or of the rules and regulations adopted under the provisions of this Section. The court shall award reasonable attorney fees and court costs to the prevailing party.
- (H) The executive director is empowered to enforce the civil provisions of this Section and to adopt and promulgate such reasonable rules and regulations and to conduct such investigations as he deems necessary to ensure enforcement of this Section.

### **§ 252. Violations by exhibitor; additional penalties**

If any person, or officer, or agent thereof, who is licensed as, or holds a license for any theater, is convicted under the provisions of R.S. 23:251, he shall, in addition to the penalties provided therein, forfeit such license.

### **§ 253. Exceptions; permit required**

The provisions of R.S. 23:251 shall not apply:

- (1) To the employment of any child as a singer or musician in a church, school, or academy.
- (2) To the teaching or learning of the science or practice of music, or the performing arts.
- (3) To the participation by any minor, with the written consent of the parent or tutor of said minor, in any theatrical or musical performance sponsored by a non-profit private organization or public body.
- (4) To the participation by any minor, with a written permit issued by the Louisiana Workforce Commission, in the singing, dancing, or playing of a musical instrument or in any commercial motion picture, film, theatrical performance, modeling performance, photographic advertisement, or video produced or filmed in the state of Louisiana.

### **§ 254. Application for permit; requirements**

- (A) Application for the permit required by R.S. 23:253(4) shall be made by a duly authorized agent of the motion picture, film, theatrical, modeling, photographic advertising, or video production company or the person or persons employing the minor to sing, dance, or play a musical instrument at least thirty-six hours before the minor is scheduled to begin work. However, the executive director may waive the advance application requirement if the applicant can establish good cause. The application shall be filed for each respective project. The application shall specify the projected dates of employment of minors and shall state the approximate number of minors and the minimum age of any minor that shall be employed during such period. The name, address, documentary proof of age, and written parental consent of each minor employed shall be submitted to the Louisiana Workforce Commission with the project application or within fifteen days of the employment termination date of such minor.
- (B) The executive director shall issue the permit after satisfying himself that the supervision of the minor is adequate, and that the conditions of employment are not detrimental to the health, morals, or safety of the minor. The executive director shall adopt rules pursuant to the Administrative Procedure Act setting forth time limits outside of which a minor may not participate in such performances.
- (C) The executive director shall revoke the permit if he finds that the conditions of employment are detrimental to the health, morals, or safety of the minor. The executive director in his discretion may revoke or suspend the permit without prior notice. Such action shall have the effect of prohibiting continued working of the minor pending an investigation into the minor's working conditions.

### **§ 255. Bond as prerequisite to issuance of permit**

The executive director may exact from the applicant, under such conditions and stipulations as he may determine, and as a condition precedent to the issuance of the permit, a bond not exceeding two thousand dollars, executed in favor of the state, conditioned to secure and guarantee the proper tuition and the moral and physical health of the minor while in such employment. This bond may be forfeited upon a breach of the conditions thereof in the State of Louisiana or elsewhere, and in any proceedings for such forfeiture testimony may be taken as provided by law in civil matters.

### **§ 258. Traveling theatrical companies; application of provision**

The provisions of this part shall not be construed as preventing a minor under sixteen years of age employed by a traveling theatrical company, from taking part in a play or musical comedy produced by such company in a theater wherein not more than eight performances are given in any one week, (except in a week in which a national or state holiday occurs when nine weekly performances may be given), if a special permit for such employment is obtained from the executive director by the manager of the theater in which the minor is to appear. This permit shall be issued only if the minor holds a certificate from the state or city where the minor resides permitting his appearance in theatrical performances, and if the Executive Director is of the opinion that the employment in such performances is not detrimental to the health or morals of the minor.



**LOUISIANA ADMINISTRATIVE CODE  
TITLE 40  
LABOR AND EMPLOYMENT**

**Part VII. Conditions Under Which Minor Labor May be Used**

**Chapter 1. Minimum Age Standards for Nonagricultural Employment**

**§ 101. Oppressive Child Labor**

- (A) Oppressive child labor is defined as employment of children under legal minimum ages in specified occupations as listed in the following Paragraphs.
1. Minimum Age 14. This is the minimum age for certain specified occupations which are allowed outside of school hours. These occupations, along with hours and time standards, are listed in LAC 40:VII.103, 201, 203, 301, and 303.
  2. At 16 years of age, youths may be employed in any occupation other than a nonagricultural occupation declared hazardous by the Director after a public hearing, or any occupation prohibited by R.S. 23:161.

**§ 103. Employment Standards for Minors Under 16 Years of Age**

- (A) Employment of minors under 16 years of age is limited to certain occupations under conditions which do not interfere with their schooling, health, or well being.
1. Hours and Time Standards. Minors under 16 years of age may not be employed, permitted, or suffered to work:
    - (a) during school hours, as defined by the local superintendent for the school district in which the minor resides;
    - (b) Minors under sixteen years of age who have not graduated from high school may not be scheduled or allowed to work between the hours of 7 p.m. and 7 a.m. prior to the start of any school day, or between the hours of 9:00 p.m. and 7:00 a.m. on any day.
    - (c) when employed in theatrical performances, the minor may not be present in the theater, nor shall appear in any performance during the below listed periods of time:
      - i. more than six hours in any day;
      - ii. more than 24 hours in any week;
      - iii. between the hours of 11 p.m. and 6 a.m.;
    - (d) when employed in commercial motion picture, film or video productions, or modeling, the minor may not be present in the studio or on the set, nor shall appear in any performance during the below listed periods of time.
      - i. before 7 a.m. for studio production, 6 a.m. for location productions, and shall end no later than time specified below:
        - (a). for minors under six years of age, 7 p.m.;
        - (b). for minors six years of age to 15 years of age, 8 p.m. on any day prior to a day during which school is in session or 10 p.m. on any day prior to a day during which school is not in session, as defined by the local superintendent for the school district in which the minor resides;
      - ii. minors under six years of age shall not work more than six hours per day; minors six years of age to 15 years of age shall not work more than eight hours per day;
      - iii. minors shall receive a 12-hour rest break at the end of each work day, before the commencement of the next day of work;

- iv. minors shall not be employed more than six consecutive days in any one week, nor more than 36 hours per week for minors under six years of age, nor more than 48 hours per week for minors six years of age to 15 years of age;
- v. applications for waivers for any exception to the foregoing provisions of this Subparagraph may be made to the executive director of the Louisiana Workforce Commission or his designee;
- vi. the executive director or his designee may grant a waiver only under the following circumstances:
  - (a). written notification through a listing of specific dates and times that the minor(s) shall be employed and/or present for either studio production or location production;
  - (b). written acknowledgement that the minor's parent(s), tutor, or custodian have been fully informed of the circumstances and have granted advance consent.

## **Chapter 2. Occupations Permitted for 14 and 15 year-old Minors**

### **§ 201. Types of Employment**

- (A) Types of Employment in which 14 and 15 year-old Minors may be Employed:
- 1. office and clerical work (including operation of office machines);
  - 2. cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
  - 3. price marking and tagging by hand or machine, assembling orders, packing and shelving;
  - 4. bagging and carrying out customers' orders;
  - 5. errand and delivery work by foot, bicycle, and public transportation;
  - 6. cleanup work, including use of vacuum cleaners and floor waxers; and maintenance of grounds, but not including use of power-driven mowers or cutters;
  - 7. kitchen work and other work involved in preparing and serving food and beverages, including operation of machines and devices used in performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;
  - 8. work in connection with cars and trucks if confined to the following:
    - (a) dispensing gasoline and oil;
    - (b) courtesy service on premises of gasoline service station;
    - (c) car cleaning, washing, and polishing;
  - 9. cleaning vegetables and fruits; and wrapping, sealing, weighing, labeling, pricing, and stocking goods when performed in areas physically separated from areas where meat is prepared for sale;
  - 10. selling, offering for sale, soliciting for or displaying articles, goods, merchandise, commercial service, posters, circulars, newspapers, or magazines;
  - 11. delivery of, and collection for newspapers and periodicals;
  - 12. work as a golf caddy.

**§ 203. Occupations Permitted for Minors under 16 Years of Age in Theatrical Performances, Exhibitions, Commercial Motion Pictures, Films, Video Productions, or Modeling**

- (A) Minors may be employed in theatrical performances or exhibitions as follows:
1. as a singer, musician, or actor in a church, school or academy;
  2. teaching or learning the science or practice of music or singing;
  3. as a singer, musician, or actor in a concert or in the presentation of a play or musical comedy under the following conditions:
    - (a) not more than nine weekly performances may be presented; and
    - (b) a permit must be granted by the deputy executive director labor at least five days prior to the performance;
  4. as a singer, musician, or actor in a play or musical comedy presented by a traveling theatrical company, provided that no more than eight performances are given in any one week. During a week in which a national or state holiday occurs, nine performances may be given under the following conditions:
    - (a) A special permit must be obtained from the director of the Office of Workforce Development by the manager of the theater in which the minor is to appear;
    - (b) The minor must hold a valid certificate from the state or city where the minor resides which permits participation in theatrical performances;
    - (c) In the opinion of the director of the Office of Workforce Development, employment in such performances is not detrimental to the health and morals of the minor.
- (B) Minors may be employed in commercial motion pictures, films, video productions, or modeling, as follows:
1. A duly authorized agent shall make application for a permit to the director of the Office of Workforce Development at least five days before the minor is scheduled to begin work.
  2. The director of the Office of Workforce Development shall issue permits after satisfying himself that the supervision of the minor is adequate, and that the conditions of employment are not detrimental to the health, morals or safety of the minor.

**Chapter 3. Occupations Not Permitted**

**§ 301. Occupations Not Permitted for 14 and 15 Year-Old Minors**

- (A) 14 and 15 year-old minors may not be employed in:
1. any manufacturing occupation;
  2. any mining occupation;
  3. processing occupations or commercial laundering and dry-cleaning;
  4. occupations which require performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in §201;
  5. operating or tending hoisting or lifting apparatus or the inflation of any tire mounted on a rim equipped with a removable retaining ring;

6. occupations connected with:
  - (a) transportation of persons or property by rail, highway, air, water, pipeline, or other means;
  - (b) communications and public utilities, except office and clerical work;
  - (c) construction, including repair work.
7. any of the following occupations:
  - (a) work performed in or about boiler or engine rooms;
  - (b) work in connection with repair of machines or mechanical equipment;
  - (c) all work that involves use of ladders and scaffolds or their substitutes;
  - (d) cooking and baking;
  - (e) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, choppers and cutters, and bakery type mixers;
  - (f) work in freezers and meat coolers;
  - (g) all work in preparation of meat for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when such work is not performed in processing areas;
  - (h) loading and unloading goods on and off trucks, railroad cars, and conveyors; or
  - (i) all occupations in warehouses, except office and clerical work;
8. any occupation about or in connection with power-driven machinery; or
9. any other occupation found and declared to be hazardous by the assistant secretary of Labor after a public hearing.

### **§ 303. Employment of Minors 16 and 17 Years of Age**

- (A) Minors may not work in any illegal, indecent, or immoral exhibition or practice, including but not limited to; striptease, exotic dancer, etc.
- (B) Minors may not work at any occupation which the director of the Office of Workforce Development has found and declared to be hazardous for 16 and 17 year-old persons. This minimum age applies even when the minor is employed by a parent or person standing in place of the parent.
- (C) There is no time standard for minors 16 and 17 years of age regarding the numbers of hours worked per day or per week, however, minors shall receive an eight hour rest break at the end of each work day, before the commencement of the next day of work.
- (D) No minor sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day. No minor seventeen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day. For purposes of this subparagraph, a minor who has taken and passed a General Education Development test (GED) and who has been awarded a High School Equivalency Diploma from the Louisiana Department of Education will be considered to have graduated from high school.

## Chapter 5. Hazardous Occupations

### § 501. Preface

- (A) In the following sections certain occupations are listed as hazardous. These occupations are specified both on an industry-wide basis, and on an occupational basis, regardless of the industry in which they are found.

### § 503. Manufacturing or Storage Operations Involving Explosives

- (A) Definitions

**Explosives and Articles Containing Explosives** - ammunition, black powder, blasting caps, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations governing transportation of explosives and other dangerous substances by common carriers.

**Plant or Establishment Manufacturing or Storing Explosive Articles** - the land with all buildings and structures thereon which are used in connection with manufacturing, processing, or storing explosives or articles which contain explosive components.

- (B) Non-explosive Area

1. An area which meets all of the following criteria is deemed a non-explosive area.
  - (a) No work performed in the area involves handling or use of explosives.
  - (b) The area is separated from the explosive area by a distance not less than that prescribed in the American Table of Distances for protection of inhabited buildings.
  - (c) The area is separated from the explosive area by a fence or is otherwise located so that it constitutes a designated area.
2. Satisfactory controls have been established to prevent employees under 18 years of age who are working within the area from entering any area in or about the plant which does not meet criteria listed in Subsection C below.

- (C) Occupations prohibited in plants which manufacture or store explosives. The following occupations in or about any plant or establishment which manufactures or stores explosives are prohibited:

1. all occupations in manufacturing, mixing, transporting, or handling explosive compounds in manufacture of explosives, and all other occupations which require performance of any duties in an explosive area in which explosive compounds are manufactured or mixed;
2. all occupations involved in manufacturing, handling, or transportation of primers, and performance of any other duties in the same building in which primers are manufactured;
3. all occupations involved in priming cartridges, and performance of any other duties in the same room in which cartridges are primed;
4. all occupations involved in plate loading cartridges and in operation of automatic loading machines;
5. all occupations which involve loading, inspecting, packing, storing, and shipping blasting caps; and
6. all other occupations in or about any plant or establishment which manufactures or stores explosives except when such occupation is performed in a non-explosive area.

## § 505. Occupations Involving Motor Vehicles

### (A) Definitions

**Driver** - any individual who, in the course of employment, drives a motor vehicle at any time.

**Gross Vehicle Weight** - the weight of the vehicle chassis, including lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or drivers compartment, body, special chassis and body equipment, and payload.

**Motor Vehicle** - any automobile, truck, truck-trailer combination, trailer, semi-trailers, motorcycle, or similar vehicle which is propelled or drawn by mechanical or electrical power, and designed for use as means of transportation, but does not mean any vehicle operated exclusively on rails.

### (B) Occupations Prohibited. Any occupation as motor-vehicle driver is prohibited except as permitted in R.S. 23:161 (10) and the Teen Drive for Employment Act which amends the Federal Fair Labor Standards Act, 29 U.S.C. 212 through 213. (see page 4)

## § 507. Occupations in Connection with Mining

### (A) Definitions

**Mining Occupations** - all work performed:

- (a) underground in mines and quarries;
- (b) on the surface at underground mines and underground quarries;
- (c) in or about open-cut mines, open quarries, clay pits, and sand and gravel operations;
- (d) at or about placer mining operations;
- (e) at or about operations dredging for clay, sand or gravel;
- (f) at or about bore-hole mining operations;
- (g) in or about all metal mills, washer plants, or grinding mills which reduce bulk of extracted minerals; or
- (h) at or about any crushing, grinding, screening, sizing, washing, or cleansing operations performed upon extracted minerals, except when such operations are performed as part of a manufacturing process outside of area of the mine or quarry.

### (B) Prohibited Occupations. All occupations in connection with mining or operation of a quarry are prohibited.

## § 509. Logging and Sawmill Operations

### (A) Definitions

**Occupations in Logging** - all work performed in connection with felling timber, bucking or converting timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fenceposts, or similar products; collecting, skidding, yarding, loading, transporting, and unloading such products in connection with logging; and other work performed in connection with logging that is declared to be hazardous by the executive director of the Louisiana Workforce Commission.

**Occupations in Sawmilling** - all work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill, or in or about any such mill in connection with storing logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock, or other products of such mills; or any other work performed in connection with operating any sawmill, lath mill, shingle mill, or cooperage mill.

### (B) Prohibited Occupations. All occupations in logging and all occupations in operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited.

## § 511. Power Driven Woodworking Machine Occupations

### (A) Definitions

**Power-Driven Woodworking Machines** - all fixed or portable machines or tools driven by mechanical or electrical power, and are used or designed for cutting, shaping, forming, nailing, stapling, wire-stitching, fastening, or otherwise assembling, pressing, or printing wood veneer, or other products.

**Off-Bearing** - removal of material or refuse directly from a saw table or from the point of operation.

### (B) Prohibited Occupations - The following occupations involved in operation of power-driven woodworking machines are prohibited:

1. supervising or controlling operation of any woodworking machines;
2. feeding materials into any woodworking machine;
3. helping to feed materials into any woodworking machine;
4. setting up and adjusting, repairing, oiling, or cleaning power-driven woodworking machines;
5. any off-bearing occupations such as removing materials from circular saws and
6. guillotine-action veneer clippers.

### (C) Operations not considered to be off-bearing are:

1. removal of material or refuse from a circular saw or guillotine-action veneer clipper when such material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means, such as a moving belt or expulsion device;
2. carrying, moving, or transporting materials from one machine to another, or from one part of the plant to another;
3. piling, stacking or arranging materials to be fed into a machine by another person; and
4. sorting, tying, bundling or loading materials into conveyances.

### (D) Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven woodworking machine occupations.

## § 513. Occupations Which Involve Operations of Power-Driven Circular Saws, Band Saws, and Guillotine Shears.

### (A) Definitions

**Band Saw** - a machine which is equipped with an endless steel band which has a continuous series of notches or teeth on one edge. The band runs over wheels or pulleys, and is used to saw material.

**Circular Saw** - a machine which is equipped with a thin steel disc which has a continuous series of notches or teeth on the peripheral edge, mounted on a shaft, and used for sawing materials.

**Guillotine Shear** - a machine which is equipped with a movable cutting blade and is operated vertically to shear material.

**Helper** - any person who assists in operation of a machine by helping to place materials into or remove materials from the machine.

**Machine Equipped with Full Automatic Feed and Ejection** - any machine which is equipped with devices which automatically feed and eject materials, and has a fixed barrier guard to prevent completely an operator or helper from placing any part of his body in the point of operation.

**Operator** - any person who operates a machine by performing the functions of starting or stopping the machine, placing materials into or removing materials from the machine, or any other function directly associated with operation of the machine.

- (C) Prohibited Occupations. Minors are prohibited from working in all occupations which involve operations of power-driven circular saws, band saws, and guillotine shears except in the operation of machines equipped with full automatic feed and ejection.
- (D) Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven circular saws, band saws, and guillotine shears.

#### § 515. Power-Driven Metal-Forming, Rolling, Punching, and Shearing Machine Occupations

- (A) Definitions

**Forming, Rolling, Punching, and Shearing Machines** - power-driven metal-working machines which change the shape of or cut metals by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving devices.

**Helper** - any person who assists in the operation of a machine by helping place materials into or removing materials from the machine.

**Operator** - any person who operates a machine by performing such functions as starting or stopping the machine, placing materials into or removing materials from the machine, or any other function which is directly involved in operation of the machine.

- (B) Prohibited Occupations. Minors are prohibited from working in occupations as operator or helper on:
  1. all rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and on hot or cold rolling mills;
  2. all pressing or punching machines, except those which are provided with full automatic feed and ejection, and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies or cutting surfaces;
  3. all bending machines, such as apron brakes and press brakes;
  4. all hammering machines, such as drop-hammers and power hammers;
  5. all shearing machines, such as guillotine or squaring shears, alligator shears and rotary shears; or
  6. in setting up, adjusting, repairing, oiling, or cleaning any type of machine described in 515 B.1-5 above, including those with automatic feed and ejection.
- (C) Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven metal-forming, rolling, punching, and shearing machine occupations.

## § 517. Power-Driven Paper-Product Machine Occupations

### (A) Definitions

**Operating or Assisting to Operate** - all work involved in starting, stopping, loading materials into, and removing materials from a machine or other work directly involved in operating the machine.

**Paper Products Machine** - any power-driven machine used to manufacture or convert paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper pulp products, or in any other type of manufacturing or non-manufacturing establishment.

### (B) Prohibited Occupations

1. Minors are prohibited from operating or assisting to operate any of the following or similar machines: Arm-type wirestitcher, stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler or vertical slotter, platen die-cutting press, platen printing press and punch press which involves hand-feeding.
2. Minors are prohibited from setting up, adjusting, repairing, oiling, or cleaning above machines, including those which do not involve hand-feeding.

### (C) Exemptions. Registered apprentices and registered student-learners are exempt from all prohibitions in occupations involving power-driven paper-product machines and equipment.

## § 519. Power-Driven Bakery Machine Occupations

### (A) Prohibited Occupations. Minors are prohibited from engaging in the following occupations: operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal dough mixer, batter mixer, bread dividing, rounding, or molding machine; dough brake, dough sheeter, combination slicing and wrapping machine; cake cutting band saw; setting up or adjusting a cookie or cracker machine.

### (B) Exception. Sixteen or 17 year old minors are not prohibited from operating pizza dough rollers constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers; which have gears that are completely enclosed, and have micro-switches that disengage the machinery if the backs or sides of the rollers are removed; provided that such safeguards are present on the machine, are operational, and cannot be overridden.

### (C) Exemption. Registered apprentices are exempt from all prohibitions affecting occupations involving power-driven baking equipment and machines.

## § 521. Power-Driven Hoisting Apparatus Occupations

### (A) Definitions

**Automatic Elevator** - a passenger elevator, freight elevator, or a combination freight-passenger elevator. Such elevator is controlled by pushbuttons in such a manner that starting, stopping, going to a landing and holding, and opening and closing car and hoistway doors is entirely automatic.

**Automatic Signal Operation Elevator** - an elevator which is started in response to operation of a switch in the car which, when operated by the operator, actuates a starting device which automatically closes the car and hoistway doors, controls movement of the car to a selected landing, holds it when it arrives, and automatically opens the car and hoistway doors.

**Crane** - a power-driven machine used for lifting and lowering a load and moving it horizontally. The hoisting mechanism is an integral part of the machine. Included are cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, locomotive, motor truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

**Derrick** - a power-driven apparatus which consists of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes. All types of derricks are included, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff leg derricks.

**Elevator** - any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. Both passenger and freight elevators are included (also portable elevators and tiering machines). Dumbwaiters are not included.

**High-Lift Truck** - a power-driven industrial type truck used for lateral transportation, and is equipped with a power-lifting device, usually in the form of a fork or platform capable of tiering loaded pallets one above the other. Instead of a fork or platform, the lifting device may consist of a ram, shovel, scoop, crane, revolving fork, or other attachments for handling specific loads. Such trucks may be known as forklifts, fork trucks, tiering or stacking trucks, front-end loaders, or graders. Not included are low-lift, or low-lift platform trucks which are designed for transportation of, but not tiering of, materials.

**Hoist** - any power driven apparatus used for raising or lowering a load by application of a pulling force. This includes all types of hoists, such as base-mounted electric, clevis suspension, hood suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

**Manlift** - a device which is intended for conveyance of persons. It consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain, or similar suspension device. Such chain device operates in a substantially vertical direction, and is supported by, and driven through pulleys, sheaves, or sprockets at top and bottom.

- (B) Prohibited Occupations. The following occupations are prohibited for minors:
  - 1. operating a crane, derrick, elevator, hoist, or high-lift truck;
  - 2. work which involves riding in a manlift or on a freight elevator, except a freight elevator operated by an assigned operator;
  - 3. assisting in operation of a crane, derrick or hoist; or in work performed by crane;
  - 4. hookers, crane chasers, hookers-on, riggers, rigger helper, and similar occupations.
- (C) Exemptions. Registered apprentices are exempt from all prohibitions affecting occupations involving power-driven hoisting apparatus.

### **§ 523. Wrecking, Demolition, and Shipbreaking Occupations**

- (A) Prohibited Occupations. All work in wrecking, demolition, and shipbreaking is prohibited. This includes cleanup and salvage work, performed at the site of total or partial razing, demolishing, or dismantling a building, tower, bridge, steeple, chimney, or other structure, ship, or other vessel.
- (B) Exemptions. Registered apprentices are exempt from prohibitions which apply to occupations in wrecking, demolition, and shipbreaking.

### **§ 525. Brick, Tile and Kindred Products Manufacturing Occupations**

- (A) Prohibited Occupations. All work in and about establishments in which clay construction products and silica brick are manufactured and in other silica refractories is prohibited with the exceptions listed in 525.B. below.
- (B) Exemptions. Registered apprentices are exempt from prohibitions which apply to occupations in manufacture of brick, tile and kindred products.

## § 527. Roofing Occupations

- (A) All occupations in roofing operations are prohibited. These include:
  1. installation of roofs, including related metal work, such as flashing, etc.;
  2. alterations, additions, maintenance, and repair, including painting and coating existing roofs.
- (B) Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to occupations in roofing operations.

## § 529. Excavation Occupations

- (A) Prohibited Occupations. The following occupations are prohibited to minors:
  1. excavating, working in, or backfilling trenches which exceed four feet in depth at any point;
  2. excavating for buildings or other structures, or working in such excavations which exceed four feet in depth at any point;
  3. working within tunnels prior to completion of all driving and shoring operations; and
  4. working within shafts prior to completion of all sinking and shoring operations.
- (B) Exemptions. Registered apprentices and registered student-learners are exempt from the prohibitions which apply to occupations in excavation work.

## §531. Slaughtering, Meat-Packing or Processing, or Rendering Occupations

- (A) Definitions
  - Boning Occupation** - an occupation which involves removal of bones from meat cuts. It does not include scraping or trimming meat from cuts containing bones.
  - Curing Cellar** - a workroom or workplace which is primarily devoted to preservation and flavoring meat by curing materials. It does not include an area where meat is smoked.
  - Hide Cellar** - a workroom or workplace in which hides are graded, trimmed, slated, and otherwise cured.
  - Killing Floor** - the workroom or workplace in which cattle, hogs, calves, sheep, lambs, goats, or other animals are immobilized, shackled, or killed, and the carcasses are dressed prior to being chilled.
  - Rendering Plant** - any establishment engaged in conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feed, tallow, inedible greases, fertilizer ingredients, and similar products.
  - Slaughtering and Meat-Packing Establishment** - places in and about which cattle, calves, hogs, sheep, lambs, goats, or other animals are killed, butchered, or processed. Included are establishments which manufacture or process meat products or sausage casings from such animals.
- (B) Prohibited Occupations - the following occupations are prohibited:
  1. all occupations on the killing floor, in curing cellars, and in hide cellars;
  2. all occupations involved in recovery of lard and oils;
  3. all occupations involved in tankage or rendering whether or not in a rendering plant, or a slaughter house;
  4. all occupations involved in operating, setting up, adjusting, oiling, or cleaning any power-driven machine used in a slaughtering, meat-packing or processing, or rendering plant;

5. all boning work;
  6. all occupations which involve pushing or dropping any suspended carcass, half carcass, or quarter carcass;
  7. all occupations involving hand carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.
- (C) Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to occupations involved in slaughtering, meat-packing or processing, or rendering.

**§ 533. Occupations Involving Exposure to Radioactive Substances and Ionizing Radiation**

- (A) All work is prohibited in any workroom in which:
1. radium is stored or used in the manufacture of self-luminous compounds;
  2. self-luminous compounds are manufactured, processed, or packaged;
  3. self-luminous compounds are stored, used, or worked on;
  4. incandescent mantles are made from fabric and solutions containing thorium salts, or where these are packaged or stored;
  5. other radioactive substances are present in the air in average concentrations exceeding ten percent of the maximum permissible concentration in air recommended for exposure by the national Committee on Radiation Protection as set forth in the forty-hour week column of Table One of the National Bureau of Standards, Handbook No. 69, entitled Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure, issued June 5, 1959; or
  6. any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

**§ 535. Occupations Involving Use of or Contact with Lead or any Other Toxic Substance**

- (A) Any occupation which involves use of or contact with any toxic substance is prohibited. Such occupations include spray painting, transporting, or physically handling such substance.

**§ 537. Welding Occupations**

- (A) Definitions
- Welding Machines** - shielded metal arc welding machines, gas tungsten arc welding machines, flux-cored arc welding machines, gas metal arc welding machines, and similar machines used to apply heat to a welding rod or continuously fed wire and to metal pieces, melting and fusing the pieces to form a permanent bond.
- Soldering, and Brazing Welding Equipment** - oxygen and acetylene tanks, acetylene torches, assorted tips and soldering and brazing rods used to apply heat to melt the rods and to fuse the pieces to form a permanent bond.
- Welding and Cutting Equipment** - oxygen and acetylene tanks, acetylene torches, cutting tips, carbon arc cutting equipment, gouging machines, chipping hammers, wire brushes, power grinders, etc.
- (B) Prohibited Occupations. Minors are prohibited from working as an operator or helper in the operation of any of the above described machines or equipment.
- (C) Registered apprentices and registered student-learners are exempt from the prohibitions which apply to occupations in welding operations.

### § 539. Registered Apprentices

- (A) For purposes of this chapter, Registered Apprentices means minors participating in job training programs which have been approved and registered by the Louisiana Workforce Commission, Apprenticeship Division in accordance with R.S.23:381, et seq.
- (B) Registered apprentices are exempt from hazardous occupations prohibitions while participating in job training as an indentured apprentice in a registered program.

### § 541. Registered Student-Learners

- (A) For purposes of this chapter, registered student-learners means minor students participating in job training programs approved by and administered by the Louisiana Office of Career and Technical Education or the Louisiana Community and Technical College System.
- (B) Registered Student-Learners may be exempt from hazardous occupation prohibitions concerning the following equipment and job tasks, provided that all conditions of Subsection C below are met:
  - 1. power-driven woodworking machines;
  - 2. power-driven circular saws, band saws, and guillotine shears;
  - 3. power-driven metal-forming, punching and shearing machines;
  - 4. power-driven paper product machines;
  - 5. roofing operations;
  - 6. excavation operations;
  - 7. slaughtering, meat-packing or processing, or rendering;
  - 8. welding operations.
- (C) Conditions
  - 1. Such student-learner is employed under a written agreement which provides:
    - a. that the work of the student-learner in the occupations declared hazardous shall be incidental to the training;
    - b. that such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person;
    - c. that safety instruction shall be given by the school and correlated by the employer with on-the-job training;
    - d. that a schedule of organized and progressive work processes to be performed on the job shall have been prepared and made a part of the written agreement; and
    - e. that the written agreement be signed by the school coordinator, the employer, the minor student-learner and the student's consenting parent or guardian.