



Central States Insulation Association's  
**INSULATOR**

June 2014

**SAVE THE DATE!**  
**CSIA/ESICA Fall Conference**



**JW MARRIOTT**  
NEW ORLEANS

**September  
11-13, 2014**



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# ***THE INSULATOR***

**Editor  
RACHEL PINKUS**



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**The Central States  
Insulation Association**  
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**The Insulator is a review of  
construction activity in the central states  
region.**

**The Insulator contains Industry News,  
Notices and Central States Insulation  
Association Activities.**

**All information contained herein is  
considered reliable to the best of our  
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# CSIA PRESIDENT'S MESSAGE

## Brian Willett, Gribbins Insulation Co.



I'm writing this message after enjoying a beautiful Memorial Day Weekend with my family and friends. I would like to thank all the military men and women along with their families for the continued service of protecting our country.

Thanks to all the members who attended and/or sponsored the 2014 CSIA Spring Labor Meeting at the Griffith Gate Resort in Lexington, KY. I thought each session succeeded in providing useful information to take back to our office. As we announced at the meeting, CSIA is now a member of the CLRC. Contractor members may want to take advantage of their services prior to future labor negotiations. Our meeting also covered the topic of Collective Bargaining Strategies by Bob Dunlevey which provided many useful tips for labor

negotiations. The session on Pension Reform, The Affordable Care Act and Joint Apprenticeship Committees by Mike Ledbetter and Rachel Parissi further educated our members on upcoming issues. I would also like to thank Dave McCoy for a great job covering the different CBA's in our central states region. We will be meeting next April at the Belterra Resort in Florence, IN so please plan on attending.

Summer is in full swing and things are starting to warm up. Proper hydration is key, especially for our field and factory workers. Heat exhaustion and dehydration is a dangerous combination that can lead to serious medical issues if not taken seriously. Also be careful with the upcoming July 4<sup>th</sup> weekend; over 9,000 people were injured last year with fireworks (30% were children 15 and under).

If you're not aware of the current jurisdictional dispute between the insulators and sheet metal workers, then I suggest you get informed. This could be a major issue for many of our contractors, and your opinion needs to be expressed. If you encounter this issue, remember you can use your Association Legal Services Plan and contact Bob Dunlevey at Dunlevey, Mahan & Furry at 937-223-6003. And don't forget, you can always contact the Staff at the Association Office.

Have fun with those kids & grandkids while they are on summer break. See you soon.

**Brian Willett**  
Gribbins Insulation, Executive Vice President  
Certified Insulation Energy Appraiser

# Thermo-12® Gold: The best insulation for your high-temperature job.

## RESUME

### Thermo-12 Gold

#### QUALIFICATIONS:

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- High-compressive strength resists maintenance abuse.
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- Proven performance that lasts for the life of the pipe and equipment.
- Available in both pipe and block form.

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- Thermo-12 Gold high-temperature insulation has been used for over 40 years in refining, power generation, chemical processing and facilities utilizing medium and high-pressure steam.
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- Thermo-12 Gold is manufactured under a certified ISO 9001 Quality Management System.



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# A MEMBER OF YOUR FAMILY MAY BE ELIGIBLE FOR A CENTRAL STATES INSULATION ASSOCIATION



## 2014 SCHOLARSHIP

The **Central States Insulation Association** offers two \$1,000 college or technical school scholarships to students who are the children of or under the legal guardianship of employees of **CSIA** member companies. If you are an employee of a **CSIA** member and have a child or other dependent who is currently a student at a college, university, or technical institute, or who plans to enroll in such an institution this year, he or she may be eligible to apply for a **CSIA** scholarship. Applications and required supporting material along with a photo of the applying individual must be returned to the **CSIA** Office by August 15, 2014.

## CSIA SCHOLARSHIP PROGRAM

The purpose of this Scholarship Program is to supplement financially up to two (2) college students per year in a field of study that is relevant to the Mechanical Insulation Industry directly or indirectly. Each scholarship shall be a one-time payment of \$1000 that will be paid on or about September 30th to each recipient. The scholarship will be paid to the student(s) for payment of tuition, books, and/or fees.

### *I. Eligibility will be based on the following criteria:*

- a) Student must be the child of or under legal guardianship of a full-time employee not under Trade Agreement of a current **CSIA** member.
- b) Must be currently enrolled or preparing to enroll in undergraduate study at an accredited college, university or technical institute.
- c) Not previously awarded a **CSIA** scholarship.

### *II. Scholarship(s) will be awarded based on the following criteria:*

- a) A type-written essay of 500-800 words, regarding importance of insulation and how it affects the student's life and the lives of others.
- b) Field of study.
- c) Past academic achievement and leadership qualities.

An independent group shall make selection by the 2014 CSIA/ESICA Fall Conference. All selections are final. The application form and essay are due by August 15th of each calendar year. **CSIA** is not obligated to present a scholarship each year. Awards will be presented based on the criteria above.

Additional application form and essay information can be requested from the **CSIA** Office. For your convenience, an application form is posted at [www.csiaonline.org](http://www.csiaonline.org).

# CSIA SCHOLARSHIP APPLICATION

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

Relationship to CSIA Member Employee \_\_\_\_\_

## CSIA MEMBER INFORMATION

Name of **CSIA** Member Employee \_\_\_\_\_

Employer's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

Fax Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

E-mail Address \_\_\_\_\_

## EDUCATIONAL BACKGROUND

High School Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_ ( \_\_\_\_ ) \_\_\_\_\_

Office Contact / Guidance Counselor \_\_\_\_\_

Current Grade Point Average: \_\_\_\_\_ out of a \_\_\_\_\_ scale

Extra Activities, sports, clubs, achievements (*use separate sheet if necessary*) \_\_\_\_\_

Probable Field of Study \_\_\_\_\_

Educational Goals (*use separate sheet if necessary*) \_\_\_\_\_

Selected University, College, or Institute \_\_\_\_\_

Date Classes Begin \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Print or type name and date

\_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
Print or type name and date

**Please include your 500-800 word essay and photo with this form when you return it to the CSIA Office  
2077 Embury Park Rd. - Dayton, Ohio 45414**

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## New York City Contractors Sentenced To Prison Terms in Federal Wage Case

April 10 — Two New York City demolition contractors who are father and son have been sentenced to prison terms for their roles in a scheme to avoid federal prevailing wage requirements, prosecutors announced April 9 (*United States v. Naranjo*, S.D.N.Y., No. 13-cr-351, sentencing 4/9/14).

Appearing April 9 before Judge Jed S. Rakoff of the U.S. District Court for the Southern District of New York, Jover Naranjo was sentenced to six years and Luperio Naranjo Sr. to four years. Jover Naranjo is the president and owner of Enviro & Demo Masters Inc. and Luperio Naranjo Sr. is a foreman with the company.

They were convicted by a federal jury in November on charges they underpaid workers by \$650,000 in the prevailing wage scheme, tampered with witnesses in an attempted cover-up and used forged identities to falsify their records.

The charges stemmed from an August 2009 subcontract on a federally funded New York City project to demolish five buildings in Upper Manhattan.

In a scheme that ran through February 2010, prosecutors said, Enviro submitted fraudulent certified payrolls to city and federal housing agencies listing no-show relatives as workers, concealing the names of actual workers and misrepresenting wages paid as meeting the federal prevailing wage.

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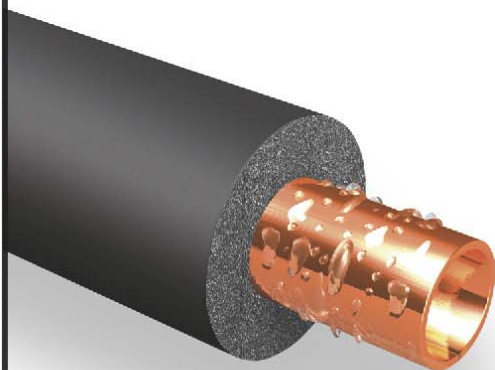
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# NIA Announces the 2013 Theodore H. Brodie Distinguished Safety Award Winners

The National Insulation Association (NIA) announced the 2013 Theodore H. Brodie Distinguished Safety Award winners at NIA's 59<sup>th</sup> Annual Convention in Indian Wells, California on April 3, 2014. The Theodore H. Brodie Distinguished Safety Award is NIA's highest industry honor for outstanding safety performance. Michele Jones, NIA's Executive Vice President/CEO, affirmed, "NIA strongly feels that safety is absolutely crucial for our industry, and we applaud companies who take steps to make safety a top priority."

The winners of this safety award have prioritized safety by establishing structured safety programs to create safe working environments and ensure the well-being of their employees. NIA received a record number of applications this year, and is pleased to report that the program is recognizing more companies for their safety programs than ever before.

Recognizing that safety concerns differ between contractors and general industry companies, NIA created separate categories for different sectors of the insulation industry: Associates (Manufacturers), Contractors, and Distributors/Fabricators.

The following CSIA Member companies are the award winners in the **Associates (Manufacturers) category**:

## Silver:

- Armacell, *Mebane, NC*
- Proto Corp., *Clearwater, FL*
- Roxul, Inc., *Milton, ON, Canada*

## Gold:

- Pittsburgh Corning, *Pittsburgh, PA*

## Platinum:

- Dyplast Products, LLC, *Miami, FL*

The following CSIA Member companies are the award winners in the **Contractors category**:

## Bronze:

- Triangle Enterprises, Inc., *Paducah, KY*

## Gold:

- Advanced Industrial Services, LLC, *Walbridge, OH*
- Advanced Specialty Contractors, *Aston, PA*
- Brand Energy Solutions, LLC, *Pasadena, TX*
- Geo. V. Hamilton, Inc., *McKees Rocks, PA*

## Platinum:

- Gribbins Insulation Co., Inc., *Evansville, IN*
- Performance Contracting, Inc., *Lenexa, KS*
- Thermal Solutions-Ohio, Inc., *Proctorville, OH*



The following CSIA Member companies are the award winners in the **Distributors/Fabricators category**:

## Silver:

- Insulation Fabricators, Inc., *Hammond, IN*

## Gold:

- Winroc-SPI, *Lancaster, PA*

## Platinum:

- Bay Industries, Inc., *Green Bay, WI*

The Theodore H. Brodie Distinguished Safety Award, first given in 2004, was established to honor the leaders in the industry who go above and beyond to guarantee safe working conditions. Each company was evaluated by their overall safety program, means of communication and training, and safety policy. As the premier source of knowledge and information for the mechanical insulation sector, NIA feels it is essential to support the efforts of these outstanding companies, as safety is a crucial part of any insulation business. The award was named after Theodore H. Brodie, a tireless advocate for safety in the industry.

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We at **1-888-OHIOCOMP** are committed to providing cost-saving services and support for employers and their injured workers.

BNA Construction Labor Report

04/17/2014

## Apprentices to Participate in New Consortium Sponsored by Labor, Education Departments

April 8 — Graduates of registered apprenticeship programs will be able to turn their on-the-job and classroom training into college credits through a Registered Apprenticeship-College Consortium launched by the Labor and Education departments, the DOL announced April 7.

“Strengthening the common-sense connection between apprenticeships and colleges is just one of the ways that we are transforming apprenticeship for the 21st century economy,” Labor Secretary Thomas Perez said in an April 7 statement.

“As a result of this exciting new consortium, graduates of a Registered Apprenticeship program will not only have better access to jobs that lead to a sustainable career, but they’ll also have better access to an education—all with little or no debt.”

Education Secretary Arne Duncan said the development could enhance U.S. competitiveness globally. “To ensure a highly skilled and trained workforce that can compete with the best and brightest across the world, we have to train our students for college and career,” he said in the statement.

The consortium's goals are to increase college graduation rates, enhance the competitiveness of American employers and strengthen relationships among registered apprenticeship programs and postsecondary institutions.



Registered apprenticeship graduates will be able to earn up to 60 college credits based on their apprenticeship experience. A third-party organization, such as the American Council on Education or the National College Credit Recommendation Service, will evaluate registered apprenticeship programs to determine the college credit value of the apprenticeship completion certificate.

# NIA Holds 2<sup>nd</sup> Silent Auction at 59<sup>th</sup> Annual Convention

The National Insulation Association (NIA) held a 2<sup>nd</sup> Silent Auction on Wednesday, April 2 at our 59<sup>th</sup> Annual Convention in Indian Wells, California. Attendees eagerly entered into a friendly competition to bid on many of our luxury items, including fine jewelry, sporting-event tickets, golf accessories, fine wines, and more. To include more attendees, NIA also raffled off a Lagos bracelet valued at \$495 dollars, so everyone had the chance to win.

We are thrilled to report that we raised approximately \$22,000, allowing for a donation of about \$11,000 to both the Mesothelioma Applied Research Foundation and the NIA Foundation for Education, Training, and Industry Advancement. The Mesothelioma Applied Research Foundation is a nonprofit organization that brings patients, families, physicians, advocates, and researchers together to help end the devastating effects and fatalities caused by mesothelioma. The NIA Foundation for Education, Training, and Industry Advancement promotes and educates others on the benefits of mechanical insulation.

Melinda Kotzian, CEO of the Mesothelioma Applied Research Foundation, said "This check means we can continue to hold educational seminars for patients, or connect them with doctors. I look at every dollar as a way to help me do more programs." When asked about why NIA chose to donate half the proceeds from the Silent Auction to this group, EVP/CEO Michele Jones said, "Our members can relate to this charity because of the prevalence of this terrible disease within our community. Helping those affected is such a good cause, especially when it has impacted so many."

NIA received 36 donation packages from 30 companies. We would like to extend our sincere gratitude to the following companies for their generous donations:

- Armacell
- Aspen Aerogels, Inc.
- Bay Industries, Inc.
- C.E. Thurston & Sons, Inc.
- CertainTeed Corp.
- Dover Insulation, Inc.
- E.J. Bartells
- Eastern States Insulation Contractors Association (ESICA)
- GarCo Manufacturing Co., Inc.
- General Insulation Co., Inc.
- Homans Associates, LLC
- Hudson Bay Insulation Co.
- Hyatt Regency Indian Wells Resort and Spa
- Insulation Contractors Association of NYC
- Insul-Con, Inc.
- Irex Contracting Group
- Johns Manville
- Knauf Insulation
- Lamtec Corp.
- Old Dominion Insulation, Inc.
- Owens Corning
- P.A.G. Industries, Inc.
- PBI Supply, Inc./Selle Supply Co.
- Performance Contracting, Inc.
- Proto, Inc.
- Roxul, Inc.
- Winroc-SPI
- Unifrax I, LLC
- Zampell Companies

NIA would also like to thank everyone who participated in the Silent Auction and offer our congratulations to the winning bidders! Your generosity is crucial in supporting the groups that support our industry.



# **OSHA Takes a Stand on Texting While Driving**

I have spent quite a bit of time over the past several months talking about heat stress and the General Duty Clause. What does that have to do with texting while driving – four words – The General Duty Clause. Most employers get so caught up in worrying about compliance with specific safety standards that they sometimes lose sight of the fact that they are responsible for providing their employees a place of employment free of all hazards. Yes, I know the General Duty Clause say “recognized” hazards; but let’s be realistic. If there is an obvious hazard in the workplace to which your employees are exposed, you are going to have a hard time convincing OSHA that you did not consider it a hazard. This is especially true in the case of something that has been in the forefront of the news as much as texting while driving.

OSHA has stated that it will consider an employer to be exposing its employees to a recognized hazard concerning texting while driving if the employer:

- Requires workers to text while driving,
- Creates incentives that encourage or condone texting while driving and/or
- Structures the work so that texting while driving is a practical necessity.

Right now you are saying to yourself, I am fine because I don’t do any one of those three things. You might be right, but are you? How much do you know about how your managers incentivize those who work for them to work above their potential with positive or negative incentives? Perhaps not every day, but are there any days when the only way to get all the work done is to communicate while traveling? Unless you are absolutely sure that you can answer these questions correctively you are at risk. Even if you feel that you can, what would your employees say to an OSHA compliance officer during a confidential interview?

OSHA expects you to have distracted driving policy as part of your safety program and to train you employees with regards to distracted

driving. Your distracted driving program should have five components:

- You should prohibit texting while driving.
- You should establish work procedures and rules that do not make it necessary for workers to text while driving in order to carry out their duties.
- You should set up CLEAR procedures, times and places for drivers’ safe use of texting and other technologies for communicating with managers, customers, and others.
- You should incorporate sage communications practices into worker orientation and training.
- You should eliminate financial and other incentive systems that encourage workers to text while driving.

OSHA has announced that it is prepared to act quickly when it receives a credible complaint that employees are required to text while driving, either directly or indirectly. If the OSHA investigation bears out the complaint a citation will be issued, and I would expect that such a citation would be serious. In addition I fully expect compliance officers to review contractor safety programs to determine if the program contains material and training on distracted driving. The absence of such material may well result in serious citations.

This should not be too difficult a program to institute. But, be sure you do more that add a page or two to your safety program. Be sure to do the training and also be sure that you enforce the rules you establish. Finally, this program should not stop a texting while driving. Your program on “Distracted Driving” should cover anything else an employee might feel inclined to do while they are behind the wheel on company business.

## **QUESTIONS?**

As a CSIA Member, you can use your Legal Services Plan. Just contact Attorney Gary Auman at 937-223-6003 for your FREE monthly consultation.





**CENTRAL STATES INSULATION ASSOCIATION**  
**2014 SPRING GOLF TOURNAMENT**  
**SPONSORS!!!**

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**Pittsburgh Corning/Foamglas**



# CENTRAL STATES INSULATION ASSOCIATION 2014 SPRING GOLF TOURNAMENT WINNERS!!!!

## 1st Place Foursome:

Tony Poteet  
Carlo Rinehart  
Jim Gribbins  
Rob English

## 2nd Place Foursome:

Dan Frazee  
Mike Mann  
Matt Fox  
Luke Snyder

## Longest Drive on #9:

Craig Parnacott

## Closest to Pin on #4:

Tom McGettigan

## Closest to Pin on #11

Bill Miller



# 2014 SPRING GOLF TOURNAMENT HIGHLIGHTS!







**A Johns Manville Company**

## **IIG Develops InsulThin™ HT**

*Innovative High-Temperature Insulation Product is  
Microporous, Flexible and Easy to Install*

Industrial Insulation Group (IIG), the leading manufacturer of insulation for industrial, commercial and fireproofing applications and a wholly owned subsidiary of Johns Manville (JM), announced today that they will be releasing **InsulThin™ HT**, a new product in its **industrial insulation materials** portfolio.

InsulThin HT is a flexible, hydrophobic, microporous, fumed silica blanket insulation. This thin, hightemperature insulation material has an extremely low k-factor, reducing the space required to effectively insulate pipe and equipment. InsulThin HT can easily wrap both large and small diameter piping without sacrificing its exceptional insulating properties, superior corrosion performance and high standard for ease-of-installation.

“InsulThin HT is a unique offering to the market segment that desires superior thermal performance and resistance to corrosion under insulation (CUI) in areas that have limited space,” said Fred Stephan, Senior Vice President and General Manager of JM’s Insulation Systems business. He explained that Johns Manville first developed this technology in 1990. Since then, market needs have evolved and created an excellent opportunity for IIG to bring InsulThin HT to the industrial market. Stephan observed that IIG’s existing products continue to be the trusted solutions for the industry, with Thermo-12® Gold calcium silicate insulation providing the added benefit of resistance to mechanical abuse with equal or improved resistance to CUI, a unique characteristic resulting from the XOX additives in the product’s formulation.

“In launching InsulThin HT,” Stephan added, “our strategy is to continue to expand our portfolio of industrial insulation products to provide solutions for the wide array of industry requirements. We are also building a team of trusted consultants to help customers choose the best solution to meet the unique demands of each project and application.”

InsulThin HT will be offered in 36 inch and 60 inch wide rolls and in thicknesses of 5 mm. and 10 mm. It will be marketed through select distribution and available for mixed shipments from the IIG Mesa, Colorado and Ruston, Louisiana plants beginning on August 1, 2014.

FOR ADDITIONAL INFORMATION: Contact your IIG Regional Sales Representative, or visit our website at [www.iig-llc.com](http://www.iig-llc.com).

# **CSIA Spring Labor Conference**

**SAVE THE DATE!**  
**April 21-22, 2015**



# Join Us for the 2nd Annual

## Breath of Life Foundation

### Drive or Ride!

Deadline for Registration is July 1, 2014.



**\$30/rider**

**\$35/couple**

- ◆ T-Shirt for all participants.
- ◆ 50/50 Raffle!
- ◆ Prizes!
- ◆ Food & Beverages!
- ◆ Music!



#### RSVP with Ride Coordinators

Indiana: Sam Kramer 317.710.4639

Michigan: Skip Grigonis 989.799.5780

Tennessee: Charles Woody 865.524.0234

Kentucky: Mike Hickey 502.933.2391

W. Virginia: Steve Keller 304.586.4780

Ohio: Dan Poteet 614.221.7177

**August 2, 2014 Noon - 2:00 pm (Meet in Dayton)**

All registration forms and funds sent to Breath of Life Foundation PO Box 806 Winfield, WV. 25213

Early Entries Eligible to Win IPAD Mini!

**Group Ride at 2:00 pm!**

*Event Location:*

**IBEW Hall Local 82**

**6550 Poe Ave Dayton, OH 45414**

*Hotel Location:*

**Drury Inn and Suites**

**6616 Miller Ln, Dayton, OH 45414**

**(937) 454-5200**

***Setup your ride and we will see you in Dayton!***

**(Contact Tina Jordan, 304-586-4780, for More Information)**

# Breath Life FOUNDATION

## 2nd Annual Motorcycle Rally and Car Show

Saturday August 2, 2014

IBEW Local 82 Noon-2 pm

6550 Poe Ave Dayton, Oh 45414

### Registration

Please Register by July 1, 2014

Rider's Name:
Passenger's Name:
Address:
Cell:
Email:
T-Shirt Size:
Motorcycle Fee: \$30.00 per rider/\$35.00 couple Car Fee: \$30 per ride/\$35.00 couple
Make Check Payable to : <b>Breath of Life Foundation</b> <b>P.O. Box 806</b> <b>Winfield, WV 25213</b>

Email: [Breathoflifefoundation@aol.com](mailto:Breathoflifefoundation@aol.com)

Phone: 304.586.4780

# Court Dismisses Claims of Electrical Worker Disciplined for Work as Nonunion Contractor

A federal district court in Ohio on March 31 dismissed an electrical worker's claims that the International Brotherhood of Electrical Workers and two subordinate organizations discriminated against him and violated federal labor law when he received union discipline for working as a nonunion contractor (*Lopez v. Local 8, IBEW*, 2014 BL 90702, N.D. Ohio, No. 3:13-cv-00573, 3/31/14).

Jose Lopez, a Hispanic man from Mexico, claimed that the IBEW, the IBEW Fourth District, and IBEW Local 8 violated Ohio law by discriminating against him based on his race and national origin.

Specifically, Lopez alleged that Local 8 disciplined him more harshly than his white business partner in nonunion contractor SMR Electric Co. after the two men did work as the firm in a Northwood, Ohio, mall. Lopez also claimed that the IBEW and the Fourth District unlawfully ignored his grievance against Shaun Enright, a Local 8 official whom Lopez alleged misled him into believing he could work as a nonunion contractor.

However, Section 301 of the Labor-Management Relations Act preempted Lopez's discrimination claims because they would require the court to interpret the IBEW constitution, Judge Jeffrey J. Helmick wrote for the court.

Helmick also shut down Lopez's claims that the union defendants failed to comply with the Labor-Management Reporting and Disclosure Act's procedural safeguards for union disciplinary proceedings. The judge said Lopez's claim that the defendants breached a time limit for reopening disciplinary proceedings against him under the IBEW's constitution failed, as well.

The judge accordingly granted the IBEW's and the IBEW Fourth District's motions to dismiss, as well as Local 8's motion for judgment on the pleadings, as to all of Lopez's claims.

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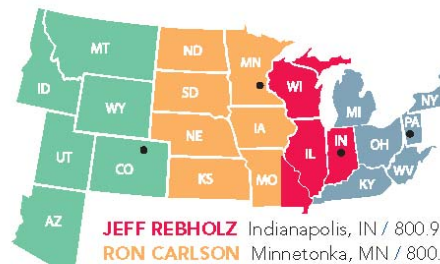
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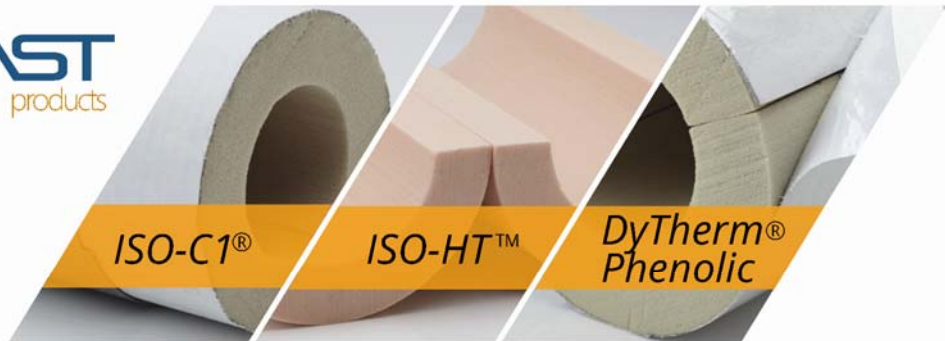


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## EMPLOYMENT OF YOUNG WORKERS

With summer often comes employment of young workers. This answers many of the common questions about restrictions imposed by state and federal wage-hour laws. In general, the type of work that a minor may perform is related to the youth's age, the nature of the work and schooling status. State and federal laws vary somewhat and the federal regulations were significantly amended in July 2010. Here is a basic summary:

### 14 and 15 year olds:

- can work up to 3 hours on a school day, Monday through Friday and 18 hours during a school week.
- can work up to 8 hours a day on a non-school day, or 40 hours in a non-school week.
- cannot work during school hours.
- cannot work before 7:00 a.m. or after 7:00 p.m. when school is in session (except from June 1 through Labor Day when evening hours are extended to 9:00 p.m.)
- cannot work in any manufacturing, processing, mining, construction, warehouse operations, maintenance or repair of machinery, and many restrictions apply in cooking.
- cannot work in any of the 17 Hazardous Occupations listed below, for "16 and 17 year olds."
- cannot load/unload trucks.
- cannot use power driven machinery, mowers or cutters

Under federal law the prohibited occupations for minors under 16 is broader than it appears and includes such things as outside window washing from ladders, work in boiler/engine rooms and work in connection with vehicles using lifting apparatus or tire inflation of removable rims, mowers and cutters

### 16 and 17 year olds:

While federal laws do not restrict the number of hours or times of day that workers 16 years of age and older may be employed, many states do so and these state restrictions primarily address work during the school day.

16 and 17 year olds can work in any occupation except those declared hazardous by the Secretary of Labor. The 17 Hazardous Occupations for non-farm work deal with the following:

1. Manufacturing or storing explosives  
\* See exceptions for manufacturing at end of article
2. Driving a motor vehicle as primary job or being a vehicle outside helper -- but 17 year olds can perform incidental/occasional daytime driving for vehicles not exceeding 6,000 pounds within a 30 mile radius of the place of employment
3. Coal mining
4. Logging and sawmilling
5. Power-driven wood working machines
6. Exposure to radioactive substances and to ionizing radiations

7. Power-driven hoisting apparatus, including forklifts, bobcats and skid-steers
8. Power-driven metal forming, punching and shearing machines
9. Mining other than coal mining
10. Meat packing or processing (including power-driven meat slicing machines)
11. Power-driven bakery machines
12. Power-driven paper products machines
13. Manufacturing brick, tile, and related products
14. Power-driven circular saws, band saws, wood chippers, and guillotine shears
15. Wrecking and demolition
16. Roofing operations
17. Excavating operations

Door-to-door sales/solicitation is permitted at age 16 under certain restrictions and swimming pool lifeguarding is permitted at age 15.

**18 year olds:** can work in any job for unlimited hours

**Parental employment:** A parent's employment of his own child under the age of 16 is permissible in any occupation other than manufacturing, mining or in any of the 17 Hazardous Occupations listed above.

**State laws:** State laws related to employment of minors vary from federal requirements and frequently are more restrictive. Employers should review the requirements of the states in which they do business. For example, Ohio requires a written wage agreement specifying the rate of pay for the youth.

**Other laws:** Employment laws such as workers' compensation, safety, minimum wage/overtime and discrimination are equally applicable to young workers.

**Minimum wage:** \$7.95 Ohio minimum wage as of January 1, 2014; West Virginia minimum wage \$7.25; and Indiana \$7.25.

**Rest period:** Under Ohio law and some other states' laws, employees under eighteen must receive a thirty minute uninterrupted rest period (unpaid) after the first five hours of work.

**Penalties:** Employers who violate the Fair Labor Standards Act child labor law provisions are subject to a civil money penalty of up to \$11,000 for each child labor violation and \$50,000 for a violation which causes the death or serious injury of a minor. Imprisonment can occur for repeated infractions.

**Record keeping:** A list of minors employed and a written record of the hours worked and rest breaks taken must be maintained for two (2) years. Ohio requires a written agreement related to the compensation to be received and the display of a poster is also required.

### EXCEPTIONS FOR MANUFACTURING

16 and 17 year-olds are permitted to work in any of the 17 Hazardous Operations under the following narrow exemptions:

**Apprentices** – an exemption applies from the prohibition only when (1) the apprentice is employed in a craft recognized as an apprenticeable trade; (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his



training; (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprenticeship training; and (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such federal or state standards.

**Student Learners** – An exemption will apply when (1) the student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority; and (2) such student-learner is employed under a written agreement. Each such written agreement shall contain the name of the student-learner and shall be signed by the employer and the school coordinator or principal.

### INTERNSHIPS

There are some circumstances under which internships or training programs will permit the participants to perform work without compensation. In order to avoid the obligation to pay minimum wage and overtime, the Department of Labor has established six criteria:

- 1) The internship must be similar to training which would be given in an educational environment. An intern or trainee must receive something beyond on-the-job training which employees receive. Employers often get into trouble when they view unpaid internships as a way to accomplish work tasks rather than as educational programs aimed at assisting students. Internships that only provide exposure to menial tasks, such as photocopying, running errands or making coffee, will not meet the criteria.
- 2) The internship experience is for the benefit of the intern. If the employer is the primary beneficiary, the Department of Labor will consider the intern an employee under the Fair Labor Standards Act. Courts look favorably at programs that afford participants academic credit which is a benefit to the intern.
- 3) The intern does not displace regular employees, but works under close supervision of existing staff. An employer should not expect or entrust an intern to do the same work as regular employees. An intern cannot assume the job duties of a recently departed employee or an employee cannot be laid off because an intern has assumed his or her job duties.
- 4) The employer derives no immediate advantage from the activities of the intern and on occasion its operations may actually be impeded. The intern should not be responsible for doing significant "actual productive work." If an intern accomplishes any productive work, it should be insubstantial in nature and secondary to the training.
- 5) The intern is not necessarily entitled to a job at the conclusion of the internship.
- 6) The employer and intern understand that the intern is not entitled to wages for the time spent in the internship.

This summary cannot provide all of the requirements for employing minors. If you wish additional information, contact **Bob Dunlevey** at [Dunlevey, Mahan & Furry](http://Dunlevey, Mahan & Furry) at (937) 223-6003.

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- Primary geographic area of operation: \_\_\_\_\_
- Brief history of company: \_\_\_\_\_  
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- Identify Principals of Company and Titles: \_\_\_\_\_  
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