

**16 VAC 15-40 Hours of Work for Minors**

16 VAC 15-40-10. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Employ" means to put to work, use or service, or to engage the services of, and shall include to permit or suffer to work. "To permit or suffer to work" means to knowingly allow by failure to stop or to protest, as well as to employ by oral or written contract, by any person having authority over a minor in connection with the services being performed. As used in this chapter, the term "employ" is broader than the common law concept of employment and must be interpreted broadly in the light of the mischief to be corrected. Neither the technical relationship between the parties nor the fact that the minor is unsupervised or receives no compensation is controlling in determining whether an employer-employee relationship exists for the purpose of this chapter.

"Employer" means an individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within this Commonwealth who employs another to work for wages, salaries, or on commission and shall include any similar entity acting directly or indirectly in the interest of an employer in relation to an employee. For purposes of this chapter, it shall not include the government of the United States, the Commonwealth of Virginia or any of its agencies, institutions, or political subdivisions or any public body.

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"School hours" means those periods when the school attended by the minor is in regular session, and does not include hours before and after school, Saturdays and Sundays, holidays, or school vacations, including summer vacations. If the minor does not attend school, "school hours" shall mean the school hours of the school district in which the minor is currently living.

"Sports-attending services" means pre- and post-game or practice setup of balls, items and equipment; supplying and retrieving balls, items and equipment during a sporting event; clearing the field or court of debris, moisture, etc. during play; providing ice, drinks, towels, etc., to players during play; running errands for trainers, managers, coaches, and players before, during, and after a sporting event; and returning and/or storing balls, items and equipment in club house or locker room after a sporting event. The following activities are not included in the definition and are therefore impermissible duties: grounds or field maintenance such as grass mowing, spreading or rolling tarpaulins used to cover playing areas, etc.; cleaning and repairing equipment; cleaning locker rooms, showers, lavatories, rest rooms, team vehicles, club houses, dugouts or similar facilities; loading and unloading balls, items, and equipment from team vehicles before and after a sporting event; doing laundry; and working in concession stands or other selling and promotional activities.

16 VAC 15-40-50. Exceptions.

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This chapter does not apply whenever the Code of Virginia exempts a minor from hours-of-work limitations or provides different hours of work. ~~As of July 17, 1991, these~~ These exemptions are as follows:

1. Minors employed in the following situations are exempt from hours-of-work limitations contained in 16 VAC 15-40-30 and 16 VAC 15-40-40:

- a. A minor under 16 years of age may be employed by his parent, or a person standing in place of his parent, in a business owned by such parent or person, except in manufacturing.
- b. A page or clerk for either the House of Delegates or the Senate of Virginia.
- c. Domestic duties in and around a minor's own home when duties are performed directly for the minor's parent or other person standing in place of the parent.
- d. Work performed for the state or any of its agencies, institutions, or political subdivisions, or any public body.
- e. Theatrical performers, provided a theatrical permit is obtained from the Department of Labor and Industry.

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- f. Activities performed for a volunteer rescue squad.
- g. A minor 14 or 15 years old employed to perform sports-attending services at professional sporting events (baseball, basketball, football, soccer, tennis, etc.) as defined in 16 VAC 15-40-10.
- h. A child 13 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 391.

2. Minors engaged in occasional work performed around the home of the employer (not in connection with the employer's trade, business, or profession) may not work during school hours, but are otherwise exempt from the hours-of-work limitations contained in 16 VAC 15-40-30.

3. Minors 14 years and 15 years of age enrolled in a regular school work-training program in accordance with §§ 40.1-88 and 40.1-89 of the Code of Virginia may work during school hours as part of this program, but are otherwise subject to the hours-of-work limitations contained in 16 VAC 15-40-30 and 16 VAC 15-40-40.

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4. Minors at least 12 years of age may deliver newspapers as early as 4 a.m., but are otherwise subject to the hours-of-work limitations contained in 16 VAC 15-40-30.

I certify that this regulation is full, true, and correctly dated.

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John Mills Barr  
Department of Labor and Industry

Date: \_\_\_\_\_