



Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Chapter 74 Manual
for
Vocational Technical Cooperative Education

Child Labor Law

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THE CHILD LABOR LAWS and COOPERATIVE EDUCATION

(Refer to APPENDIX A for a compilation of the laws and regulations pertaining to Cooperative Education)

Cooperative Employment Permits

Minors who are sixteen and seventeen years old who are to be employed in cooperative education must obtain a COOPERATIVE EMPLOYMENT PERMIT. The superintendent of the school district where the student is enrolled in a Chapter 74-approved program that includes cooperative education issues this permit to students. *Each superintendent has access to the permits through the Security Portal on the Department of Elementary and Secondary Education's website.* The minor signs the permit and it is valid only while the minor is enrolled in cooperative education for a particular employer and attends school as assigned. The permit is retained by the employer, but is returned to the minor when the employment ends. If the student works for two or more employers, the permit may be transferred from one employer to another, if so approved by the superintendent. When the permit expires, the student returns it to the superintendent from whom it was issued, or if the superintendent so directs, to the school official authorized by the superintendent to supervise the student's cooperative education course of study. (Reference M.G.L. c.149, Section 1)

Exemptions to Child Labor Laws for Minors under Eighteen Enrolled in Cooperative Education in Massachusetts

In Massachusetts, students participating in cooperative education will always be at least 16 years of age because in no case may students participate in cooperative education earlier than midway through the junior year. Students who participate in cooperative education must be enrolled in a Chapter 74-approved program and have demonstrated those academic, technical and employability competencies associated with at least one and one half years of full time study in the Chapter 74 –approved program that has the cooperative education component. Note that the Chapter 74-approved program and the cooperative education component must be the same occupational area. Massachusetts law (M.G.L. c. 149 section 62 and the Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1)) lists the type of work that minors under 18 must not perform. M.G.L. c. 149 section 62 A and the Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001 (see Appendix A for these documents) lists the type of work that minors under 18 may perform if they are enrolled in cooperative education that is part of a Chapter 74-approved program in MA and the work meets the following conditions: **• employed under written agreements • performing work that is incidental to their training • performing work that is intermittent and for short periods of time • under the direct and close supervision of a qualified and experienced person • given safety instruction correlated by the employer with on-the-job training.** However, it must be emphasized that there are types of work that even students enrolled in cooperative education must not perform. Thus, the lists below identify the type of work that is not exempt (see **No Exemptions Summary, Period** below) and the type of work that is exempt (see **Exemption Summary for Cooperative Education** below) for students enrolled in cooperative education in MA. Also below is the list of work that minors under 18 must not perform (see **list of Work that Minors under 18 Cannot Perform** below) and is provided because often cooperative education coordinators are involved in monitoring other work-based learning experience that are not exempt.

No Exemptions Summary, Period

The following list contains the type of work that all minors under 18 must not do regardless of whether they are enrolled in cooperative education components of Chapter 74-approved programs.

(Source: Massachusetts (M.G.L. c. 149 Section 62A MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS and Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1)

1. work involving plants or establishments manufacturing or storing explosives or articles containing explosive components (Federal)
2. work involving coalmine occupations (Federal)
3. work involving logging occupations and occupations in the operation of any sawmill, lathe mill, shingle mill, or cooperage stock mill (Federal)
4. work involving exposure to radioactive substances and to ionizing radiations (Federal)
5. work involving operation of power-driven hoisting apparatus (MA & Federal) (State Director of Career and Technical Education's note: this includes work operating automotive lifts (putting them up and down).
6. work involving mining, other than coal (Federal)
7. work involving operation of bakery machines (Federal)
8. work involving manufacture of brick, tile, and kindred production (Federal)
9. work involving wrecking, demolition, and ship breaking operations (Federal)

Exemptions Summary for Cooperative Education

The following list takes into account Massachusetts and federal law and regulations. It contains the type of work that minors under 18 are prohibited from doing unless they are enrolled in Chapter 74-approved cooperative education programs and the work meets the following conditions: **• employed under written agreements • performing work that is incidental to their training • performing work that is intermittent and for short periods of time • under the direct and close supervision of a qualified and experienced person • given safety instruction correlated by the employer with on-the-job training.**
(Source: Massachusetts (M.G.L. c. 149 Section 62A MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS, and the Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1) and the Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001.

1. work in or about blast furnaces. (MA) (State Director of Career and Technical Education's note: this applies to students in Stationary Engineering Chapter 74-approved programs, only)
2. work in oiling or cleaning hazardous machinery in motion (MA)
3. work involving the operation or use of any polishing or buffing wheel (MA)
4. work in operating motor vehicles of any description, except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and except in the course of employment in an automobile repair shop (MA) (State Director of Career and Technical Education's note: this means that a student enrolled in a Chapter 74-approved cooperative education program may operate a motor vehicle off the roadway and if 17 or older on roadways subject to the conditions in *Department of Labor Employment Standards Administration Wage and Hour Division, WH-1330 Revised March 2001) in Appendix A.*

5. work in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold (MA) (State Director of Career and Technical Education's note: provided that the students are not serving or handling liquor or liquor containers including glasses that held liquor).
6. work in any room or other subdivision of a building at a height of more than thirty feet above the floor of such room or other subdivision, or in any other place at a height of more than thirty feet above the ground level or water level, as the case may be; in the operation or management of any type of elevator other than a self- service elevator, as defined in the regulations of the board of elevator regulations and duly filed with the office of the state secretary, or in the cleaning or repairing of any type of elevator.
7. occupations involved in the operation of power-driven woodworking machines (Federal #5)
8. occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Federal # 8)
9. occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing (Federal #10)
10. occupations involved in the operation of paper-products machines (Federal #12)
11. occupations involved in the operations of circular saws, band saws, and guillotine shears (Federal #14)
12. occupations in roofing operations (Federal #16)
13. occupations in excavation operations (Federal #17)

The following exemptions are not applicable because Massachusetts does not have any approved Chapter 74 programs related to this work:

1. work involving switch tending (MA)
2. work involving gate tending (MA)
3. work involving track repairing (MA)
4. work as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway (MA)
5. work as a fireman or engineer upon any boat or vessel (MA)
6. work involving the manufacture of white or yellow phosphorous or phosphorous matches (MA)
7. work in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled (MA)

Work that Minors under 18 Cannot Perform

This list is provided to ensure that users of this manual understand the Child Labor laws/regulations as they pertain to minors under 18 who are not enrolled in Chapter 74-approved cooperative education programs as often schools have other types of work-based learning experiences and they would not be exempt. The list takes into account Massachusetts and federal law and regulations. Note: Remember that some of the types of work below may be performed by students enrolled in cooperative education programs as listed above under Exemptions Summary for Cooperative Education.

Massachusetts General Law Chapter 149 Section 62A - MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS

1. in or about blast furnaces;
2. in the operation or management of hoisting machines;
3. in oiling or cleaning hazardous machinery in motion;

4. in the operation or use of any polishing or buffing wheel;
5. at switch tending;
6. at gate tending;
7. at track repairing;
8. as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway;
9. as a fireman or engineer upon any boat or vessel;
10. in operating motor vehicles of any description, except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and except in the course of employment in an automobile repair shop;
11. in or about establishments wherein gunpowder, nitroglycerine, dynamite or other high or dangerous explosive is manufactured or compounded;
12. in the manufacture of white or yellow phosphorous or phosphorous matches;
13. in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled;
14. in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold;
15. in any room or other subdivision of a building at a height of more than thirty feet above the floor of such room or other subdivision, or in any other place at a height of more than thirty feet above the ground level or water level, as the case may be; in the operation or management of any type of elevator other than a self-service elevator, as defined in the regulations of the board of elevator regulations and duly filed with the office of the state secretary, or in the cleaning or repairing of any type of elevator.

Code of Federal Regulations 29 Section 570.51-570.68 - 17 OCCUPATIONS PARTICULARLY HAZARDOUS for the EMPLOYMENT of MINORS BETWEEN 16 and 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH and WELL-BEING:

1. occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components.
2. occupations of motor-vehicle driver and outside helper. *
3. coalmine occupations.
4. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill.
5. occupations involved in the operation of power-driven woodworking machines.
6. exposure to radioactive substances and to ionizing radiations.
7. occupations involved in the operation of power-driven hoisting apparatus.
8. occupations involved in the operations of power-driven metal forming, punching, and shearing machines.
9. occupations in connection with mining, other than coal.
10. occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing,
11. occupations involved in the operation of bakery machines.
12. occupations involved in the operation of paper-products machines.
13. occupations involved in the manufacture of brick, tile, and kindred production.

14. occupations involved in the operations of circular saws, band saws, and guillotine shears.
15. occupations involved in wrecking, demolition, and ship breaking operations.
16. occupations in roofing operations.
17. occupations in excavation operations.

***Limited Exemption for 17 year old employees – refer to Appendix A**