



YOUTH AND NON-EMPLOYEES ON THE JOBSITE

The following is a summary of a presentation hosted by I Build NH and Associated Builders and Contractors NH/VT in April 2022. Contact us for more information, communications@abcnhvt.org.

Presenters:

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Nicole Levesque, Work-Based Learning Coordinator, Bureau of Career Development, NH Dept. of Education

Lexie Rojas, Director of Inspection Division, NH Dept. of Labor

Clarification on the differences between career exploration options including job shadow, internship, apprenticeship or pre-apprenticeship, work based learning, and extended learning opportunities.

Nicole: Work based learning is an umbrella term that talks about career exploration activities that students can participate in to gain experience and explore different pathways to figure out what they like and what they don't like. They can apply skills they may be learning in their career and technical education or other school-based programs.

Job shadows, job tours, and guest speaking are career exploration activities and not hands-on. These are observational activities. Schools frequently tap into these observational programs to give students a chance to go to a worksite and see the different jobs that are available.

An extended learning opportunity is a school partnership program. A student participates in work based learning or career exploration to earn school credit.

An internship or pre-apprenticeship is more immersive, hands-on and over a longer period of time. Students work under a mentor to learn specific skills. An internship can be both paid or unpaid.

An apprenticeship differs a bit because participants are directly hired by an employer and they have a program with related instruction and on the job training set-up. The apprentice typically receives a certification or a degree once they complete the program.

What is the liability on the industry side of having youth of non-employees on jobsites?

Eric: Construction is a dangerous industry. Liability wise, it's very important that the school has a permission slip signed by the parents. Additionally, your company should have a work site policy that goes over all of the safety issues, exposures, and the do's and don'ts of children on a jobsite.

When you have youth on a jobsite, there is a natural curiosity that needs to be monitored and controlled. It is important that all trades on the jobsite are aware that youth will be onsite and review safety protocols. The project GC and site owner should also be notified. They don't want to be blindsided if an incident occurs.

If you're hosting an intern or other unpaid individual on the jobsite, speak with your insurance agent to add a voluntary workers comp endorsement on the workers comp policy.



Are there restrictions on power tools youth or non-employees can use on the jobsite?

Lexie: NH has adopted the Hazardous Work Orders from the Federal Government. [Click here](#) to review the document.

14-15 year olds - a list of things they can do, anything that is not listed there they cannot do (page 5)

16-17 years old - a list of things they cannot do, if it's not listed there they can do it (page 7)

Vocational Programs - Students are not there to supplement the workforce. They are there for education and training. The NH DOL will waive certain hazardous conditions for certain programs that fit the criteria of the law. Speak with the school's work based learning coordinator or ELO counselor for details.

Hazardous Order 14 Waivers (page 22, regarding 16 and 17 year olds)

Lexie: If a student in a federally approved CTE or vocational program completes a student application and asks for a waiver of HO 14, they may be able to receive a waiver for up to 7 of the 17 hazardous orders. See the [Child Labor Provisions](#) for specifics.

Eric: Speak with your company's insurance representative for clarification. It may be more favorable to the insurance company if there is a mentor assigned to work with the minor if s/he is going to be there every day. The minor would also likely need a lot of safety training. The insurance company needs to have a really good case presented to them as to why it would be okay to insure this particular risk.

Provide the insurance underwriter with as much information as possible. Information provided by the school about the student(s) safety training could also be helpful.

How many hours can a minor work?

Subject to change

Lexie: It varies depending on if school is in session or not. The [Child Labor Provisions](#) lists information on pages 4-7. [Download](#) the NH DOL Hiring Youth Brochure which includes a chart of hours youth may work.

Under 16 years

- When school is in session, it's not more than three hours on school days, Monday-Friday. Homeschool student days can differ, it's advised that the employer has a printout of the student schedule on file in case of an audit.
- Not more than 23 hours per school week.
- For non-school days, not more than 8 hours per day.
- Not more than 48 hours during school vacation weeks.
- Year round – Not earlier than 7 am and not later than 9 pm.

16 & 17 year olds

- When school is in session for 3 days or less, not more than 6 consecutive days.
- Not more than 48 hours per week.
- When school is in session for four days, not more than 6 consecutive days.
- Not more than 48 hours per week.



How does this apply if the youth is my child?

Eric: Despite the youth's level of experience, they are still minors.

Lexie: NH law allows work as early as age 12 with very narrow limitations – very safe activities, things like light filing. Federal law has a higher age limit.

Parents of students in a vocational program may apply for a waiver of the hazardous work order. However, they are still limited to what is approved under their application regardless if their parents own the company.

Parents can get into trouble with the federal government, the state and the insurer.

If a student is doing work based learning or job shadow, tied directly to a school program, does the school insurance cover the student?

Nicole: It depends if the activity is paid or unpaid and if the student is going to be on the company's payroll. A job shadow, tour or unpaid internship, they are covered by the school's insurance company. ([View Primex FAQ](#))

If you are taking on a student as an apprentice or a paid intern, and the company is paying them over minimum wage, they should be on the company insurance.

Who is responsible for securing parental consent?

Nicole: The school would be required to secure parental consent for any school sponsored activity.

Can a student still do career exploration and workplace learning if they are not part of a CTE program?

Nicole: Yes. If the student is performing a job shadow or an unpaid activity, the school needs to complete Department of Labor paperwork and get signed parent consent. ([View NH DOL guidance](#))

Lexie: If the person is doing work, under the law they are supposed to get paid for it. When you're applying for an exception for an internship program, you are looking for an exception not to pay the individual. If the individual is not getting paid, they do not fall under the NH DOL or DOL jurisdiction.

What is the paperwork required for businesses and schools?

Forms to be completed and sent to the New Hampshire Department of Labor for approval include:

Unpaid Work-based Learning Experiences:

- [Application for Pre-Screening of School-to-Work Business Partner](#)
- [Approval Form for Sub-Minimum Wage or No Wage Rate for Work-Based Activities under RSA 279:22-aa](#)

Co-op:

- [Cooperative Program Memorandum of Understanding](#)

Is there safety training that students can acquire to help facilitate host company's insurance coverage?

Eric: *OSHA 10 is the bare minimum. Additional training is recommended. You can go through the NH Safety Council for additional training. Insurance companies often offer safety training. **Not all youth will have completed the OSHA 10. This will not be relevant for a youth under 15 years old who wants to visit a job site.*



What if you have an adult career changer who wants to get a view of the construction industry?

Eric: Have a jobsite tour happen when it's not busy, or when the site is shut down. Have the trades talk to the individual when the site is not active. Visitors should have a name tag, all of the correct PPE, sign off on the worksite safety policy, and have an understanding of the job site evacuation plans.

Something could go wrong in an instant. If you have a third party individual that is not tied to the project, people need to know who this person is so that they are accounted for.

Worth Noting:

Nicole: Industry professionals need to know that this is a team effort. You will have support from a work based learning coordinator or an ELO coordinator or someone within the school who will be knowledgeable about the paperwork needed to have students safely on a work site.

Eric: We now know that safety is on the forefront. There is no better time than now to get youth involved in the construction industry. Business owners have a responsibility to entrench safety into all of your workers.

Informational Interviews

Educators are looking for construction industry experts who are willing to speak with students who are interested in the field. This can be via Zoom or phone if a job site tour is not an option.

Connect with communications@abcnhvt.org if you would like to connect with a school or construction company.

Links and Resources

- The NH DOL website ([View Website](#))
- Child Labor Provisions ([View PDF](#))
- Inspection Division's page ([View Website](#))
- School to work page ([View Website](#))
- School to work forms:
 - Application for Pre-Screening of School-to-Work Business Partner ([View Website](#))
 - [Application Form](#)
 - Approval Form for Sub-Minimum Wage or No Wage Rate for Work-Based Activities under RSA 279:22-aa ([Download PDF](#))
 - Cooperative Program Memorandum of Understanding ([Download PDF](#))
- Youth hours ([Download Brochure](#))
- New Hampshire Department of Labor Work-based Learning Guideline Unpaid Work-Based Learning/Career Exploration Experiences ([Download PDF](#))
- Primex FAQ's for Unpaid Work-based Learning Experiences ([Download PDF](#))