

IDAHO

DEPARTMENT OF LABOR

Wage & Hour Division

Child Labor Proposal

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1. MEMORANDUM

TO: Roger Madsen, Director

From: Internal Review Committee

Georgia Smith –Communications Manager
Roger Holmes –Benefits Bureau Chief
Craig Bledsoe –Deputy Attorney General

Bob Fick –Public Affairs
Craig Soelberg –Program Supervisor

RE: **Idaho Child Labor Laws Proposal**

Background:

- Idaho Child Labor laws were enacted in 1907 and are extremely out of date.
- Current laws are left up to local probation officers and school districts to enforce.
- Not one child labor violation has been prosecuted in the last (five years) under current law.
- Federal Child Labor Law supersedes state law under the Fair Labor Standards Act (FLSA).
- In 2006 Federal Wage and Hour only investigated 10 child labor cases in Idaho.
- A small number of employers do not fall within the coverage criteria of the FLSA and are essentially unregulated in their employment of youth workers.

Need:

- 481 injuries to workers under the age of 18 reported by the Idaho Industrial Commission January through April 2007
- 700+ average injuries to workers under the age of 18 over the past 25 years
- Little federal enforcement of child labor violations in Idaho by Federal Wage and Hour
- High number of young workers in Idaho –on average 26,890 at any one time

Proposal:

- Protect youth workers in the state by adopting relevant and enforceable child labor laws.
- Bring Idaho Child Labor Laws up to date with surrounding states so that Idaho does not become a refuge for unscrupulous individuals looking to disregard threats to youth in the workplace.
- Dispose of an embarrassing 100 year old law that still refers to the employment of minors in telegraph offices, saloons, and ‘a house of prostitution’. The maximum fine under these laws being \$50.00.

Considerations:

- Additional resources will be required to enforce Child Labor.
- New law will be based on current standards under the FLSA and are relatively non-controversial.
- Provides an opportunity for the Governor to join other state Governors in cracking down on habitual violators and raise awareness of the importance of youth employment.
- It would require input and coordination with many interested parties to change the law.

- Penalties need to be a significant deterrent for unfair and unsafe employment of youth.

2. NEEDS ASSESSMENT

2.1 DATA GATHERING BY IDAHO DEPARTMENT OF LABOR

Number of Child Labor Questions Fielded by Labor Compliance Officers

October 06	November 06	December 06	January 07	February 07	March 07
32	27	29	26	19	37

Examples of referrals where no Federal coverage could be established (1/1/2006 to current):

- 16 year old was driving a forklift in Sandpoint when he rolled it over on himself (unknown injuries)
- 15 year old was driving a ditch witch in Post Falls when he cut a power line and electrocuted himself
- 7 year old working behind a restaurant counter in Twin Falls using a blender to make milkshakes
- 10 year old working bussing tables for a small restaurant in Bayview
- 13 year old hired to do clean up on a construction site in Coeur d’Alene

Examples of typical referrals sent through the main Federal call center:

- Received a complaint from Idaho Falls on a 15 year old working as a dishwasher until midnight
- 15 yr old working 36 hours per week at a local fast food establishment in Boise during school weeks
- Kids under the age of 16 operating meat cutting machines, grinders, and large kitchen stoves in Pocatello. The employer works the kids in excess of 8 hours per shift and extended hours.
- 10 & 11 yr olds at local elementary school in Coeur d’Alene working in school lunch cafeteria. Washing dishes and doing jobs you would see performed in a restaurant. No use of power tools or equipment, but working through lunch.
- Two children under the age of 12 working in a Chinese café in Burley
- Calls regarding young children working in the beet fields near Rupert
- Referred a call about a “child” under the age of 18 using a meat cutter

The examples above are in addition to the standard calls we take regarding the federal standards

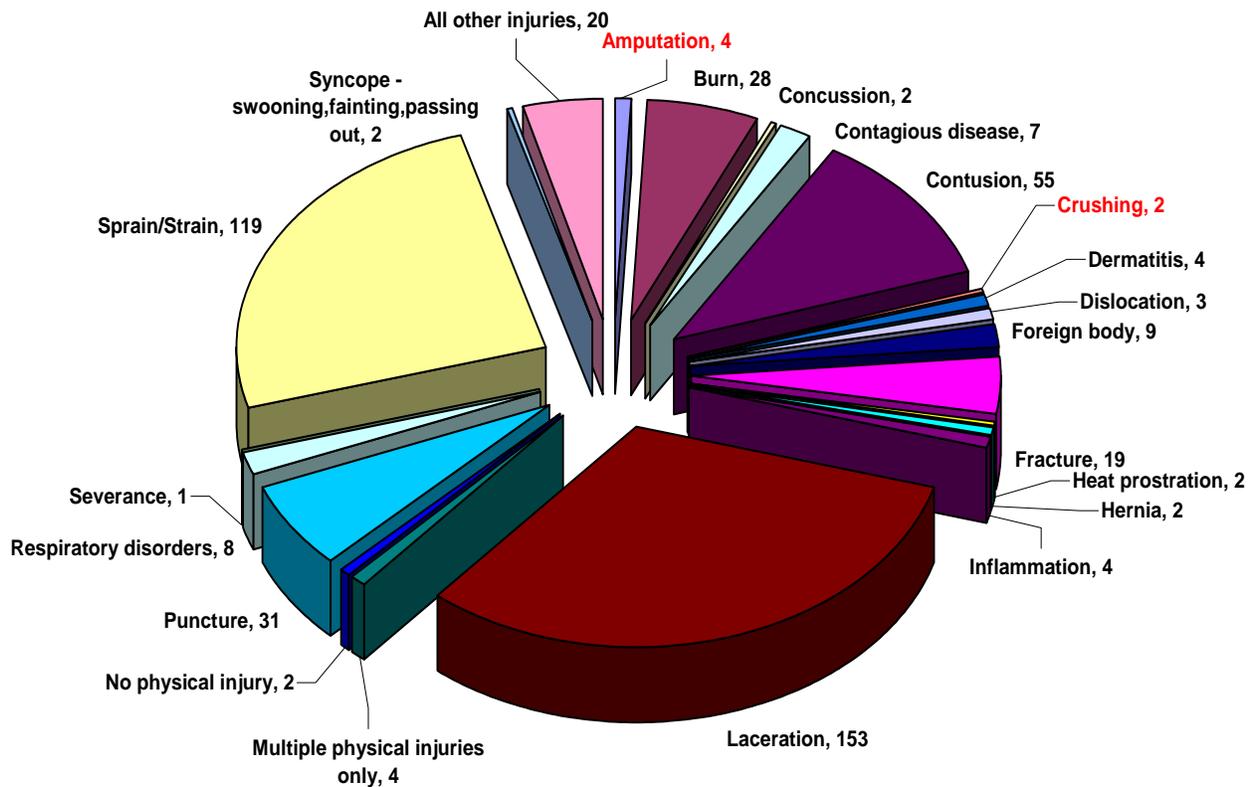
Examples of problems that do not fall under the federal child labor laws:

- Rick Anderson, Economics Teacher, Lakeland High School in Rathdrum -called to check time restrictions on kids 16 and older. The kids in his class are falling asleep because they are working at fast food establishments until 1 or 2 a.m./closing. He would like to see something done about it.

- A parent wanting to know if her 16 year old daughter can work until 11 PM (the daughter is having trouble getting up in the morning and getting to school)
- A mother called concerning her 16 yr old daughter working past midnight at a convenience store
- A father wanting to know if the employer is allowed to have his son out selling door to door by himself and after dark

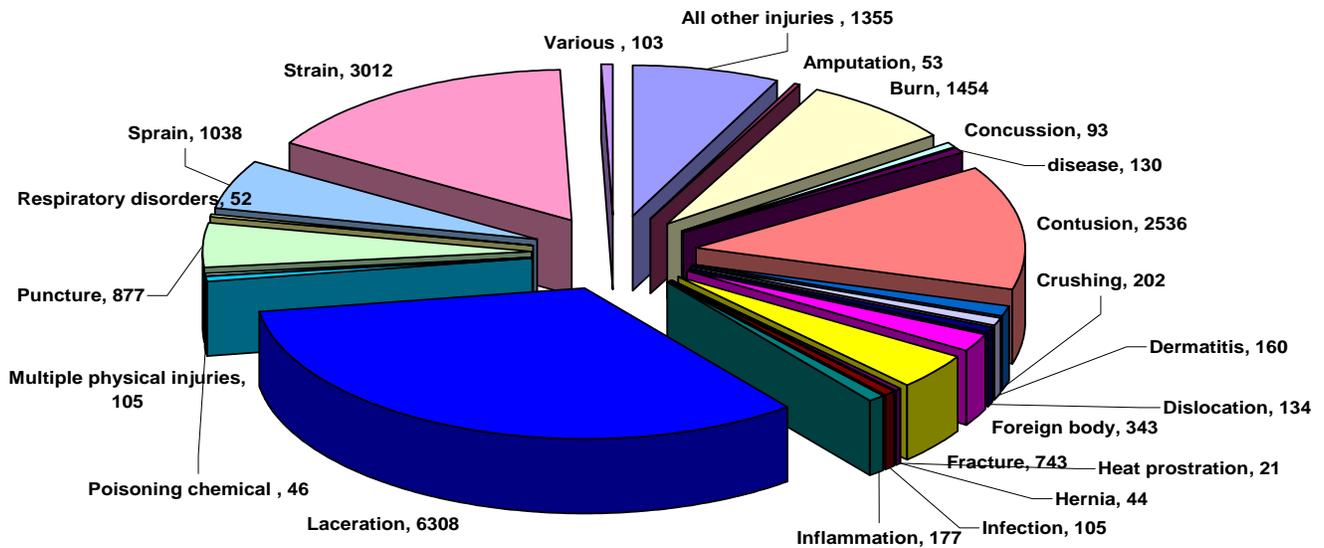
2.2 INJURIES REPORTED BY THE IDAHO INDUSTRIAL COMMISSION

**2007 Workers Compensation Claims under 18
481 Total Claims through April**

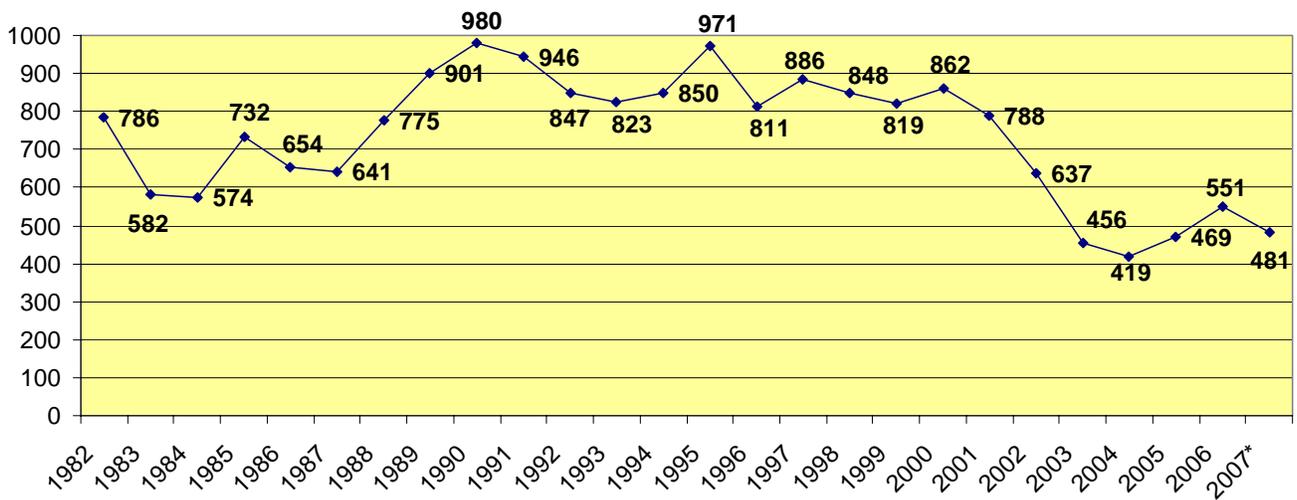


These injuries are only those reported to the Idaho Industrial Commission under claims for workers compensation. Think how many injuries to children go unreported in this state?

Injuries by Type over the last 25 Years 19,194 Total Claims under 18



Total Workers Compensation Claims under 18 years old



**Through May of 2007*

2.3 YOUTH EMPLOYMENT IN IDAHO

An estimated 80% of all teens are employed at some point during their high school years. Work is an important and beneficial experience for many teens. When part of a structured work-based learning experience, work outside of school can add relevancy to students’ classroom learning and help in future decision-making regarding further education and careers. However, young workers face many of the same occupational hazards as adult workers, especially when they are allowed to perform tasks that should be restricted to more experienced employees.*



National Data	Idaho Data
<ul style="list-style-type: none"> • 70 teens die from work-related injuries every year in the United States.¹ • The leading causes of work-related deaths among teens are motor vehicle injuries and injuries associated with machinery/equipment. • Teen Workers are injured at higher rates than adult workers despite the fact that they typically work fewer hours.² • 200,000 teens under the age of 18 years are injured on the job each year, according to National Institute for Occupational Safety and Health (NIOSH) estimates. • 70,000 teens are injured seriously enough at work each year to receive treatment in hospital emergency departments. • It is estimated that only 1/3 of teens injured on the job seek medical treatment. 	<ul style="list-style-type: none"> • 28,409 Idaho teens are working outside of school at any given time during the year.³ • Since 2001 there have been 4,663 workers’ compensation reports of injuries among young workers under the age of 18.⁴ • This number is most likely a conservative estimate of the true extent of the problem, since many injuries to young workers are not reported, and many other young workers are paid “under the table”. • Injuries to teens in Idaho have included concussions, crushing injuries, and amputations along with routine work place accidents. • There are currently over 50,000 registered employers in Idaho. A small percentage of which do not fall under the Federal child labor laws.

* Taken from Connecticut Child Labor Campaign

¹ Source: US Bureau of Labor Statistic

² Source: National Institute for Occupational Safety and Health

³ Source: Research and Analysis Section of Idaho Department of Labor

⁴ Source: Idaho Industrial Commission

2.4 Risk Factors Unique to Children and Adolescents

Report compiled by the National Institute for Occupational Safety and Health in Publication No. 97-143

A maxim of pediatrics states that children are not little adults. Most biological systems in the human body do not mature until about the age of 18 [National Research Council 1993]. Although adolescents are more like adults than younger children, their bodies are still growing and maturing. Many differences in anatomy, physiology, and psychology distinguish them from adults. These differences may translate into unique risk factors for occupational injuries and illnesses.

Physical and Physiological Risk Factors

Size

Adolescents vary greatly in size. A lack of fit between machines and the physical dimensions and strength of children and adolescents may increase the risk for injury. For example, studies conducted by the Consumer Product Safety Commission found that certain ages, heights, and weights were associated with higher rates of injury during the use of ride-on mowers [CPSC 1993]:

- Operators aged 5 to 14 had higher injury rates than older adolescents and adults.
- Operators with heights of 60 in. or less had higher injury rates than taller persons.
- Operators weighing less than 125 lb or more than 199 lb had higher injury rates than operators of other weights.

The association of ride on mower injuries with small body size raises concerns about the operation of ride on mowers and other machinery by children aged 14 and 15. Growth charts suggest that more than 50% of girls aged 15 and 50% of boys aged 15 weigh less than 125 lb. Height is a smaller issue, since only 10% of girls aged 15 and less than 5% of boys fall below 60 in. [NCHS 1976].

Growth

Among military recruits in Israel, data demonstrated a decreased risk for stress fractures with each year of age above 17 [Milgrom et al. 1994]. These results suggest that adolescent bones may not have reached full structural maturity. Adolescence is characterized by a rapid growth rate, which is exceeded only by the growth rates during infancy and early childhood [National Research Council 1993]. Diminished coordination during periods of rapid growth could increase the risk for work injury.

Sleep Requirements

Sleep research has shown that the transition from the childhood to the adult sleep-wake cycle includes several distinct steps and requires several years to complete. The adult pattern of afternoon sleepiness is first seen in children about halfway through puberty [Carskadon et al. 1980]. Yet the adult pattern of a reduced need for sleep (8 hr per night) is not observed until sometime after age 18. Current laboratory research suggests that adolescents through age 18 (and perhaps older) require approximately 9 hr of sleep per night [Carskadon 1990]. However, cross sectional surveys report an average of 7 hr of sleep per night for high school students with part-time jobs -- particularly among juniors and seniors working 20 to 30 hr per week [Carskadon 1989, 1990]. These data corroborate observations from high school teachers who report sleepy students, especially during early morning classes. Heavy part-time work schedules may result in inadequate sleep, fatigue, and increased risks for injuries while working or commuting.

Sleep research is rapidly unraveling a complex set of phenomena. The current indications are as follows:

- Episodes of early morning and mid-afternoon sleepiness in adolescents have a clear physiological basis.
- Rapidly growing adolescents require as much or more sleep than their younger peers.
- School, work, and social pressures combine to create a pattern of sleep deprivation and fatigue, particularly during the workweek, and particularly for students working 20+ hr per week.
- Cumulative sleep deprivation and fatigue may place adolescents at increased risk for work-related injuries and illnesses -- as well as for unintentional sleep episodes while driving to or from work.

Susceptibility to Injuries and Illnesses

Body weight, surface area, and fat composition vary between younger and older adolescents [National Research Council 1993]. These physiological differences may result in different degrees of susceptibility to occupational exposures during different periods of adolescence.

Growth and maturation are not constant across organ systems [National Research Council 1993]. The thymus grows most rapidly, exceeding adult size during most of childhood and decreasing to adult size beginning at about age 13. The brain approaches full adult size at about age 4, though behavioral development occurs through adolescence. The kidneys, spleen, and ovaries all grow steadily from about 40% of adult organ weight at age 8 to 100% at age 17. The testes and uterus increase dramatically from about 10% of adult weight at age 8 to 100% at age 17. Damage to an immature organ or organ system may permanently prevent normal physical maturation, and organ systems may be more susceptible during rapid periods of growth [National Research Council 1993]. For example, atomic bomb survivors have demonstrated increased risk for breast cancer among those exposed under the age of 20 compared with those exposed at age 40 or after [Merke and Miller 1992].

Psychological Factors

In addition to the physical and physiological changes noted above, children experience profound psychological changes as they mature. This psychological transition is often less visible than the physical one, requires more time to complete, and typically lags behind physical maturation. Thus psychological immaturity may be obscured by a relatively mature physical appearance in an adolescent. As a result, a young worker may be assigned to a task for which he or she is emotionally or cognitively unprepared. In addition, a young worker will not have adequate experience to judge his or her ability to complete an assignment safely.

The terms most often used to describe the psychological attributes of adolescence are poor judgment, sensation seeking, poor risk assessment, vulnerability to peer pressure, incomplete self-image, pressure to excel, need to prove independence and maturity, desire to conform, and (conversely) need to rebel. Although these attributes are relevant throughout the life span, adolescence is the time when the individual first encounters the possibility of making independent, adult decisions and experiencing adult consequences. Poor risk assessment combined with a tendency toward sensation seeking may lead to feelings of invulnerability while operating a motor vehicle. The natural desire to prove ones independence and skills as well as to help the family may cause a young adolescent to take on a task for which he or she is not equipped. Such impulses have often resulted in deaths and permanent injuries to children in tractor rollovers, grain bin entrapments, and equipment entanglements while working on the family farm. At least in agriculture, concerns about cognitive and emotional maturity as well as overall

lack of experience have been added to the ergonomic concerns about young workers noted earlier [Aherin and Todd 1989; National Committee for Childhood Agricultural Injury Prevention 1996].

The literature about adolescent development and risk taking centers on sexual behavior, the use of alcohol and other drugs, and the operation of motor vehicles -- particularly in conjunction with the consumption of alcohol [e.g., Kidd and Holton 1993]. Sensation seeking has recently been shown to be a fairly complex (and even protective) phenomenon when examined in a context such as school sports [Smith et al. 1992]. However, the consequences of risky behaviors during adolescence are generally severe [e.g., Zuckerman and Duby 1985]. Two studies are currently under way to shed further light on risk taking behavior in adolescence: the Youth Risk Behavioral Surveillance System conducted by the National Center for Chronic Disease Prevention and Health Promotion, and the Adolescent Health Study conducted by the University of North Carolina. Neither study emphasizes occupational issues.

Lack of Work Experience

No easy method exists for summarizing the complex issues of psychological development during adolescence and the potential consequences for working adolescents. However, lack of work experience is a contributing factor in all of the issues examined above. Additional research is necessary to confirm this hypothesis, but this brief review indicates that general lack of work experience coupled with normal adolescent psychological development places adolescents at high risk of injury on the job.

Lack of Training and Supervision

Factors related to work organization -- such as the amount of safety training and supervision -- may increase the risk for work injuries and illnesses among children and adolescents. In a telephone survey of workers aged 14 to 16 with work injuries identified through the NEISS, 54% reported receiving no training in methods to prevent their injuries [Knight et al. 1995]. Classroom discussions with 180 students in California also found low levels of training about job safety [Bush and Baker 1994]. In the NEISS telephone survey, a supervisor was present at the time of injury in only about 20% of the cases [Knight et al. 1995]. To counteract the lack of work experience, work-related training and supervision for adolescents must be both developmentally appropriate to the task and sufficient to achieve mastery. Only when teens adequately appreciate their risks on the job will they begin to adopt self-directed, self-monitored, safe work practices.

Inappropriate Work Assignments

Inappropriate work assignments also contribute to deaths and injuries of young workers. In the NEISS telephone survey, 19% of the respondents appeared to have been injured in jobs typically prohibited by Federal child labor laws for workers of their age [Knight et al. 1995]. Studies of work-related fatalities among minors have found that 38% to 86% of such fatalities occurred during work typically prohibited under Federal child labor laws [NIOSH 1995]. And as discussed earlier, 70% of the deaths of children investigated by OSHA involved safety violations [Suruda and Halperin 1991].

Summary

Children and adolescents are not little adults. In addition to physical differences, young workers have differences in psychology, cognitive abilities, and skills. A recent report about preventing childhood agricultural injuries called for developmentally appropriate guidelines for children's agricultural work based on research findings, theories, and principles associated with psychological and physical development [National Committee for Childhood Agricultural Injury Prevention 1996]. The need for

age appropriate or developmentally appropriate standards for adolescent work applies to nonagricultural work as well.

3. FEDERAL CHILD LABOR LAW

3.1 GENERAL PROVISIONS OF FEDERAL CHILD LABOR LAW

(NOT A COMPLETE LISTING OF THE LAW)

What Hours Can Youth Work?

If you are 14 or 15, youth can work . . .

Outside school hours

After 7 a.m. and until 7 p.m.

Except from June 1 through Labor Day, when you can work until 9 p.m.

Youth can work no more than:

- 3 hours on a school day,
- 18 hours in a school week,
- 8 hours on a non-school day, and
- 40 hours in non-school week.

If youth are 16 or older, they can work . . .

Any day, any time of day, and for any number of hours. There are no restrictions on the work hours of youth age 16 or older.

Different rules apply to farms, and individual States may have stricter rules.

What Jobs Can Youth Do?

When Youth Are 13 Or Younger . . .

Youth can deliver newspapers.

Youth can work as a baby-sitter.

Youth can work as an actor or performer in motion pictures, television, theater or radio.

Youth can work in a business solely owned or operated by their parents.

Youth can work on a farm owned or operated by their parents.

However, parents are prohibited from employing their children in manufacturing, mining, or any other occupation declared hazardous (listed below) by the Secretary of Labor.

When Youth Turns 14 . . .

Youth also can work in an:

- office, grocery store, retail store, restaurant, movie theater, baseball park, amusement park, or gasoline service station.

Youth generally may not work in:

- communications or public utilities jobs, construction or repair jobs, driving a motor vehicle or helping a driver, manufacturing and mining occupations, power-driven machinery or hoisting apparatus other than typical office machines, processing occupations, public messenger jobs, transporting of persons or property, workrooms where products are manufactured, mined or processed, or warehousing and storage.

In addition, youth may not work any other job or occupation declared hazardous (listed below) by the Secretary of Labor.

When Youth Turn 16 . . .

Youth can work in any job or occupation that has not been declared hazardous by the Secretary of Labor.

Hazardous Occupations

Youth generally may not work in any of the following hazardous occupations:

- manufacturing and storing of explosives, driving a motor vehicle and being an outside helper on a motor vehicle; coal mining, logging and sawmilling, power-driven woodworking machines, exposure to radioactive substances, power-driven hoisting apparatus, power-driven metal-forming, punching, and shearing machines, mining, other than coal mining, meat packing or processing (including the use of power-driven meat slicing machines), power-driven bakery machines, power-driven paper-product machines, manufacturing brick, tile, and related products, power-driven circular saws, band saws, and guillotine shears, wrecking, demolition, and ship breaking operations, roofing operations and all work on or about a roof, or excavation operations.

There are some exemptions for apprentice/student-learner programs in some of these hazardous occupations.

3.2 COVERAGE CRITERIA

As stated previously Federal Child Labor Law has taken precedence in Idaho due to the inadequacies of the state law. However, Federal coverage only applies if employers meet the coverage criteria under the Fair Labor Standards Act. Employees are covered if their employer is a:

- A Federal, state, or local government agency
- A hospital, or an institution primarily engaged in the care of the sick, the aged, or the mentally ill or mentally retarded who live on the premises
- A pre-school; elementary or secondary school or institution of higher learning; or a school for mentally or physically handicapped or gifted children
- A company/organization with annual dollar volume of sales or receipts in the amount of \$500,000 or more

An employee is covered on an individual basis in every workweek in which he or she performs any work constituting engagement in interstate or foreign commerce, or the production of goods for interstate or foreign commerce, including any closely related process or occupation directly essential to such production. As long as somewhere in or about the establishment where the youth is employed, or within 30 days of the youth's employment, goods are produced and removed for shipment in commerce, the youth is protected by the child labor provisions of the FLSA.

3.3 GAPS IN FEDERAL COVERAGE

Federal Labor Law currently has no provisions to cover teen workers in the following high-risk occupations.

- Door to Door Sales
- Living Signs
- Car Wash Attendants

4.0 CURRENT IDAHO CHILD LABOR LAW

This committee suggests that the current law (shown below) be repealed and new law be drafted.

TITLE 44 CHAPTER 13 CHILD LABOR LAW

44-1301. RESTRICTIONS ON EMPLOYMENT OF CHILDREN UNDER FOURTEEN.

No child under fourteen (14) years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen (14) years of age in any business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of six o'clock in the morning, or after the hour of nine o'clock in the evening: provided, that any child over the age of twelve (12) years may be employed at any of the occupations mentioned in this chapter during the regular vacations of two (2) weeks or more of the public schools of the district in which such child resides.

44-1302. CHILDREN UNDER SIXTEEN -- EDUCATIONAL REQUIREMENTS.

No minor who is under sixteen (16) years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instructions in spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

44-1303. EMPLOYERS TO KEEP RECORD OF MINOR EMPLOYEES.

Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen (16) years of age and over fourteen (14) years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and place of residence of such minors.

44-1304. WORKING HOURS FOR CHILDREN UNDER SIXTEEN.

No person under the age of sixteen (16) years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four (54) hours in any one week, nor more than nine (9) hours in any one day; nor before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening.

44-1305. PENALTY FOR VIOLATIONS OF CHAPTER.

Whoever employs a child under sixteen (16) years of age, and whoever having under his control a child under such age permits such child to be employed in violation of sections 44-1301 and 44-1302[, Idaho Code,] shall, for such offense, be fined not more than fifty dollars (\$50.00), and whoever continues to employ any child in the violation of either of said sections after being notified by a truant officer, probation officer or school authority shall, for every day thereafter that such employment continues, be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00). A failure to produce to a truant officer, policeman, probation officer or school authority, the age record required by this chapter shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian or custodian of a minor under sixteen (16) years of age who knowingly swears falsely as to the age of such child for the purpose of obtaining an age record is guilty of perjury.

44-1306. PROHIBITION AGAINST THEATRICAL EMPLOYMENT OF CHILDREN -- PENALTY -- EXCEPTION.

Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen (16) years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out or disposes of such child to any person, under any name, title or pretense, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, acrobat, or contortionist, or rider, or in any place whatsoever, or for any obscene, indecent or immoral purposes, exhibition or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than fifty dollars (\$50.00) nor more than \$250, or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody any child under the age [of sixteen (16) years] and for any of the purposes mentioned in this section is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning of the science or practice of music.

44-1307. EMPLOYMENT OF MINORS IN IMMORAL SURROUNDINGS.

Any person, whether as parent, guardian, employer or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than fifty dollars (\$50.00) or imprisonment for not less than two (2) months, or by both such fine and imprisonment.

44-1308. PROBATION OFFICERS AND SCHOOL TRUSTEES TO BRING COMPLAINT.

The probation officer, or in counties where there is no probation officer, one or more of the school trustees shall visit the various places of employment mentioned in sections 44-1301 and 44-1307[, Idaho Code,] and ascertain whether any minors are employed therein contrary to the provisions of this chapter, and they shall bring complaint for offenses under this chapter to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this chapter. All offenses under this chapter shall be prosecuted in the probate court [district court].

5.0 PROPOSED CHILD LABOR LEGISLATION

Draft is being developed.

6.0 ESTIMATED COSTS

According to 2004 Child Labor State survey conducted by the Child Labor Coalition there were on average 126 total cases finding child labor violations per state in the 32 states participating in the survey.

Currently, Idaho Wage and Hour investigates on average 1,500 wage payment law cases per year. There are 6 fulltime compliance officers assigned to those administer these cases each year. Based on analysis of inspection time requirements for child labor violations in other states and at the federal level, we conservatively estimate that child labor cases would take roughly six times longer to investigate and carry through to resolution than a wage payment case.⁵

Following in those numbers, it takes one compliance officer to complete 250 wage payment cases in one year. An average state conducts 126 child labor cases per year. Each child labor case takes approximately six times as much manpower to complete and would be roughly equivalent to 756 wage payment investigations. Therefore, we conservatively estimate the addition of 3 compliance officers will be needed to adequately educate employers, investigate, and enforce a new child labor law. These positions would come from vacant positions already authorized for the department

Wage and Hour is currently funded by the legislature with a total budget of \$561,000. These costs include funding for six staff members and associated non-personnel services costs. These expenses are space in the central and local offices, network costs, legal costs, the cost of collecting wages and penalties, and the cost of appeals.

An increase of three compliance officers and commensurate non-personnel service cost would mean a total permanent increase of \$252,000 (45%) to \$813,000 dollars per year.

This estimate includes the addition of three compliance officers and all associated costs; the training of current staff, the hiring and training of new staff, purchase of necessary equipment for field investigations, and the cost to collect penalty citations.

Depending on the provisions of the legislation enacting a new law, this cost increase could be partially offset through the collection of civil money penalties against violators. On average, a total of \$54,718 dollars per state were assessed in civil money penalties among the 21 states that exercise that authority

⁵ More data has been requested from USDOL and individual states to determine exact staffing needs of each entity.

according to the study cited above. If Idaho's civil penalties held with the average, then the total net cost to institute and enforce a labor law which would protect Idaho's youth would be a little over \$197,000 annually.

7.0 Recommendations of the Internal Committee

Child labor laws exist to protect our youth in the workplace. They also ensure our youth have the opportunity to complete a quality education and become productive members of our society. These laws strive to protect our youth while still supporting their workplace experiences. They also assist employers in reducing costs associated with workplace injuries, such as lost production time and workers' compensation insurance premiums.

Research proves abuse of hour limitations and working youth in hazardous or prohibited areas leads to serious consequences. The most obvious is workplace injuries and fatalities to our youth. Consequences of these injuries or fatalities are obvious –possible loss of limbs, or lives, or at best, loss of work time and production.

Other consequences are interrupted or incomplete educations. Many educators are constantly concerned about students falling asleep in classrooms due to late hours working the night before.⁶

Idaho is among the last states in the nation to rely on the Federal government alone to enforce child labor law and protect our youth. The Federal government's investigation of child labor violations has been declining over the past ten years.⁷ From 2004 to 2005 child labor investigations declined 31.5% from 2,606 to 1,784 per year nationwide.

The new proposed Idaho Child Labor Law would have little impact to Idaho's employer community as this law does not exceed the current Federal Child Labor Law. The only difference would be local enforcement and coverage for all businesses in Idaho.

The numbers of youth injured on the job is unacceptable. The number of injuries to youth that have occurred in the last year that were not subject to any type of child labor law violations is unacceptable. This committee believes that there is an immediate need to enact and enforce local regulatory control of child labor laws in Idaho.

⁶ Statement quoted from the National Institute for Occupational Safety and Health

⁷ "The Government's Striking Decline in Child Labor Enforcement Activities", Child Labor Coalition Report 2006