

Work-Based Learning (WBL) Child Labor Law Overview

Purpose: The purpose of the WBL Child Labor Law Overview is to provide WBL coordinators, school and district administrators, students, parents, and employers with the most pertinent Tennessee Child Labor Act information associated with minors enrolled in WBL courses.

Disclaimer: This reference guide is intended as general information only and does not constitute legal advice. Local education agencies (LEAs) and public charter schools should consult their local board attorneys for specific legal advice when implementing these laws. For the most up-to-date information or to address specific questions related to allowable placements and requirements, please contact the Department of Labor and Workforce Development (TDLWD): (844) 224-5818, option 3 or review [Tennessee's Child Labor Act on their website](#).

Overview of Child Labor Laws Related to WBL

Minors aged 16-17, as a part of their WBL placement, may:

- not be employed between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday, preceding a school day. See [T.C.A. § 50-5-105\(b\)\(2\)\(A\)](#);
- work until midnight no more than three (3) nights per week Sunday through Thursday preceding a school day, if a valid [parental consent form](#) is retained in the minor's work file. Forms remain valid until the end of the school year during which it is submitted or until termination of the minor's employment, or until the minor reaches the age of majority, whichever occurs first; and the original copy of the form shall be maintained for the period of its effectiveness by the employer at the location of the minor's employment. See [T.C.A. § 50-5-105\(b\)\(2\)\(B\)](#);
- work during school hours if employed under a written WBL [Training Agreement](#). See [T.C.A. § 50-5-107\(11\)](#) (The department's training agreement can be found in the [WBL Personalized Learning Plan](#)).

Per policy 10 and 11 of the [WBL Policy Guide](#), minors ages 16-17 may work any number of hours per week as long as school attendance and grades are not affected, whether school is in or out of session.

Pursuant to [T.C.A. § 50-5-111\(1\)](#), employers must maintain a separate and independent file record for each minor employed, which shall be kept at the location of the minor's employment and shall include:

- an employment application,
- accurate time records,
- [Parental Consent Form](#) (if applicable), and
- a copy of one of the following items for proof of age in each minor's employee file:
 - birth certificate
 - driver's license
 - state-issued ID card
 - valid passport
 - statement of oath by the parents or guardian as to the age of the minor documented from the juvenile court of the county in which the minor resides.

MEAL OR BREAK PERIOD (See [T.C.A. § 50-5-115](#)) A minor must have a 30-minute unpaid break or meal period if scheduled to work 6 hours consecutively. Such break shall not be scheduled during or before the first hour of scheduled work activity.

Discrimination (See [T.C.A. § 50-2-202](#)) No employer shall discriminate between employees in the same establishment on the basis of sex by paying any employee salary or wage rates less than the employer pays to any employee of opposite sex for comparable work on jobs the performance of which require comparable skill, effort, and responsibility, and that are performed under similar working conditions.

Occupations Prohibited for Minors (T.C.A. § 50-5-106)

The Tennessee Department of Labor and Workforce Development has identified [21 occupations that are prohibited for minors](#); most of which are related to the operation of power-driven machinery and/or hazardous work environments. However, students enrolled in WBL courses who have demonstrated the requisite knowledge, skills, and abilities associated with some of these prohibited occupations through completion of their career and technical education (CTE) coursework may perform the following duties at their WBL placement once the [Hazardous Occupation Exemption Form](#) has been properly completed, acknowledged, and signed by the required individuals (please refer to the [Hazardous Occupation Exemption Form](#) for more specific details):

Exemptions for WBL Student Placements

The following [exemptions from the Fair Labor Standards Act](#) apply to all WBL students once the Hazardous Occupation Exemption Form has been properly completed, acknowledged, and signed by the required individuals.

- Work using power-driven woodworking machines, including the use of saws on construction sites.
- Work using power-driven metal forming, punching, and shearing machines (HO8 permits the use of a large group of machine tools used on metal, including lathes, turning machines, milling machines, grinding, boring machines, and planing machines).
- Work involving slaughtering or meatpacking, processing, or rendering including the operation of power-driven meat slicers in retail stores.
- Work using power-driven paper-products machines, including the operation and loading of paper balers in grocery stores.
- Work involving the use of circular saws, band saws, and guillotine shears.
- All work in roofing operations.
- All work in excavating operations, including work in a trench as a plumber.

These exemptions can also be found at [29 C.F.R. § 570](#) and on the [United States Department of Labor's website](#).

Index of Resources Related to Tennessee Child Labor Laws

1. [Tennessee's Child Labor Act](#) outlines the State's child labor laws.
2. [Child Labor Parental Statement of Consent](#) allows minors 16 or 17 years of age to work between the hours of 10:00 p.m. and 12:00 a.m. not more than three (3) nights per week (Sunday through Thursday).
3. [WBL Training Agreement](#) verifies enrollment in a WBL course and authorizes the student to be engaged in employment during school hours for educational purposes.
4. [Tennessee Wage Regulations Act Poster](#) details information related to the Wage Regulations Act, the Child Labor Act, occupations prohibited for minors, and duties of employers of minors.
5. [Hazardous Occupation Exemption Form](#), allows students in WBL placements to perform some occupations that would otherwise be prohibited for minors.