

## **SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE**

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the BOCES.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend BOCES unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the BOCES lunch period in their BOCES' cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when BOCES is in session until 10:00 p.m. on any day preceding a BOCES day. However, students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a BOCES day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's BOCES at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the BOCES.

Students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a non-BOCES day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the BOCES shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended  
29 United States Code (USC) Section 201 et seq.  
29 Code of Federal Regulations (CFR) Parts 570-580  
Family Educational Rights and Privacy Act of 1974 (FERPA)  
20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99  
Education Law Article 65  
Labor Law Articles 4 and 4-A  
Arts and Cultural Affairs Law Article 35  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 141.8 and 141.9 and Part 190

Adopted: 12-14-2006