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2016 to 2020 Report on Employment of Minors in Agricultural Packing Plants

Background and Introduction

Assembly Bill (AB) 1900 (Chapter 1175, Statutes of 1994) also known as the Omnibus Child Labor Reform Act of 1993 became effective on January 1, 1995. Among other provisions, the bill added Labor Code §1393, authorizing the Labor Commissioner, Chief of the Division of Labor Standards Enforcement (DLSE) within the Department of Industrial Relations (DIR), to grant exemptions to the limitation of the number of hours that 16 and 17-year-old minors may work in a day at an agricultural packing plant during peak harvest season when school is not in session. The law authorized the Labor Commissioner to grant an exemption to allow minors to work up to ten hours per day, rather than eight hours, if the additional work hours did not materially affect the safety and welfare of the minor. Senate Bill (SB) 1988 (Chapter 1117, Statutes of 1996) authorized the Lake County Board of Education to permit the employment of 16 and 17-year-old minors for up to sixty hours per week when school was not in session during the peak harvest season. This law is scheduled to sunset on January 1, 2022.

Labor Code §1393.5 requires the Labor Commissioner to annually inspect Lake County agricultural packing plants that apply for an exemption or renewal of an exemption authorized by the section. The law requires agricultural packing plants that receive such an exemption to submit to the Labor Commissioner an annual report on the number, ages, and working hours of minors that were employed during the preceding year. In addition, the Labor Commissioner is required to report to the Legislature on the working conditions of minors employed in the plants during the preceding year.

SB 702 (Chapter 775, Statutes of 2016) amended Labor Code §1393.5 by extending the sunset date to January 1, 2022. It additionally requires the Labor Commissioner to report to the Legislature on or before November 1, 2020, on the working conditions for the period from October 1, 2016, to October 1, 2020, inclusive.

	Number of Employer Applications Received in Lake County	Number of Permits Issued to Employers in Lake County	Number of Applications for Other Counties	Number of Permits Issued to Employers in Other Counties	Total Permits Issued
2016	2	2	4	4	6
2017	2	1	1	0	1
2018	1	1	0	0	1
2019	1	1	0	0	1
2020	1	1	2	1	2
Total	7	6	7	5	11

2016 Report on Employment of Minors in Agricultural Packing Plants

Exemptions Issued, Renewed, or Denied Pursuant to Labor Code §1393.5

In 2016, pursuant to Labor Code §1393.5, two applications were submitted by two Lake County employer for an exemption to authorize the employment of 100 minors at three locations for up to 10 hours per day but not to exceed 60 hours in any one week. The first employer sought exemptions for two locations having 45 minors at each location for the period of July 1, 2016 to September 5, 2016 and the second employer sought exemption for 10 minors for the period of June 3, 2016, to August 10, 2016. The Labor Commissioner issued the exemptions to both employers for all three locations. The employers held valid exemption permits in 2015.

In addition to the two Lake County employers, four packing operations outside of Lake County applied for exemptions and were issued an exemption permit for 35 minors in Fresno County.

Number of Minors Employed in the Agricultural Packing Plant Industry

According to records of the Lake County agricultural packing plant employer operating with an approved exemption in 2016, a total of 100 minors aged 16 and 17 years old were employed during the 2016 peak packing season.

The four additional packing operations with approved exemptions statewide in 2016 were granted approval to employ an additional 35 minors under the provisions of these permits.

Information regarding youth employment among the youth labor force ages 16 through 24, particularly during the summer months, is collected as part of the U.S. Department of Labor, Bureau of Labor Statistics (BLS) studies. Data is not reported by detailed sub-classifications

of industry, age, or state/county of residence. For these reasons, the number of California minors employed in specific agricultural services (i.e., agricultural packing plants) in California and/or Lake County is unknown beyond the information obtained from the employer applicants and inspections.

General Working Conditions of Minors Employed *in Lake County Agricultural Packing Plants*

Lake County is the home of five unified school districts, all of which include regular curriculum high schools, special continuing, and alternative education. In addition, the Lake County Office of Education operates four court/community school programs for grades 9 through 12. (Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Middletown Unified School District, Upper Lake Union High School District, and Lake County Office of Education (court/community school programs).

All of the Districts adjourn the regular academic year by mid-June, 2016. The earliest date the Labor Commissioner authorized any employer to begin extended work hours for a 16 or 17-year-old was June 3, 2016, with authority to continue until September 5, 2016 at the latest. The exemption permit issued restricts minors whose school was in session during June 15, 2016, to September 6, 2016. Classes for the 2016-2017 school year had a tentative date to resume for high schools in Lake County on the following schedule:

Middletown High School	8/10/2016
Upper Lake High School	8/11/2016
Clear Lake High School (Lakeport Unified)	8/12/2016
Lower Lake High School (Konocti Unified)	8/11/2016
Kelseyville High School	9/07/2016

Depending upon the starting date of the fall school session in their particular district, minors were expected to return to class at that designated time and the Office of Education no longer approved extended work hours. Reports provided by the employer receiving the exemption for both of its packing plant locations show that the latest date minors worked extended hours was September 7, 2016. No minor worked more than 60 hours in a week during the time frame allowing work for extended hours.

Summary of Inspections Conducted Pursuant to Labor Code §1393.5

Prior to the beginning of peak packing season, DLSE conducted inspections of the two Lake County packing plant employers that applied for the exemption for excess hours worked by minors at the three different locations.

Application Inspection for Employer One

On May 24, 2016, a DLSE deputy met with the managing member of the packing plant who

had two facilities in Lake County, and inspected both facilities at which the minors would be working. In addition to packing their own fruit, the packing plant packs pears for about 40 growers. Although the plant was not in operation at either location at the time of the inspection, it was reported by the managing member that the facilities would undergo a complete and thorough cleaning and organization prior to beginning operation. The company was compliant with the current posting requirements including the 2015 Permit for Extension of Minor's Work Hours in Agricultural Packing Plants, minimum wage, and workers' compensation insurance notice.

According to the information provided to the deputy, the proposed duties for minors were sorting, grading, quality testing, and weighing fruit in addition to assembling, labeling, packing, and sorting of boxes, and cleanup. No minors are allowed to operate machinery and the employer reported providing safety training classes, including heat illness prevention training. The facilities conduct safety monitoring during production and make age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. To further ensure safety, no horseplay of any type is tolerated on the premises. All minors participate in an orientation process and are educated in health and safety procedures. In addition, the employer had set up procedures for all supervisors on how to monitor the employment of minors in accordance with the requirements of child labor laws. Supervisors are required to be able to identify minors working in their areas by requiring minors to wear a neon green baseball cap.

Recommendation was made to approve the applications for exemptions for both facilities.

Application Inspection for the Second Employer

On April 2016, a DLSE deputy met with the managing member of the packing plant seeking exemption for minor's work hours in Lake County, and inspected the facilities at which the minors would be working. The Deputy reviewed 11 minor permits and time records from 2015 and found no issues. The company was compliant with the current posting requirements including the 2015 Permit for Extension of Minor's Work Hours in Agricultural Packing Plants, minimum wage, and workers' compensation insurance notice.

Recommendation was made to approve the applications for exemptions for both facilities.

Workplace Injuries Involving Minors Employed by Agricultural Packing Plants

Statistical data summaries on workplace injuries are prepared by the Federal Bureau of Labor Statistics and the Division of Labor Statistics and Research for the state of California. However, these compiled statistics lack detailed industry segment, age-specific, and/or geographic location data that would identify minors that were involved in non-fatal work-related injuries in agricultural packing plants. CAL/OSHA Form 300 was obtained showing that in 2015, there were six injuries total at both packing facilities. Of the six injuries, none involved a minor.

Based on the investigations conducted, it was recommended to approve the applications for the two employers seeking exemption for three facilities employing 100 minors in Lake County. In addition to the approval of the two employers in Lake County, four other packing operations in Fresno County were approved for the exemption of 35 minors working extended hours, in 2016.

2017 Report on Employment of Minors in Agricultural Packing Plants

Exemptions Issued, Renewed, or Denied Pursuant to Labor Code §1393.5

In 2017, pursuant to Labor Code §1393.5, two applications were submitted by two Lake County employer operating in three locations for an exemption to authorize the employment of 105 minors for up to 10 hours per day but not to exceed 60 hours in any one week for the period of July 1, 2017, to September 4, 2017. One employer seeking exemption for 15 minors withdrew its application on August 4, 2017. The Labor Commissioner issued the exemption to the other employer for 45 minors at two locations on June 20, 2017.

In addition to the Lake County employer, one packing operation outside of Lake County applied for exemption of eight minors in Fresno County. On July 17, 2017, the application was denied due to a review of records showing that the employer had violated working minors beyond hours permitted in 2016. No citations were issued because the statute of limitation had expired.

Number of Minors Employed in the Agricultural Packing Plant Industry

Information regarding youth employment among the youth labor force ages 16 through 24, particularly during the summer months, is collected as part of the U.S. Department of Labor, Bureau of Labor Statistics (BLS) studies. Data is not reported by detailed sub-classifications of industry, age, or state/county of residence. For these reasons, the number of California minors employed in specific agricultural services (i.e., agricultural packing plants) in California and/or Lake County is unknown beyond the information obtained from the employer applicants and inspections.

General Working Conditions of Minors Employed in Lake County Agricultural Packing Plants

Lake County is the home of five unified school districts, all of which include regular curriculum high schools, special continuing, and alternative education. In addition, the Lake County Office of Education operates four court/community school programs for grades 9 through 12. (Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Middletown Unified School District, Upper Lake Union High School District, and Lake County Office of Education (court/community school programs)).

All Districts adjourn the regular academic year by mid-June, 2017. The earliest date that the Labor Commissioner authorized any employer to begin extended work hours for a 16 or 17-year-old was July 1, 2017, with authority to continue until September 4, 2017 at the latest. The exemption permit issued restricts minors whose school starts earlier than September 4, 2017. Classes for the 2017-18 school year had a tentative date to resume for high schools in Lake County on the following schedule:

Middletown High School	8/14/2017
Upper Lake High School	8/10/2017
Clear Lake High School (Lakeport Unified)	8/10/2017
Lower Lake High School (Konocti Unified)	8/09/2017
Kelseyville High School	9/05/2017

Depending upon the starting date of the fall school session in their particular district, minors were expected to return to class at that designated time and the Office of Education no longer approved extended work hours. Reports provided by the employer receiving the exemption for both of its packing plant locations show that the latest date minors worked extended hours was September 4, 2017. No minor worked more than 60 hours in a week during the time frame allowing work for extended hours.

Summary of Inspections Conducted Pursuant to Labor Code §1393.5

Prior to the beginning of peak pear packing season, DLSE conducted an inspection of the one Lake County packing plant employer that applied for the exemption for excess hours worked by minors.

Application Inspection

On May 27, 2017, a DLSE deputy met with the managing member of the packing plant that had two facilities in Lake County, and inspected both facilities at which the minors would be working. In addition to packing their own fruit, the packing plants pack pears for about 30 growers. Although the plants were not in operation at either location at the time of the inspection, both facilities were clean and free from debris. The toilet and water facilities were operational. It was reported by the managing member that the facilities undergo a complete and thorough cleaning and organization prior to beginning operation. The company was compliant with the current posting requirements including the 2016 Permit for Extension of Minor's Work Hours in Agricultural Packing Plants, minimum wage, and workers' compensation insurance notice.

According to the information provided to the deputy, the proposed duties for minors were sorting, grading, quality testing, and weighing fruit in addition to assembling, labeling, packing, and sorting of boxes, and cleanup. No minors are allowed to operate machinery and the employer reported providing safety training classes, including heat illness prevention

training. The facilities conduct safety monitoring during production and make age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. To further ensure safety, no horseplay of any type is tolerated on the premises. All minors participate in an orientation process and are educated in health and safety procedures. In addition, the employer had set up procedures for all supervisors on how to monitor the employment of minors in accordance with the requirements of child labor laws. Supervisors are required to be able to identify minors working in their areas. Requiring Minors to wear a green neon hat at all times.

Workplace Injuries Involving Minors Employed by Agricultural Packing Plants

Statistical data summaries on workplace injuries are prepared by the Federal Bureau of Labor Statistics and the Division of Labor Statistics and Research for the state of California. However, these compiled statistics lack detailed industry segment, age-specific, and/or geographic location data that would identify minors that were involved in non-fatal work-related injuries in agricultural packing plants. CAL/OSHA Form 300 was obtained showing that in 2016, there were three injuries total at both packing facilities. Of the three injuries, none involved a minor.

Based on the investigations conducted, it was recommended to approve the applications for exemption for both facilities employing 90 minors in Lake County.

2018 Report on Employment of Minors in Agricultural Packing Plants

Exemptions Issued, Renewed, or Denied Pursuant to Labor Code §1393.5

In 2018, pursuant to Labor Code §1393.5, two applications were submitted by one Lake County employer operating in two locations for an exemption to authorize the employment of 90 minors for up to 10 hours per day but not to exceed 60 hours in any one week for the period of July 2, 2018, to September 3, 2018. The Labor Commissioner issued the exemption to the employer seeking exemption for 90 minors at two locations on June 26, 2018. The employer held a valid exemption permit in 2017.

Number of Minors Employed in the Agricultural Packing Plant Industry

Information regarding youth employment among the youth labor force ages 16 through 24, particularly during the summer months, is collected as part of the U.S. Department of Labor, Bureau of Labor Statistics (BLS) studies. Data is not reported by detailed sub-classifications of industry, age, or state/county of residence. For these reasons, the number of California minors employed in specific agricultural services (i.e., agricultural packing plants) in California and/or Lake County is unknown beyond the employer applications and inspections.

General Working Conditions of Minors Employed in *Lake County Agricultural Packing Plants*

Lake County is the home of five unified school districts, all of which include regular curriculum high schools, special continuing, and alternative education. In addition, the Lake County Office of Education operates four court/community school programs for grades 9 through 12. (Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Middletown Unified School District, Upper Lake Union High School District, and Lake County Office of Education (court/community school programs)).

All of the Districts adjourn the academic year by mid-June, 2018. The earliest date that the Labor Commissioner authorized any employer to begin extended work hours for a 16 or 17-year-old was July 2, 2018, with authority to continue until September 3, 2018 at the latest. The exemption permit issued restricts minors whose school starts earlier than September 3, 2018. Classes for the 2018-19 school year had a tentative date to resume for high schools in Lake County on the following schedule:

Middletown High School	8/20/2018
Upper Lake High School	8/15/2018
Clear Lake High School (Lakeport Unified)	8/08/2018
Lower Lake High School (Konocti Unified)	8/15/2018
Kelseyville High School	9/04/2018

Depending upon the starting date of the fall school session in their particular district, minors were expected to return to class at that designated time and the Office of Education no longer approved extended work hours. Reports provided by the employer receiving the exemption for both of its packing plant locations show that the latest date minors worked extended hours was September 3, 2018. No minor worked more than 60 hours in a week during the time frame allowing work for extended hours.

Summary of Inspections Conducted Pursuant to Labor Code §1393.5

Prior to the beginning of peak pear packing season, DLSE conducted an inspection of the one Lake County packing plant employer that applied for the exemption for excess hours worked by minors.

Application Inspection

On June 6, 2018, a DLSE deputy met with the managing member of the packing plant that had two facilities in Lake County, and inspected both facilities at which the minors would be working. The toilet and water facilities were operational. It was reported by the managing member that the facilities undergo a complete and thorough cleaning and organization prior to beginning operation. The company was compliant with the current posting requirements including the 2017 Permit for Extension of Minor's Work Hours in Agricultural Packing

Plants, minimum wage, and workers' compensation insurance notice.

According to the information provided to the deputy, the proposed duties for minors were sorting, grading, quality testing, and weighing fruit in addition to assembling, labeling, packing, and sorting of boxes, and cleanup. No minors are allowed to operate machinery and the employer reported providing safety training classes, including heat illness prevention training. The facilities conduct safety monitoring during production and make age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. To further ensure safety, no horseplay of any type is tolerated on the premises. All minors participate in an orientation process and are educated in health and safety procedures. In addition, the employer had set up procedures for all supervisors on how to monitor the employment of minors in accordance with the requirements of child labor laws. Supervisors are required to be able to identify minors working in their areas by requiring minors to wear a green neon hat at all times.

The company obtained a letter of endorsement from the Lake County Office of Education. The letter concludes: "As the Lake County Superintendent of Schools, I endorse the employment of minors, 16 and 17 years of age to work up to 10 hours per day and 60 hours per week at the two packing sheds.

Workplace Injuries Involving Minors Employed by Agricultural Packing Plants

Statistical data summaries on workplace injuries are prepared by the Federal Bureau of Labor Statistics and the Division of Labor Statistics and Research for the state of California. However, these compiled statistics lack detailed industry segment, age-specific, and/or geographic location data that would identify minors that were involved in non-fatal work-related injuries in agricultural packing plants. CAL/OSHA Form 300 was obtained showing that in 2017, there were nine injuries total at both packing facilities. Of the nine injuries, one involved a minor. The injury to the minor consisted of right knee pain when standing from a squat position to apply stickers on boxes.

Based on the investigations conducted, it was recommended to approve the applications for exemption for both facilities employing 90 minors in Lake County.

2019 Report on Employment of Minors in Agricultural Packing Plants

Exemptions Issued, Renewed, or Denied Pursuant to Labor Code §1393.5

In 2019, pursuant to Labor Code §1393.5, two applications were submitted by one Lake County employer operating in two locations for an exemption to authorize the employment of 90 minors for up to 10 hours per day but not to exceed 60 hours in any one week for the period of July 2, 2019, to September 2, 2019. The Labor Commissioner issued the exemption to the employer seeking exemption for 90 minors at two locations on May 7, 2018. The employer held a valid exemption permit in 2018.

Number of Minors Employed in the Agricultural Packing Plant Industry

Information regarding youth employment among the youth labor force ages 16 through 24, particularly during the summer months, is collected as part of the U.S. Department of Labor, Bureau of Labor Statistics (BLS) studies. Data is not reported by detailed sub-classifications of industry, age, or state/county of residence. For these reasons, the number of California minors employed in specific agricultural services (i.e., agricultural packing plants) in California and/or Lake County is unknown beyond the information obtained from the employer application and inspection.

General Working Conditions of Minors Employed in Lake County Agricultural Packing Plants

Lake County is the home of five unified school districts, all of which include regular curriculum high schools, special continuing, and alternative education. In addition, the Lake County Office of Education operates four court/community school programs for grades 9 through 12. (Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Middletown Unified School District, Upper Lake Union High School District, and Lake County Office of Education (court/community school programs)).

All Districts adjourn the regular school year by mid-June, 2019. The earliest date that the Labor Commissioner authorized any employer to begin extended work hours for a 16 or 17-year-old was July 2, 2019, with authority to continue until September 2, 2019 at the latest. The exemption permit issued restricts minors whose school starts earlier than September 2, 2019. Classes for the 2019-20 school year had a tentative date to resume for high schools in Lake County on the following schedule:

Middletown High School	8/15/2019
Upper Lake High School	8/14/2019
Clear Lake High School (Lakeport Unified)	8/13/2019
Lower Lake High School (Konocti Unified)	8/14/2019
Kelseyville High School	9/03/2019

Depending upon the starting date of the fall school session in their particular district, minors were expected to return to class at that designated time and the Office of Education no longer approved extended work hours. Reports provided by the employer receiving the exemption for both of its packing plant locations show that the latest date minors worked extended hours was September 2, 2019. No minor worked more than 60 hours in a week during the time frame allowing work for extended hours.

Summary of Inspections Conducted Pursuant to Labor Code §1393.5

Prior to the beginning of peak pear packing season, DLSE conducted an inspection of the one Lake County packing plant employer that applied for the exemption for excess hours worked by minors.

Application Inspection

On April 17, 2019, a DLSE deputy met with the managing member of the packing plant that had two facilities in Lake County, and inspected both facilities at which the minors would be working. The toilet and water facilities were operational. It was reported by the managing member that the facilities undergo a complete and thorough cleaning and organization prior to beginning operation. The company was compliant with the current posting requirements including the 2018 Permit for Extension of Minor's Work Hours in Agricultural Packing Plants, minimum wage, and workers' compensation insurance notice.

According to the information provided to the deputy, the proposed duties for minors were sorting, grading, quality testing, and weighing fruit in addition to assembling, labeling, packing, and sorting of boxes, and cleanup. No minors are allowed to operate machinery and the employer reported providing safety training classes, including heat illness prevention training. The facilities conduct safety monitoring during production and make age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. To further ensure safety, no horseplay of any type is tolerated on the premises. All minors participate in an orientation process and are educated in health and safety procedures. In addition, the employer had set up procedures for all supervisors on how to monitor the employment of minors in accordance with the requirements of child labor laws. Supervisors are required to be able to identify minors working in their areas by requiring minors to wear a green neon hat at all times.

The company obtained a letter of endorsement from the Lake County Office of Education. The letter concludes: "As the Lake County Superintendent of Schools, I endorse the employment of minors, 16 and 17 years of age to work up to 10 hours per day and 60 hours per week at the two packing sheds.

Workplace Injuries Involving Minors Employed by Agricultural Packing Plants

Statistical data summaries on workplace injuries are prepared by the Federal Bureau of Labor Statistics and the Division of Labor Statistics and Research for the state of California. However, these compiled statistics lack detailed industry segment, age-specific, and/or geographic location data that would identify minors that were involved in non-fatal work-related injuries in agricultural packing plants. CAL/OSHA Form 300 was obtained showing that in 2018, there were two injuries total at both packing facilities. Of the two injuries, none involved a minor.

Based on the investigations conducted, it was recommended to approve the applications for exemption for both facilities employing 90 minors in Lake County.

2020 Report on Employment of Minors in Agricultural Packing Plants

Exemptions Issued, Renewed, or Denied Pursuant to Labor Code §1393.5

In 2020, pursuant to Labor Code §1393.5, an application was submitted by one Lake County employer operating in two locations for an exemption to authorize the employment of 90 (45 at each location) minors for up to 10 hours per day but not to exceed 60 hours in any one week for the period of July 6, 2020, to September 7, 2020. The Labor Commissioner issued the exemption to the employer for both locations on June 17, 2020.

In addition to the Lake County employer, two packing operations outside of Lake County applied for exemption. One application was withdrawn and the other was issued an exemption permit for 10 minors in Fresno County.

Number of Minors Employed in the Agricultural Packing Plant Industry

According to records of the Lake County agricultural packing plant employer operating with an approved exemption in 2020, a total of 90 minors aged 16 and 17 years old were employed during the 2010 peak packing season.

The one additional packing operations with approved exemptions statewide in 2020 were granted approval to employ an additional 10 minors under the provisions of these permits.

Information regarding youth employment among the youth labor force ages 16 through 24, particularly during the summer months, is collected as part of the U.S. Department of Labor, Bureau of Labor Statistics (BLS) studies. Data is not reported by detailed sub-classifications of industry, age, or state/county of residence. For these reasons, the number of California minors employed in specific agricultural services (i.e., agricultural packing plants) in

California and/or Lake County is unknown beyond the information obtained from employer application and inspection.

General Working Conditions of Minors Employed in Lake County Agricultural Packing Plants

Lake County is the home of five unified school districts, all of which include regular curriculum high schools, special continuing, and alternative education. In addition, the Lake County Office of Education operates four court/community school programs for grades 9 through 12. (Kelseyville Unified School District, Konocti Unified School District, Lakeport Unified School District, Middletown Unified School District, Upper Lake Union High School District, and Lake County Office of Education (court/community school programs)).

None of the Districts dismissed for summer vacation later than mid-June, 2020. The earliest date that the Labor Commissioner authorized any employer to begin extended work hours for a 16- or 17-year-old was July 5, 2020, with authority to continue until September 7, 2020 at the latest. The exemption permit issued restricts minors whose school starts earlier than September 7, 2020. Due to the COVID-19 Pandemic, classes for the 2020-21 school year had a tentative date to resume for high schools in Lake County on the following schedule:

Middletown High School	8/13/2020
Upper Lake High School	8/12/2020
Clear Lake High School (Lakeport Unified)	8/12/2020
Lower Lake High School (Konocti Unified)	8/10/2020
Kelseyville High School	9/08/2020

Depending upon the starting date of the fall school session in their particular district, minors were expected to return to class at that designated time and the Office of Education no longer approved extended work hours. Reports provided by the employer receiving the exemption for both of its packing plant locations show that the latest date minors worked extended hours was September 7, 2020. No minor worked more than 60 hours in a week during the time frame allowing work for extended hours.

Summary of Inspections Conducted Pursuant to Labor Code §1393.5

Due to the current Covid-19 pandemic a remote inspection was not conducted. However, documents were requested, and interviews were done remotely to obtain information needed to make a decision for the issuance of exemption permit, prior to the beginning of peak pear packing season, for the one Lake County packing plant employers that applied for the exemption for excess hours worked by minors.

Application Inspection

On April 8, 2020, the investigative deputy requested various documents regarding the company's employment of minors from the 2019 packing season to include copies of all minor permits, time cards, and payroll records. On April 15, 2020, the requested documents were received and reviewed for violations. On May 18, 2020, an investigative deputy interviewed the managing member of the packing plant for the two facilities in Lake County, which the minors would be working. In addition to their own pears, they pack pears for growers in the Sacramento, Mendocino, and Lake County regions. Although the plants were not in operation at either location, the managers of both facilities confirmed the condition to be the same as last year's visit, clean and free from debris. The toilet and water facilities were operational. The managing members reported that the facilities undergo a complete and thorough cleaning and organization prior to beginning operation. The company was compliant with the current posting requirements including the 2019 Permit for Extension of Minor's Work Hours in Agricultural Packing Plants, minimum wage, and workers' compensation insurance notice.

According to the information provided to the deputy, the proposed duties for minors were sorting, grading, quality testing, and weighing fruit in addition to assembling, labeling, packing, and sorting of boxes, and cleanup. No minors are allowed to operate machinery and the employer reported providing safety training classes, including heat illness prevention training. The facilities conduct safety monitoring during production and make age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. To further ensure safety, no horseplay of any type is tolerated on the premises. All minors participate in an orientation process and are educated in health and safety procedures. In addition, the employer had set up procedures for all supervisors on how to monitor the employment of minors in accordance with the requirements of child labor laws. Supervisors are required to be able to identify minors working in their areas. Requiring Minors to wear a green neon hat at all times.

The company obtained a letter of endorsement from the Lake County Office of Education. The letter concludes: "As the Lake County Superintendent of Schools, I endorse the employment of minors, 16 and 17 years of age to work up to 10 hours per day and 60 hours per week at the two packing sheds.

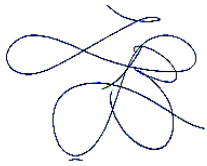
Workplace Injuries Involving Minors Employed by Agricultural Packing Plants

Statistical data summaries on workplace injuries are prepared by the Federal Bureau of Labor Statistics and the Division of Labor Statistics and Research for the state of California. However, these compiled statistics lack detailed industry segment, age-specific, and/or geographic location data that would identify minors that were involved in non-fatal work-related injuries in agricultural packing plants. CAL/OSHA Form 300 was obtained showing

that in 2019, there were six injuries total at both packing facilities. Of the six injuries, none involved a minor.

Based on the investigations conducted, it was recommended to approve the applications for exemption for both facilities employing 90 minors in Lake County. In addition to the approval of the one employer in Lake County, one other packing operation in Fresno County was approved for the exemption of 10 minors working extended hours, in 2020.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and flourishes, representing the name Lilia García-Brower.

Lilia García-Brower
California Labor Commissioner