

### **339.230 Restrictions on employment of minor between fourteen and eighteen.**

A minor who has passed his or her fourteenth birthday but is under eighteen (18) years of age may be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except:

- (1) If he or she is under sixteen (16) years of age, he or she may not be employed during regular school hours, unless:
  - (a) The school authorities have made arrangements for him or her to attend school at other than the regular hours, in which event he or she may be employed subject to regulations of the commissioner of workplace standards during such of the regular school hours as he or she is not required to be in attendance under the arrangement; or
  - (b) He or she has graduated from high school.
- (2) A minor who has passed his or her fourteenth birthday but is under eighteen (18) years of age, may not be employed, permitted, or suffered to work:
  - (a) In any place of employment or at any occupation, that the commissioner of workplace standards shall determine to be hazardous or injurious to the life, health, safety, or welfare of such minor unless:
    1. The minor is at least sixteen (16) years of age;
    2. The minor is employed by his or her parent or a person standing in place of a parent and works under adult supervision; and
    3. The minor is engaged in nonhazardous aspects of the electrical trades, including but not limited to activities such as pulling wire, setting boxes, or bending conduit;
  - (b) More than the number of days per week, nor more than the number of hours per day that the commissioner of workplace standards shall determine to be injurious to the life, health, safety, or welfare of such minor. The commissioner of workplace standards in promulgating these regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments, but in no event may he or she make them less restrictive;
  - (c) During the hours of the day that the commissioner of workplace standards shall determine to be injurious to the life, health, safety, or welfare of such minor. The commissioner of workplace standards in promulgating these regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments but in no event may he or she make them less restrictive; and
  - (d) In, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption, or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except that he or she may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted); or in a pool or billiard

room.

- (3) The commissioner of workplace standards shall promulgate regulations to properly protect the life, health, safety, or welfare of minors. He or she may consider sex, age, premises of employment, substances to be worked with, machinery to be operated, number of hours, hours of the day, nature of the employment, and other pertinent factors. The commissioner of workplace standards in promulgating these regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments but in no event may he or she make them less restrictive, provided, however, these regulations shall have no effect on the definition of "gainful occupation" under KRS 339.210. To advise the commissioner with respect to the regulations, the Governor shall appoint a committee of four (4) persons which shall consist of a representative from the Cabinet for Health and Family Services, the Department of Education, the Kentucky Commission on Human Rights and the Personnel Cabinet. The regulations promulgated in accordance with this section shall be reviewed by such committee whenever deemed necessary by the commissioner of workplace standards.

**Effective:** June 8, 2011

**History:** Amended 2011 Ky. Acts ch. 74, sec. 20, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 1773, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 609, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 154, sec. 93, effective July 15, 1998; and ch. 426, sec. 561, effective July 15, 1998. -- Amended 1984 Ky. Acts ch. 256, sec. 2, effective July 13, 1984; and ch. 414, sec. 27, effective July 13, 1984. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 94. -- Amended 1970 Ky. Acts ch. 143, sec. 2. -- Amended 1952 Ky. Acts ch. 178, sec. 1, effective June 19, 1952. -- Amended 1950 Ky. Acts ch. 105, sec. 1. -- Created 1948 Ky. Acts ch. 107, sec. 3.