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## **2006 REPORT ON EMPLOYMENT OF 16- AND 17-YEAR OLD MINORS IN LAKE COUNTY AGRICULTURAL PACKING PLANTS DURING PEAK PEAR PACKING SEASON**

### **Background and Introduction**

Assembly Bill 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, to grant exceptions 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. In 1996, SB 1988 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 was scheduled to sunset on January 1, 1999, but the date was extended to January 1, 2002 by the enactment of SB 2054 (Chapter 237, Statutes of 1998).

Senate Bill 912 (Chapter 345, Statutes of 2001) amended Labor Code §1393.5 to require 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 912 provided a sunset date for compliance of the provisions of Labor Code §1393.5 of January 1, 2005. Senate Bill 1134 (Chapter 151, Statutes of 2004) extended the sunset date to January 1, 2008. The following is a report of the working conditions of minors employed in the plants in 2006.

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

In 2006, pursuant to Labor Code §1393.5, the Labor Commissioner issued two exemptions to agricultural packing plant employers operating in Lake County. Both of the Lake County employers that applied for and received the exemptions in 2006 had held such authorizations in previous years. No applications for exemption were denied.

### **Number of Minors Employed in the Agricultural Packing Plant Industry**

According to reports of the two Lake County agricultural packing plant employers with Labor Code §1393.5 exemptions, a total of 51 minors aged 16 and 17 years were employed during the 2006 peak packing season. Twenty-nine minors were 16 years of age, 21 of them were 17 years of age, and one was 15 years of age at the time the peak pear packing season began. Late harvest and early return to school dates may have had an impact upon the participating employers.

### **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 and special continuing and alternative education campuses. Pursuant to statistical enrollment data found on the Lake County Office of Education's website at <http://www.lake-coe.k12.ca.us/index.html>, the total Lake County enrollment of 3,360 high school students aged 16 and 17 years old was distributed as follows:

Kelseyville Unified School District – 680  
Konocti Unified School District – 1002  
Lakeport Unified School District – 619  
Middletown Unified School District – 586  
Upper Lake Union High School District – 473

The Districts dismissed for summer vacations on June 1, 7, 8 or 15, 2006. The earliest date that the Labor Commissioner authorized any employer to begin extended work hours for a 16- or 17-year-old was June 1, 2006. Reports provided by the two packing plants receiving exemptions show that the earliest date minors worked extended hours was the week ending July 30, 2006. Lake County school districts resumed instruction for the fall 2006 school session on either August 14, 23 or September 5, 2006. 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 two packing plants receiving exemptions show that the latest date minors worked extended hours was the week ending September 3, 2006.

Eighty percent of the teens employed by the exempted Lake County agricultural packing plants worked for periods ranging from one to six weeks during the packing season. Ten minors (two 17-year olds; seven 16-year olds; and one 15-year old) worked past the date of resumption of school activities with a new work permit issued by the appropriate school district in compliance with school time hour restrictions. One minor, aged 17, worked 4 weeks past the date of resumption of school activities with a new work permit issued by the appropriate school district in compliance with school time hour restrictions.

According to the employer reports of weekly hours worked by minors during the 2006 peak packing season, the least amount of time worked by any minor during any one workweek was 4.25 hours, and the greatest number of hours worked by any minor during a single workweek was 61.75 hours.

### **Summary of Inspections Conducted Pursuant to Labor Code §1393.5**

Prior to the beginning of peak pear packing season, DLSE conducted inspections of both Lake County packing shed employers that applied for the hours' exemption for minors. On May 11, 2006 and May 18, 2006 a DLSE deputy met with the office managers and inspected the premises in which the minors would be working. According to the information provided to the deputy and based on records inspected, the proposed duties for minors were sorting, grading, quality testing, weighing fruit in addition to assembling, labeling, packing and sorting of boxes, and cleanup. Some of the work assignments involved work in areas containing moving machinery, nonmoving machinery, and fork lifts. Employers reported providing safety training classes and conducting safety monitoring during production and making age-appropriate assignments for minors 16 and 17 years of age in compliance with both state and federal laws and regulations. Both packing shed employers provided proof of workers' compensation coverage for all employees.

As a result of conflicting payroll log reports for the 2006 peak packing season which were submitted by one of the packing plants issued an exemption and its admission that minors worked over the allowed 60 hours per week, on April 25, 2007 an inspection was performed at the plant's two facilities located in Finley and Lakeport, California. The inspection revealed very minor infractions: one minor worked 61.75 hours for the week ending September 3, 2006; one minor worked 61.25 hours for the week ending September 3, 2006; and one minor worked more than 4 hours in one school day in the week ending October 1, 2006. As the result of the admission of the minor infractions, a citation in the amount of \$1,500 was issued.

#### **Workplace Injuries Involving Minors Employed by Agricultural Packing Plants**

According to telephonic interviews of the two Lake County agricultural packing plant employers with Labor Code §1393.5 exemptions, no minors suffered workplace injuries or illnesses during 2006.

#### **Labor Law and Regulation Violations In Agricultural Packing Plants**

During 2006, DLSE received no complaints of labor law violations in Lake County agricultural packing plants and issued one citation in the amount of \$1,500 as described above.

Respectfully submitted,

Robert Jones  
Acting Labor Commissioner