



Work Permit Training Working Knowledge of the Process

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Items For Discussion

- Areas of law applicable to issuing work permits
- Work Permit Process
- Sources of information
- Questions/Answers



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What are the laws governing issuing of work permits?

- Sections of state and federal codes impacting minors' work regulations:
- California *Education Code (EC)* (**employment of minors**)
 - *EC* section: 33190, 35162, 35202-35208, 41601.3, 44031, 46113, 46140.5-46147, 46160-46161, 46170, 48180, 46300, 48200-48205, 48222-48232, 48400-48403, 48410-48416, 48430-48438, 48900.6, 49100-49101, **49110-49119, 49130-49135, 49160-49165, 49180-49183**, 51745-51749.3, 51760-51769, 52300, 52314, 79140-79148, 87031
- California *Labor Code (LC)* (**minor's permitted duties**)
 - *LC* sections; 18-19, 90-98.9, 200-232, 350-356, 500-517, 550-558, 1171-1199, 1285-1312, 1390-1399, 1777.6, 2650-2662, 2750-2752, 2802, 3077-3079, 3200 3201, 3351-3368, 3605, 3700-3702, 6400-6409.3...



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Laws and Regulations cont'd

- California *Family Code (FC)* (**minor, emancipated**)
 - *FC* sections: 6500-6501, 7000-7002, 7050, 7120, 7122
- California *Penal Code (PC)* (**Immoral places**)
 - *PC* sections: 273e-273f
- California *Vehicle Code (VC)* (**Minors & cars**)
 - *VC* sections: 353, 12515, 15210, 17706-17708, 34500
- California *Business and Professions Code (B&PC)* (**minors and alcohol sale**)
 - *B&PC* sections: 25663, 25663.5, 25665



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- *California Code of Regulations, Title 5, (5 CCR) (WEE, Cert of Age, volunteers, charter schools, record retention)*
 - 5 CCR: 10070-10075, 10080-10092, 10100-10111, 11001-11004, 11700-11705, 16023-16027
- *California Code of Regulations, Title 8 (8 CCR) (Entertainment work permits)*
 - 8 CCR: 205-212, 251-252, 11701-11707, 11750-11765, 11779-11784, 13500-13508, 13520, 13600-13604, 13620-13624, 13670-13677
- *Code of Federal Regulations (CFR)*
 - 29 CFR: 570.2-570.50 (**Fair Labor Standards Act**)



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Maintain Security of Student Information

- Follow laws governing personally identifiable information (**PII**) (*EC* sections 49164 and 49180; *LC* Section 1299; Family Educational Rights and Privacy Act (**FERPA**) 20 U.S.C. § 1232g; 34 *CFR* Part 99).



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Sources of information

- Official California Legislative Information Web site, California Law, at leginfo.legislature.ca.gov/faces/codes.xhtml
- California Office of Administrative Law, California Code of Regulations at [govt.westlaw.com/calregs/Index?bhcp=1&transitionType=Default&contextData=\(sc.Default\)&ignorebhwarn=IgnoreWarns](http://govt.westlaw.com/calregs/Index?bhcp=1&transitionType=Default&contextData=(sc.Default)&ignorebhwarn=IgnoreWarns)
- California Assoc. Work Experience Educators (CAWEE) www.cawee.org (Internet), CAWEE page (Facebook) @CAWEEORG (Twitter)
- Code of Federal Regulations at www.gpoaccess.gov/cfr/index.html
- Division of Labor Standards Enforcement (DLSE) Child Labor Law pamphlet: www.dir.ca.gov/dlse/ChildLaborLawPamphlet.pdf

Minors Who Must Have Work Permits



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- Minors under the age of 18 years and are required to attend school. (Labor Code 1286)
- No private business may hire a minor without a work permit issued by the proper educational officers (Education Code 49160).
- Nonresidents of the state who would be subject to California's compulsory education laws if they were residents are also considered minors, and are subject to all the requirements and protections of California and federal *Labor Code* (LC 1286).



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Definition of Employee

Every person in the service of an employer under any appointment or contract of hire or paid apprenticeship, express or implied, oral or written.

- Employer requires the minor to be at a specific time and place, determines how work will be done.
- Minor is being paid for productive labor (not sampling, career exploration)

= Employee



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What is the Purpose of the Student Work Permit

The work permit provides protection of the minor through:

- 1. Employer identification and location
- 2. Identifying job duties
- 3. Refusing hazardous occupations
- 4. Limiting student work hours based on age bands (groups)



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Requirements of Employers

- Pay at least CA state minimum wage
- Payroll Deductions (provide wage statement)
- Provide Workers' Compensation Insurance
- Maintain safe work environment



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Minimum Wage

SB 3 Leno Chaptered, amends LC 1182.12:

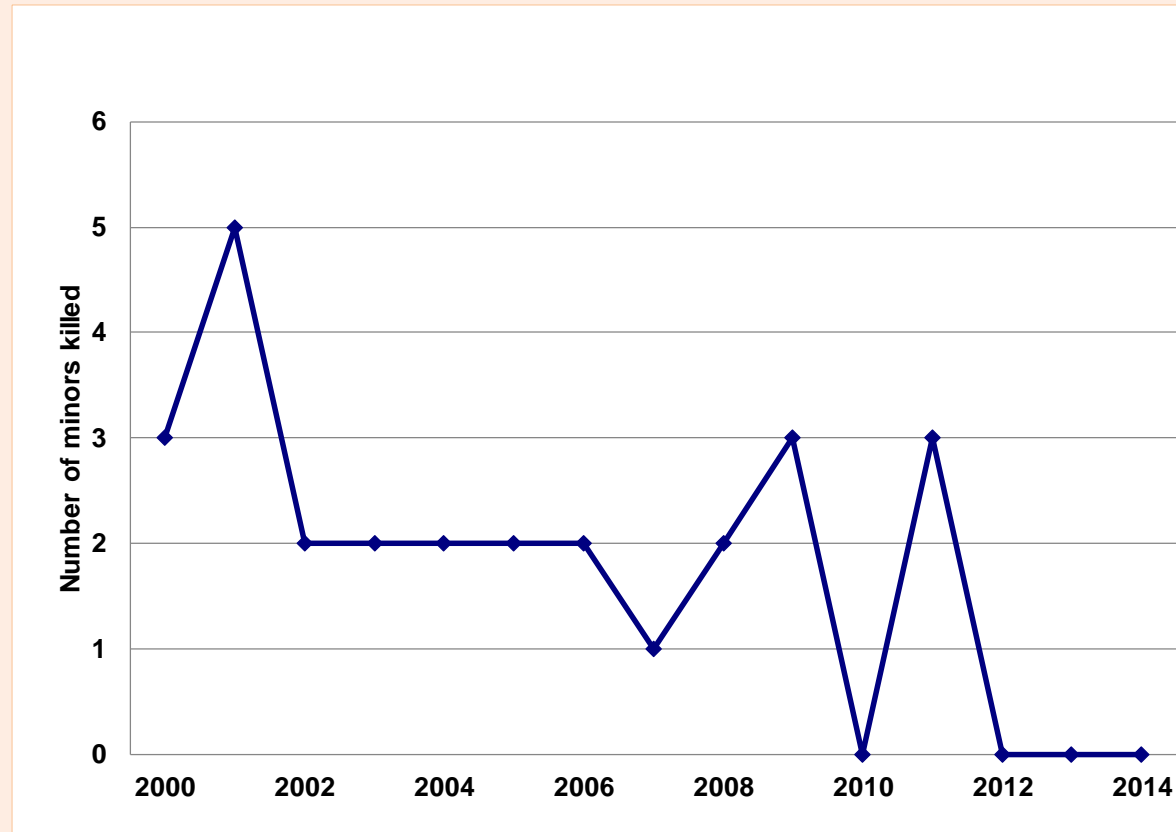
Beginning	Jan 1, 2016	\$10.00
Beginning	Jan 1, 2017	\$10.50
Beginning	Jan 1, 2018	\$11.00...
Beginning	Jan 1, 2022	\$15.00

- Counties and cities may have minimum wage higher than state wage



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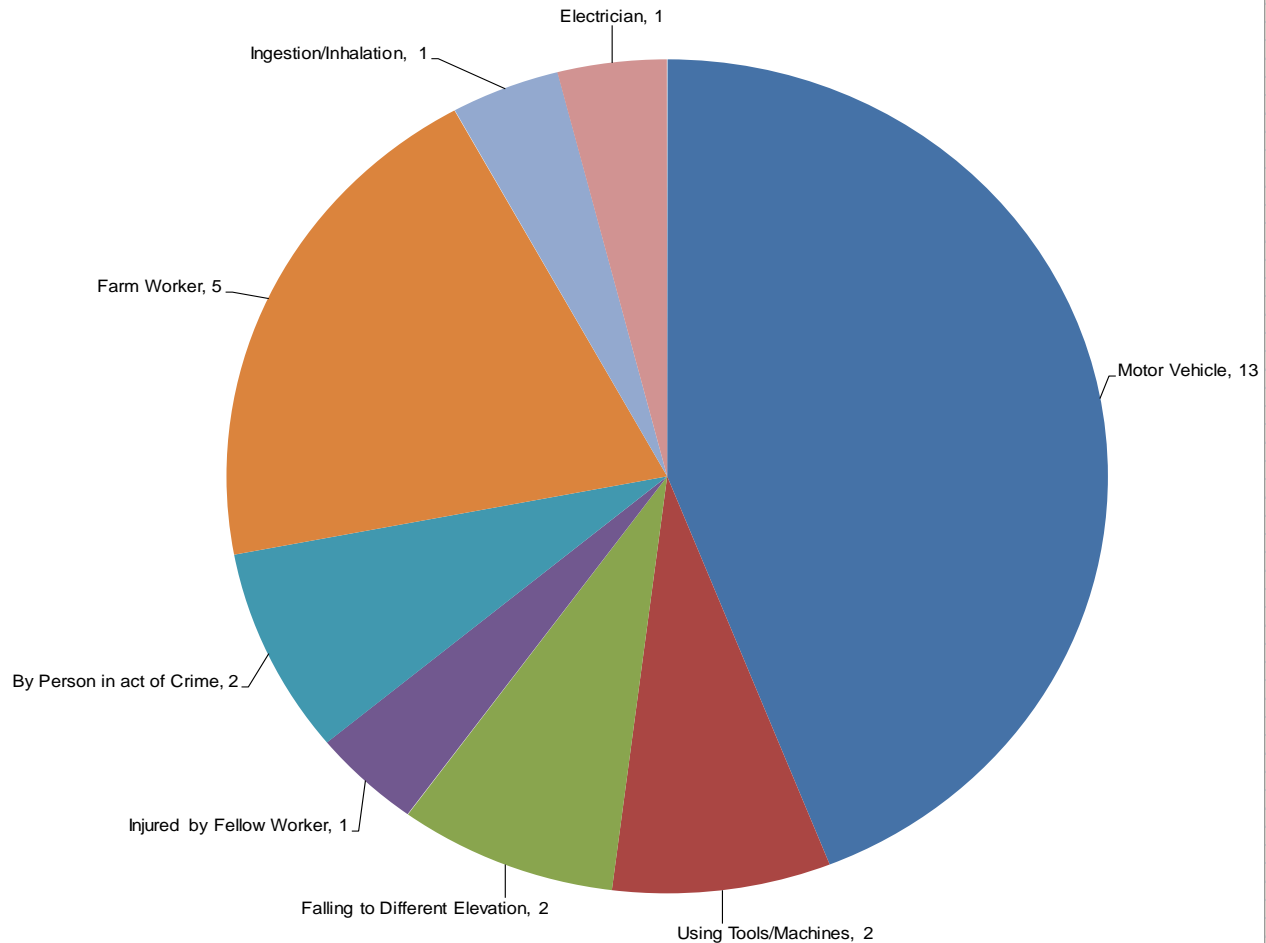
Death Rate of Working Minors in California Annually





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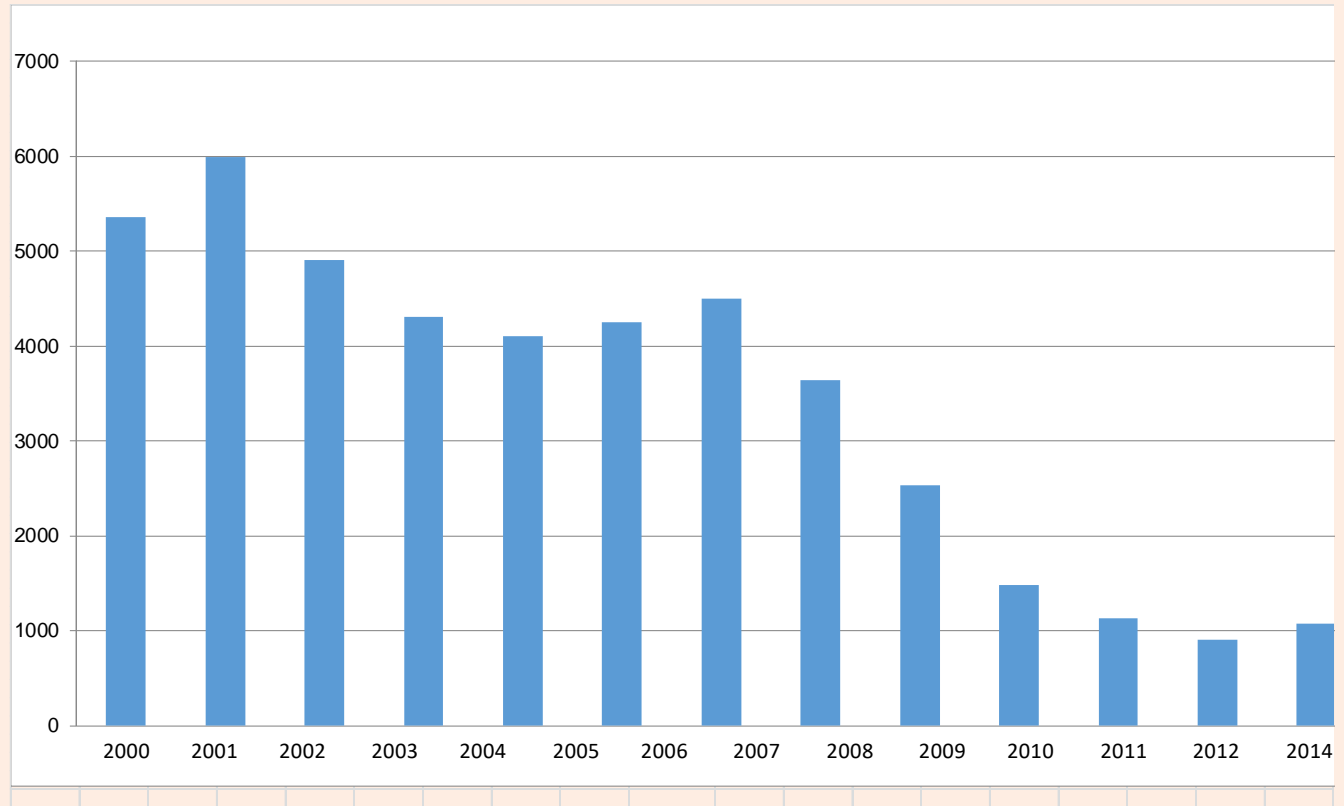
Cause of Death in California Working Minors (2000–2012)





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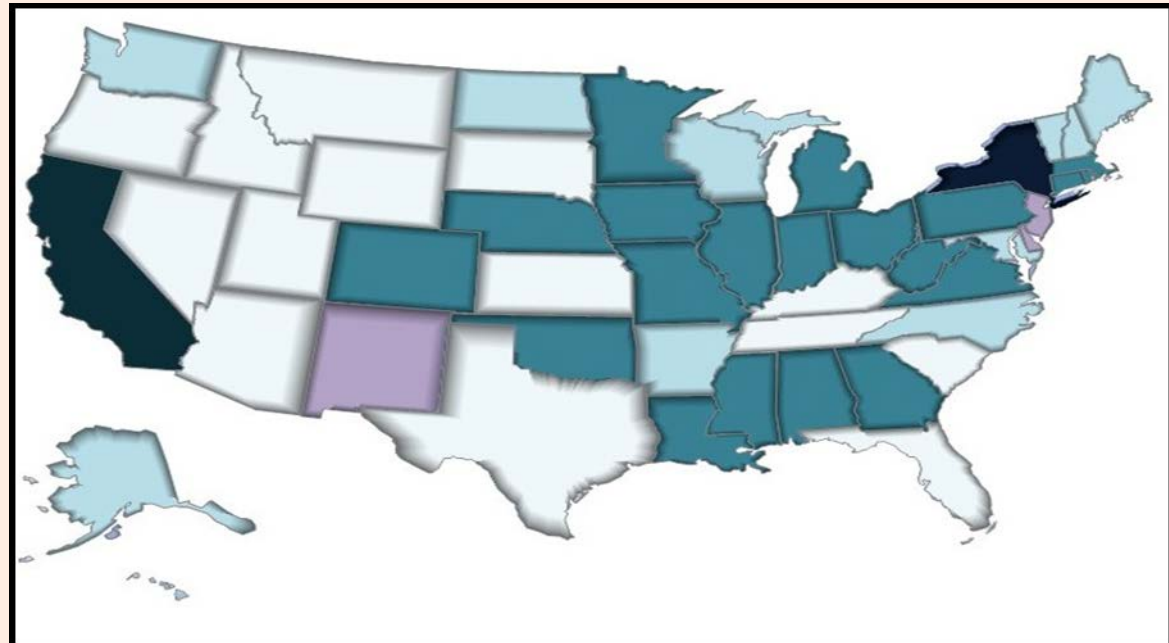
Injury Rate for California Working Minors





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National Work Permit Issuers



	Do not require Work Permits (14 states)
	Schools issue Work Permits (24 states)
	Labor Department issues Work Permits (7 states)
	Labor Department and Schools issue Work Permits (3 states)
	Schools issue Work Permits (except Entertainment Permits) (2 states)



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Who Can Issue Work Permits?





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Positions Named in Law as Authorized Issuers of Work Permits (EC49110)

- **District Superintendent, for students living within that district (minors not necessarily attending)**
- **Chief exec or equivalent of a charter school for students attending that school.**
- **Public or Private school principal, with a Self-Certification (B1-8) for students at that school.**
- **County Superintendent for areas not under a district superintendent.**



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Individuals named by a Superintendent or Exec

- ***Authorized in writing by the superintendent or chief exec of a charter school:***
 - **Person holding a Pupil Personnel Services (PPS) credential**
 - **Work Experience Education (WEE) Teacher/Coordinator**
 - **Classified staff if above are not employed by district and/or available, Temporarily**



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Letter of Authorization

DISTRICT LETTERHEAD

Date

TO: Erle Hall
California Department of Education
CTE Leadership and Instructional Support
1430 N Street
Sacramento, CA 95814

FROM: Name, Superintendent
Your School/District/County Office of Education

SUBJECT: Authority to Issue Work Permits

This letter is officially authorizing the following personnel to issue work permits according to *Education Code* § 49110:

Name	Title
Name	Title
Name	Title

All personnel listed above have a working knowledge of California labor laws and regulations as they relate to minors. If there are any questions pertaining to the issuance of work permits, please call () xxx-xxxx.

Sincerely,

Their Name



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Work Permit Forms

- **Statement of Intent to Employ a Minor
(CDE Form B1-1)**
- **Permit to Employ and Work
(CDE Form B1-4)**
- **Statement of Intent for Self-Certification for
Permit to Employ and Work
(CDE Form B1-8)**



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Work Permit Process

- **After minor is offered a job the minor, parent, employer, and authorized work permit issuer completes and signs the B1-1**
- **Work permit issuer evaluates job assignment for duties, hours, safety and age appropriateness**
- **Verifies information on B1-1**
- **Complete B1-4 and make 2 Copies**
(1 copy for Minor, 1 copy for School, Original goes to the employer and kept on file. Keep for 4 years after issuance)



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CDE Form B1-1

STATE OF CALIFORNIA DEPARTMENT OF EDUCATION
STATEMENT OF INTENT TO EMPLOY MINOR AND REQUEST FOR WORK PERMIT
CDE B1-1 (REV. 06-10)

A "Statement of Intent to Employ Minor and Request for Work Permit" form must be completed before a "Permit to Employ and Work" form (CDE B1-4) can be issued to a minor. (California Education Code 49110.1[c])
(Print Information)

Minor's Information

Minor's Name (First and Last)		Home Phone	
Birth Date	Social Security Number	Grade	Age
Home Address		City	Zip Code

School Information

School Name		School Phone	
School Address		City	Zip Code

To be filled in and signed by employer (Please review the General Summary of Minors' Work Regulations on reverse.)

Business Name or Agency of Placement		Business Phone	
Business Address		City	Zip Code

Describe nature of work to be performed: _____

In compliance with California labor laws, this employee is covered by worker's compensation insurance. This business does not discriminate unlawfully on the basis of race, ethnic background, religion, sex, sexual orientation, color, national origin, ancestry, age, physical handicap, or medical condition. I hereby certify that, to the best of my knowledge, the information herein is correct and true.

Employer's Name (Print First and Last)	Employer's Signature	Date
--	----------------------	------

To be filled in and signed by parent or legal guardian

This minor is being employed at the place of work described with my full knowledge and consent. I hereby certify that to the best of my knowledge and belief, the information herein is correct and true. I request that a work permit be issued.

Parent or Legal Guardian's Name (Print First and Last)	Parent or Legal Guardian's Signature	Date
--	--------------------------------------	------

For authorized work permit issuer use ONLY

Maximum number of hours of employment when school is in session:							
Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Proof of Minor's Age (Evidence Type)				Check Permit Type: 1. Full-time _____ 3. Workability _____ 2. Work Experience _____ 4. Restricted _____ Education, Vocational Education, or Personal Attendance _____ 5. General _____			
Verifying Authority's Name and Title (Print)				Verifying Authority's Signature			

*EC 49130 | **Special Education Grant | ***Permit type defined by local school

Copy--District or County Superintendent; Employer; Parent or Legal Guardian

(Over)

<http://www.cde.ca.gov/ci/ct/we/documents/b1-1frm.doc>



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Required items on the B1-1

- Name, address, phone number, and social security number of the minor
- Name, address, phone number, and supervisor at the minor's place of employment
- Job duties the minor will perform
- Maximum number of hours per day/per week the student is authorized to work
- Signatures of the parent/guardian, minor, employer, and the authorized work permit issuer – **no stamps!**



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CDE Form B1-4

STATE OF CALIFORNIA DEPARTMENT OF EDUCATION
PERMIT TO EMPLOY AND WORK
 CDE B1-4 (REV. 06-10)

A work permit shall not be issued to a minor until the "Statement of Interest to Employ Minor and Request for Work Permit" (CDE B1-3) form has been signed by the parent or guardian, foster parent, caregiver, or residential shelter service provider and filed with the issuing authority. California Education Code (EC) 49110(c)
(Print Information)

Permit Expiration Date <i>(One full-time work permit shall expire five days after the opening of the next succeeding school year. Full-time exempt work permits issued to 14 & 15 year olds shall expire no later than the end of the current school year.) EC 49110, 49119</i>	Check Permit Type:
Date _____	1. Full-time _____ 3. **Workability _____ 2. *Work _____ 4. Restricted _____ Experience _____ 5. General _____ Educational, _____ Vocational _____ Education, or _____ Personal _____ Attendee _____

Minor's Information

Minor's Name (Print First and Last) _____ Social Security Number _____
 Home Phone _____ Age at Time of Issuance _____ Birth Date _____
 Home Address _____ City _____ Zip Code _____

School Information

School Name _____ School Phone _____
 School Address _____ City _____ Zip Code _____

Maximum Work Hours Permitted

- Total number of work hours on a school day _____
- Total number of work hours on a school day preceding a non-school day _____
- Total number of work hours on a non-school day _____
- Maximum weekly hours _____

Remarks or Work Limitations: _____

This permit is valid only at the business listed below:

Business Name _____ Business Address _____

To be signed by minor

Minor's Signature _____ Date _____

Certification

*I hereby certify that, to the best of my knowledge, the information herein is correct and true.
 I hereby certify that I have a working knowledge of child labor laws and all laws pertaining to the issuance of work permits in California. EC 49110*

Issuing Authority's Name and Title (Print) _____ Issuing Authority's Signature _____ Date _____

*EC 49130 | **Special Education Grant | ***Permit type defined by local school

Copy—District or County Superintendent, Parent or Legal Guardian, Employer

<http://www.cde.ca.gov/ci/ct/we/documents/b1-4frm.doc>



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Items Required on the B1-4

- Student's name, age, birth date, address, and phone number
- **Social security number**
- Employer's name, address, and phone number
- Maximum hours per day/per week student is authorized to work
- Signature of student and issuing authority
- Expiration date of permit
 - 5 days after beginning of new school year (EC 49118)
 - Before start of summer vacation (suggested)
 - On minor's 18th birthday (suggested)



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CDE Form B1-8

STATE OF CALIFORNIA DEPARTMENT OF EDUCATION
STATEMENT OF INTENT FOR SELF-CERTIFICATION FOR PERMIT TO EMPLOY AND WORK
CDE B1-8 (Rev. 05-10)

A copy of the Statement of Intent for Self-Certification for Permit to Employ and Work (CDE B1-8), Statement of Intent to Employ Minor and Request For Work Permit (CDE B1-1), and Permit to Employ and Work (CDE B1-6) shall be submitted to the district superintendent no later than 30 days after the issuance of the Permit to Employ and Work.

(Print Information)

For School Principal or Designated Administrator to Complete

School Name

School Phone

School E-mail Address

School Address

City

Zip Code

County

District

School (CDS Code)

Private School Affidavit Confirmation No.
(If applicable)

Certification

I hereby certify that I have a working knowledge of child labor laws and all laws pertaining to the issuance of work permits in California. The following statutes have been reviewed and understood:

Please initial:

_____ California Education Code
_____ California Labor Code
_____ California Family Code
_____ California Penal Code
_____ California Vehicle Code
_____ California Business and Professions Code
_____ California Code of Regulations, Title 5
_____ California Code of Regulations, Title 8
_____ California Code of Federal Regulations, Title 29

(See reverse side for state and federal codes sections regarding minors' work regulations.)

In compliance with California Education Code 49110, any public or private school principal or designated administrator who issues work permits shall provide a "Statement of Intent for Self-Certification for Permit to Employ and Work" form (CDE B1-8) stating he or she understands the requirements in existing laws for issuing work permits to a minor.

I hereby certify that, to the best of my knowledge, the information herein is correct and true.

Principal/Designated Administrator's Name and Title (Print)

Principal/Designated Administrator's Signature

Date

Copy—District Superintendent (Over)

<http://www.cde.ca.gov/ci/ct/we/documents/b1-8frm.doc>



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Self-Certification: B1-8

Who:

- **Public or Private school principals, or their designated administrator for students attending that school.**

Requirement:

- **Certify a working knowledge of child labor laws and regulations pertaining to work permits**
- **Send copies of B1-1, B1-4, and the B1-8 (Self-Certification) for all work permits issued to the local district superintendent's office.**



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Consequences for Knowingly Falsifying Information on Work Permit

- ***EC* Section 49183**
 - **Guilty of misdemeanor**
 - **Punishable by a fine of \$10–\$100**
 - **Imprisonment for no more than 30 days**
 - **Or both such fines and imprisonment**



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Who May Be Issued a Work Permit





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Minors who may be issued work permits:

- **Are enrolled in your charter, private school (for principals issuing permits)**
- **Reside in your district (not necessarily attending)(for superintendents and named staff)**
- **Present a B1-1 signed by all parties (must be signed and received before issuing work permit EC 49110)**
- **Meet California compulsory school attendance laws**
- **Meet minimum age requirements and local policies (districts are allowed to set higher standards)**



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Issuance to Non-Enrolled Students

- **Comprehensive schools (not charters) may issue work permits to students either enrolled in their school or living in district boundary area**
- **However, it is not recommended to issue work permits to students not enrolled in the school (attendance record and grades are unknown)**



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Issuing Work Permits – not mandatory!

Schools are not mandated to issue work permits to minors.

It is solely within the discretion of the school and authorized work permit issuer whether to issue the permit.

Have written, local board approved, work permit issuing policies – enforced uniformly, avoid appearance of favoritism.



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Imposing Additional Requirements

Districts and schools may:

- Reduce maximum work hours
- Reduce work days per week
- Impose additional occupational restrictions
- Impose additional requirements
 - GPA
 - Attendance
 - Behavior
- May NOT extend hours beyond the maximum specified in statute, or waive any occupational restrictions specified in statute or regulation



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Quantity of Work Permits

- **Minors may be issued more than one work permit**
- **Total number of hours worked may not exceed maximum allowable hours**



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Working Minors that Do Not Need Work Permits

There are (10) exclusions for California minors:

1. High school graduate
2. 4 Years past 8th grade in a Private School
3. Awarded with a CHSPE
4. Awarded with a GED (are normally 18 and over)
5. Employed by parents/guardians in agriculture, horticulture, viticulture, or domestic labor on or in connection with property the parents/guardians owns, operates, or controls
6. Self-employed
7. Employed by a governmental agency
8. Receives payment for services or prize money for horseback riding exhibition, contest, or event
9. Irregularly employed in odd jobs in private homes, such as baby-sitting, lawn mowing, and leaf raking
10. Unpaid-trainee, job shadow (>3, < or =40 hrs/sem EC 51769) volunteer, un-paid internship, or non-paid student



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Work Permits Not Required at Governmental Agencies

- **Minors are covered by Fair Labor Standards Act**
 - **Includes the following agencies:**
 - **Federal**
 - **State**
 - **County**
 - **City**
 - **Certificate of Age required**
 - **Satisfied by completing:**
 - **Top portion of CDE Form B1-1**
- * California minors working for governmental agencies are not regulated by state labor code, but rather the Fair Labor Standards Act (FLSA)**



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Verification of Age

- **The date of birth may be verified by using:**
 - **birth certificate**
 - **Passport**
 - **School records (enrollment records, etc.)**
- **When there are no available official documents, an affidavit by the parent/legal guardian may suffice.**
- **If not using school records, a photocopy of the age verification document should be attached to the school's copy of the certificate of age.**
- **Keep for four years**
- **Make 2 copies – Original to Employer, copies to school and student.**



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Work Permits Not Required

- **Unpaid Trainees**
 - **Career Exploratory – Exploratory WEE, Community Classrooms**
 - **Vocational courses, etc.**
- **Volunteers (arrangements made privately between a public entity sponsor and student for humanitarian purposes)**
- **Non-Paid Students in school supported program (use B1-6 & 6 point FLSA test)**
 - **Graduation requirement**
 - **Linked Learning (career exploration)**
 - **Community Service Requirement, etc.**



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Fair Labor Standards Act 1938

AKA 29 U.S.C. 201, *as amended*

FLSA provides a “floor” for nationwide labor standards (covers public agencies) with list of Hazardous Occupation (HO) orders for minors.

In California, when federal and state standards are different, the rules that provide the most protection to young workers will apply.



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When a Student Is Not Considered an Employee: FLSA

All of the following intern criteria are met (Fact Sheet #71 DOL 2010, 6 points based on ***Walling v. Portland Terminal Co.*** 1947):

1. Training is similar to a vocational school and under continued and direct supervision
2. Training is intended to benefit the trainee rather than meet the labor needs of the business
3. Trainee does not displace a regular employee
4. No immediate advantage for the employer from the activities of the trainee
5. Trainee is not necessarily entitled to a job at the conclusion of the training period
6. Employer and the trainee understand that trainee is not entitled to wages for the time spent in training



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Glatt vs. Fox (2015) Primary Beneficiary Test & 7 Questions

2nd Circuit Court of Appeals (New York) Is the Employer or the Intern the Primary Beneficiary?

- Do the intern and the employer "clearly understand" that there is no expectation of compensation (use B1-6)?
- Does the internship provide "clinical and other hands-on training" like those provided by schools?
- Is the internship "integrated" into the intern's coursework or the receipt of academic credit?
- Does the employer accommodate the intern's academic commitments by corresponding to the academic calendar?
- Is the internship limited in time to the period in which the internship provides the intern with beneficial learning?
- Does the intern's work "complement, rather than displace" the work of paid employees?
- Do the intern and the employer understand that the intern is not entitled to a paid job at the conclusion of the internship?



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Authorized to Inspect Work Permits

- **Supervisor of attendance**
- **Probation Officers**
- **Designees of the Labor Commissioner**
 - **State (DLSE)**
 - **Federal Auditors (DOL)**
- **Officers of the State Superintendent of Public Instruction**
 - **CDE Representative**



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Authorized to Revoke Work Permits

- **Labor Commissioner**
- **State Superintendent of Public Instruction**
- **Person who issued work permit**
- **District Superintendent (on behalf of a principal)**
- **Chief Executive of a school**



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Example of Revoked Work Permit

PERMIT TO EMPLOY AND WORK

EXPIRES: 6/1/2004 (No later than five days after the beginning of the next school year.) **Type:** Work Exp. Ed/CVE

Minor: **Kirkland, Christine**
205 Ridgeview Dr.
Pleasantville, CA 95775
(777) 225-5555

123-45-6789
Social Security No. 12/12/85
Date of Birth 17
Age at Issuance

Valid only at: **Old Towne Cycle Shoppe**
888 Main Street
Pleasantville, CA 95775
(777) 254-8880

Maximum Work Hours	
School in Session <small>(Any week in which public school is scheduled for at least one day.)</small>	School Not in Session <small>(Any week in which public school is not scheduled for at least one day.)</small>
Mon. 8, Tue. 8, Wed. 8, Thu. 8, Fri. 8, Sat. 8, Sun. 8	Monday through Sunday 8
<small>*Add any school day that immediately precedes a non-school day, e.g., 2 school holidays.</small>	
Weekly Maximum: 48 Spread of Hours** 5:00 AM to 10:00 PM	Weekly Maximum: 48 Spread of hours** 5:00 AM to 12:30 AM
<small>** Ages 14 and 15: May not work before 7:00 a.m. nor later than 7:00 p.m. except June through Labor Day may work until 9:00 p.m. May not work when public schools are in session unless enrolled in Work Experience Education or career exploration programs. (EC 49116, LC 1301)</small>	
<small>** Ages 16 and 17: May not work before 6:00 a.m. nor later than 10 p.m. except when there is no school the next day. Students enrolled in Work Experience Education or career exploration programs may be exempt from the 10:00 p.m. limit (not to exceed 12:30 a.m.) with specified written Spread of hours. Minor must be in school. N/A (required for "Roll-over" and "Year-Round" permits only).</small>	

Remarks

- May not be employed in or around hazardous occupations and/or equipment as specified in the Fair Labor Standards Act, U.S. Department of Labor Bulletin 101 and 102, California Labor Code and California Code of Regulations, Title 8.
- Work Permit does not verify citizenship.
- Under 18 years of age, may not drive a vehicle on public streets as a condition of employment [VC 12515, LC 1294.1(b)].
- Other remarks/limitations:

> May not operate power tools. For minor students, this student is exempt from lifting objects weighing more than 25 lbs. Winter Break: 12/18/03 to 1/2/04
Spring Break: 4/14/04 to 4/20/04
End of School: 5/31/04

A 2.00 GPA AND SATISFACTORY ATTENDANCE IS REQUIRED TO MAINTAIN A WORK PERMIT.

Signature of Minor	Signature of Issuing Authority	Date
--------------------	--------------------------------	------

Issuing Authority
Pleasantville High School
7000 Old Pleasantville Rd.
Pleasantville, CA 95601
(707) 777-0000

IMPORTANT: See back of work permit for further information.
Complies with California Education Code 49168 Form 814 (QuickReference) version - Rev. 10/2011

Permit No. 14
Issue Date 6/1/03



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Deferred Action on Childhood Arrivals (DACA)

- **Began in 2012 because DREAM Act was not passed and to meet goal of tying relief from deportation and obtaining work permits to education and training. Approximately 610740 undocumented persons have successfully joined the program.**
- **The “Deferred Action for Childhood Arrivals” (DACA) amnesty program will award renewable two-year grants of legal status, including work cards and Social Security Numbers, to undocumented immigrants claiming to have arrived before their 16th birthday**



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DACA

- **Individuals may request deferred action by submitting a series of forms and supporting documentation (which includes proof of school enrollment for minors) to U.S. Citizenship and Immigration Services and pay approx. \$465 in fees.**
- **If the individual is accepted into the program and receives a Social Security Number, at that time the minor would meet all of the California state level requirements of qualifying for a work permit.**



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DACA Examples



ID Card



DHS Authorization
Card



Social Sec Card



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Fraudulent SSN

- **Social Security Number? contact the Social Security Administration (SSA) to confirm minor's name matches with the number provided.**
- **Social Security Administration (SSA) at 1-800-772-1213.**
- **Or file online report concerning SSN's. Office of Inspector General at the SSA can investigate misuse of Social Security numbers and cards. Information can be found at:**
- **http://www.socialsecurity.gov/fraudreport/oig/public_fraud_reporting/form.htm**



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Entertainment Work Permit Applications





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- **Division of Labor Standards Enforcement (DLSE) issues Entertainment work permits**
- **School representative may sign the school portion of the application**
- **School nurse may sign the medical release portion**
- **DLSE offices require school seal**



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Entertainment WP

School Section:

Written verification of age, health, satisfactory academic and attendance (School section)

Applications will be for 1st grade and above (6 years old and up) Kindergarten is not mandatory in CA, therefore not required for school to sign application.

Authorized school official (i.e., principal, vice principal, dean, headmistress, headmaster, counselor, or the minor's teacher)



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School Section:

SCHOOL RECORD			
<i>Circle whether "SATISFACTORY" or "UNSATISFACTORY" for each</i>			
Attendance	<u>Academics (Grades)</u>	<u>Health</u> – Please indicate if the minor requires medical approval to obtain a permit	
SATISFACTORY / UNSATISFACTORY	SATISFACTORY / UNSATISFACTORY	SATISFACTORY / NEEDS MEDICAL APPROVAL	
I CERTIFY THAT THE ABOVE-NAMED MINOR: <input type="checkbox"/> Meets the school district's requirements with respect to age, school record, attendance and health. <input type="checkbox"/> Does not meet the district's requirements and permit should not be issued.		[School Seal, Stamp, Address Stamp or Signed Letterhead] REQUIRED	
Authorized School Official, Signature and Title			Date
School Address			School Phone Number



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Independent Contractors

- **Vast majority of minors do not qualify as “Independent Contractors”**
- **Independent Contractors must be certified or credentialed in a specific trade that no other employee is qualified for (not a minor)**
- **Must be guaranteed minimum wage**
- **Commission only salary is not permitted**



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When Parent or Relatives are the Employer

Work Permit is still required:

- Issued by the school
- All payroll deductions
- Workers' Compensation Insurance



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Parent Exclusions

Exclusions are:

- **Agriculture, horticulture, viticulture, or domestic labor on or in connection with property the parents/guardians owns, operates, or controls**



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Temporary Employment Agencies

- **Minors may be issued work permit for temporary employment agencies**
- **Employer address must reflect where the minor can be located during working hours**
- **Work permit may be issued for each employer placement**
- **Administrator Interpretation (AI – Wage & Hour Division, DOL) 2016-1 indicates temp companies and clients jointly responsible for paying at least minimum wage to workers.**



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Maximum Working Hours

- **12–13 year olds**
 - 2 hours per school day
 - 4 hours per school week
 - 8 hours on non-school days
 - 40 hours per non-school week
- **14–15 year olds**
 - 3 hours per school day
 - 18 hours per school week
 - 8 hours on non-school days
 - 40 hours per non-school week
- **16–17 year olds**
 - 4 hours per school day
 - 8 hours on non-school days
 - 48 hours per school or non-school week

SUMMARY CHART of Hours Minor Can Work



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	Ages 16 & 17 Must have completed 7th grade to work while school in session. (EC 49112)	Ages 14 & 15 Must have completed 7 th grade to work while school in session (EC 49112)	Ages 12 & 13
SCHOOL IN SESSION	<p>4 hours per day on any schoolday** [EC 49112; 49116; LC 1391]</p> <p>8 hours on any non-schoolday or on any day preceding a non-schoolday. [EC 49112; 49116; LC 1391]</p> <p>48 hours per week [LC 1391]</p> <p>WEE students & personal attendants*** may work more than 4 hours on a schoolday, but never more than 8. [EC 49116; LC 1391, 1392]</p>	<p>3 hours per schoolday outside of school hours [EC 49112, 49116; LC 1391]</p> <p>8 hours on any non-schoolday</p> <p>18 hours per week [EC 49116; LC 1391]</p> <p>WEE students may work during school hours & up to 23 hours per week. [EC 49116; LC 1391]</p>	<p>May be employed only during school holidays and vacations (usually construed to include weekends). May never be employed on any schoolday, either before or after school. [EC 49111]</p> <p>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]</p> <p>2 hours on any given day and a maximum of 4 hours per week. [EC 49112]</p> <p>Not eligible for WEE programs. [EC 49113]</p>
SCHOOL NOT IN SESSION	<p>8 hours per day [LC 1391, 1392]</p> <p>48 hours per week [LC 1391]</p>	<p>8 hours per day [LC 1391, 1392]</p> <p>40 hours per week [LC 1391]</p>	<p>8 hours per day [LC 1391, 1392]</p> <p>40 hours per week [LC 1391]</p> <p>2 hours on any given day and a maximum of 4 hours per week. [EC 49112]</p>
SPREAD OF HOURS	<p>5 a.m. – 10 p.m. However, until 12:30 a.m. on any evening preceding a non-schoolday [LC 1391]</p> <p>WEE or CVE students, with permission, until 12:30 a.m. on any day [LC 1391.1]</p> <p>Messengers: 6 a.m. – 9 p.m.</p>	<p>7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]</p>	<p>7 a.m. – 7 p.m., except that from June 1 through Labor Day, until 9 p.m. [LC 1391]</p>

Added Information

Incorrect Information



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Work Permit Certification

- **CAWEE – California Association of Work Experience Educators www.cawee.org**
 - **Only organization in CA offering Work Permit certification training, at Fall Conference and by arrangement at school sites.**
 - **Fall Conference in San Diego, October 12-14 @ Wyndam Bayside Hotel.**



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Thank You

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