

# APPENDICES



**SUBMINIMUM WAGE CERTIFICATES**  
 Issued Under the FLSA Which Can be Used for Students

| CERTIFICATE   | REGULATION | LOWEST % OF FEDERAL MINIMUM WAGE   | LIMIT TO HOURS AT CERTIFICATE RATE? | APPLICATION FORM   |
|---|------------|--|-------------------------------------|--|
| <b>FULL-TIME STUDENTS</b><br>Worker attends school primarily in the daytime in a bona fide educational institution. Can be issued to retail and service establishments, agricultural employment, or to institutions of higher education.  | Part 519   | 85%  | Yes: See Regulations                | WH-200MIS<br>Contact:<br>W/H Office  |
| <b>STUDENT LEARNERS</b><br>Age 16 or older. Worker is receiving instruction in an accredited school, college or university and is employed on a part-time basis pursuant to a bona fide vocational training program with organized plan of instruction in technical and industrial areas requiring substantial learning period.   | Part 520   | 75%  | Yes: See Regulations                | WH-205   |
| <b>APPRENTICES IN SKILLED TRADES</b><br>Generally, age 16 or older. Allows for the employment of apprentices in skilled trades. The minor must be employed in a craft recognized as an apprenticeable trade. The apprenticeship must be registered with the DOL.  | Part 521   | 50% of the journeyman's rate per the apprenticeship agreement authorized by a registered apprenticeship program. | Yes: See Regulations                | Application is the apprenticeship agreement  |
| <b>LEARNER'S IN SPECIFIED INDUSTRIES</b><br>Applicable to employment of learners in specified industries where an adequate supply of qualified experienced workers is available for employment. Learner is a worker whose total experience in the industry within the past three years is less than the period of time allowed as a learning period for that occupation.  | Part 522   | Authorized wage rates are industry specific.   | Yes: See Regulations                | WH-209<br>WH-208<br>WH-359   |
| <b>MESSENGERS</b><br>Allows for the employment of messengers to be engaged primarily in delivering letters and messages.  | Part 523   | There have been no messenger certificates issued in many years.  | N/A                                 | No application form is available.  |
| <b>SHELTERED WORKSHOP/WORKERS WITH DISABILITIES</b><br>Worker's earning capacity is impaired by disability for the work to be performed. Issued to most types of establishments and school work experience programs. Sheltered workshop or work centers meaning a program providing workers with disabilities with employment or other occupational rehabilitating activity.  | Part 525   | Commensurate wages; no minimum   | No                                  | WH-226MIS  |
| <b>STUDENT WORKERS</b><br>Age 16 or older The occupation for which the student-worker receives training must require a sufficient degree of skill to necessitate an appreciable learning period. Student-worker is a student who is receiving instruction in an educational institution and who is employed on a part-time basis in shops owned by the educational institution for the purpose of enabling the student to defray part of school expenses. | Part 527   | 75%  | Yes: See Regulations                | For application contact<br>ESA, Wage-Hour Branch of<br>Special Employment<br>Programs Office |

## APPENDIX B: HAZARDOUS OCCUPATIONS ORDERS

### Hazardous Occupational Orders U.S. Department of Labor

Following are conditions deemed hazardous for the employment of minors between 16 and 18 years of age. Occupations with an \* are exempt from child labor laws for apprentices and student learners under the conditions (e.g., incidental to the training, intermittent and for brief periods of time, under close supervision, etc.) set forth on the first page of the training plan. Exemptions do not apply to student learners under age 16.

1. Manufacturing, storing, handling or transporting explosives or articles containing explosives (ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder). Exceptions are retail establishments and nonexplosive areas.
2. Engaged as a motor-vehicle driver or outside helper (in The use of an automobile, truck, truck-tractor, trailer, semitrailer, motorcycle of similar vehicle on a public road, highway, near a mine, near logging or sawmill, or in an excavation) except incidental and occasional driving
3. Engaged in coal mining, including all work underground, in open-pit, or at a surface contributing to extraction, grading, clearing or other handling. Exceptions are picking slate or other refuse at a table or chute in a tippie or breaker, working in surface offices or maintenance or repair shops.
4. Work in all logging occupations or in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill. Exceptions include work in offices or in repair or maintenance shops; construction, operation, repair, or maintenance of living and administrative quarters; work in timber cruising, surveying or logging-engineering parties; repair or maintenance of roads, railroads or flumes; clearing fire trails or roads, piling and burning slash; maintaining fire-fighting equipment; constructing and maintaining telephone lines; acting as fire lookout or fire patrolman away from logging operations; peeling of fence posts, pulpwood, chemicalwood, excelsior wood, cordwood, or similar products when not done in conjunction with and at the same place as logging functions; and feeding or caring for animals. (Note: Exceptions shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives and work on trestles.)
- \*5. Operating power-driven woodworking machines (feeding material into fixed or portable machines used or designed for doing any of the following to wood or veneer: cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, otherwise assembling, pressing, printing, or removal of materials directly from the point of operation of circular saws and guillotine-action veneer clippers.)
6. Exposure to radioactive substances and to ionizing radiations. Includes storing or using radium; making, using, storing, processing, or packaging self-luminous compounds and incandescent mantles; and exposure to other radioactive substances and ionizing radiations that exceed federal standards.
7. Operating or assisting in the operation of power-driven hoisting apparatus (elevator, crane, derrick, hoist, and high-lift truck), including functions performed by crane hookers, crane chasers, and riggers. Exceptions include operating an unattended automatic passenger elevator or electric or air-operated hoist not exceeding one-ton capacity, and riding on a freight elevator operated by an assigned operator.

- \*8. Operating power-driven metal forming, punching and shearing machines (*metal-working machines* [e.g., dies, rolls, knives mounted on rams, plungers], *rolling machines* [e.g., beading, straightening, corrugating, flanging, bending rolling mills], *pressing and punching machines*. [e.g., full automatic feed and ejection punch presses with fixed barrier guards, power presses, plate punches], *bending machines* [e.g., apron brakes, press brakes, hammering machines, drop hammers, power hammers, shearing machines, guillotine shears, squaring shears, alligator shears, rotary shares]).
9. Engaged in mining, other than coal. Exceptions are work in an office, warehouse, supply house, change house, laboratory, repair or maintenance shop not underground. Other exceptions include operating and maintaining living quarters; surveying, road work, general clean-up outside the mine; building and maintaining railroad track when no mining or hauling is ongoing; surface placer operations other than dredging and hydraulic; metal millwork other than mercury recovery or using cyanide; operating jigs, sludge tables, flotation cells, drier filters; hand sorting at picking table or belt.
- \*10. Operating power-driven meat processing machines (meat patty forming machines, meat and bone cutting saws, knives, headsplitters, guillotine cutters, snoutpullers and jawpullers, skinning machines, horizontal rotary washing machines, casing-cleaning machines, crushing machines, stripping machines, finishing machines, grinding machines, mixing machines, chopping machines, hashing machines, or presses machines).
11. Operating bakery machines (dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicer/ wrapper; cake cutting band saw; setting up or adjusting [only] cookie or cracker machine).
- \*12. Operating, assisting with, setting up or maintaining power-driven paper-products machines (arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or double-facing machine, envelope die cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler, vertical slotter, hand-feed platen die-cutting, platen printing and punch presses).
13. Manufacturing of brick, tile, and kindred products. Exceptions include work in offices, laboratories and storerooms, storage and shipping, and drying departments for sewer pipe.
- \*14. Operating circular saws, band saws and guillotine shears. (Note: Apprentices and student learners restricted to machines equipped with full automatic feed and ejection).
15. Engaged in wrecking, demolition and shipbreaking, including cleanup and salvage done at razing, demolishing, or dismantling of building, bridge, steeple, tower, chimney, other structure, ship, other vessel.
- \*16. Engaged in roofing (applying weatherproofing materials and substance to roofs, the installation of roofs [including flashing], alternations, additions, maintenance, or repair [including painting and coating]). (Note: Apprentices and student learners also may engage in gutter and downspout work, construction for sheathing or base of roofs, installation of television antennas, air conditioners, exhaust and ventilating equipment and similar appliances).
- \*17. Engaged in excavation (working in or backfilling trenches, building excavations, tunnels or shafts). (Note: Apprentices and student learners restricted to depths of no more than four feet, excavations whose side walls are shored or sloped to the angle of repose, and tunnels or shafts after all driving or sinking and shoring operations are completed.)

APPENDIX C: SAMPLE TRAINING AGREEMENT / TRAINING PLAN (1 of 7)

**WORK BASED LEARNING (WBL)  
TRAINING AGREEMENT**

Student Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Street: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Social Security #: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Parent's Name: \_\_\_\_\_ Address \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Employer Address: \_\_\_\_\_

Days per Week: \_\_\_\_\_ Hours per Day: \_\_\_\_\_ Hours \_\_\_\_\_ A.M. and \_\_\_\_\_ P.M.  
School Name: \_\_\_\_\_ School Location: \_\_\_\_\_  
Career Cluster: \_\_\_\_\_ Training/Occupation Title: \_\_\_\_\_

**Work based Learning Activity:** (Check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Youth Apprenticeship      | <input type="checkbox"/> Field Trip           | <input type="checkbox"/> Service Learning Projects |
| <input type="checkbox"/> Preapprenticeship         | <input type="checkbox"/> Internship/Practicum | <input type="checkbox"/> WECEP                     |
| <input type="checkbox"/> Registered Apprenticeship | <input type="checkbox"/> Job Shadowing        | <input type="checkbox"/> Other _____               |
| <input type="checkbox"/> Clinical Work Experience  | <input type="checkbox"/> Mentorship           | <input type="checkbox"/> Other _____               |
| <input type="checkbox"/> Cooperative Education     | <input type="checkbox"/> Part Time Work       | <input type="checkbox"/> Other _____               |

**EMPLOYER'S RESPONSIBILITIES.** The employer agrees to place the student learner in the activity specified above for the purpose of providing occupational experience of instructional value. The activity will be under the supervision of a qualified supervisor and will be performed under safe and hazard free conditions. The student learner will receive the same consideration given employees with regard to safety, health, social security, general work conditions and other policies and procedures of the firm. Safety instruction will be coordinated by the school and correlated by the employer. The employer will adhere to all State and Federal Regulations regarding employment, child labor laws and minimum wages, and will not discriminate in employment policies, educational programs or activities for reasons of race, sex, color, religion, national origin, marital status, age or handicap. The student learner will not displace a regular worker.

**WBL COORDINATOR'S RESPONSIBILITIES.** The WBL coordinator agrees to work with the employer in developing a written training plan that includes progressive work processes to be performed on the job. The coordinator will visit each student learner at the training station and continue a close working relationship with the person to whom the student learner is responsible while on the job. The coordinator shall attempt to resolve any complaints through the cooperative efforts of all parties concerned. The coordinator will meet with each student learner's parent and/or guardian prior to placement and during the school year. The local education office and employer will keep each student learner's Training Agreement on file for three (3) years.

**PARENT'S/GUARDIAN'S RESPONSIBILITIES.** Parent and/or guardian agree for the student to participate in a WBL opportunity provided by the public schools.

**STUDENT'S RESPONSIBILITIES.** The student learner is enrolled in a WBL course of study and agrees to follow rules and guidelines established by the school, employer and WBL coordinator with regard to hours of work, school attendance and reporting procedures.

**HAZARDOUS OCCUPATIONS EXCEPTION.** Will the student be involved in a hazardous occupation as defined under the Federal Child Labor guidelines? \_\_\_\_\_ YES \_\_\_\_\_ NO (If yes, the **Student Learner Exemption Agreement** must be completed.)

Parents agree to arrange transportation for their child to and from the work site. By signing this form they are giving permission for their child to receive emergency medical treatment in case of injury or illness. They also understand that school personnel will not be present when the student is at the site and will not be responsible for their child. All signatories agree to comply with the responsibilities specified in the training agreement.

|                              |                          |
|------------------------------|--------------------------|
| _____ Date _____             | _____ Date _____         |
| Student                      | WBL Coordinator          |
| _____ Date _____             | _____ Date _____         |
| Parent or Guardian           | Employer                 |
| _____                        | _____                    |
| Employer's Insurance Carrier | Carrier's Contact Person |

APPENDIX C: SAMPLE TRAINING AGREEMENT /TRAINING PLAN (2 of 7)

**WORK BASED LEARNING (WBL)  
Federal Child Labor Law Hazardous Occupation  
STUDENT LEARNER EXEMPTION AGREEMENT**

**STUDENT/WORK SITE DATA**

Student's Name \_\_\_\_\_ SS # \_\_\_\_\_ Age \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Home Phone \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade Level \_\_\_\_\_  
WBL Coordinator \_\_\_\_\_ Phone # \_\_\_\_\_  
School \_\_\_\_\_  
Parent Guardian \_\_\_\_\_ Phone # \_\_\_\_\_  
Apprenticeship Site \_\_\_\_\_ Phone # \_\_\_\_\_ Address \_\_\_\_\_  
Date Assignment Starts \_\_\_\_\_ Planned Ending Date \_\_\_\_\_  
Travel Arrangements \_\_\_\_\_

**16 and 17 Year Old Student Learners**

With the *Student Learner Exemption Agreement* students can be employed in specific occupations declared hazardous by the Federal Child Labor Law. This agreement may only be executed in approved WBL programs that provide specific skills training and result in placement of students in employment specifically related to that training. This agreement only applies to 16- and 17-year old student learners and specific occupations.

**CHECK THE HAZARDOUS OCCUPATION(S) FOR WHICH THE EXEMPTION APPLIES:**

- \_\_\_\_\_ On a scaffolding, roof, superstructure, residential building construction, or ladder above 6 feet.
- \_\_\_\_\_ In the operation of power-driven woodworking machines.
- \_\_\_\_\_ In the operation of power-driven metal forming, punching, or shearing machines.
- \_\_\_\_\_ Slaughtering, meat packing, processing, or rendering, except as provided in 29 C.F.R. part 570.61 (c).
- \_\_\_\_\_ In the operation of power-driven paper products and printing machines.
- \_\_\_\_\_ Excavation operations.
- \_\_\_\_\_ Working on electric apparatus or wiring.
- \_\_\_\_\_ Operating or assisting to operate, including starting, stopping, connecting or disconnecting, feeding, or any activity involving physical contact associated with operating tractors over 20 PTO horsepower, any trencher or earthmoving equipment, fork lift, or any harvesting, planting, or plowing machinery, or any moving machinery.

In accordance with Section 450.061 (2), the undersigned attest to the following:

- (1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.
- (2) The work of the student learner in the occupation declared particularly hazardous is incidental to the training received.
- (3) The work performed shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
- (4) That safety instructions shall be given by the school and correlated by the employer with on-the- job training.
- (5) That the student has a schedule of organized and progressive work processes to perform on the job.

\_\_\_\_\_  
Student's Name (type or print)

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Parent's/Guardian's Name (type or print)

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Employer's Name (type or print)

\_\_\_\_\_  
Employer's Signature

\_\_\_\_\_  
Coordinator's Name (type or print)

\_\_\_\_\_  
Coordinator's Signature

\_\_\_\_\_  
Principal's Name (type or print)

\_\_\_\_\_  
Principal's Signature

\_\_\_\_\_  
Optional: Superintendent's Name (type or print)

\_\_\_\_\_  
Optional: Superintendent's Signature

**A copy of this agreement shall be maintained by the employer and the school.**

**WORK BASED LEARNING (WBL)  
TRAINING PLAN AND PROGRESS REPORT**

The Coop Program is designed as an educational partnership between \_\_\_\_\_  
(School/Partnership), and \_\_\_\_\_ (Employer).

**STUDENT/WORK SITE DATA**

Student's Name \_\_\_\_\_ SS # \_\_\_\_\_ Age \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade Level \_\_\_\_\_

WBL Coordinator \_\_\_\_\_ Phone # \_\_\_\_\_

School/Address \_\_\_\_\_

Parent Guardian \_\_\_\_\_ Phone # \_\_\_\_\_

**Student Career Objective** \_\_\_\_\_

**COOP Site** \_\_\_\_\_ **Phone #** \_\_\_\_\_ **Address** \_\_\_\_\_

**Work Site Supervisor** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Date Assignment Starts** \_\_\_\_\_ **Planned Ending Date** \_\_\_\_\_

**Travel Arrangements** \_\_\_\_\_

**GENERAL REQUIREMENTS**

**STUDENT TRAINING PLAN:** The student training plan will include competencies to be mastered, connection of school site and work site competencies, career development information, and training activities scheduled for the school year.

**WAGES:** Wages must be paid during the training program in accordance with state and federal labor laws.

**SCHEDULE OF CLASSES:** Students participating in the program may train at the work site up to four hours a day, 20 hours per week. Training schedules will generally follow the school schedule regarding school days and holidays.

**EXPECTATIONS:** Upon graduation from high school, the student successfully completing the program will receive a high school diploma and may receive a certificate of mastery upon successfully completing the expected competency levels. The student will be prepared to enter the work force, pursue an associate degree at a two-year college, or apply for admission to a four-year college or university.

**OBJECTIVES**

The objective of the program is to give students the opportunity to gain work experience through the school-to-career setting, which may lead to a certificate of mastery. This would be accomplished by placing the student learners in part time employment approximately 5 to 20 hours per week. Credit towards completion of an associates degree may be concurrently earned by the student learner.

**RESPONSIBILITIES**

**THE STUDENT WILL:**

- ◆ Be prompt and maintain regular attendance at school and the training site.
- ◆ Obey all rules and regulations at school and the training site.
- ◆ Maintain high academic and training standards.
- ◆ Call appropriate school and training personnel if late or absent for reasons beyond the student's control.
- ◆ Arrive at training site appropriately dressed.
- ◆ Communicate openly with school coordinator or training mentor concerning any problems, concerns, or conditions that are interfering with progress at school or the training site.

**THE PARENT(S) OR GUARDIAN WILL:**

- ◆ Grant permission and give support for school-to-careers participation.
- ◆ Inform instructor/coordinator of information vital to the performance and success of the student.
- ◆ Provide transportation to and from the training site.
- ◆ Attend any meetings or activities to promote or monitor the student's progress.
- ◆ Provide appropriate medical insurance coverage.

**EMPLOYER TRAINING PARTNER WILL:**

- ◆ Interview and select students for the program.
- ◆ Provide a comprehensive training plan developed in coordination with the school districts. The plan includes work site competencies and school site competencies (see attached lists).
- ◆ Appoint a training supervisor/mentor for the student.
- ◆ Provide appropriate training space and equipment.
- ◆ Ensure that appropriate accident, liability, and workers' compensation insurance coverage is provided .
- ◆ Assess student's progress on a regular basis.
- ◆ Notify the sending school if the student is absent without notification.
- ◆ Provide safety instruction for student training.
- ◆ Permit the school's representative(s) to visit the student and supervisor at training site.
- ◆ Not displace a regular employee.
- ◆ Maintain appropriate records.

**THE SCHOOL WILL:**

- ◆ Appoint a coordinator to assist students at school and the training site.
- ◆ Work with the employer training partner in developing a comprehensive training plan that includes work based and school-based competencies.
- ◆ Monitor each student's progress at the training site periodically.
- ◆ Assist students in planning and integrating school curriculum and training with emphasis, where possible, on applied academics and related occupational courses.
- ◆ Adjust class schedules when necessary to accommodate students.
- ◆ Provide individual career guidance to assist the student in deciding the next career progression step after high school.
- ◆ Assess student performance.
- ◆ Award school credit for the education/training.
- ◆ Ensure that appropriate accident, liability, and workers' compensation insurance coverage is provided .
- ◆ Maintain appropriate records.

APPENDIX C: SAMPLE TRAINING AGREEMENT /TRAINING PLAN (5 of 7)

**WORK SITE COMPETENCIES**

4=Skilled      3=Moderately Skilled      2=Limitedly Skilled      1=Unsuccessful      0=No Exposure

| WORK COMPETENCIES | GRADING PERIODS |   |   |   |   |   |
|-------------------|-----------------|---|---|---|---|---|
|                   | 1               | 2 | 3 | 4 | 5 | 6 |
| 1.                |                 |   |   |   |   |   |
| 2.                |                 |   |   |   |   |   |
| 3.                |                 |   |   |   |   |   |
| 4.                |                 |   |   |   |   |   |
| 5.                |                 |   |   |   |   |   |
| 6.                |                 |   |   |   |   |   |
| 7.                |                 |   |   |   |   |   |
| 8.                |                 |   |   |   |   |   |
| 9.                |                 |   |   |   |   |   |
| 10.               |                 |   |   |   |   |   |
| 11.               |                 |   |   |   |   |   |
| 12.               |                 |   |   |   |   |   |
| 13.               |                 |   |   |   |   |   |
| 14.               |                 |   |   |   |   |   |
| 15.               |                 |   |   |   |   |   |
| 16.               |                 |   |   |   |   |   |
| 17.               |                 |   |   |   |   |   |
| 18.               |                 |   |   |   |   |   |
| 19.               |                 |   |   |   |   |   |
| 20.               |                 |   |   |   |   |   |
| 21.               |                 |   |   |   |   |   |
| 22.               |                 |   |   |   |   |   |

**If additional space is needed, attach an extra sheet of paper.**

*APPENDIX C: SAMPLE TRAINING AGREEMENT / TRAINING PLAN (6 of 7)*

**SCHOOL SITE COMPETENCIES**

4=Skilled      3=Moderately Skilled      2=Limitedly Skilled      1=Unsuccessful      0=No Exposure

| SCHOOL COMPETENCIES | GRADING PERIODS |   |   |   |   |   |
|---------------------|-----------------|---|---|---|---|---|
|                     | 1               | 2 | 3 | 4 | 5 | 6 |
| 1.                  |                 |   |   |   |   |   |
| 2.                  |                 |   |   |   |   |   |
| 3.                  |                 |   |   |   |   |   |
| 4.                  |                 |   |   |   |   |   |
| 5.                  |                 |   |   |   |   |   |
| 6.                  |                 |   |   |   |   |   |
| 7.                  |                 |   |   |   |   |   |
| 8.                  |                 |   |   |   |   |   |
| 9.                  |                 |   |   |   |   |   |
| 10.                 |                 |   |   |   |   |   |
| 11.                 |                 |   |   |   |   |   |
| 12.                 |                 |   |   |   |   |   |
| 13.                 |                 |   |   |   |   |   |
| 14.                 |                 |   |   |   |   |   |
| 15.                 |                 |   |   |   |   |   |
| 16.                 |                 |   |   |   |   |   |
| 17.                 |                 |   |   |   |   |   |
| 18.                 |                 |   |   |   |   |   |
| 19.                 |                 |   |   |   |   |   |
| 20.                 |                 |   |   |   |   |   |
| 21.                 |                 |   |   |   |   |   |
| 22.                 |                 |   |   |   |   |   |

**If additional space is needed, attach an extra sheet of paper.**

APPENDIX C: SAMPLE TRAINING AGREEMENT /TRAINING PLAN (7 of 7)

**TERMINATION**

This agreement may be terminated for any of the following reasons: nonperformance on the part of the student or employer, relocation of either the student or employer, or change in the student's career choice. The employer and student must be notified prior to termination by the student.

**SIGNATURES**

|                                 |               |  |               |
|---------------------------------|---------------|--|---------------|
| _____<br>Student                | _____<br>Date | _____<br>Parent/Guardian                 | _____<br>Date |
| _____<br>High School Principal  | _____<br>Date | _____<br>Worksite Supervisor             | _____<br>Date |
| _____<br>School Site Instructor | _____<br>Date | _____<br>School/District WBL Coordinator | _____<br>Date |

**NOTE: It is the policy of the school district that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status, handicap, or disadvantage should be discriminated against, excluded from participation in, denied the benefits of or otherwise be subjected to discrimination in any program or activity**

**APPENDIX D**

One Copy to Employee  
One Copy to Nebraska Department of Labor  
One Copy to Issuing Officer

**Federal Hour Restrictions**  
Not more than 3 Hours on a School Day  
Not more than 18 Hours in a School Week  
Not More than 8 Hours on a Non-school Day  
Not more than 40 Hours in a Non-school Week  
Not Before 7 a.m. nor After 7 p.m.

**Nebraska Hour Restrictions**  
Not More than 8 hours in One Day  
Not More than 48 Hours in One Week  
Not Before 6 a.m. nor After 10 p.m.

**NEBRASKA WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR**

5404 Cedar Street, 3rd Floor \* Omaha, Nebraska 68106 \* (402) 595-3095

**Employment Certificate  
(For Minors 14 and 15 Years of Age)**

Employment During School Year

Employment During School Vacations

Date of Issue \_\_\_\_\_, 200\_\_

This certificate authorizes the employment of \_\_\_\_\_  
(NAME OF MINOR)

\_\_\_\_\_ by \_\_\_\_\_  
(ADDRESS OF MINOR) (NAME OF EMPLOYER)

\_\_\_\_\_ (ADDRESS OF EMPLOYER) \_\_\_\_\_ (NATURE OF BUSINESS)

\_\_\_\_\_ (EMPLOYER'S TELEPHONE NUMBER) \_\_\_\_\_ (WORK TO BE DONE BY MINOR)

\_\_\_\_\_ Days per week; \_\_\_\_\_ Hours per week; \_\_\_\_\_ Hours per day \$\_\_\_\_\_ Hourly wage

Day's work to start at \_\_\_\_\_  A.M.  P.M. Minor's Sex:  Female  Male

Day's work to end at \_\_\_\_\_  A.M.  P.M. Minor's Age \_\_\_\_\_ Date of Birth \_\_\_\_\_

Certificate valid from \_\_\_\_\_, 200\_\_ to \_\_\_\_\_, 200\_\_

Evidence of age accepted \_\_\_\_\_ Grade Completed \_\_\_\_\_  
(Specify)

Place of Birth \_\_\_\_\_  
(City) (State)

Color of Hair \_\_\_\_\_ Color of Eyes \_\_\_\_\_ Height \_\_\_\_\_ feet \_\_\_\_\_ inches Weight \_\_\_\_\_ pounds

Distinguishing facial marks \_\_\_\_\_

Name of Parent(s) \_\_\_\_\_ Telephone Number \_\_\_\_\_

**Certificate is valid for one year.**

**Sign here →** \_\_\_\_\_  
(SIGNATURE OF MINOR)

\*\*\*\*\*

This is to certify that I have examined, approved and filed the papers required, and that the minor has been examined and has signed this certificate in my presence.

**NOTE: State and Federal Child Labor Laws are different. It is the responsibility of the employer to be aware of which law applies and to be governed by the more restrictive. Information regarding Federal Child Labor Laws may be obtained from the U.S. Department of Labor, Wage and Hour Division, Omaha, NE, (402) 221-4682.**

\_\_\_\_\_  
(Issuing Officer's Signature)

\_\_\_\_\_  
(Title) (Telephone No.)

\_\_\_\_\_  
(Name of School) (County)

\_\_\_\_\_  
(Address of School)

\_\_\_\_\_  
(City) (Zip)

Rev. 7/01

The employer must keep the Employment Certificate on file and return the certificate to the school issuing the same when the child leaves employment. The Certificate is issued in triplicate: white copy to business, yellow copy to Nebraska Department of Labor, pink copy for files of issuing officer.

If the Employment Certificate is downloaded from the Internet, all copies may be in white.

The employer must keep posted in the room where the child works, a printed notice stating the hours of work of the child.

Children fourteen and fifteen years of age shall not be permitted to work more than eight hours a day, forty-eight hours a week, before the hour of 6:00 a.m. or after the hour of 10:00 p.m.

The Department of Labor is authorized to issue a special permit to allow the employment of 14 and 15 year old children before 6:00 a.m. and after 10:00 p.m. provided there is no school scheduled for the following day and after an inspection of the working conditions at the business premises. The special permit may be issued for periods not to exceed ninety days and may be renewed only after reinspection. The fee for each special permit or renewal shall be ten dollars. **Special Permits can not be issued if the business falls under Federal Law.**

Children under sixteen years of age may not be employed in any work which by reason of the nature of the work is dangerous to life or limb, or in which the child's health may be injured or their morals depraved.

The presence of a child apparently at work is prima facie evidence of employment.

**NEBRASKA WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR  
OFFICE OF SAFETY & LABOR STANDARDS**

**LINCOLN OFFICE**  
State Office Building  
301 Centennial Mall South  
PO Box 95024  
Lincoln, Nebraska 68509-5024  
(402) 471-2239

**OMAHA OFFICE**  
State Office Building  
5404 Cedar Street  
3<sup>rd</sup> Floor  
Omaha, Nebraska 68106-2365  
(402) 595-3095

Web Site://www.nebraskaworkforce.com

## APPENDIX E

### SPECIAL PERMIT (For Minors 14 and 15)

The Nebraska Department of Labor is authorized to issue a **special permit** to employers who have applied for **an extension of the working hours** of a child 14 or 15 years of age. The employer who applies for the permit must have an Employment Certificate on file, signed by the child and parent/guardian stating that the child agrees to work before 6:00 A.M. or after 10:00 P.M.

The child may only work after **10:00 P.M.** if no school is scheduled the following day. The Nebraska Department of Labor inspects the business premises of the employer for the working conditions, safety, healthfulness, and general welfare of the child. **Special Permits are not issued if Federal Child Labor Laws apply to the business.**

The permit is issued for a period of not more than 90 days and a fee of **\$10.00** is charged the employer. The permit is renewable only after reinspection of the business premises. The permit is only issued by the Nebraska Department of Labor, Office of Safety and Labor Standards.

**Performing Arts Special Permit:** When the Department of Labor finds it to be in the best interest of the child, the Department of Labor may issue a special permit waiving any requirement or restriction imposed on employment of a child pursuant to sections 48-301 to 48-313 for any child employed as a performer in the performing arts subject to such conditions as the Department of Labor deems necessary. Performing arts means musical and theatrical presentations and productions, including motion picture, theater, radio, and television productions. Before any such waiver is issued, the written consent of a parent or a person standing in loco parentis to the child is required. A fee of **\$10.00** is charged for each special permit/waiver issued.

**EMPLOYER'S SPECIAL PERMIT  
To Employ Minors**

Before 6:00 a.m. or After 10:00 p.m.

Performing Arts Waiver

**STATE OF NEBRASKA**

**Nebraska Department of Labor**

Nebraska Workforce Development  
301 Centennial Mall South L.L.  
Lincoln NE 68509-5024  
(402) 471-2239



Nebraska Workforce Development  
5404 Cedar Street, 3<sup>rd</sup> Floor  
Omaha NE 68106-2365  
(402) 595-3095

**PERMIT NO.**

Pursuant to the provisions of the Nebraska Child Labor Law, Sections 48-301 to 48-313, Compiled Statutes of Nebraska, as amended, and the report of investigation made by the Department of Labor as contained in the files of the Department and the payment of the statutory fee of ten dollars (\$10.00), permission is hereby granted to:

(NAME OF EMPLOYER)

(ADDRESS OF EMPLOYER)

to employ the minor listed below, subject to the special conditions hereinafter set forth; \_\_\_\_\_

(NAME OF MINOR)

(ADDRESS OF MINOR)

**CONDITIONS:**

This permit shall continue in full force and effect for a period of \_\_\_ days beginning on \_\_\_\_\_, 20\_\_  
And expiring on \_\_\_\_\_, 20\_\_.

Violation of any of the provisions of said law or of the special conditions set forth above shall be sufficient cause for revocation of this permit and may result in prosecution for violations of the Nebraska Child Labor Law.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Commissioner of Labor

## **APPENDIX F**

### **CERTIFICATE OF AGE (FOR MINORS 16 AND OVER)**

The Certificate of Age is issued so the employer may have evidence of the minor's age. The Certificate of Age is issued by the Superintendent of Schools or by a person authorized by him or her writing. The Certificate of Age is issued to minors 16 years of age or over. The certificate is issued in triplicate: white copy to business, yellow copy to Nebraska Department of Labor, pink copy for files of issuing officer.

The Certificate of Age is not required by the Nebraska Child Labor Laws, but serves as proof of age for the employer in the event an inspection or investigation is conducted by the Nebraska Department of Labor.

Certificate of Age forms are furnished to the issuing officer by the Nebraska Department of Labor.

#### **NEBRASKA WORKFORCE DEVELOPMENT DEPARTMENT OF LABOR OFFICE OF SAFETY & LABOR STANDARDS**

**LINCOLN OFFICE**  
State Office Building  
301 Centennial Mall South  
PO Box 95024  
Lincoln, Nebraska 68509-5024  
(402) 471-2239

**OMAHA OFFICE**  
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Omaha, Nebraska 68106-2365  
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Web Site://[www.nebraskaworkforce.com](http://www.nebraskaworkforce.com)



**NEBRASKA WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR**

5404 Cedar Street, 3rd Floor \* Omaha, Nebraska 68106 \* (402) 595-3095

# Certificate of Age

Date of Issue \_\_\_\_\_

\_\_\_\_\_  
(NAME OF MINOR)

\_\_\_\_\_  
(NAME OF BUSINESS)

\_\_\_\_\_  
(ADDRESS OF MINOR)

\_\_\_\_\_  
(ADDRESS OF BUSINESS)

\_\_\_\_\_, NEBRASKA  
(CITY) (ZIP)

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(CITY) (STATE) (ZIP)

\_\_\_\_\_  
(DATE OF BIRTH) / (AGE) / (SEX)

\_\_\_\_\_  
(TELEPHONE NO. OF BUSINESS)

\_\_\_\_\_  
(TELEPHONE NO. OF MINOR)

\_\_\_\_\_  
(SIGNATURE OF ISSUING OFFICER)

\_\_\_\_\_  
(POSITION SECURED) (HOURLY WAGE)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(SPECIFY EVIDENCE OF AGE ACCEPTED)

\_\_\_\_\_  
(NAME OF SCHOOL)

\_\_\_\_\_  
(NAME OF PARENT OR GUARDIAN)

\_\_\_\_\_  
(SCHOOL TELEPHONE NO.)

\_\_\_\_\_  
(CITY) (COUNTY)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(SIGNATURE OF MINOR)

\_\_\_\_\_  
(CITY) (COUNTY)

**(For Minors 16 Years of Age or Over)**

## NOTICE TO EMPLOYER

The Certificate of Age is not required by the Nebraska Child Labor Laws, but serves as proof of age for the employer. This certificate is issued so the employer may have evidence of the minor's age acceptable under the Fair Labor Standards Act of 1938. The employer should obtain this certificate before allowing the minor to start work, and it should be kept on file as long as the minor is employed. Information concerning Nebraska Child Labor Laws may be obtained from the address listed above.

Under the Federal Law (Fair Labor Standards Act) there are no restrictions on the hours of work for 16 and 17 year olds, neither during nor outside school hours. They may work on any farm job. They may work on any non-farm job, except those declared hazardous by the U.S. Secretary or Labor. Information concerning Federal Laws may be obtained by calling the U.S. Department of Labor, (402) 221-4682.

## **APPENDIX G**

# **POSTING OF NOTICE**

Every employer shall post in a conspicuous place in every room where children under 16 years of age are employed, a printed notice stating the hours required of them each day, the hours of commencing and stopping work and the time allowed for meals.

Every employer shall also keep two complete lists of all such children employed therein, one of file and one conspicuously posted near the principal entrance of the building in which such children are employed.

The printed form of such notice is furnished by the Nebraska Workforce Development, Department of Labor, Office of Safety and Labor Standards.

**APPENDIX G**

**FORM NO. 110**

**NOTICE**

**HOURS OF EMPLOYMENT FOR CHILDREN UNDER SIXTEEN YEARS OF AGE**

In conformity with the provisions of section 48-310, compiled statutes of Nebraska, notice is hereby given that the number of hours which employees under the age of sixteen years employed in this room are required to work each day, the hours of starting and stopping work and the time allowed for meals are as follows:

| Name of Employee | Hours Required Each Day | Starting Time | Stopping Time | Time Allowed For Meals |
|------------------|-------------------------|---------------|---------------|------------------------|
|                  |                         |               |               |                        |
|                  |                         |               |               |                        |
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|                  |                         |               |               |                        |
|                  |                         |               |               |                        |

\_\_\_\_\_  
Employer or Employer's Agent

Form developed by Nebraska Workforce Development, Department of Labor, Safety and Labor Standards – 5404 Cedar Street, 3<sup>rd</sup> Floor, Omaha, NE, 68106, (402) 595-3095.

## APPENDIX H

### **Instructions for Obtaining Required Permits/Employment Certificates for Minors Under 16 Employed in the Performing Arts Industry.**

1. For minors age 13 and under, *the Request for Permission to Employ Minors in the State of Nebraska* form must be completed by the employer and the parent or guardian of the minor and signed by both the employer and the parent or guardian.
2. The completed form will then be provided to the Nebraska Department of Labor, Office of Safety and Labor Standards with a \$10.00 fee for each minor. The Department will then issue an *Employer's Special Permit To Employ Minors, Performing Arts Waiver*.
3. For Minors 14 and 15 years of Age an *Employment Certificate* is required (unless the option in item 5 below is taken). This certificate is issued by the schools. There is no fee for this certificate. NOTE: If the 14 or 15-year-old works before 6 a.m. or after 10 p.m. they will need to obtain the *Employer's Special Permit* mentioned in item 3 above. If they work within these hours, no other documentation is required.
4. If desired, the *Employer's Special Permit To Employ Minors, Performing Arts Waiver* may be issued to 14 and 15-year-olds in lieu of the *Employment Certificate*. Please follow the directions in items 1 through 3 above.
5. For further information, please call (402) 595-3095.

**Nebraska Workforce Development – Department of Labor  
Office of Safety and Labor Standards  
5404 Cedar Street, 3<sup>rd</sup> Floor  
Omaha, NE 68106  
Phone (402) 595-3095 FAX (402) 595-3999**

## APPENDIX H

# REQUEST FOR PERMISSION TO EMPLOY MINORS IN THE STATE OF NEBRASKA

### STATEMENT OF EMPLOYER:

Permission is requested, pursuant to the provisions of the Nebraska Child Labor Law, Sections 48-301 through 48-313 to employ minors in the **performing arts industry** in work which is not hazardous or detrimental to the health, safety, morals, or education of the minors. We agree to abide by all laws, rules, and regulations governing the employment of minors in the performing arts.

\_\_\_\_\_  
Business Owner

\_\_\_\_\_  
Address City State Zip

( )  
Telephone Number Business Representative

\_\_\_\_\_  
Signature - Business Representative Date

### STATEMENT OF PARENT OR GUARDIAN:

I hereby grant \_\_\_\_\_ the right to employ \_\_\_\_\_  
Business Name Name of Minor

my son/daughter/child over which I have guardianship of for employment in the production of \_\_\_\_\_  
\_\_\_\_\_ during the following dates \_\_\_\_\_ through \_\_\_\_\_.

I will safeguard to the best of my ability his/her health, safety and morals. In addition, if he/she will be absent from school I will get written approval from the school district for his/her absence.

Name of Minor \_\_\_\_\_

Home Address \_\_\_\_\_  
Address City State Zip

Home Phone Number ( ) \_\_\_\_\_

School \_\_\_\_\_ ( ) \_\_\_\_\_

Date of Birth \_\_\_\_\_ Age \_\_\_\_\_ Salary \_\_\_\_\_

Parent/Guardian \_\_\_\_\_  
Name Address City State Zip

\_\_\_\_\_  
Signature-Parent/Guardian Date

### SCHOOL RECORD:

I hereby certify that the above named minor meets his/her school district's requirements with respect to the employment in the performing arts industry.

Name of Teacher/Tutor \_\_\_\_\_  
Address City State Zip

\_\_\_\_\_  
Signature Date

# APPENDIX I

## Proposed Cooperative Education-Diversified Occupations Endorsement (Formerly Diversified Occupations/School to Work Endorsement)

006.11 Cooperative Education – Diversified Occupations (formerly Diversified Occupations/School to Work Endorsement)

006.11A Grade Levels: 7-12

006.11B Endorsement Type: Supplemental endorsement only. This endorsement requires an applicant to have, or earn concurrently, an endorsement in a subject or field.

006.11C Persons with this endorsement may coordinate, teach, and supervise programs of instruction that develop job-related skills applicable to a variety of careers.

006.11D Certification Endorsement Requirements: This endorsement shall require a minimum of 9 semester hours in professional vocational education, including foundation, organization, and administration of vocational education; coordination techniques; and vocational special needs.

006.11E Work Experience: The endorsement is available only to those who have either (A) 1,000 verified hours of paid, volunteer, or internship work experience, or (B) at least 300 hours of supervised work experience under the direction of the college or university recommending the endorsement.

006.11F Endorsement Program Requirements: Nebraska teacher education institutions offering this endorsement program must have on file, within the institution, a plan which identifies the courses and the course completion requirements which the institution utilizes to grant credit toward completion of this endorsement.

Through the courses identified in its plan, the institution should prepare prospective teachers to demonstrate the ability to be responsible for the ten essential components of cooperative education-work based learning which are: (1) a qualified teacher-coordinator, (2) selected student learners, (3) related classroom instruction, (4) supervised on-the-job training, (5) selected training stations, (6) training agreements, (7) training plans, (8) coordination of school-based and work based learning, (9) student evaluation, and (10) utilization of an advisory committee. The institution should also prepare prospective teachers to be able to demonstrate the following criteria:

A. Demonstrate teacher coordinator knowledge and skills, including being able to:

1. Coordinate students' school site and work site learning experiences to ensure that both are contributing to their education and employability;
2. Coordinate school-based and work-based learning experiences for all students that embrace multiple approaches to learning and thereby meet the needs of students;
3. Select students based on their desire to participate, interest in selecting a tentative career focus, and ability to benefit from the on-the-job learning experience;
4. Teach a related class that supplements the students' on-the-job learning experience;

5. Supervise students' on-the-job learning experiences;
  6. Select training stations that provide a meaningful and safe learning environment;
  7. Initiate training agreements between students, parents, employers, and the school;
  8. Design and monitor training plans that specify the knowledge and skills needed by the student to achieve his/her occupational objective;
  9. Evaluate students' school site and work site learning performance in cooperation with their on-the-job supervisor;
  10. Utilize an advisory committee comprised of representatives from business, industry, and the community; and
  11. Interpret for students, employers, parents, and administrators the legal issues surrounding the employment of minors;
- B. Demonstrate the ability to develop, implement, and evaluate curricula that prepares students for a dynamic and rapidly changing workplace, including:
1. Attainment of workplace readiness skills;
  2. Development of communication and interpersonal skills;
  3. Utilization of problem-solving and team-work skills;
  4. Application and cultivation of leadership skills;
  5. Understanding and application of work based learning legal requirements;
  6. Demonstration of occupational safety practices;
  7. Demonstration of occupational competence;
  8. Integration of academic skills in the workplace; and
  9. Utilization of appropriate technology in school-based and work-site learning experiences.

Committee Members: Carol Jurgens, Chair; Glen Beran, Margaret Crouse, Doug Dierks, Steven Egglund, Larry Grosshans, Jan Hess, Barbara Huls, Bob Meinig, Craig Pease, Rose Templeton, Tom Walsh, Jim Williamson, Debra Ziegler, and Dale Zikmund. *Ex Officio* non-voting members: Shirley Baum, Richard Campbell, Gregg Christensen, Bob Phelps, Bonnie Sibert, and Lois Coleman.

*\* Approved by the Nebraska Council on Teacher Education on October 27, 2000*

*\*Approved by the Nebraska State Board of Education in the fall of 2001*

## APPENDIX J: FREQUENTLY ASKED QUESTIONS

### Transportation/Driving

- 1. Students under 18 years of age should not drive motor vehicles as a regular part of their WBL plan, what about students driving to the job/class site?**

*Permission to drive is granted under the Nebraska Motor Vehicle operating regulations. These requirements clearly state the conditions for motor vehicle operation in Nebraska.*

- 2. In “rural” Nebraska, situations arise where a student needs to drive from 10-30 miles to get to the WBL experience. How do the 16-17 year olds get there? What are the legal implications?**

*Work based learning in Nebraska is encouraged - not required. If students have their own transportation, provisions can be made for its use in attending WBL opportunities. If not, the school partnerships could make other transportation arrangements for the students.*

- 3. Are exceptions made to the driving restrictions in Hazardous Occupations Order #2 that prohibit minors under 18 years of age from being employed as a motor vehicle driver or outside helper on public roadways?**

*YES – if the driver is 17 years of age and such driving is only “occasional and incidental” to the 17-year-old’s employment. This means that the youth may spend no more than 33% of the worktime in any workday and no more than 20% of the worktime in any workweek driving. There are also other requirements and restrictions on the types of driving permitted.*

- 4. If the state allows 14 and 15 year olds to have school permits, what are the laws/liabilities for these students driving from school to work sites (during the school day)?**

*School Permits are regulated under the Nebraska Motor Vehicle licensure laws. These guidelines should be researched before allowing a 14 and 15 year olds to drive to a work site.*

### Insurance/Liability

- 5. What insurance covers volunteers driving their own car? Should volunteers be screened in any way?**

*Nebraska Motor Vehicle laws require operators to have insurance. This requirement would apply to volunteers who drive their own car. Driving records of student volunteers should be reviewed and appropriate conditions for driving as part of the school-sponsored program implemented.*

- 6. Are there certain insurance companies that provide assistance to businesses cooperating with schools?**

*Most insurance providers will cooperate in assisting schools and businesses with adequate coverage.*

- 7. What type of additional insurance, if any, is needed by the employer, schools, parents or students for WBL experiences? What happens if unpaid student gets hurt on-the-job?**

*Insurance requirements depend on the type of WBL activity being provided. Job shadowing and exploration in most cases, wouldn't require additional insurance. Paid and non-paid job training*

*should be treated separately. Paid employees (full-time & part-time) would be covered by Workers Compensation Insurance whereas unpaid students would not have the same coverage. If an unpaid student is injured on-the-job someone has to assume liability. Liability issues should be dealt with before a student is employed for no pay. Other conditions may apply in this instance.*

**8. In a nonpaid WBL experience, could an employer insist that the student or school purchase a liability insurance policy?**

*Yes. The employer could require this or they may choose to increase their liability insurance coverage and have the student or school contribute to payment of the additional premium.*

**9. Is it a good idea for schools to take out an umbrella policy or rider to cover potential liability for unpaid WBL experiences?**

*Yes. It is usually relatively inexpensive to obtain the additional coverage.*

**10. Who is liable if a student has an accident at a WBL activity?**

*It would depend on the type of accident and whether negligence was involved. WBL students should only be placed in safe, relevant learning and earning opportunities.*

**11. Has the Nebraska Department of Education made any provisions for insurance to cover the liability of schools, administrators, and teachers who sponsor WBL activities? If so, what? If not, why not and when?**

*No, this would require legislative authority.*

**12. Has the Department of Education developed a generic one-size-fits-all form that explains liability and insurance issues that is also a parental consent form that would work for all workplace placements? Is it advisable to do this?**

*No, the Nebraska Department of Education has not developed such a form. A generic form could not cover the magnitude of issues presented here. They could provide technical assistance on guidelines for developing such forms by the WBL Partnership.*

**13. Can parental consent forms lessen or relieve liability?**

*Consent forms are a good communication tool, but they cannot overrule the "right to sue."*

## **Wages**

**14. Do most Nebraska employers have to pay minimum wage?**

*YES. Most are covered by the Federal Wage and Hour Act which requires payment of the Federal minimum wage and 1 ½ times the regular rate for over 40 hours per week. EXCEPTION: If school/business holds a subminimum wage certificate. Eligibility: disability, student learner in vocational education program, full-time students in retail or service establishment, or institutions of higher education.*

**15. How often does a student with a severe disability (being paid a subminimum wage) need to be**

**evaluated (productivity level) on a job site?**

*The evaluation issue is at the discretion of the student's school district.*

**16. If an 18 year old works part-time for minimum wage must she/he receive overtime for hours worked over 40 hours a week?**

Yes.

### **Time Restrictions**

**17. Why do we have hours that minors may work in Nebraska that conflict with U.S. laws (Nebraska: 6:00 a.m. - 8:00 p.m. . . . . Federal: 7:00 a.m. - 7:00 p.m.)?**

*These requirements were passed by separate legislative bodies reflective of needs at the time of passage.*

**18. The Federal Child Labor Law of 7:00 a.m. - 7:00 p.m. restricting the hours minors under 16 years of age can work is in conflict with the Nebraska State law of 6:00 a.m. - 8:00 p.m. I thought the State law couldn't conflict with Federal laws preempting State law, is this true?**

*Preempting is not an issue since the time differences affect different employers. Employers that are not covered by the Federal law must abide by State law. If employers are covered by both State and Federal law, the stricter law applies.*

**19. If the job is not on school time does this make a difference?**

*Yes, the student's age and educational program also affect student employment situations.*

### **Other**

**20. How much and what kind of information about a student can be shared with an employer or mentor, such as information about aptitude scores or family issues that might affect the employer/employee relationship?**

*Anything that is part of a minor student's personal file requires parental permission and a signed release by the school.*

**21. We are on the Kansas-Nebraska border, are child labor laws similar in Kansas and are we legally allowed to use those employers in another state for our WBL program?**

*State lines do not restrict employment. However, state laws prevail in the state of employment, if applicable.*

**22. Could an employer insist on the purchase of special clothing or shoes?**

*Yes. The employer could require this.*

**23. What can be done about sexual harassment?**

*Standard sexual harassment policies should be followed and activated.*

**24. Since schools cannot legally require students to “volunteer”, how can they require community service for graduation or as a requirement for a particular class?**

*Volunteering and Community Service programs are not identical. If a school/class requires community service, the student cannot be considered a volunteer.*