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Bobby Jindal, Governor
Curt Eysink, Executive Director

Office of the Executive Director

STATE OF LOUISIANA LOUISIANA WORKFORCE COMMISSION

IN THE MATTER OF CHILD LABOR ENFORCEMENT DECLARATION OF HAZARDOUS OCCUPATIONS

RULING OF THE EXECUTIVE DIRECTOR

The Louisiana Workforce Commission (LWC) is charged by statute to administer and enforce laws and programs designed to protect the physical well-being of Louisiana's workforce. La. R.S. 36:301. Within LWC, the Office of Workforce Development was created to, among other functions, administer and enforce the state's minor labor laws. La. R.S. 36:308. In order to ensure the safety of young workers, Louisiana law has established that certain non-exclusive occupations are hazardous or injurious to the life, safety or welfare of minors, and are thus prohibited. The Executive Director of LWC, however, has the authority to declare additional occupations as being hazardous to minors. La. R.S. 23:161.

Pursuant to this authority, LWC held a public hearing to determine whether the occupation of "Outside Helper on a Motor Vehicle" should be declared as being hazardous. An outside helper is anyone, other than the driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods. Notice of the public hearing was properly advertised, and it was held on September 13, 2011.

Documentation and testimony was received in support of the proposition that the occupation of "Outside Helper on a Motor Vehicle" is hazardous to minors. There was, conversely, no testimony received or opposition to the stated proposition.

Particularly persuasive evidence introduced included the following:

1. The United States Department of Labor, which enforces the child labor provisions of the Fair Labor Standards Act, has declared that the occupation of "Outside Helper on a Motor Vehicle" is hazardous to minors.
2. Testimony received which summarized an Office of Workforce Development investigation wherein a minor working as an outside helper on a garbage truck in Louisiana had his leg broken in an early morning accident.

3. Information from the United States Bureau of Labor Statistics which indicated that garbage collection workers faced the sixth-highest rate of occupational fatalities in 2008.

At the conclusion of the public hearing, the Executive Director ruled, as the evidence presented was conclusive and convincing, and as there was no evidence or testimony to the contrary, that the occupation of "Outside Helper on a Motor Vehicle" is hazardous and/or injurious to the life, health, safety or welfare of minors in Louisiana and that such occupation should be prohibited for minors within the state of Louisiana.

SO ORDERED this 14th day of September, 2011, in Baton Rouge, Louisiana.

A handwritten signature in black ink, appearing to read "C. Eysink", is written above a horizontal line.

CURT EYSINK, EXECUTIVE DIRECTOR
LOUISIANA WORKFORCE COMMISSION