



## BUSINESS AND EMPLOYMENT NEWSLETTER

THIRD QUARTER, 2008

### EMPLOYING MINOR WORKERS IN WASHINGTON STATE

By Kirsten Barron

Many of our clients hire minor workers. Whether the work is a good fit for a young person or it is a family friend or relative, or if we as employers just want to offer an interesting experience to a young person, hiring minor workers can be a wonderful experience for both employer and employee. There are, however, some legal restrictions on hiring minors.

There are two categories of minor workers, those who are 14, 15, 16 and 17, and those who are under 14. An employer must have approval from the Superior Court of the

State of Washington to hire a worker under the age of 14.

Any employer who hires a minor worker is responsible for obtaining a minor work permit endorsement for each work site where minors are employed. You can obtain a minor work permit endorsement by filing a Master Business License or re-filing the Master Business Application in the case of existing businesses. This application can be obtained through the Department of Licensing website or any L&I office. The Master Business License with current minor work per-

mit endorsement must be posted and renewed every year.

You are also required to keep certain information about the minor worker at the work site. An employer must have the following information about each minor worker on file at the minor's work site:

**Proof of age.** A copy of one of the following is required:

- ⇒ Birth certificate
- ⇒ Driver's license
- ⇒ Baptismal record
- ⇒ Notarized statement from parent or legal guardian

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## EMPLOYING MINOR WORKERS—CONTINUED

### Personal data.

Name, address, date of birth and a copy of the minor's Social Security card.

### Employment description.

Earliest and latest work hours, total number of hours of work per week, and a complete description of duties.

### A parent/school authorization form from each minor worker.

You can obtain this authorization from L&I's web site at: [www.lni.wa.gov/forms/pdf/700002af.pdf](http://www.lni.wa.gov/forms/pdf/700002af.pdf).

**Wages** – Minor worker aged 16 or 17 must be paid at least minimum wage. Minor workers under 16 may be paid 85 percent of minimum wage. Overtime rules apply for all hours worked over 40 in one week.

**Meal Period Breaks** – Minor workers are entitled to greater benefits when it comes to state mandated breaks and meal periods. 14 and 15 year-old workers may not work more than four hours without a 30-minute uninterrupted meal period. The meal period must be separate from, and in addition to rest breaks. These minors must be provided a paid rest break of at least 10 minutes for every two hours worked. When working a

four-hour period, they cannot be required to work more than two hours without either a 10-minute rest break or a 30-minute meal period. 16 and 17 year-old workers are entitled to an uninterrupted meal period of at least 30 minutes when working more than five hours a day. These minors are entitled to at least a 10-minute paid rest break for each four hours worked. They must receive a rest break at least every three hours.

**Limitations of Hours Worked** There are limitations on the number of hours that minor employees can work. While there are some exceptions, the general rules are as follows:

### 14-15 year-olds

#### School weeks

- ⇒ 3 hours per day (8 hours Sat.-Sun.)
- ⇒ No more than 16 hours per week
- ⇒ No more than 6 days per week
- ⇒ Only between the hours of 7 a.m. - 7 p.m.

#### Non-school weeks

- ⇒ 8 hours per day
- ⇒ No more than 40 hours per week
- ⇒ No more than 6 days per week
- ⇒ Only between the hours of 7 a.m. - 7 p.m. (9 p.m. June 1 to Labor Day)

### 16-17 year-olds

#### School weeks

- ⇒ 4 hours per day (8 hours Fri. - Sun.)
- ⇒ No more than 20 hours per week
- ⇒ No more than 6 days per week
- ⇒ Only between the hours of 7 a.m. - 10 p.m. (midnight Fri. - Sat.)

#### School weeks with a special variance from school<sup>1</sup>

- ⇒ 6 hours per day (8 hours Fri. - Sun.)
- ⇒ No more than 28 hours per week
- ⇒ No more than 6 days per week
- ⇒ Only between the hours of 7 a.m. - 10 p.m. (midnight Fri. - Sat.)

#### Non-school weeks

- ⇒ 8 hours per day
- ⇒ No more than 48 hours per week
- ⇒ No more than 6 days per week
- ⇒ Only between the hours of 5 a.m. - midnight



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Many older teens have a reduced school schedule or have shown that they are able to work additional hours on top of their school schedule and extracurricular activities. The parents and the school can grant permission to work up to eight extra hours during the school week. They must complete the special variance section of the Parent/School Authorization form, which is available online at [www.lni.wa.gov/forms/pdf/700002af.pdf](http://www.lni.wa.gov/forms/pdf/700002af.pdf).

## BANKRUPTCY REFRESHED

By Kirsten Barron

As I said in the last newsletter, our clients seem to be weathering these times pretty well. There are certainly a few more commercial collections actions being filed on behalf of our clients, but none that the client cannot weather. Painful, yes, but not terminal for the business. There is a lot of talk about the topic of bankruptcy and we thought it would be a good idea to refresh everyone's memory on the bankruptcy options – just so you know what everyone else is talking about:

**Chapter 7:** A chapter 7 bankruptcy case does not involve the filing of a plan of repayment as in chapter 13. Instead, the bankruptcy trustee gathers and sells the debtor's nonexempt assets and uses the proceeds of such assets to pay holders of claims (creditors) in accordance with the provisions of the Bankruptcy Code. Part of the debtor's property may be subject to liens and mortgages that pledge the prop-

erty to other creditors. In addition, the Bankruptcy Code will allow the debtor to keep certain "exempt" property; but a trustee will liquidate the debtor's remaining assets. Accordingly, potential debtors should realize that the filing of a petition under chapter 7 may result in the loss of property.

**Chapter 11:** A case filed under chapter 11 of the United States Bankruptcy Code is frequently referred to as a "reorganization" bankruptcy. It is reorganization for corporations, or individuals with debts over \$336,900 in unsecured debts (no collateral) and secured debts (with collateral) over \$1,010,650.

**Chapter 13:** A chapter 13 bankruptcy is also called a wage earner's plan. It enables individuals with regular income to develop a plan to repay all or part of their debts. Under this chapter, debtors propose a repayment plan to

make installments to creditors over three to five years. If the debtor's current monthly income is less than the applicable state median, the plan will be for three years unless the court approves a longer period "for cause." If the debtor's current monthly income is greater than the applicable state median, the plan generally must be for five years. In no case may a plan provide for payments over a period longer than five years. 11 U.S.C. §1322(d). During this time the law forbids creditors from starting or continuing collection efforts.

Although the firm does not file bankruptcy actions on behalf of clients, we do have experience assisting clients with certain issues, usually the collection of debts, in that arena.



### REMINDER OF WASHINGTON SPAM LAW

I received two e-mails this week that were a violation of the Washington SPAM law. Both were from local businesses. While I get these a lot from spammers without local ties, these were a bit of a surprise. If you send e-mails, it is important to know that under a Washington state law enacted in March 1998 and amended in May 1999, it is illegal to send a commercial e-mail message that uses a third party's domain name without permission; that contains false or missing routing information; or with a false or misleading subject line. The law applies if a message is sent from within Washington; if the sender knows that the recipient is a Washington resident; or if the registrant of the domain name contained in the recipient's address will confirm upon request that the recipient is a Washington resident.

## EMPLOYING MINOR WORKERS—CONTINUED

An adult must supervise minors working after 8 p.m. in service occupations, such as restaurants and retail businesses.

Sometimes what is common sense is actually the law. Be aware that there are certain duties that are considered dangerous and minor workers are legally prohibited from performing such duties. Examples of dangerous duties include roofing, house-to-house sales, demolition, operating meat slicers or powered bakery equipment; any power-driven machinery; regular driving of motor vehicles to make deliveries, such as pizza delivery; driving a forklift; working at heights

greater than ten feet off the ground or floor level, or working alone past 8 p.m. without supervision by someone 18 years or older who is on the premises at all times. As you assign duties, consider whether the duty may be too dangerous for the minor and check with the Department of Labor and Industries or legal counsel for assistance.

**Penalties** - There is criminal and civil liability, on both state and federal levels, for violating these laws, including penalties.

Young people in the work force can be a tremendous asset and in turn can have a great experience with a good employer. However, knowing the ins and outs of

the law on this issue is critical to a positive experience for both the employer and the employee.

You can obtain more information on teen workers by visiting:

[www.lni.wa.gov/workplace\\_rights/teenworkers/](http://www.lni.wa.gov/workplace_rights/teenworkers/)

### ALERT!!!

The State has passed a new leave law for spouses of military personnel. The law allows a spouse 15 days of leave any time prior to or during the deployment. Look for more on this in next quarter's newsletter.

## A PERSONAL NOTE FROM THE DEPARTMENT:

By Kirsten Barron

Greetings:

Writing a quarterly note to you all allows me to take stock of the last quarter and look ahead to the coming quarter – and, well, there has been a lot to consider in the last few weeks. I was exercising this morning and in the 40 minutes I was watching the Bloomberg Report, the Dow Jones Industrial Average fell 50 points, despite the government's bailout package passed by Congress last week.

We have enjoyed the long beautiful days of Fall and as the days are getting shorter, I am acutely aware of the coming winter nights. We are hearty folk in the Northwest and we routinely weather long, dark winters. We have the experience and constitution to do so. I feel the same way about this community and the economy. The days are not sunny and warm, but we can weather what is to come. My experience with my clients is that they are thoughtful and careful observers that rarely react without thinking. More than ever, these skills are needed as we evaluate the economy, its impact on our business and our appropriate and measured response. Part of our philosophy at Barron Smith Daugert, is that we are part of your team and we want to help you achieve success. During these times, that philosophy is more important to us than ever.

On a side note, I want to apologize for the typographical error in the last newsletter in the headline to the employee bonus article on page 9. "Hanto Euit" should have read "Phantom Equity." We are told that it was due to "technical difficulties." My regrets.

Regards,




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**Amy Robinson** brings employment and human resource experience to the firm and is invaluable to our department and the Litigation team in solving a myriad of complex legal issues. Her practice is focused on employment and civil litigation.



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**Debbie Nelson** is a paralegal in the firm's business department and has extensive experience in corporate legal services.

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