

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 467

(Chair, Economic Matters Committee)(By Request -
Departmental - Labor, Licensing and Regulation)

Economic Matters

Finance

Labor and Employment - Employment of Minors

This departmental bill repeals the authorization under which the Commissioner of Labor and Industry or a county superintendent of schools may issue a work permit to a minor. The bill instead enables a parent or guardian of a minor to apply online to the commission for a minor's work permit.

Fiscal Summary

State Effect: The Department of Labor, Licensing, and Regulation (DLLR) advises that it can handle the conversion to full online submission of work permit applications with existing resources. Staff time currently devoted to processing paper applications for work permits may be reallocated to monitoring employer compliance with child labor laws.

Local Effect: Potential administrative and operational efficiencies for local school systems to the extent that their superintendents are no longer involved in processing or granting work permits to minors.

Small Business Effect: DLLR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Bill Summary/Current Law: The bill repeals the requirement that the commissioner, a county school superintendent, or the superintendent's designee issue a work permit to an

eligible minor. Additionally, the bill repeals the requirement that, before issuing a work permit, the issuing officer or official must confirm the age of the minor by examining a birth certificate, a baptismal certificate, a school record, or any other governmental document that attests to the minor's age.

The bill instead authorizes a minor's parent or guardian to apply for a work permit for the minor by completing an online application that includes (1) verification of the minor's age; (2) a description of the work to be performed by the minor; (3) approval by the parent or guardian of the minor's employment; and (4) any other information the commissioner may require. After reviewing an online work permit application, the commissioner may issue the permit if the employment is allowed for the minor under State law. Thus, only the commissioner may issue a work permit for minors.

Children between the ages of 14 and 18 may not work without a permit unless the work is performed outside school hours, does not involve manufacturing or mining, is not hazardous, and is restricted to the following occupations:

- farming;
- domestic work;
- working in a business owned by a parent or guardian;
- caddying;
- sailing instruction;
- newspaper delivery;
- making an evergreen wreath;
- camp counselor or instructor; or
- volunteer work for a nonprofit or charitable organization.

Except under conditions specified in statute, a minor between the age of 14 and 18 may not work in about a dozen hazardous professions delineated in statute; additional occupations are restricted for minors younger than age 16. Statute includes additional requirements related to the working hours of minor children that generally limit the number of hours and time of day during which a minor may be employed.

Background: The Commissioner of Labor and Industry within DLLR is responsible for enforcing the State's labor laws. Under current law, minors must present the necessary documents in person when applying for a work permit, which is inconvenient for families; the forms are available for printing from DLLR's website, but the application process cannot be completed electronically. Therefore, DLLR is seeking authority to convert to an online system that requires parents or guardians to obtain the work permits on behalf of the minor. However, a manual system will still be required for a small number of special permits.

A 2011 preliminary sunset evaluation of the Division of Labor and Industry conducted by DLS advised that the commissioner ceased active enforcement of child labor laws in 1991 due to cost-containment efforts. Instead, serious complaints are referred to the federal Employment Standards Administration for investigation. DLLR advises that converting to an online employer-based system may enable it to devote some of its scarce resources to enforcement.

In calendar 2012, more than 42,000 work permits were issued. The Commissioner of Labor and Industry has not received any complaints regarding an underage minor being allowed to work.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2014
ncs/mcr Revised - Clarification - February 20, 2014

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Employment of Minors

BILL NUMBER: HB 467

PREPARED BY: Department of Labor, Licensing and Regulation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have a minimal impact on small business in Maryland.