

## Guidance Document

### Procedures for Hiring Minors

*Reviewed November 25, 2019*

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#### Statement

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The child labor provisions of the Fair Labor Standards Act (FLSA) are designed to protect the educational opportunities of youths and prohibit their employment in jobs under conditions detrimental to their health and well-being. Minors (under the age of 18) are limited in their employment regarding duties and hours of work. Department of Labor regulations require employers to keep records of the date of birth of employees under age 19. Violation of the child labor provisions can result in a fine. Employers should take action to limit their liability for unintentional violations of the child labor provisions by keeping on file information that verifies the employee's age.

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#### Official Procedure and Responsibilities

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##### 1. RESPONSIBILITY

- 1.1 The hiring department is responsible for verifying the age of new employees. When there is any reason to believe the person being employed is under nineteen (19) years of age, the department will examine appropriate records to ascertain age. Sources of information can be student records or information used in conjunction with the I-9 form, Employment Eligibility Verification such as a valid driver's license. Should these sources not provide the age information, the department will request that the person being employed obtain a Certificate of Age from the Texas Workforce Commission to accompany a Minor's Employment Release (HR-200). Copies of these forms are available at <http://www.tamus.edu/assets/files/hr/forms/200.pdf>.
- 1.2 If an individual is under eighteen (18) years of age, a Minor's Employment Release form (HR-200) must be completed, accompanied by a copy of the document that was used to determine age.
  - 1.2.1 The hiring department should review the list of prohibited occupations from the Texas Child Labor Law poster (referenced below).
  - 1.2.2 Except as discussed in the poster, it is a violation of state and federal law to employ a minor in certain hazardous occupations.
- 1.3 Information and forms regarding the employee's age will be maintained in the employee's departmental personnel file.

- 14 The Recruitment and Workforce Planning office will ensure the widest dissemination of information regarding this requirement by including material in training courses and seminars, employment guides and other broad information sources.

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## Related Statutes, System Policies and Regulations

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### **System Policy 31.01: Compensation**

<http://policies.tamus.edu/31-01.pdf>

### **System Regulation 31.01.02: Fair Labor Standards**

<http://policies.tamus.edu/31-01-02.pdf>

### **Code of Federal Regulations, Title 29, Chapter V, Part 570: Child Labor**

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr570\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr570_main_02.tpl)

### **Chapter 51, Texas Labor Code: Texas Child Labor Law**

<http://www.statutes.legis.state.tx.us/Docs/LA/htm/LA.51.htm>

### **U.S. Department of Labor: Child Labor**

<http://www.dol.gov/whd/childlabor.htm>

### **Texas Child Labor Law posters (English and Spanish)**

<https://employees.tamu.edu/liaisons/required-posters/>

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## Contact Office

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For more information or clarification on this guidance, contact Human Resources, Recruitment & Workforce Planning at 979.845.5154 or by email at [jobs@tamu.edu](mailto:jobs@tamu.edu).

**OFFICE OF RESPONSIBILITY:** [Human Resources](#)