

PDE Search

Go

Home >> Codes and Regulations >> Child Labor Law

Log In

Register | Forgot Password

Department Information

Find an Institution

Newsroom

Access Services

Offices

State Board of Education

Act 48 - Continuing Professional Education

Certifications

Codes and Regulations

Child Labor Law

Data and Statistics

Forms and Documents

Grants and Subsidies

Policies and Procedures

Programs

Pennsylvania Child Labor Law

General Information

The Pennsylvania Child Labor Law (CLL) was enacted to "provide for the health, safety, and welfare of minors by forbidding their employment or work in certain establishments and occupations, and under certain specified ages." The CLL requires minors to obtain work permits prior to beginning work. This law, with the exception of farm work or domestic service in a private home, covers work in any establishment other than the minor's residence.

A copy of the Pennsylvania Child Labor is available online at:

<http://www.dli.state.pa.us/landi/CWP/view.asp?a=185&Q=58124>

A summary of the Pennsylvania law is available on the Pennsylvania Department of Labor and Industry's Abstract of the Child Labor law. All employers must have a copy of the abstract posted if they employ minors.

The Abstract (*pdf*) is online at:

<http://www.dli.state.pa.us/landi/lib/landi/pdf/dept/posters/lc-5.pdf>

The Pennsylvania Department of Labor and Industry's regulations concerning child labor define terms such as apprentice, laboratory student aide and student learner. The regulations also list and define dangerous and prohibited occupations.

The regulations are online at:

<http://www.dli.state.pa.us/landi/CWP/view.asp?a=185&Q=58313>

Frequently Asked Questions

Q: Where do I get a work permit?

A: Each school district is responsible for issuing work permits to all minors who reside in the district including those who attend non-public schools or are participating in a home education program. Contact your school district to find out which building you should go to and what hours the work permit-issuing officer is available.

Q: What is the procedure for getting a work permit?

A: An application for a work permit can be obtained at your local school district. The prospective employer must indicate on the application what type of work the student will be doing and what hours the student will be working. The student then gets a physical and the doctor signs the application. The application is then returned to the school. A parent or guardian must appear before the issuing officer. If this is not possible, then an Attestation Document must be obtained from the school district and the parent must sign the document and have it notarized. The issuing officer must also be presented with a document that verifies the age of the student. The Child Labor Law prohibits the use of educational records to be used to verify age, so you will need a birth certificate, baptismal certificate, passport, or photo driver's license as proof of age.

Q: What are the different kinds of work permits?

A: Students who are 14 and 15 are issued Vacation Work Certificates. This allows them to work during the time school is not in session – after school, weekends and vacations. This certificate is good for one employer only. If the student gets a second job, then another Certificate is needed. The Vacation Certificate is good until the student turns 18, so if the student does not change employers, then no other certificate will be needed.

Students who are 16 and 17 are issued Transferable Work Permits. Once this is issued, the student will not need another permit. Each employer is to make a copy of the Transferable Permit and return the original to the student.

Q: How long do school districts have to keep the work permit applications on file?

A: The Child Labor Law requires that they be kept for two years after the student graduates or leaves the district.

Q: If a student had a Vacation Certificate for work last summer and will be employed by the same employer this summer, can they use the same Certificate?

A: Only if the student was not officially terminated by the employer. The law requires that upon termination, the employer must return the Vacation Certificate by mail to the school district issuing the certificate. If the student is not terminated, and since Vacation Certificates can only be used for employment with the employer

named on the Certificate, it would be permissible for the same certificate to be used.

Q: Once a Transferable Permit is issued, how are school districts supposed to know if a student changes jobs?

A: Each employer is required by law to notify the school district, in writing, each time a student is hired and when the student is no longer employed. This must be done within five days of the student starting or ending employment.

Q: Can a school district refuse to issue a work permit, or revoke one, on the grounds of the student's poor attendance, grades or behavior?

A: No. The law has no provision to revoke a permit and a permit MUST be issued if a student meets the criteria in the law to have a permit issued.

Q: How many hours of employment does a 16 year old need in order to drop out?

A: Section 1330 Of the Pennsylvania Public School Code states that a 16 year old student "who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to the law" is exempt from compulsory attendance. There is no specific number of hours given in Section 1330. Therefore, each school district should have a policy that specifies how many hours of employment are necessary in order for a student to withdraw at age sixteen (16).

Q: Can a student drop out at age 16 to work as a babysitter?

A: Section 1330 of the Pennsylvania School Code allows for 16 year olds to drop out if the employment they are seeking requires a work permit. There must be a formal employer-employee relationship. That means that all of the state and federal notifications by employers must be made as well as withholding and reporting of taxes. Most arrangements for babysitting cannot meet this standard. Self-employment would also not fit under the terms established in Section 1330.

Q: If a student drops out at age 17, do they still need a work permit?

A: No. The law states that any 17 year old who is a high school graduate or who has attained his or her academic potential is exempt from the child labor law. The Department of Education has interpreted this to mean that no work permit is needed for a seventeen year old who has dropped out. The school district from which the student has dropped out should give the student a letter that verifies his or her age and that the student has withdrawn. The student should provide the employer with a copy of the letter.

Q: If a student is 18 and still attending high school, does he or she need a work permit?

A: No. Even though a minor is still in high school, once they turn 18, the Child Labor Law no longer covers them.

Q: Can a parent sign a waiver to allow a student to work more hours, or later hours, than is permitted by law?

A: No. The Child Labor law does not have any waiver provisions.

Q: The federal law states that 14 and 15 year old students can work 3 hours after school, but the state law says they can work 4 hours after school. How many hours can they work?

A: Those students can only work 3 hours. When there is a conflict between the state and federal law, the stricter standard is enforced. In this case it is the federal law. As is listed on the back of the Vacation work certificate for 14 and 15 year olds, they can work 3 hours after school. Also under the federal law, 14 and 15 year old students cannot work past 7 PM during the school year. Even though the state law sets the deadline at 10 PM, the 7 PM limit must be observed.

Q: Is there information on the Internet about the federal child labor law standards?

A: Yes. There is an overview at: [Federal Child Labor Law Overview](#)

The complete set of regulations (*pdf*) is at: [Regulations](#)

Q: If a family wants to employ their child in their business, are they exempt from the Child Labor Law?

A: No. There is such an exemption under federal law for family business that does not involve manufacturing, but there is no similar exemption under state law.

Q: Who issues work permits to students from other states who will be working in Pennsylvania during the summer?

A: The school district where the employer is located issues the work permit.

Q: Who issues a work permit for a student from Pennsylvania who will be working in another state?

A: The student will need a work permit from the state in which he or she will be working. The student should

contact the school district in which the employer is located.

Q: If a Pennsylvania student will be working in another part of the state, who issues the work permit?

A: The school district in which the student resides issues the work permit for all employment to be performed in Pennsylvania.

Q: If a student was issued a Vacation Certificate and now turns 16 and wants a Transferable Permit, can a school district issue one without starting the application process over?

A: If the student is currently working, then yes, the school district may issue a Transferable Permit to that student. If a student has a Vacation Certificate and turns 16 and is not working, then the student would have to fill out a new application when he or she applies for a new job.

Q: If a student wants to work as a model or performer for theater, television or the movies, what permit is needed?

A: The Department of Labor and Industry issues a Special Performance Permit for the employment of minors seven (7) to eighteen (18) years of age. This permit is for theatrical productions, musical recitals or concerts, entertainment acts, modeling, radio, television, motion picture making, or in other similar forms or media of entertainment to be performed in Pennsylvania. Children younger than seven (7) may be issued this permit to work in film or video productions, but not still photography.

If the performance or rehearsals will require any absence from school, there is a section on this permit that requires the signature of the building principal and work permit issuing officer. Arrangements have to be made to ensure that participating in the performances will not interfere with the student's academic progress. To obtain an application for this permit, or for additional information, contact the Department of Labor and Industry at 1-800-932-0665.

Q: If a student is being home schooled, do all of the Child Labor Laws apply?

A: The U.S. Department of Labor has ruled that home schooling is not grounds for an exception to the federal Fair Labor Standards Act (FLSA) and thus all work by 14- and 15-year-olds is prohibited during the time the local public school is in session. Since the FLSA does not cover 16- and 17-year-olds, the Pennsylvania Department of Education has ruled that home schooled students who are 16 and 17 may work during the time school is in session as long as they do not work more than 6 consecutive days in one week, or work more than 8 hours per day or more than 44 hours per week. Those students may not work after midnight (Sunday through Thursday) during the school year. It would be helpful if the parent provides the employer with written verification that the student is being schooled at home.

Q: Can a student who is suspended or expelled work during the time school is in session?

A: Students who are suspended are considered to be enrolled in the school, and so all the rules that apply to other students also apply to them.

Students who have been expelled are not considered to be "enrolled in a regular day school" (language from the Child Labor Law) so they may be permitted to work during the time school is in session. They may not, however, exceed the daily and weekly maximum number of hours allowed for their age.

Q: Can a student who has been assigned to an alternative school (and is attending classes after the regular school hours) work during the time the regular school is in session?

A: Yes. Students attending an alternative school are not considered to be "enrolled in a regular day school." They may not work more than the daily and weekly maximum number of hours allowed for their age. It would be helpful if the school district provides the employer with written verification that the student is enrolled in an alternative school.

Q: What are the restrictions on minors working where alcohol is served?

A: Minors who are 16 years old and over may work in establishments which serve alcohol as long as they are employed to serve food, clear tables and other duties not including the dispensing or serving alcohol.

There is an exception to this rule under Pennsylvania's Act 47 of 1999 (47 P.S. §4-493(13)). The Act states that it shall be lawful for any ski resort, golf course or amusement park licensee to employ minors fourteen and fifteen years of age to perform duties only in rooms or areas where alcoholic beverages are not dispensed, served or stored during the time the minor is working.

Q: Does a student need a work permit to work on a farm?

A: No. The Child Labor Law states: "this act shall not apply to children employed on the farm, or in domestic service in private homes." With the exception of seasonal farm work, the Child Labor Law does not cover farm work and agricultural work in nurseries (non-retail employment). Students working as seasonal farm workers are covered by the CLL and must obtain work permits.

Students who wish to be exempt from attending school to work on a farm or to work as a domestic in a home other than their own should contact their school district and request a Farm and Domestic Permit.

Q: What is the definition of a seasonal farm worker?

A: Section 103 of the Pennsylvania Seasonal Farm Labor Act of 1978 (43 P.S. § 1301.103) defines a seasonal

farm worker to be an individual employed in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market or to storage or to a carrier for transportation to market in its unmanufactured state, any agricultural commodity as defined in the act of September 20, 1961 (P.L. 1541, No.657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," or any farm product as defined in 1 Pa.C.S. §1991 (relating to definitions) on a seasonal or other temporary basis; includes every individual, irrespective of his or her primary employment, while he or she performs agricultural labor on a seasonal or other temporary basis, except any person who commutes daily from his or her permanent residence to the work site unless transportation is provided such a person by a farm labor contractor; and, other provisions of this act to the contrary notwithstanding, includes any person residing in living quarters owned, leased or operated by an employer or a farm labor contractor and occupied by four or more unrelated persons.

Q: Is there any information on the Internet about restrictions on what kind of farm work students can do?

A: Yes. There is a federal Agricultural Fact Sheet at: [Federal Agricultural Fact Sheet](#)

Students who are under the age of 16 who work on a farm that is not their family farm are allowed to operate the farm machinery listed on the hazardous occupations list if they have successfully completed a course in the safe operation of farm equipment. Information about this program and the required certification can be found in the Basic Education Circular <http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=45419>

Q: If an employer is violating the Child Labor Law, whom do I contact?

A: The Pa. Department of Labor and Industry should be given information concerning violations of the law. You can call 1-800-932-0665.

For additional information, please contact:

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