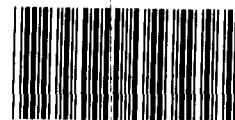


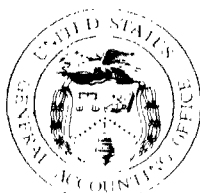
March 1992

CHILD LABOR

Work Permit and Death and Injury Reporting Systems in Selected States



146218



Human Resources Division

B-246596

March 16, 1992

The Honorable Christopher J. Dodd
Chairman, Subcommittee on Children,
Family, Drugs and Alcoholism
Committee on Labor and Human Resources
United States Senate

The Honorable Howard M. Metzenbaum
Chairman, Subcommittee on Labor
Committee on Labor and Human Resources
United States Senate

Members of the Congress, child labor law enforcement officials, parents, and educators have expressed growing concern that too many minors are working too many hours or in hazardous occupations, resulting in decreased school performance and increased injuries and deaths. In response to this concern, you introduced S.600, the Child Labor Amendments of 1991, which would amend the Fair Labor Standards Act of 1938 (FLSA). The Senate Committee on Labor and Human Resources reported out a revised S.600, the Child Labor Amendments of 1992, on March 11, 1992.

You asked that we compare state certification procedures for child labor with the federally mandated child labor work permit system that would be established under S.600. Specifically, we examined (1) how state work permit systems in three states differ from the type of system that S.600, as reported, would require and (2) the changes those states would need to make to comply with the proposed requirements. We also compared workers' compensation fatality and injury reporting requirements in all 50 states with the reporting requirements of S.600 as reported.

On October 4, 1991, we briefed your staffs on the results of our review and later discussed with them changes that might be made to S.600. As requested, we are providing this fact sheet as a summary of our work on this subject, which addresses S.600 as reported out on March 11, 1992 (hereinafter referred to as S.600).

In short, we found that state child labor certification and data reporting requirements differ in some respects from those proposed under S.600 in each of our three case study states—Arkansas, California, and Texas. For an overview of each state's approach, see appendix I.

All three states would have to make changes to their certification and reporting requirements to comply with requirements proposed by your bill, as shown in table 1.

Table 1: Major Changes Selected States Would Have to Make to Child Labor Certification and Reporting Under S.600

State	Coverage	Permit contents and limits	Permit reporting	Injury reporting
Arkansas	Require, not encourage, permits for 16- and 17- year-old minors	Link permits for 14- and 15- year-olds to school attendance	None	Revise reportable injury definition
California	None	None	Collect permit data at state level	Gather complete, not sample, injury data for minors
Texas	Create mandatory work permit system to replace voluntary age certificates	Include school attendance, employer and job location, and parental consent	Collect data on permits issued	None

For a detailed comparison of how child labor certification provisions in the three states compared with specific provisions in S.600, see appendix II. For a detailed comparison of fatality and injury reporting requirements in all 50 states with proposed requirements under S.600, see appendix III.

Background

There is no federal requirement that minors have a permit or certificate of age in order to work. FLSA requires employers to be able to prove, upon request, that minors are working in compliance with federal hours and hazardous occupations restrictions. The Department of Labor, charged with enforcing FLSA, accepts work permits and age certificates issued in most states as proof of age for the purposes of the act. In states without a work permit program that meets standards set forth in federal regulations, the Department issues age certificates upon request. These "age certificates" have features similar to work permits as well as providing proof of age. For example, they are specific to a given employer. Preliminary data gathered by your Subcommittee showed that a large majority of states (42 plus the District of Columbia) require either a work permit or certificate of age, but that such requirements vary considerably from one state to another.

S.600 would require all states to have a mandatory work permit system for minors through age 17 and would establish basic requirements for the

permits. It also would require employers to provide to the state agency a written description of a minor employee's death or injury resulting in lost work time of more than 3 working days. In addition, S.600 would require state agencies to report annually to Labor concerning permits (certificates of employment) issued and the number of deaths and injuries of minors.

Scope and Methodology

We selected three states for case studies on a judgmental basis in consultation with your staffs. To determine how state child labor work permit requirements differ from those proposed under your bill, we visited the three states, interviewed federal and state officials responsible for enforcing child labor laws and issuing certificates of age or work permits, and reviewed applicable state laws and regulations. In California, we also interviewed officials in two local school districts where permits are issued.

To determine how states' death and injury reporting systems differ from S.600 requirements, we interviewed federal and state officials responsible for collecting and reporting data on occupational fatalities and injuries in the three states. We also obtained and analyzed information on all 50 states' workers' compensation program reporting requirements and definitions of reportable injuries.

We interviewed Labor headquarters officials in the Bureau of Labor Statistics, the Employment Standards Administration, and the Occupational Safety and Health Administration. Our work was done between July and October 1991 in accordance with generally accepted government auditing standards.

As agreed, we did not obtain written agency comments on this fact sheet. We did discuss its contents with officials in the Department of Labor's Employment Standards Administration, and they agreed that we had accurately characterized federal procedures. We are sending copies to the Secretary of Labor and other interested parties. If you have any questions concerning this report, please call me at (202) 512-7014. Other major contributors are listed in appendix IV.



Linda G. Morra
Director, Education
and Employment Issues

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Abbreviations

FLSA Fair Labor Standards Act of 1938

Basic Elements of Child Labor Work Permit and Age Certification Procedures in Selected States

Texas			
Arkansas work permit	California work permit	State age certificate	Federal age certificate
State labor department issues permits from one central office	State education department coordinates and local school districts issue	Employment commission issues age certificates centrally upon request	Department of Labor district offices issue certificates upon request
Minors request and receive permits by mail	Minors obtain permits at central school district location or at individual school	Minors request and receive certificates by mail	Minors obtain certificates at district office or by mail
Work permits are specific to the employer and job location	Work permits are specific to the employer and job location	Not job specific	Age certificate is valid only for a specific employer and occupation

Comparison of Child Labor Work Permit and Age Certificate Provisions in Selected States With Those Proposed Under S.600

Table II.1: How States Differ From S.600: Coverage and Permit Issuance

	S.600	Arkansas	California	Texas
Work permit	Required year-round ^a	Required year-round ^a	Required year-round ^a	Not required ^b
Minors covered	Under age 18 without high school diploma ^c	Under age 16 ^c	Under age 18 without high school diploma ^c	N/A
Responsible agency	State agency designated by governor	Department of Labor	Department of Education ^d	N/A
Employer location	Required on permit	Required on permit	Required on permit	N/A
Parental consent	Required prior to age 16	Required prior to age 16	Required prior to age 18	N/A
School attendance necessary for work permit	Required prior to age 16	Not required ^e	Required prior to age 16	N/A
Written explanation of denial	Required	Not required	Not required	N/A
Copy to parent	Required prior to age 16	No	No	N/A

^aEmployer can be fined if minor has no permit.

^bU.S. Department of Labor and Texas Employment Commission both issue age certificates upon request. Texas requires age certificates for child actors only.

^cRequired for work in agricultural and nonagricultural jobs with the exception of family farms. Arkansas encourages, but does not require, permits for 16- and 17-year-olds.

^dDepartment of Industrial Relations issues work permits for child actors.

^eRequired for child actors only.

Table II.2: How States Differ From S.600: Permit Contents and Limits

	S.600	Arkansas	California	Texas
Name, address, date of birth on permit	Required	Name and date of birth required; address on application	Required	N/A
Hours and occupations restrictions	Federal restrictions required on permit	State hours restrictions identified, not federal; permitted occupations identified	Maximum hours identified on front, ^a federal and state limitations on back	N/A
List contact for further information	State agency name	No	Federal and state agency names on back	N/A
Expiration	Upon termination of specific job	Upon termination of specific job	Upon termination of specific job or start of school year, if earlier	N/A

^aHours identified on front in some school districts are currently maximum under state law.

**Appendix II
Comparison of Child Labor Work Permit and
Age Certificate Provisions in Selected States
With Those Proposed Under S.600**

Table II.3: How States Differ From S.600: Permit and Injury Reporting

	S.600	Arkansas	California	Texas
State report to Department of Labor on permits and death and injury	Required	No	No	No
		Permit data now available at state level	State does not collect work permit data	Work permits N/A
		Death and injury data available	Some death and injury data available	Death and injury data available
Employer report to state on death or injury	Required for 4 or more lost workdays	Required for 8 or more lost workdays	Required for 1 or more lost workdays or medical treatment beyond first aid	Required for more than 1 lost workday
	Report no later than 10 days after employer obtains knowledge of death or injury	Report no later than 10 days after employer is notified of incident	Report no later than 5 days after employer obtains knowledge of injury	Report no later than 8 days after employer is notified of employee's first lost workday

Table II.4: Comparison of S.600 With Federal "Age Certificates"^a

	S.600	Age certificates
Work permit	Required ^b	Optional
Minors covered	Under age 18 without high school diploma	Available through at least age 19
Responsible agency	State agency designated by state	U.S. Department of Labor ^a
Parental consent	Required prior to age 16	Not included
School attendance necessary for work permit	Required prior to age 16	Not included
Employer location	Required	Required
Written explanation of denial	Required	Required
Copy to parent	Required prior to age 16	No
Name, address, date of birth on permit	Required	Required
Hours and occupations restrictions	Required on permit	No hours restrictions, permitted occupations identified
Expiration	Upon termination of specific job	Upon termination of specific job

^aDepartment of Labor, Employment Standards Administration, Wage and Hour Division, issues "age certificates" in Texas and Mississippi.

^bEmployer can be fined if minor has no permit.

Comparison of State Reportable Injury Definitions and Reporting Time Frames With Those of S.600

All states have enacted laws that generally require employers covered by the state's workers' compensation system to report employee work-related fatalities and injuries.¹ Under S.600, all employers covered by FLSA would be required to report injuries to minors rather than just those covered by state workers' compensation. Half the states use either lost workdays or lost work time as the criterion for reporting; the other half use more stringent criteria, ranging from reporting all accidents to reporting all injuries requiring medical services. Our analysis of the 50 states' workers' compensation law employer reporting requirements shows that 5 states use the same reporting criterion as that contained in S.600—more than 3 lost workdays. Another 40 states use criteria more stringent than that in S.600, and 5 states use less stringent criteria. (See table III.1.)

S.600 would also require that employers' reports be made to the designated state agency within 10 working days of the employer's knowledge of the death or injury. Forty-two states use the same or more stringent criteria for the timeliness of injury reports. Eight states use less stringent criteria than that in S.600. (See table III.2.)

¹Reporting is not mandatory in North Dakota.

**Appendix III
Comparison of State Reportable Injury
Definitions and Reporting Time Frames
With Those of S.600**

**Table III.1: Comparison of State
Reportable Injury Definitions With Those
of S.600**

	No. of states
States' definitions more stringent than S.600	
All accidents, whether or not injury occurred (Nevada)	1
All injuries (Alaska, Arizona, Delaware, Florida, Georgia, Hawaii, Idaho, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming)	21
All injuries requiring more than first aid (Missouri)	1
All injuries requiring medical services (Rhode Island ^a)	1
All injuries requiring physician treatment, hospitalization, or any lost time (Washington)	1
All lost time injuries (Colorado, Connecticut, and New Hampshire)	3
1 or more lost workdays (California, Indiana, Maine, Nebraska, New Jersey, New York, and Pennsylvania)	7
More than 1 lost workday (Kansas, Kentucky, North Carolina, and Texas)	4
3 or more lost workdays (Maryland)	1
Total	40
States' definitions same as S.600	
More than 3 lost workdays (Alabama, Illinois, Iowa, Minnesota, and Wisconsin)	5
Total	5
States' definitions less stringent than S.600	
5 or more lost workdays (Massachusetts)	1
7 or more lost workdays (Michigan, Ohio, and South Dakota ^b)	3
More than 7 lost workdays (Arkansas)	1
Total	5

^aRhode Island's definition is all injuries resulting in 3 days' incapacity or requiring medical services regardless of the period of incapacity.

^bSouth Dakota's definition is any injury that incapacitates the employee for at least 7 consecutive days.

Source: State Workers' Compensation Administration Profiles, October 1990 (U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Branch of Workers' Compensation Studies).

Appendix III
Comparison of State Reportable Injury
Definitions and Reporting Time Frames
With Those of S.600

Table III.2: Comparison of State Injury Reporting^a Time Frames With Those of S.600

States' requirements same as or more stringent than S.600	No. of states
Event: Date of Injury	
Immediately after injury (New Jersey)	1
Within 3 days of injury (Pennsylvania)	1
On fourth lost workday after injury (Wisconsin)	1
Within 5 days for all injuries involving time lost (New Hampshire)	1
Within 10 days (Idaho, Minnesota, New Mexico, New York, and Rhode Island)	5
Subtotal	9
Event: Date of employer's knowledge of injury	
Immediately (Washington)	1
Within 3 days (Vermont)	1
Within 4 days (Iowa)	1
Within 5 days (California, North Carolina, Oregon, and West Virginia)	4
Within 5 days of fifth lost workday (Massachusetts)	1
Within 6 days (Montana)	1
Within 7 days (Connecticut, Florida, Hawaii, ^b Indiana, Kentucky, Maine, Nebraska, ^c Ohio, Utah)	9
Within 8 days (Texas ^d)	1
Within 10 days (Alaska, Arizona, Arkansas, Colorado, Delaware, Louisiana, Maryland, Missouri, Oklahoma, ^e South Carolina, South Dakota, Virginia, ^f Wyoming ^g)	13
Within 10 days for lost time accidents (Mississippi)	1
Subtotal	33
Total	42
States' requirements less stringent than S.600	
Event: Date of Injury	
Within 30 days (Tennessee)	1
Subtotal	1
Event: Date of employer's knowledge of injury	
Within 14 days (Michigan)	1
Within 15 days (Alabama)	1
Within 21 days (Georgia)	1
Within 28 days (Kansas)	1
Within 30 days (Nevada)	1
Subtotal	5
Other	
Between 15th and 25th of each month (Illinois)	1
Not mandatory by statute (North Dakota)	1
Subtotal	2
Total	8

**Appendix III
Comparison of State Reportable Injury
Definitions and Reporting Time Frames
With Those of S.600**

^aExcludes reference to fatalities, illnesses, and other conditions that may be included in the states' requirements.

^bHawaii: 7 working days.

^cNebraska: Within 2 days for cases involving hospitalization of five or more employees from one accident, and within 7 days for all other reportable accidents.

^dTexas: Not later than 8 days after the employer receives notice that employee is absent from work 1 day due to an injury.

^eOklahoma: Within 10 days or a reasonable time.

^fVirginia: Within 10 days from the date after occurrence and employer's knowledge.

^gWyoming: Within 10 days of employee's notice of injury.

Source: State Workers' Compensation Administration Profiles, October 1990 (U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Branch of Workers' Compensation Studies).

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Related GAO Products

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