

Chapter 817. CHILD LABOR

Subchapter A. GENERAL PROVISIONS

40 TAC §817.6

The Texas Workforce Commission proposes new §817.6, relating to Child Labor Law appeals of preliminary determination orders to the Special Hearings Department.

Background: Texas Labor Code Chapter 51, Employment of Children (Child Labor Law), provides for the implementation of rules and laws relating to the employment of children. The Child Labor Law ensures that a child is not employed in an occupation or manner that is detrimental to the child's safety, health, or well-being. More specifically, the Child Labor Law sets forth provisions including, but not limited to, the following:

minimum age;
performers in motion pictures or theatrical, radio, or television productions;
hours of employment;
hardship exemptions;
hazardous occupations;
operation of motor vehicle for certain commercial purposes;
inspections and collection of information relating to the employment of children;
civil and criminal penalties for failure to comply with the Child Labor Law;
offenses and penalties for the initial investigation process; and
the appeals processes regarding offenses and penalties assessed.

The purpose of the new rule is to provide notice of and a cross-reference to rules relating to the appeals processes in Child Labor Law hearings. The Child Labor Law hearings conducted by the Special Hearings Department are subject to the Unemployment Insurance Rules, found at Title 40 Texas Administrative Code (TAC) Chapter 815. The use of the Unemployment Insurance appeal process is required by Texas Labor Code §51.033(g). The cross-reference in the Child Labor Rules is added to provide clarification to the public regarding the statutorily required appeals processes.

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rule is in effect, the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering this rule;
there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering this rule;
there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering this rule;
there are no foreseeable implications relating to costs or revenues to the state or to local governments as a result of enforcing or administering this rule; and
there are no anticipated costs to persons who are required to comply with this rule as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering this rule because the rule only clarifies what is already required under the statute, and is meant to help the public locate the rules that apply to Child Labor Law hearings based on appeals to the Special Hearings Department.

Chester Skorupa, Director of Labor Law, has determined that for each year of the first five years that the rules will be in effect, the public benefit anticipated as a result of the adoption of the proposed rule will be to assist the public in locating rules that apply to Child Labor Law hearings.

Mark Hughes, Director of Labor Market Information, has determined that there is no foreseeable impact upon employment conditions in this state as a result of this proposed rule.

Comments on the proposed section may be submitted to Chester Skorupa, Director of Labor Law, Texas Workforce Commission, Labor Law, 101 East 15th Street, Suite G-1, Austin, Texas, 78778-0001; Fax Number (512) 834-3632; or E-mail to chester.skorupa@twc.state.tx.us. Comments must be received by the Texas Workforce Commission no later than 30 days from the date this proposal is published in the *Texas Register*.

The new rule is proposed under Texas Labor Code §§51.023, 301.061 and 302.002, which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Workforce Commission's services and activities.

The proposal affects the Texas Labor Code, Title 2.

§817.6.Appeals.

Hearings conducted under Texas Labor Code, Chapter 51, are subject to the rules and hearing procedures set out in the Unemployment Insurance Rules at 40 TAC Chapter 815, except to the extent that such sections are clearly

inapplicable or contrary to provisions set out under the Texas Child Labor Rules or under Texas Labor Code, Chapter 51.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on July 6, 2000.

TRD-200004696

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: August 20, 2000

For further information, please call: (512) 463-8812