



## Pathways to Prosperity Network

AN INITIATIVE OF JOBS FOR THE FUTURE  
AND THE HARVARD GRADUATE SCHOOL  
OF EDUCATION

# WHAT EMPLOYERS NEED TO KNOW

FREQUENTLY ASKED QUESTIONS ABOUT  
HIGH SCHOOL STUDENTS IN WORKPLACES



As the number of employers engaging in talent development strategies that include working with young people has grown, so has the need for information about how employers can successfully open their doors to those under the age of 18. Employers across the country are working with educators to create opportunities for young people to engage in work-based learning—a continuum of sequenced and coordinated activities through which students gain increasing exposure to the world of work. Many employers are already partnering with schools to provide classroom guest speakers or organize field trips. However, employers who want to provide more in-depth opportunities for youth, especially internships, don't always know where to start.

Employers may not know the best way to reach out or how to structure opportunities for young people to explore careers within their organization. In addition, employers may be uncertain about liability, privacy policies, and safety regulations for employees under the age of 18. State and federal laws and policies pertaining to youth employment can be difficult to navigate. However, in most cases, laws related to working with young people do not differ significantly from those for adult employees.

Increasing the number of internships and other work-based learning opportunities available to young people is essential for closing the skills gap and preparing youth for successful careers. This brief, which addresses employers' most frequently asked questions,

is intended to demystify practical issues related to opening workplaces to students under 18. While there are many ways for employers to engage in work-based learning, much of the material in this brief is focused on internships. Because internships are more intensive than other forms of work-based learning, employers offering internships often need resources that address common questions.

The explanations below are intended to clarify misconceptions and encourage employers to open their minds and their doors to young people. The answers to the questions in this brief are meant to serve as a starting point for employers considering internships for high school students. However, because policies and regulations vary considerably across the country,

it is not possible to provide definitive answers to all questions; employers should consult their human resources departments, legal counsel, and insurers, as appropriate. Links to resources on such topics as orientation, safety, and training appear throughout this brief and at the end in a list of resources and materials. In addition, a list of compiled resources and sample documents, such as confidentiality agreements and liability waivers, is available on the [Pathways to Prosperity Network website](#).

## WORKING WITH YOUNG PEOPLE

### Are high school students mature enough to be in professional environments? What type of support and training do I need to provide as an employer?

Most employers find that students live up to the expectations set for them. If students are held to the same expectations as other employees in terms of their professionalism, including punctuality, work ethic, and attire, most high school students will appreciate the respect being shown to them and will do their best to meet those expectations. Paid student interns can and should be held to standards similar to those for other employees, including the expectation that their work will contribute to the company's bottom line.

This is an area in which schools and intermediaries can be valuable sources of support for employers. In many places, schools and intermediaries have developed orientation and training sessions for students who are planning to participate in internships and other forms of work-based learning. These orientation sessions generally focus on helping students understand the expectations in professional environments. It is also important to ensure that students understand that all employees, even the most experienced, have questions and encounter problems from time to time, and that students should immediately speak to their supervisors if they have questions or encounter problems.

### How do I recruit staff to supervise high school students?

We have found that in most organizations there are at least a couple of staff members who are interested in working with high school students. Employers who are launching internship programs often start with a

small number of students who are supervised by these interested staff members. Employers report that staff members who were initially hesitant about supervising high school students become interested in doing so once they have had an opportunity to see their colleagues interact with students.

There are numerous resources available to employers who would like to offer training or other support to staff members who will be supervising student interns. Local school districts and intermediaries can provide helpful information on supervising students and structuring work-based learning experiences that benefit both students and employers. Some employers offer professional development workshops for staff members who will be supervising students. Topics covered typically include how to integrate staff and students, addressing common misconceptions about high school students, training students and setting expectations, and assigning tasks and giving feedback. Jobs for the Future created a [Guide to Becoming a 9-14 Pathways Employer](#) that provides information and practical tools on this as well.

### What resources are available to support my work with young people?

States and regions within the Pathways to Prosperity Network often have systems in place that can serve as resources for employers who are engaged in providing work-based learning opportunities. Schools may have a work-based learning coordinator or other staff member who serves as a point of contact and resource for employers. Work-based learning intermediaries are also an important component of the Pathways framework. Intermediaries can be housed within organizations—such as a local Chamber of Commerce, employer organization, community-based organization, or workforce investment board—that have the expertise required to serve as liaisons to both employers and educators. Functions of work-based learning intermediaries include convening and connecting key stakeholders, monitoring labor-market demand, brokering and aggregating work-based learning opportunities, helping place students and building public support for this work. In regions where an employer may be working with multiple schools or school districts, an intermediary can serve as a single point of contact for employers, which saves businesses time and resources that might otherwise be exhausted by managing relationships with multiple educational institutions.

The ways in which intermediaries and schools can help employers include:

- **Developing job descriptions.** Job descriptions are needed to ensure that both students and employers have clear expectations for internships and other work-based learning placements. Schools and intermediaries can help employers develop descriptions that are appropriate for high school students.
- **Recruiting and preparing students for placement.** Intermediaries and school staff members can identify appropriate students for work-based learning placements and can help employers recruit and screen candidates. In addition, they may be able to assist with—or even manage—processes for onboarding students, including developing orientations to the workplace and collecting and managing paperwork required by employers.
- **Teaching students work readiness skills.** While one of the goals of work-based learning is for employers to provide students with an opportunity to develop as young professionals, some schools and intermediaries are able to provide students with preliminary training in work readiness skills. These may include punctuality, attire appropriate to the workplace, work ethic, communication skills, and problem solving.
- **Structuring workplace activities.** Intermediaries and school staff can assist employers in identifying appropriate workplace activities for high school students. Structured activities are useful in ensuring that the time students spend in the workplace is of benefit to both them and the employer. Structured activities create shared expectations and clear outcomes and can reduce the amount of time required to supervise high school students.
- **Training mentors and supervisors.** Employees within a business may need additional assistance or training to ensure that they are comfortable mentoring or supervising students under the age of 18. Employers who would like to provide additional professional development can draw on the expertise of schools and intermediaries to develop workshops or materials that help mentors and supervisors better understand their roles and the abilities of high school students. Schools and intermediaries can also serve as resources to employers if behavioral issues arise with a student.

- **Assisting with logistical issues such as health screenings, liability, and payroll.** In some instances, schools and intermediary organizations can help employers navigate logistical issues. For example, schools and intermediary organizations can manage the payroll process for student interns—and may even pay some or all of students' wages—or maintain insurance that covers students in workplaces. Employers in the health care sector often require TB tests and other health screenings for students working onsite, which can often be managed by school nurses or other appropriate staff members.

### I am interested in exploring how my organization can provide work-based learning opportunities but don't know where to start. Whom can I contact to help?

A good first step is to contact a local school district or workforce intermediary to learn more about work-based learning programs and resources available to employers in your area. If you do not know the best contact person, start with the career and technical education (CTE) director for your local school district or high school. He or she will likely be able to answer some questions and direct you to additional resources.

In addition, you can reach out to the Pathways to Prosperity Network at Jobs for the Future for more information about any of the topics discussed in this brief, or for additional resources, examples, and templates that employers can adapt to fit their needs. Please email [info@jff.org](mailto:info@jff.org) for further information.

## LEGAL AND LIABILITY CONCERNS

### Don't federal and state laws restricting child labor prevent high school students from working in many industries?

Most employers interested in working with young people will find that they need to make only minimal changes, if any, to existing workplace policies and procedures in order to ensure compliance with state and federal laws and policies that govern access to workplaces for students under the age of 18. In many cases, the guidelines and regulations for

adult employees apply to youth under 18, and thus employers and human resources departments are not required to learn substantial amounts of new information in order to accommodate high school interns. There are certain regulations based on a young person's age, the nature of the work, the hours she or he works, and the compensation he or she receives. Employers who familiarize themselves with a few main policies relevant to their sectors can easily remain in compliance while providing enriching and important career and skill development opportunities for youth that have lasting impacts on students, families, and entire communities—not to mention the employer's work and workforce.

Federal laws pertaining to youth employment generally fall under the U.S. Department of Labor's Wage and Hour Division, which enforces the Fair Labor Standards Act. The FLSA outlines federally mandated provisions for wages and overtime pay, hours worked, record keeping, and child labor. In general, the FLSA places relatively few restrictions on access to and activities within workplaces for 16- and 17-year-olds, the age of the high school students most likely to be pursuing internships. The chief restriction on youth employment in the FLSA is a list of 17 hazardous occupations in which youth under 18 are generally not

permitted to engage. However, most employers that are working with young people identify only one of these occupations—operating a forklift—as an activity in which their workforce regularly engages. There are additional restrictions, including a prohibition on working in manufacturing environments, that are applicable to 14- and 15-year-olds, but not 16- and 17-year-olds. Other FLSA provisions are applicable only to certain industries, including separate policies related to agricultural occupations, lifeguards and swimming instructors, and facilities that process wood products.

The FLSA also limits the number of hours that 14- and 15-year-olds—but not 16- and 17-year-olds—may work. Additional restrictions on work hours for students under 18 are generally a matter of state law, which varies across the country. All states have some laws pertaining to youth employment. These commonly address issues such as minimum wages, work permits, and required rest and meal periods. Where there is overlap between federal and state laws, the stricter standard applies. Because state laws vary considerably, it is not possible to provide a summary of them in this brief. The U.S. Department of Labor provides [information on regulations by state](#) on its website. Many states also make available online toolkits with

### The 17 FLSA Hazardous Occupations

1. Manufacturing and storing of explosives
2. Driving a motor vehicle or being an outside helper on a motor vehicle
3. Coal mining
4. Forest fire fighting and fire prevention, timber tract management, forestry services, logging, and saw mill occupations
5. Power-driven woodworking machines
6. Exposure to radioactive substances
7. Power-driven hoisting apparatus
8. Power-driven metal forming, punching, and shearing machines
9. Mining, other than coal mining
10. Meat and poultry packing or processing, including the use of power-driven meat slicing machines
11. Power-driven bakery machines
12. Balers, compactors, and paper products machines
13. Manufacturing brick, tile, and related products
14. Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs
15. Wrecking, demolition, and shipbreaking operations
16. Roofing operations and all work on or about a roof
17. Excavation

guidelines for youth employment; links to several examples of such state-sponsored publications are listed at the end of this brief.

## Are there exemptions for educational programs?

Federal regulations, and those of many states, do recognize the educational value of meaningful work experiences for students under 18. There are a few exemptions that allow for some flexibility in the types of places where a young person can work and the tasks she or he can perform. In some cases, 16- and 17-year-olds can obtain “student-learner” status by being enrolled in a “bona fide vocational training program,” which requires a school, student, his/her parent, and the employer to sign an agreement outlining the scope of work and range of tasks a student-learner may perform in the workplace.

It is important to note, however, that this status does not altogether lift the restrictions on the types of work students under 18 can perform, but rather allows for “incidental” or “occasional” exposure to certain job tasks for short periods of time, and only under the close supervision of a trained employee. Moreover, the contract also needs to be approved by the state’s Wage and Hour Administrator. In general, the student-learner status is not prevalent across programs. Rather, in particular industries like manufacturing that are affected by the restrictions outlined in the 17 hazardous occupations, this exemption allows for individuals who are deeply engaged in their school’s career and technical education program to further develop skills and gain access to tools and machinery that will advance their learning. As such, employers should not think of the process required to achieve this exemption as typical of all programs, but consider the student-learner status as an additional avenue they can explore on a case-by-case basis.

## Does OSHA have special regulations on workplace safety for young people?

The Occupational Safety and Health Administration’s (OSHA) safety guidelines generally do not distinguish between youth and adult workers. As with adult workers, employers of young people are required to provide the appropriate and necessary safety training and information to protect employees. When working with youth, the appropriate delivery and format of this

information might assume young people’s competence and maturity but acknowledge their lack of familiarity with not only the task at hand, but professional environments in general.

Of course, being proactive with respect to youth workplace safety is ideal. Generally speaking, employers should promote an environment of open communication where students feel comfortable coming to supervisors with concerns or questions if they do not fully understand workplace policies, processes, or on-the-job tasks. There are many online resources that employers can use to communicate and teach safety to young audiences; a list is provided at the end of this brief. The Department of Labor encourages employers to be proactive around safety issues by specifically outlining the steps a student should take if he or she gets hurt or has any type of issue on the job. Two suggestions offered include introducing a “buddy system” so that young people have a designated person of whom they can ask questions, and clearly labeling machinery and tools that youth cannot use.

## Am I liable if a student gets hurt on the job?

Employers’ liability for paid student interns is generally the same as for their other employees, and interns are most likely covered under employers’ existing workers’ compensation policies. It is generally recommended that employers cover all employees, including high school interns, under their workers’ compensation policies regardless of whether those employees are eligible for unemployment compensation at the end of their internships.

Employers can take additional steps to limit their liability. Some employers and schools require that students and families sign waivers or hold-harmless agreements in which they agree that they will not hold employers liable. In some cases, school insurance policies also cover students participating in work-based learning, even when the students are not on campus. Additionally, certain intermediary organizations may assume the liability risks for the students they help place in work environments. Several federal, state, and local government agencies are involved in facilitating and encouraging youth employment and may have helpful guidelines regarding liability issues. Examples of agreements and waivers that address the issue of

liability are available on the [Pathways to Prosperity website](#). Of course, employers should consult with their insurance carriers and legal counsel to clarify any questions about liability.

## What if our corporate insurance policy prohibits students under 18 in our workplace?

In recent years, concerns over the lack of a steady talent pipeline of skilled workers for high-demand industries like manufacturing have prompted business leaders to reevaluate insurance policies and work with other departments to see how they can change these policies. Some employers have successfully worked with their insurers to clarify or address possible restrictions on work-based learning. Many other employers report that their insurance policies do not have specifications restricting the employment of high school students under 18 as long as state and federal laws are followed.

## Do I have to pay students?

In general, employers must follow the same regulations, including applicable minimum wage laws, for high school students as they do for other employees. There are significant benefits to paying students beyond ensuring legal compliance. Paying students honors their contributions, helps them remain focused and motivated, and serves as a reminder that they will be held to the same standards as other employees. When students earn a paycheck, they learn valuable money management skills and build confidence in their ability to perform challenging tasks and meaningful work. In fact, several employers have found that young employees choose to wear their uniforms or clothing with the company's logo at school and outside of the workplace as a sign of the pride they take in their jobs and their affiliation with the company.

The [Fair Labor Standards Act](#) helps employers determine whether students must be compensated for their time. If students are not volunteering at a company or organization, there are few instances where employees are not legally responsible for paying students. Employers are not required to pay students if the students are designated "trainees" and *all* of the following [six criteria](#) are satisfied:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training that would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern, and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

Given the educational and training focus of designated student-learners, employers are permitted to pay them subminimum wages. However, a special application and approval process through a regional Wage and Hour Division administrator is required.

## When can high school students work?

Federal law does not restrict the hours that 16- and 17-year-olds are permitted to work. In most cases, high school students under the age of 16 cannot work before 7 a.m. or after 7 p.m. or for more than three hours on a school day. They may work during school hours, and for as many as 23 hours during the school week. Extended hours apply when school is not in session. States may impose additional regulations.

## My sector works with a lot of confidential and sensitive information. Can I really have high school students working with that type of data?

Yes. Many highly regulated industries like financial services and health care employ thousands of high school students each year. Examples of confidentiality agreements that employers and schools require students to sign prior to employment are available on the [Pathways to Prosperity website](#).

## I require drug tests or TB tests of all my adult employees. Can I require the same of high school employees?

Yes, you can apply the same expectations to high school interns. Employers working with high school students in industries such as health care often require students to take a TB test or complete other health screenings and safety protocols prior to employment. Employers should secure permission from a student's parent or guardian prior to administering such tests.

## ADDITIONAL RESOURCES ON YOUTH EMPLOYMENT AND WORK-BASED LEARNING

### Federal Resources

These are resources published by the U.S. Department of Labor and OSHA, including useful fact sheets and summaries of the laws affecting youth employment.

Keep in mind that in addition to the web-based resources below, both the Department of Labor and OSHA have staff members available via email or phone who can answer any questions or clarify how policies apply in the case of a particular workplace.

- ▶ The YouthRules! Employers' Pocket Guide on Youth Employment lists relevant federal laws pertaining to age restrictions and hazardous occupations, and provides examples of best practices to ensure safety of minors in the workplace: <http://www.youthrules.dol.gov/documents/for-employers/YouthRulesBrochure.pdf>
- ▶ The YouthRules! website provides resources geared toward youth audiences about their rights as young workers and what jobs employers can and cannot ask them to perform. Resources are tailored to students' ages and the industries in which they are working: <http://www.youthrules.dol.gov/know-the-limits/index.htm>
- ▶ Frequently Asked Questions about Youth Employment on the YouthRules! website: <http://www.youthrules.dol.gov/know-the-limits/faq/index.htm>
- ▶ The Occupational Safety and Health Administration Act of 1970: [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=oshact&p\\_id=2743](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=oshact&p_id=2743)
- ▶ Fact Sheet on Youth Minimum Wage laws under the Fair Labor Standards Act: <http://www.dol.gov/whd/regs/compliance/whdfs32.pdf>
- ▶ U.S. Department of Labor, Youth & Labor, Hazardous Jobs information: <http://www.dol.gov/dol/topic/youthlabor/hazardousjobs.htm#doltopics>
- ▶ State-specific age restrictions under the Wage and Hour Division on the U.S. Department of Labor website: <http://www.dol.gov/whd/state/certification.htm>
- ▶ "elaws Advisors" is a Department of Labor resource that walks users through a set of interactive questions and tailors information based on responses. For instance, if a user visits the elaws advisor on the Fair Labor Standards Act, Child Labor Laws, they can select if they are an "employer," "parent," or "student," or choose a topic like "wages for youth": <http://www.dol.gov/elaws/esa/flsa/cl/default.htm>

### State-Sponsored Materials

State-level agencies produce toolkits, guidebooks, and other reference materials about youth employment that are useful to employers. Your state is likely to have materials that highlight state-specific provisions related to the FLSA and other resources to support employers' efforts to offer work-based learning opportunities to youth.

- ▶ This is a link to the State of Maine's laws governing the employment of minors that provides helpful information ranging from the history of child labor laws to specific requirements of employers: [http://www.maine.gov/labor/labor\\_laws/publications/minorsguide.html#Minors](http://www.maine.gov/labor/labor_laws/publications/minorsguide.html#Minors)
- ▶ This South Dakota Youth Internship Program Framework includes a compelling rationale for hiring young people, useful guiding questions for program implementation, internship standards, evaluation templates, and a good overview on liability risks: [http://doe.sd.gov/octe/documents/YI\\_Manual.pdf](http://doe.sd.gov/octe/documents/YI_Manual.pdf)
- ▶ Massachusetts Guide for Working Teens, targeted to youth audiences: <http://www.mass.gov/eohhs/docs/dph/occupational-health/ma-guide-working-teens.pdf>

- This Employer Internship Toolkit from Michigan is especially comprehensive and includes definitions of various types of work-based learning, sample interview scripts, internship job descriptions, and offer letters: [http://www.mitalent.org/lib/Files/Employers/Employer\\_Toolkit/EmployerInternshipToolkit.pdf](http://www.mitalent.org/lib/Files/Employers/Employer_Toolkit/EmployerInternshipToolkit.pdf)

## RESOURCES FROM THE FIELD

Below are resources from national leaders in structuring and implementing work-based learning programs and experiences for youth.

- Jobs for the Future's *Guide to Becoming a 9-14 Pathways Employer* provides information about 9-14 pathways models and detailed ideas and examples for structuring work-based learning: <http://www.jff.org/sites/default/files/Guide-to-Becoming-9-14-Pathways-Employer-2014.pdf>
- *Making Youth Employment Work: Essential Elements for a Successful Strategy* is a U.S. Chamber of Commerce Foundation paper written by Susan Wolf Ditkoff, Willa Seldon, and Diann Daniel: <http://www.uschamberfoundation.org/reports/making-youth-employment-work-essential-elements-successful-strategy>
- The *National Academy Foundation Guide to Work-Based Learning: A Continuum of Activities and Experience*: <http://www.socialimpactexchange.org/files/Guide%20to%20Work-Based%20Learning.pdf>
- Boston Private Industry Council Employer Best Practices Booklet: [www.bostonpic.org/best\\_practice\\_booklet](http://www.bostonpic.org/best_practice_booklet)
- Change the Equation's *Work-Based Learning: An Employer's Guide* is geared toward STEM professionals and employers in STEM fields hoping to enhance young people's knowledge and application of STEM skills in the workplace: <http://changetheequation.org/sites/default/files/Guide%20to%20Work-based%20Learning.pdf>
- *Work-Based Learning Opportunities for High School Students* is a report from the National Center on Career and Technical Education that provides recommendations and best practices for work-based learning based on findings from a year-long study of a technical assistance plan carried out by FHI 360: [http://www.nrccte.org/sites/default/files/publication-files/nrccte\\_work-based\\_learning.pdf](http://www.nrccte.org/sites/default/files/publication-files/nrccte_work-based_learning.pdf)
- CareerSafe provides interactive online safety training resources for young workers in such topics as OSHA 10-Hour General Industry Training certification: <http://www.careersafeonline.com>

April 2015

**Jobs for the Future** works with our partners to design and drive the adoption of education and career pathways leading from college readiness to career advancement for those struggling to succeed in today's economy. Across the country, we work to improve the pathways leading from high school to college to family-supporting careers. Our work aligns education and training to ensure that employers have access to a skilled workforce.



## JOBS FOR THE FUTURE

TEL 617.728.4446 FAX 617.728.4857 info@jff.org

88 Broad Street, 8th Floor, Boston, MA 02110 (HQ)  
122 C Street, NW, Suite 650, Washington, DC 20001  
505 14th Street, Suite 900, Oakland, CA 94612

[WWW.JFF.ORG](http://WWW.JFF.ORG)

