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To: Mike Donta
Deputy Commissioner

From: James R. Grider, Jr.
Assistant General Counsel

Re: Pre-Apprenticeship Certification Program offered by the Office of Career and
Technical Education in collaboration with the Kentucky Labor Cabinet

Date: May 23, 2013

Issue: Is the proposed Pre-Apprenticeship Certification Program in compliance with
Child Labor Law in Kentucky?

Opinion: Yes. The proposed Pre-Apprenticeship Certification Program is in compliance
with Child Labor Law in Kentucky.

Documents reviewed:

Pre-Apprenticeship Certification Program draft with relevant Kentucky Statute
and Regulations attached.

KRS 339.230 Restriction on employment of minor between fourteen and eighteen.

(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;

803 KAR 1:100 Child Labor

Section 3. Employment of Minors Between Sixteen (16) and Eighteen (18) Years

of Age. (1) Minors between sixteen (16) and eighteen (18) years of age may be employed at any occupation except as restricted for the following occupations:

(a) Occupations particularly hazardous as declared by the U. S. Secretary of Labor and established in 29 C.F.R. 570, Subpart E, Section 570.50 through 570.68.

(b) Any occupation prohibited under KRS 339.230(2)(d).

(2) Employment in any occupation, not prohibited by subsection (1) of this section, shall be confined to the following periods:

(a) Not more than thirty (30) hours in any one (1) work week when school is in session, except that a minor may work up to forty (40) hours in any one (1) work week if a parent or legal guardian gives permission in writing, and the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading period. School certification shall be valid for one (1) year unless revoked sooner by the school authority. The parental permission and school certification shall remain at the employer's place of business;

(b) Not more than six (6) hours in any one (1) school day, nor more than eight (8) hours in any one (1) nonschool day when school is in session;

(c) Between 6 a.m. and 10:30 p.m. on days preceding a school day, and between 6 a.m. and 1 a.m. on days preceding a nonschool day when school is in session.

29 CFR 570.50(b)

(b) Apprentices. Some sections in this subpart contain an exemption for the employment of apprentices. Such an exemption shall apply only when: (1) The apprentice is employed in a craft recognized as an apprentice able trade; (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training; (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of labor to conform substantially with such Federal or State standards.

(c) Student-learners. Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when:

(1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school and;

(2) Such student-learner is employed under a written agreement which provides:

(i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

[28 FR 3449, Apr. 9, 1963, as amended at 33 FR 12777, Sept. 10, 1968.
Redesignated and amended at 36 FR 25156, Dec. 29, 1971]

Conclusion

With adherence to the KRS 339, 803 KAR 1:100 and 29 CFR 570 attached to the program certificate draft, the Office of Career and Technical Education in collaboration with the Kentucky Labor Cabinet fully embraces and is in compliance with Kentucky Child Labor Law.