

Chapter 817. Child Labor. §§817.4-817.6

PART XX. Texas Workforce Commission

CHAPTER 817. Child Labor

40 TAC §§817.4-817.6

The Texas Workforce Commission adopts amendments to 40 TAC §§817.4 through 817.6, concerning the employment of children, with changes to the proposed text as published in the October 11, 1996, issue of the Texas Register (21 TexReg 9798). The amendments are being adopted to conform the rules to state statute while being as consistent as possible with federal law, thus maximizing the ease of compliance with both. Also, the amendments will make technical corrections to the existing rules. Finally, the amendments will render the rules more readable. The amended rules will limit the adoption by reference of federal regulations to the extent they are consistent with state law. This will allow employers not covered by federal law to take advantage of a parental exemption from the prohibition against employing a child to drive. Also, the inadvertent adoption of more restrictive federal hours limitations on the employment of 14 and 15 year old children will be deleted to allow employers not covered by federal law to follow less restrictive state law hours limitations.

The only changes to the proposed text published earlier are substitutions of the word "through" for hyphens separating the CFR section numbers in 817.4 and 817.5. No comments were received regarding adoption of the amendments. The amendments are adopted under Texas Labor Code, Title 2, §§51.014, 51.015 and 51.023, which provide the Texas Workforce Commission with the authority to adopt rules necessary to promote the purpose of the Act.

§817.4 Employment of 14 and 15 Year Old Children.

The commission adopts by reference §§570.31 through 570.34 and §§570.70 through 570.72 of Title 29 of the Code of Federal Regulations. The commission adopts these regulations as state rules governing the employment of 14 and 15 year old children in Texas. These rules will apply to such employment whether or not that employment is subject to the federal Fair Labor Standards Act (FLSA), 29 United States Code Section 201, et seq. The application of this rule is limited to the extent it is consistent with §51.015 of the Texas Labor Code.

§817.5 Employment of 16 and 17 Year Old Children.

The commission adopts by reference §§570.50 through 570.68 of Title 29 of the Code of Federal Regulations. The Commission adopts these regulations as state rules governing the employment of 16 and 17 year old children in Texas. These rules will apply to such employment whether or not that employment is subject to the federal Fair Labor Standards Act (FLSA), 29 United States Code Section 201, et seq. The application of this rule is limited to the extent it is consistent with §51.015 of the Texas Labor Code.

§817.6 Statement of Commission Intent.

In adopting §817.4 and §817.5 of this title (relating to Employment of 14 and 15 Year Old Children), the commission intends for the federal child labor rules to govern the employment of children in Texas. The commission so intends only to the extent those rules are consistent with Chapter 51 of the Texas Labor Code.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. Issued in Austin, Texas, on December 4, 1996.

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