Texas State Postings

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TEXAS

CHILD LABOR LAWS

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

For further information about Texas' child labor laws, call: ***800-832-9243 (TDD 800-735-2988)***

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 TWC's Wage and Hour Department concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 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 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) in logging and sawmill occupations and occupations involving firefighting and timber tracts,

(5) *in operating or assisting to operate power-driven woodworking machines,

(6) involving exposure to radioactive substances and to ionizing radiations,

(7) in operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks,

(8) * in operating or assisting to operate power-driven metal forming, punching, and shearing machines,

(9) in connection with mining, other than coal,

(10) * in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,

(11) in operating or assisting to operate power-driven bakery machines.

(12) * involved in the operation of power-driven paper-products machines, balers and compactors,

(13) in manufacturing brick, tile, and kindred products,

(14) * in operating or assisting to operate power-driven circular saws, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood-chippers,

(15) in wrecking, demolition, and ship-breaking operations,

(16) * in roofing operations and on or about a roof, and

(17) * in connection with excavation operations.

Additional prohibited occupations that apply only to 14- and 15-year-old children:

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

(1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed,

(2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines,

(3) work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides,

(4) driving a motor vehicle or helping a driver,

(5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means,

(6) youth peddling, sign waving, or door-to-door sales,

(7) poultry catching or cooping,

(8) lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or water amusement park),

(9) public messenger jobs,

(10) communications and public utilities jobs,

(11) construction including demolition and repair, work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment,

(12) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes,

(13) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil,

(14) baking and all activities involved in baking,

(15) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers,

(16) freezers or meat coolers work, except minors may occasionally enter a freezer for a short period of time to retrieve items,

(17) meat processing and work in areas where meat is processed,

(18) loading and unloading goods to and from trucks, railroad cars or conveyors, and

(19) all occupations in warehouses and storage except office and clerical work.

Work times for 14- and 15-year-old children:

State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

(1) more than 8 hours in one day or more than 48 hours in one week,

(2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school, or

(3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment. 14 and 15 year old children may not work:

(1) during school hours,

(2) more than eight hours on a non-school day or 40 hours during a non-school week,

(3) more than three hours on a school day or 18 hours during a school week, and

(4) between 7 p.m. and 7 a.m. during the school year, or between 9 p.m. and 7 a.m. from June 1 and Labor Day.

Child Actors- state law

Child actor definition - a child under the age of 14 who is to be employed as an actor or other performer

Child actor extra definition – a child under the age of 14 who is employed as an extra without any speaking, singing, or dancing roles, usually in the background of the performance

Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texas Workforce Commission.

Special authorization for child actors to be employed as extras is granted without the need for filing an application if the employer meets the Texas Workforce Commission's requirements. Contact 1-800-832-9243 for instruction.

Additional prohibited occupations that apply under state law:

(1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements.

(2) Occupations in sexually oriented businesses by a child under 21 years of age.

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 to exceed $10,000 for each violation. The attorney general 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 78778-0001 • (512) 463-2222 Relay Texas: 800-735-2989 (TDD) 800-735-2988 (Voice) www.texasworkforce.org

Equal Opportunity Employer / Services

(0922)

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. Employers 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

Notice 6 (01/13)

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 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.

oiec

Figure 28 TAC §276.5(c) - September 2022

Texas Minimum Wage Law

This page gives information about employer and employee rights, duties, and remedies under the Texas Minimum Wage Act.

The Texas Minimum Wage Act:

- Sets a minimum wage for non-exempt employees.
- Requires certain employers give their employees a written earnings statement that has certain information about their pay.
- Indicates Texas Workforce Commission (TWC) is the agency who provides 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 adopts the federal minimum wage rate. The federal minimum wage is $7.25 per hour. (Effective July 24, 2009)

The Texas Minimum Wage Act does not prohibit employees from collective bargaining with their employers for a higher wage.

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

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 specific conditions, an employer may pay a wage that is below the minimum. This applies to an employee who is a patient or client of the Texas Department of State Health Services (DSHS), or to other individuals due to age, or to productivity impairments. See Chapter 62, Texas Labor Code for details.

Wage Rate Complaints and Deadline

If you think you've been paid at a rate lower than the law requires may choose to take legal action. You can file a wage claim with TWC, or you can file a lawsuit in civil court.

If you file a wage claim with TWC, it must be filed no later than 180 days after the wages were due. Get more information about How to File a Wage Claim.

You have two years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as liquidated damages. The employer can be assessed reasonable attorney's fees and court costs.

Earnings Statement

Employers must give employees a written earnings statement. The statement must have enough details for an employee to determine whether they were paid correctly during the 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, of or by religious, educational, charitable, or nonprofit organizations
- Professionals, salespersons, or public officials
- Domestics
- Certain youths and students
- Inmates
- Family members
- Amusement and recreational establishments
- Non-agricultural employers not liable for state unemployment contributions
- Dairying and production of livestock
- Sheltered workshops

Agricultural Piece Rates

The Commissioner of Agriculture decides how much agricultural workers are paid for picking or harvesting plants and crops. The "piece rates" are based on how much an average worker can do in a certain amount of time. The goal is to make sure at least minimum wage for average workers while allowing workers who harvest more to earn more.

Law

- Texas Minimum Wage Act, Chapter 62 of the Texas Labor Code

Contact Us

TWC's Wage and Hour Dept
800-832-9243
512-475-2670

EQUAL EMPLOYMENT OPPORTUNITY IS...

The Law in Texas

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

- hiring
- promotion
- discharge
- pay
- fringe benefits
- membership
- training
- other aspects of employment

because of race, color, national origin, religion, sex, age, or disability.

The Sex Protected Class includes Sexual Harassment, Gender Stereotyping, Pregnancy Discrimination, Gender Identity, and Sexual Orientation.

IGUALDAD DE OPORTUNIDADES EN EL EMPLEO ES...

La Ley en Texas

La ley prohibe a los empleadores, agencias de empleo y sindicatos de negar la igualdad de oportunidades de empleo en

- ocupar
- ascensos
- desocupar
- pago
- beneficios
- membrecía
- entrenamiento
- otros aspectos del empleo

por causa de raza, color, nacionalidad, religión, sexo, edad, o incapacidad.

La clase protegida por sexo Incluye acoso sexual, estereotipos de género, discriminación por embarazo, identidad de género y orientación sexual.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division
Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles
Website: www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint
Email: EEOintake@twc.texas.gov
101 East 15th Street, Rm. 144-T; Austin, TX 78778
(512) 463-2642 • Toll Free (within Texas) 1-888-452-4778 • TTY (512) 371-7473

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

ATTENTION EMPLOYEES

The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees 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 TWC office. TWC offices are located in major cities throughout the state.

TEXAS WORKFORCE COMMISSION
Wage and Hour Department
101 East 15th Street, Room 514
Austin, Texas 78778-0001
800-832-9243
TDD 800-735-2989 (Hearing Impaired)

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

(0823)

Reporting Workplace Violence

Employees can report instances of workplace violence or suspicious activity by contacting the Department of Public Safety (DPS) through the iWatchTexas Community Reporting System at www.iwatchtx.org, or by calling 844-643-2251. Employees have the right to make a report to DPS anonymously.

Reportando La Violencia en el Trabajo

Los empleados pueden denunciar casos de violencia en el trabajo o actividades sospechosas comunicándose con el Departamento de Seguridad Pública (DPS) a través del Sistema de Informes Comunitarios iWatchTexas en www.iwatchtx.org, o llamando al 844-643-2251. Los empleados tienen derecho a presentarle una queja al DPS de forma anónima.

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

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

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