

# Comparison of the U.S Federal Law with the New York State Law.

## UNITED STATES FEDERAL LAW

### 29 CFR 570.50 - General.

**Section Number:** 570.50

**Section Name:** General.

[http://www.dol.gov/dol/allcfr/Title\\_29/Part\\_570/29CFR570.50.htm](http://www.dol.gov/dol/allcfr/Title_29/Part_570/29CFR570.50.htm)

Authority: Secs. 3, 18, 52 Stat. 1060, 1069; 29 U.S.C. 203, 218.

Note: The provisions of this subpart declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture.

(a) Higher standards. Nothing in this subpart shall authorize non-compliance with any Federal or State law, regulation, or municipal ordinance establishing a higher standard. If more than one standard within this subpart applies to a single activity the higher standard shall be applicable.

(b) Apprentices. Some sections in this subpart contain an exemption for the employment of apprentices. Such an exemption shall apply only when:

- (1) The apprentice is employed in a craft recognized as an apprenticeable trade;
- (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training;
- (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and
- (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of labor to conform substantially with such Federal or State standards.

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### **S 133. Prohibited employments of minors.**

1. Minors under sixteen. No minor under sixteen years of age shall be employed in or assist in:

a. Painting or exterior cleaning in connection with the maintenance of a building or structure;

b. Any occupation in or in connection with a factory, except as provided in subdivision four of section one hundred thirty-one of this chapter;

c. The operation of washing, grinding, cutting, slicing, pressing or mixing machinery;

d. Any employment in institutions in the department of mental hygiene, provided, however, that for the purposes of this paragraph, participation in recreation and leisure activities, social skills development, companionship and/or entertainment as part of an organized volunteer program approved by the commissioner of mental hygiene, shall not constitute employment or assistance in employment and may be performed by youthful volunteers at least fourteen years of age. Nothing contained in this paragraph shall be construed to permit services prohibited in subdivisions one and two hereof.

### **2. Minors of any age. No minor of any age shall be employed in or**

a. the care or operation of a freight or passenger elevator, except that a minor over sixteen may operate automatic push button control elevators;

b. or in connection with the manufacturing, packaging, or storing of explosives;

c. operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured;

d. penal or correctional institutions, if such employment relates to the custody or care of prisoners or inmates;

e. adjusting belts to machinery or cleaning, oiling or wiping machinery;

f. packing paints, dry colors, or red or white leads;

g. preparing any composition in which dangerous or poisonous acids are used;

h. operating steam boilers subject to section two hundred four of this chapter;

i. any occupation at construction work, including wrecking, demolition, roofing or

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(c) Student-learners. Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when:

**(1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school and;**

(2) Such student-learner is employed under a written agreement which provides:

(i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer.

This exemption for the employment of student learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

[28 FR 3449, Apr. 9, 1963, as amended at 33 FR 12777, Sept. 10, 1968.

Redesignated and amended at 36 FR 25156,

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excavating operations and the painting or exterior cleaning of a building structure from an elevated surface;

j. any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust;

k. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill or cooperage-stock mill;

l. any occupation in or in connection with a mine or quarry;

m. any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery, and paper products machines;

n. any occupation involved in the operation of circular saws, bandsaws and guillotine shears;

o. any occupation in or about a slaughter and meat-packing establishment, or rendering plant;

p. any occupation involved in the operation of power-driven hoisting apparatus;

q. any occupation involved in the manufacture of brick, tile and kindred products;

r. as a helper on a motor vehicle.

**3. a. The provisions of subdivision two of this section shall not apply to:**

(1) an apprentice who is individually registered in an apprenticeship program which is duly registered with the commissioner in conformity with the provisions of article twenty-three of this chapter; or

(2) **a student-learner who is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority, or in a course of study in a substantially similar program conducted by a private school; or**

(3) a trainee in an on-the-job training program approved by the commissioner; or

(4) a minor who is employed in the occupation in which he has completed training as a student-learner as provided in subparagraph (2) of this subdivision or as a trainee as provided in subparagraph (3) of this subdivision; or

(5) a minor who is employed in the occupation in which he has completed a work training program of a non-profit organization or a training program which is publicly funded in whole or in part, and as part of such program received safety instruction and

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training in the use of machinery, provided that such safety program has been approved by the commissioner. As used in this paragraph the term "non-profit organization" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

b. An employment certificate required by subdivision two of section one hundred thirty-two of this article shall for the purposes of section fourteen-a of the workmen`s compensation law be deemed to authorize employment under subparagraphs (3), (4) and (5) of this subdivision.  
(1)