

CALIFORNIA CHILD LABOR LAW - HOURS OF WORK FOR YOUTH

State of California

Department of Industrial Relations, Division of Labor Standards Enforcement

For other states visit U.S. Department of Labor at <https://www.dol.gov/agencies/whd/state/child-labor>

Age	When School is in Session	When School is not in Session	Spread of Hours
Ages 12 & 13	<ul style="list-style-type: none"> ➤ May be employed only during school holidays and vacations (usually construed to include weekends). May never be employed on any school day, either before or after school. [EC 49111] See text. ➤ Daily and weekly work hour maximums while school is in session are not specified in statute, but may not exceed the maximum allowed when school is not in session or the maximum stated on permit. [EC 49111; LC 1391, 1392] See text. ➤ Not eligible for WEE programs. [EC 49113] 	<ul style="list-style-type: none"> ➤ 8 hours per day [LC 1391, 1392] ➤ 40 hours per week [LC 1391] 	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]
Ages 14 & 15 Must have completed 7 th grade to work while school is in session (EC 49112)	<ul style="list-style-type: none"> ➤ 3 hours per school day outside of school hours [EC 49112, 49116; LC 1391] ➤ 8 hours on any non-school day ➤ 18 hours per week [EC 49116; LC 1391] ➤ WEE students may work during school hours & up to 23 hours per week. See text. [EC 49116; LC 1391] 	<ul style="list-style-type: none"> ➤ 8 hours per day [LC 1391, 1392] ➤ 40 hours per week [LC 1391] 	7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]
Ages 16 & 17 Must have completed 7 th grade to work while school is in session (EC 49112)	<ul style="list-style-type: none"> ➤ 4 hours per day on any school day [EC 49112; 49116; LC 1391] ➤ 8 hours on any non-school day or on any day preceding a non-school day. [EC 49112; 49116; LC 1391] ➤ 48 hours per week [LC 1391] ➤ WEE students & personal attendants*** may work more than 4 hours on a school day, but never more than 8. See text. [EC 49116; LC 1391, 1392] 	<ul style="list-style-type: none"> ➤ 8 hours per day [LC 1391, 1392] ➤ 48 hours per week [LC 1391] 	<ul style="list-style-type: none"> ➤ 5 a.m. – 10 p.m. However, until 12:30 a.m. on any evening preceding a non-school day [LC 1391] ➤ WEE students, with permission, until 12:30 a.m. on any day [LC 1391.1] ➤ Messengers: 6 a.m. – 9 p.m.

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PENALTIES

EC 49111, 49112, 49116 Misdemeanor. [EC 49182]

LC 1297 Misdemeanor. [LC 1303]

LC 1391 First violation, Class B, \$500; second violation, Class B, \$1,000; third and subsequent violations, Class A, \$5,000 - \$10,000. [LC 1288] Misdemeanor. [1303]

LC 1392 Class A violation \$5,000 - \$10,000. (Minor must be a ward or apprentice.) Misdemeanor. [LC 1392]

- Permits must be revoked (by school officials or the Labor Commissioner) if work exceeds the hours stated on the permit. [LC 1300; EC 49164]
- With few exceptions, all employees are entitled to one day of rest in seven. [LC 551, 552] Days of rest may be accumulated providing that in each calendar month the employee receives the equivalent of one day of rest in seven. [LC 554] A violation of Sections 551, 552 and 554 is a misdemeanor. [LC 553]. School attendance is not considered work time.
- See Chapter 11 of this digest for additional details on penalties

*Statutes governing work hours for 14- and 15-year-olds use the phrase, "while school is in session", for the three-hour day, 18-hour week. California provides no precise definition of this phrase. However, the phrase is also used in federal regulations from which California's standard is derived [29 CFR 570.35(a)]. The U.S. Department of Labor considers the term "school in session" to mean the scheduled schooldays of the public school system in the county where the minor resides. A school week under federal standards is any week during which school is in session for at least one day. Thus, school is considered in session during any week that has at least one scheduled school day. Since the school session is derived from the schedule for the county's public schools, school may be considered in session for a minor who attends a private school that is closed during the summer if the public schools are in session at that same time.

**A "school day" is any day that the minor is required to attend school for 240 minutes or more. [EC 49116; LC 1391]

***"Personal attendant" is specifically defined; see "Household Occupations" in Chapter 7 of this digest [<https://www.dir.ca.gov/DLSE/ChildLaborLawPamphlet.pdf>].

Work hour Exceptions for Sixteen- and Seventeen-Year-Olds

Sixteen and seventeen-year-olds enrolled in Work Experience or cooperative vocational education programs approved by the California Department of Education or those conducted by private schools may work on any day after 10 p.m., but not later than 12:30 a.m., provided that the parent or guardian and the Work Experience Education coordinator approve. Such employment may not be detrimental to the health, education, or welfare of the minor. Minors in these programs who work between the hours of 10 p.m. and 12:30 a.m. must be paid at least the adult minimum wage for those hours [LC 1391.1]. As the chart indicates, 16 and 17-year-olds enrolled in a school approved Work Experience or cooperative vocational education program may work more than four hours on a school day, but never more than eight hours in any day [EC 49116, LC 1391 and 1392].

Reference: State of California Department of Industrial Relations, Division of Labor Standards Enforcement. (2013). *Child Labor Laws*. California Department of Industrial Relations. Retrieved May 9, 2022, from <https://www.dir.ca.gov/DLSE/ChildLaborLawPamphlet.pdf>

