

- Eliminating the requirement for age and schooling certificates for employers governed by Ohio's Minor Labor Laws would decrease the expenses associated with their approval and issuance. Since minors may still obtain age and schooling certificates and employers may still opt to require them as proof of age, the number of certificates (and associated costs) would result in a potential minimal decrease in expenditures.
- Anyone found in violation of section 4109.071 of the Revised Code detailing the restrictions against employment of minors age 9 through 13 is guilty of a misdemeanor of the third degree. Since county and municipal courts have jurisdiction over misdemeanors, they may experience increased costs. Fine and court costs revenues may offset these expenditures.

Detailed Fiscal Analysis

House Bill 97 makes the following changes to Ohio's Minor Labor Law:

Employment of Minors Age 9 Through 13 Years Old

Minors Age 9 Through 11

The bill would allow minors age 9 through 11 to perform the following labor or services:

- Delivery of handbills, advertising, and advertising samples
- Shoe shining
- Gardening and lawn care involving no power-driven gardening equipment, except lawn mowers
- Cleaning of walkways
- Caddying on a golf course, on the condition that the minor does not operate a golf cart
- Labor or services common for the routine maintenance of a single-family detached dwelling house¹
- Labor or services that are exempt from regulation under Ohio's Minor Labor Law
- Labor or services that the Administrator of the Bureau of Employment Services (BES) specifies in rule are permissible
- Labor or services that the Administrator approves upon application by an employer

Minors Age 12 and 13

The bill would allow minors age 12 and 13 to perform the following labor or services:

- Any of the labor or services deemed permissible for minors age 9 through 11
- Door-to-door sale and delivery of merchandise
- Baby-sitting
- Gardening and lawn care that involves operating power-driven gardening and lawn care equipment
- Agricultural labor, except agricultural labor prohibited under rules adopted by the Administrator of BES prohibiting the employment of minors in occupations that are hazardous or detrimental to their health and well-being
- Labor or services that the Administrator approves upon application by an employer

Under the bill the Administrator of BES is required to adopt rules, in consultation with the Director of Health, specifying labor and services for which minors who are at least 9 and not more than 13 years of age may be employed. In addition, an employer may submit a written application to the Administrator requesting that labor or services for which the employer would like to employ minors between the ages of 9 and 13 be approved. BES will incur minimal expenses related to the promulgation of these additional rules and the administrative time spent in the approval or rejection of employer applications.

¹ The Administrator of the Bureau of Employment Services shall adopt rules that define the types of labor or services allowed.

Anyone found in violation of section 4109.071 of the Revised Code detailing the restrictions against employment of minors age 9 through 13 is guilty of a misdemeanor of the third degree. Since county and municipal courts have jurisdiction over misdemeanors, they may experience increased costs. Fine and court costs revenues may offset these expenditures.

Modifications to Hour Restrictions for Minors

The bill modifies existing hour restrictions so that restrictions that currently apply to minors age 14 and 15 will apply to minors age 9 through 13 and the restrictions that currently apply to minors age 16 and 17 will apply to minors age 14 through 17. Under the bill, minors age 9 through 13 cannot work: 1) more than three hours on a school day; 2) more than eight hours on a nonschool day; 3) more than eight hours in a week when school is in session; and 4) more than forty hours in a week when school is not in session. The bill would prohibit the employment of minors age 14 through 17 in any door-to-door sales activity before seven a.m. or after seven p.m. or during school hours, except as otherwise permitted under the Minor Labor law. This restriction applies only to minors age 16 and 17 under current law.

Current law permits hour restrictions for minors to be waived under certain circumstances. A minor adjudicated to be an unruly or delinquent child and who as a result of the adjudication is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent of the school district who issued the minor's age and schooling certificate alleging that the restrictions on hours of employment will cause a substantial hardship or are not in the minor's best interests.² Under the bill, the minor would file a petition with the superintendent of the school district in which the minor resides, not the school district that issued the age and schooling certificate. For most minors, the superintendent of the school district in which the minor resides and the superintendent who issued the age and schooling certificate would be the same person. Since the bill eliminates all requirements under Ohio's Minor Labor Law related to age and schooling certificates (see below), this change appears to be solely technical in nature.

Elimination of Age and Schooling Certificate Requirements

Current law requires that employers governed by Ohio's Minor Labor Law must keep a complete list of all minors employed by the employer at a particular establishment, a printed abstract that summarizes the provisions of the chapter of the Revised Code concerning the employment of minors, and must exact an age and schooling certificate from the minor as a condition of employment.³ House Bill 97 would eliminate all requirements under Ohio's Minor Labor Law related to age and schooling certificates.

Eliminating the requirement for age and schooling certificates could subsequently reduce the number of age and schooling certificates approved and issued, thereby decreasing associated

² Non-adjudicated minors may petition for this waiver as well. They would also file with either juvenile court or the superintendent of the school district who issued the age and schooling certificate.

³ Many employers in Ohio are governed by the minor labor provisions of the federal Fair Labor Standards Act of 1938, not by Ohio's Minor Labor Law. Under federal law, employers are not required to use some official document like an age and schooling certificate to verify the age of an employee.

expenses.⁴ Since exclusively the superintendent of the city or exempted village school district or educational service center in which the minor resides issues age and schooling certificates, eliminating this requirement could potentially decrease expenditures.

Casual Labor

Section (E) of section 4109.01 of the Ohio Revised Code defines casual labor as any labor or service performed on or about a single-family detached dwelling house that is the employer's residence. The bill reduces the employer reporting requirements for this newly created category of labor. Under the bill, employers who employ less than four minors in casual labor are not required to: 1) keep a list of all minors employed; 2) post the list and a printed abstract that summarizes the provisions of the chapter of the Revised Code concerning the employment of minors; 3) keep a time book and other written records; and 4) provide written evidence of the employment agreement, earnings statement or any reduced compensation agreement to the minor.

Modifications to Workers' Compensation

The bill excludes from the definition of employee for the purposes of determining coverage under Ohio's Workers' Compensation Law a minor employed by an employer who employs less than four minors in any workweek to perform casual labor. Casual labor is defined the same as it is for the Minor Labor Law, as described above. Employers could still, however, elect to include these minors under their workers' compensation coverage and would be responsible for making the appropriate premium payments.

The bill also modifies an existing exclusion to the Workers' Compensation Laws. Under current law, household and casual workers who earn less than \$160 in cash in any calendar quarter from a single employer are not included in the definition of employee for purposes of workers' compensation coverage. The bill would increase the threshold from \$160 to \$320. Raising the earnings threshold could decrease the amount of workers' compensation premiums paid to the SIF, resulting in a minimal decrease in revenues to the fund.

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⁴ The bill does not completely eliminate age and schooling certificates and employers governed under the FLSA could still use the certificates as proof of age. Since minors can still obtain age and schooling certificates, employers may opt to require minors to provide an age and schooling certificate.