

West Virginia Child Labor Laws Supervision Permits

**West Virginia Division of Labor
Wage & Hour Section**

Child Labor Fact Sheet #5 – Chapter 21, Article 6, Section 8

(July 2016)

Supervision Permits Relating to the Employment of Minors

The Commissioner of the West Virginia Division of Labor is allowed by statute to issue supervision permits for the purpose of meeting the special needs and circumstances of a minor child's employment, when those needs and circumstances are considered to be in the best interest of the child. §21-6-8(a)

Supervision permits give the Commissioner of Labor the ability to allow certain employment situations that would normally not be permitted, or to set additional supervision standards that wouldn't otherwise apply. Supervision permits are issued for the sole intent and purpose of allowing a minor child with special needs to enter the workplace, while continuing to ensure his or her safety and well-being. Any supervision permit issued will contain the specific terms and conditions that must be met by all parties in relation to the child's employment.

All four (4) of the following conditions must be met in order for the Commissioner of Labor to consider application for a supervision permit: §21-6-8(b)

- The minor's parent and prospective employer must complete a supervision permit application on forms prescribed by the Commissioner.
- The minor child must be supervised by a responsible party during the performance of the work contemplated.
- The employer is not covered by federal child labor laws relating to hours of work or hazardous occupations.
- The issuance of the supervision permit will promote the best interest and well-being of the child.

Who may apply for a supervision permit?

Any minor under the age of eighteen, or a minor's parent or guardian, may apply for a supervision permit whenever good cause can be demonstrated to allow for a minor's employment based on that child's special needs and circumstances. However, it is important to

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remember that supervision permits are only intended to address specific or unusual circumstances in which allowing such employment would be considered in the best interest of the child.

What type of situations may be addressed by supervision permit and how are the conditions for employment established?

Rather than concentrating on the age of the minor, supervision permits allow the Commissioner of Labor to consider the minor's physical and mental health needs, as well as the individual minor's skill level, knowledge, and training in a specific industry that would otherwise be denied. The terms and conditions for supervision permits must be agreed to by the Commissioner, the employer, and the child's parent or guardian when applicable.

May minors of any age apply?

Outside of working for a business owned solely by a parent or guardian or in connection with an occupation that is considered exempt, minors must be at least fourteen years of age to be regarded as eligible for employment. However, as the purpose for a supervision permit is to address situations that would otherwise not be allowed, minors of any age may apply to request employment based on their own special needs, including those thirteen years of age and under.

Are there any limitations to what the Commissioner is permitted to authorize by supervision permit?

The Commissioner of Labor may not issue a supervision permit extending the permissible hours of work as determined by federal law, or the performance of work in an occupation that has been determined hazardous by the United States Department of Labor (USDOL) when the employer of the minor is covered by federal child labor laws. *In order to determine the rules for federal coverage, visit the USDOL's website @ www.dol.gov.*

Where may I obtain an application form?

The Supervision Permit Application Form is available from the West Virginia Division of Labor's website at www.labor.wv.gov.