

Texas State Postings



CHILD LABOR LAWS

Texas Workforce Commission
Labor Law Section, Child Labor Enforcement
U.S. Department of Labor
Wage and Hour Division

For further information about Texas' child labor laws, call:
1-800-832-9243
(In Texas only)
TDD 1-800-735-2989

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. **MINIMUM AGE FOR EMPLOYMENT IS 14;** however, state and federal laws provide for certain exceptions. Please call TWFC's Labor Law Section for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor laws, consult your local listings for the nearest office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243

The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student/learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments
- (2) involving the driving of motor vehicles and outside helpers
 - A. on any public road or highway.
 - B. in or about any place where logging or sawmill operations are in progress, or
 - C. in excavations.

(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)

- (3) connected with coal mining
- (4) including logging and sawmill occupations and occupations involving the logging and timber tracts.
- (5) operating or assisting to operate power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations
- (7) operating or assist to operate power-driven hoisting apparatus such as cranes, derrick, hoists, high-lift trucks.
- (8) operating or assisting to operate power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering.

Federal Law — The FLSA further regulates hours of employment, for children:

- (1) may not work during school hours
- (2) may not work more than eight hours on a non-school day or 40 hours during a non-school week.
- (3) may not work more than three hours on a school day or 18 hours during a school week.
- (4) Children may work only between 7 a.m. and 7 p.m. during the school year, however, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

Certificate of Age/Child Actors

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWFC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

Additional prohibited occupations that apply under state law:

- (1) occupations involved in sales and solicitation by a child under 18 years of age.
- (2) occupations in sexually oriented businesses by a child under 18 years of age.
- (3) "connected with excavation operations.

PENALTIES:

State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not exceeding \$15,000 for each violation. The above penalties may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/or criminal prosecution and fines.

101 E 15th Street • Austin, Texas 78776-0001 • (512) 463-2222
Relay Texas: 800-735-2989 (TDD) 800-735-2988 (Voice)
www.texasworkforce.com
Equal Opportunity Employer / Services (8113)

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer] _____ has workers' compensation insurance coverage from [name of commercial insurance company] _____ in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy] _____ Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _____

An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employees are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION (81113)

UNEMPLOYMENT INSURANCE Notice to Employers/Employees

Employers: You must be a registered employer in this state in order to receive the official Unemployment Insurance posting. If you have any questions concerning this mandatory posting, please contact your local unemployment office.

Employees: Contact your local unemployment office for your rights concerning unemployment benefits as an employee.

This Posting is for Informational Purposes Only

ATTENTION EMPLOYEES

The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employees to pay their employers who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY

SEMI-MONTHLY

WEEKLY

OTHER

For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWFC office. TWFC offices are located in major cities throughout the state.

TEXAS WORKFORCE COMMISSION
Labor Law Section
101 East 15th Street, Room 514
Austin, Texas 78776-0001
1-800-832-9243
TDD 1-800-735-2989 (Hearing Impaired)

TO EMPLOYERS: The law requires that this notice or its equivalent be posted in conspicuous places at your business. (117)

Texas Minimum Wage Law

The Texas Workforce Commission provides information to employers and employees about their respective rights, duties and remedies under the Texas Minimum Wage Act. The Texas Minimum Wage Act:

- Establishes a minimum wage for non-exempt employees
- Requires covered employer to provide each employee with a written earnings statement containing certain information about the employee's pay
- Designates TWFC as the agency responsible for disseminating information about state minimum wage requirements
- Contains provisions concerning agricultural piece rate workers
- Exempts a variety of employers from its coverage
- Provides civil remedies for its violation

Current Minimum Wage

Texas adopted the federal minimum wage rate. Effective July 24, 2009, the federal minimum wage is \$7.25 per hour. The Texas Minimum Wage Act does not prohibit employers from bargaining collectively with their employees for a higher wage.

With specified restrictions, employers may count tips and the value of meals and lodging toward minimum tips.

An employer does not need to pay an employee who lives on the business premises for on-call time in addition to assigned working hours.

Under certain conditions, an employer may pay a sub-minimum wage to an employee who is a patient or client of the Texas Department of Mental Health and Mental Retardation, or to other individuals due to age (see the law for details), or to productivity impairments.

Wage Rate Complaints & Deadline

If you believe you have been paid at a rate lower than the law requires, you may choose to take legal action. An employee has two years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as statutory damages. The employer can be assessed reasonable attorney's fees and court costs.

Earnings Statement

Employers must provide employees on a written earnings statement information that enables employees to determine from a single document whether they have been paid correctly for a given pay period.

Exemptions

The primary exemption from the Texas Minimum Wage Act is for any person covered by the federal Fair Labor Standards Act (FLSA).

- Other specific exemptions include:
- Employment in, or of, religious, educational, charitable or nonprofit organizations
 - Professional, salespersons or public officials
 - Domestics
 - Certain youths and students
 - Innkeepers
 - Family members
 - Assessment and recreational establishments
 - Non-agricultural employers not liable for state unemployment contributions
 - Caring and production of livestock
 - Student employees

Agricultural Piece Rates

The Commissioner of Agriculture establishes piece rates for agricultural occupations commonly produced in substantial quantities in Texas, if sufficient productivity information is available. The piece rates are intended to guarantee at least minimum wage for harvesters of average ability and diligence while allowing harvesters to earn more by producing more.

Law

- Texas Minimum Wage Act, Chapter 62 of the Texas Labor Code
- Equal Opportunity Employer/Program
- Auxiliary aids and services are available upon request to individuals with disabilities.
- Def. hard-of-hearing or speech-impaired customers may contact Relay Texas: 800-735-2989 (TTY) and 711 (Voice). Equal Opportunity in the Law.

February 24, 2015

Notice to Employers / Employees

Your state has its own minimum wage law which requires posting a notice regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor Fair Labor Standards Act in addition to this state posting. According to the Dept. of Labor, where Federal and state law have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system. You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website www.oiec.texas.gov.

OMBUDSMAN PROGRAM

WHAT IS AN OMBUDSMAN? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and,
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

CONNECT

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EQUAL EMPLOYMENT OPPORTUNITY IS...

The Law in Texas

The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities to:

- bring - pay - training
 - promotion - fringe benefits - other aspects
 - discharge - membership of employment
- because of race, color, national origin, religion, sex, age, or disability.
- Sexual harassment or unequal pay is also against the law.

IGUALDAD DE OPORTUNIDADES EN EL EMPLEO ES...

La Ley en Texas

La ley prohíbe a los empleadores, agencias de empleo y sindicatos de negar la igualdad de oportunidades de empleo a:

- ocupar - pago - entrenamiento
 - promoción - beneficios - otros aspectos
 - despedir - membresía del empleo
- por causa de raza, color, nacionalidad, religión, sexo, edad, o discapacidad.
- El acoso sexual o el pago no igualitario son también en contra de la ley.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division. It is used only for its title discrimination, communicate con la División de Derechos Civiles. (512) 463-2642 - Toll Free (within Texas) 1-888-452-4778 - TTY (512) 371-7473

No appointment necessary. No fee necessary to hear case. Free Language Assistance. Asistencia lingüística gratuita.

Equal Opportunity Employer / Program • Igualdad de Oportunidad de Empleo / Programa

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Compliance Date September 2018

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