

CHILD LABOR: A child who has passed his fourteenth birthday but who is under the age of sixteen years may be employed, except in those occupations enumerated in Section 294.040, during summer vacations when school is not in session, without securing a work certificate.

June 27, 1960

Honorable Frank Hume, Director
Division of Industrial Inspection
Department of Labor and Industrial
Relations
Jefferson City, Missouri



Dear Mr. Hume:

On June 16, 1960, you wrote to this department requesting an official opinion upon a matter which is set forth in a letter dated June 7, 1960, directed to you by William J. Delahunty, Assistant Director, Division of Industrial Inspection. The letter of Mr. Delahunty reads:

"Senate Bill No. 17, Laws of 1957 relating to child labor, became effective August 29. With the enactment of the new child labor laws by the 69th General Assembly, new work permits and other necessary forms are required for the proper administration of this Act. These laws make provision, under certain conditions, for the issuance of work permits for persons between the ages of 14 and 16 years.

"There has been a great deal of conversation pertaining to Section 294.024 of the revised statutes of the State of Missouri 1957.

"The chapter reads as follows - 294.024 - Em-
ployment of minors between fourteen and sixteen
on work certificates, exceptions. A child who
has passed his fourteenth birthday but is under
sixteen years of age may be employed, permitted
or suffered to work at any gainful occupation
(other than those prohibited by section 294.040)
except that he may not be employed, permitted or
suffered to work during the regular school term
unless he has been issued a work certificate
under the provisions of sections 294.011 to 294.110.

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"We would like to have an opinion as to whether or not a minor should have a work permit issued to him during the summer vacations when school is not in session.

"Mr. Hume, we would appreciate it very much if you would get the Attorney General's opinion on this matter as to whether a work permit is compulsory while school is not in session."

In addition to Section 294.024 quoted by Mr. Delahunty above, we direct attention to Section 294.027, Laws 1957, page 525, which reads:

"Work certificates shall permit

(1) The employment of children between fourteen and sixteen years of age during nonschool hours during the school term; or

(2) The employment of children between fourteen and sixteen years of age who are excused from attendance at school by the provisions of chapter 164, RSMo."

As we read Section 294.024, it holds that a child who has passed his fourteenth birthday but who has not reached his sixteenth may be employed at any gainful occupation except those enumerated by Section 294.040. To this grant there is, however, attached the exception that he may not be so employed during the regular school term unless he has been issued a work certificate.

The following Section, 294.027, sets forth that a work certificate shall permit the employment of children between the above ages during nonschool hours during the school term or the employment of children between the stated ages who are excused from attendance at school.

From the above it would appear to us to be clear that the whole intent of the law was, not to prevent children between the ages of fourteen and under sixteen from working except in those occupations prohibited, but that such work should not interfere with their schooling.

We believe that a child within the age range noted above does not come within the compass of the requirement that a work permit must be obtained during summer vacation when school is not in session.

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CONCLUSION

It is the opinion of this department that a child who has passed his fourteenth birthday but who is under the age of sixteen years may be employed, except in those occupations enumerated in Section 294.040, during summer vacations when school is not in session, without securing a work certificate.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

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