



Summary of New York State Child Labor Law,  
Permitted Working Hours for Minors Under 18 Years of Age

Age of Minor Girls and Boys		Industry or Occupation	Maximum			Permitted Hours
			Daily Hours	Weekly Hours	Days per Week	
Attending School, When school is in session:	14 and 15	All occupations except farm work, newspaper carrier and street trades	3 hours on school days. 8 hours on other days.	18 <sup>1</sup>	6	7 AM to 7 PM
	16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days: Monday, Tuesday, Wednesday, Thursday <sup>2</sup> . 8 hours on: Friday, Saturday, Sunday and Holidays. <sup>4</sup>	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
Attending School, When school is not in session (vacation):	14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
Not Attending School:	16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
Farm Work:	12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-----	-----	June 21 to Labor Day, 7 AM to 7 PM.  Day after Labor Day to June 20, 9 AM to 4 PM.
	14 to 18	Any farm work	-----	-----	-----	-----
Newspaper Carriers:	11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days. 5 hours on other days.	-----	-----	5 AM to 7 PM or 30 minutes prior to sunset, whichever is later
Street Trades:	14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on school days. 5 hours on other days.	-----	-----	6 AM to 7 PM

<sup>1</sup> Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

<sup>2</sup> Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

<sup>3</sup> 6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non- school day with written parental consent.

<sup>4</sup> This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

LS 171 (09/20)

Page 1 of 2

Additional Child Labor Law Information

The Employer must post a schedule of work hours for minors under 18 years old in the establishment.

An Employment Certificate (Working Paper) is required for all employed minors under 18 years old.

Penalties for Child Labor Laws violations:

- First violation: maximum \$1,000\*
- Second violation: maximum \$2,000\*
- Third or more violations: maximum \$3,000\*

\*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty.

Also, Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Note: There are many prohibited occupations for minors in New York State.

For more information about New York State Child Labor Laws and provisions please visit the Department of Labor's website at <http://www.labor.ny.gov>. If you have questions, please send them to one of the offices listed below at:

New York State Department of Labor, Division of Labor Standards:

**Albany District**  
State Office Campus  
Bldg. 12 Room 185A  
Albany, NY 12240  
(518) 457-2730

**Buffalo District**  
290 Main Street  
Room 226  
Buffalo, NY 14202  
(716) 847-7141

**Garden City District**  
400 Oak Street  
Suite 101  
Garden City, NY 11530  
(516) 794-8195

**New York City District**  
75 Varick Street  
7th Floor  
New York, NY 10013  
(212) 775-3880

**Rochester**  
Sub-District  
276 Waring Road  
Room 104  
Rochester, NY 14609  
(585) 258-4550

**Syracuse District**  
333 East Washington Street  
Room 121  
Syracuse, NY 13202  
(315) 428-4057

**White Plains District**  
120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

LS 171 (09/20)

Page 2 of 2



## VETERAN BENEFITS AND SERVICES

The following resources and hotlines are available at no-cost to help veterans understand their rights, protections, benefits, and accommodations:

[dol.ny.gov/veteran-benefits-and-services](http://dol.ny.gov/veteran-benefits-and-services)

### MENTAL HEALTH AND SUBSTANCE ABUSE RESOURCES

*All calls and texts are free and confidential*

**U.S. Department of Veterans Affairs Veterans Crisis  
Line:** [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Call: 988, press 1 Text: 838255

**Suicide and Crisis Lifeline:** [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

Call: 988 Text: 988

**Crisis Textline:**

Text: 741741 Chat: [crisistextline.org](https://crisistextline.org)

**NYS Office of Mental Health (OMH):**  
[www.omh.ny.gov](http://www.omh.ny.gov)

**NYS Office of Addiction Services and Supports  
(OASAS):** [www.oasas.ny.gov/hopeline](http://www.oasas.ny.gov/hopeline)

Call: 1-877-8-HOPENY (467469)

Text: HOPENY (467369)

### LEGAL SERVICES

**Veterans Treatment Courts (VTC):** [ww2.nycourts.gov/  
courts/problem\\_solving/vet/courts.shtml](http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml)

Email: [ProblemSolving@courts.state.ny.us](mailto:ProblemSolving@courts.state.ny.us)

**NYS Defenders Association Veteran Defense Program:**  
[www.nysda.org/page/AboutVDP](http://www.nysda.org/page/AboutVDP)

### TAX BENEFITS

**NYS Department of Tax and Finance**

- Information for military personnel and veterans:  
[tax.ny.gov/pit/file/military\\_page.htm](http://tax.ny.gov/pit/file/military_page.htm)
- Property tax exemptions:  
[tax.ny.gov/pit/property/exemption/vetexempt.htm](http://tax.ny.gov/pit/property/exemption/vetexempt.htm)

### EDUCATION, WORKFORCE, AND TRAINING RESOURCES

**Veteran Readiness and Employment  
(VR&E) Program:** [www.benefits.va.gov/vocrehab](http://www.benefits.va.gov/vocrehab)  
**New York State Civil Service Credits  
for Veterans Program:** [www.cs.ny.gov](http://www.cs.ny.gov)

### ADDITIONAL RESOURCES

**NYS Domestic and Sexual Violence Hotline:**

Call: 800-942-6906 Text: 844-997-2121

**NYS Workplace Sexual Harassment Hotline:**

Call: 1-800-HARASS-3

**NYS Department of Motor Vehicles:**

- Veteran Status Designation Photo Document:  
[dmv.ny.gov/more-info/veteran-status-  
designation-photo-document](http://dmv.ny.gov/more-info/veteran-status-designation-photo-document)
- Veteran License Plate:  
[dmv.ny.gov/plates/military-and-veterans](http://dmv.ny.gov/plates/military-and-veterans)

### NEW YORK STATE DIVISION OF VETERANS' SERVICES

Website: [veterans.ny.gov](http://veterans.ny.gov)  
Help Line: 1-888-838-7697  
Email: [DVSInfo@veterans.ny.gov](mailto:DVSInfo@veterans.ny.gov)

Services: Legal, education, employment and  
volunteer, financial, health care, and more.

### NEW YORK STATE DEPARTMENT OF LABOR VETERANS' PROGRAM

Website: [dol.ny.gov/services-veterans](http://dol.ny.gov/services-veterans)  
Help Line: 1-888-469-7365  
Email: [AskVets@labor.ny.gov](mailto:AskVets@labor.ny.gov)

Services: Workforce and training resources,  
unemployment insurance, the Experience Counts  
program, and more.



Division of  
Veterans' Services

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P37 (12/22)

The New York State Department of Labor is an Equal Opportunity Employer/Program.  
Auxiliary aides and services are available upon request and free of charge to individuals with disabilities TTY/TDD 711 or 1-800-662-1220 (English) / 1-877-662-4886.

# EMPLOYEE RIGHTS FOR WORKERS WITH DISABILITIES PAID AT SUBMINIMUM WAGES

This establishment has a certificate authorizing the payment of subminimum wages to workers who are disabled for the work they are performing. Authority to pay subminimum wages to workers with disabilities generally applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such subminimum wages are referred to as "commensurate wage rates" and are less than the basic hourly rates stated in an SCA wage determination and/or less than the FLSA minimum wage of **\$7.25 per hour**. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

**Employers shall make this poster available and display it where employees and the parents and guardians of workers with disabilities can readily see it.**

## WORKERS WITH DISABILITIES

Subminimum wages under section 14(c) are not applicable unless a worker's disability actually impairs the worker's earning or productive capacity for the work being performed. The fact that a worker may have a disability is not in and of itself sufficient to warrant the payment of a subminimum wage.

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as: An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.

Disabilities which may affect productive capacity include an intellectual or developmental disability, psychiatric disability, a hearing or visual impairment, and certain other impairments. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

## WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

## KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever there is a change in the job or a change in the prevailing wage rate, such as when the applicable state or federal minimum wage is increased.

## WIOA

The Workforce Innovation and Opportunity Act of 2014 (WIOA) amended the Rehabilitation Act by adding section 511, which places limitations on the payment of subminimum wages to individuals with disabilities by mandating the completion of certain requirements prior to and during the payment of a subminimum wage.

## EXECUTIVE ORDER 13658

Executive Order 13658, Establishing a Minimum Wage for Contractors, established a minimum wage that generally must be paid to workers performing on or in connection with a covered contract with the Federal Government. Workers covered by this Executive Order and due the full Executive Order minimum wage include workers with disabilities whose wages are calculated pursuant to certificates issued under section 14(c) of the FLSA.

## FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the SCA wage determination.

## OVERTIME

Generally, if a worker is performing work subject to the FLSA, SCA, and/or PCA, that worker must be paid at least 1 1/2 times their regular rate of pay for all hours worked over 40 in a workweek.

## CHILD LABOR

Minors younger than 18 years of age must be employed in accordance with the child labor provisions of the FLSA. No persons under 16 years of age may be employed in manufacturing or on a PCA contract.

## PETITION PROCESS

Workers with disabilities paid at subminimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, D.C. 20210.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



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