



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) citation	16 VAC 15-40
Regulation title	Virginia Hours of Work for Minors
Document preparation date	August 1, 2007

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is mandated by the Code of Virginia, §40.1-80.1, which requires that the Commissioner of Labor and Industry promulgate by regulation the hours of work for minors under 16 years of age. This section also specifies a lunch period for a child under 16 years of age who is employed or permitted to work. This section further requires that such regulations “incorporate the standards contained in regulations promulgated by the United States Secretary of Labor pursuant to the Fair Labor Standards Act (29 U.S.C. Section 201 et seq.)” concerning the hours of work for minors under 16 years of age.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

This regulation governing the hours of work for minors under 16 years of age is mandated by the Code of Virginia, at §40.1-80.1, and is required to be identical to federal regulations. Therefore, the Commissioner has no discretion in the promulgation of this regulation and there are no alternatives to achieve the purpose of this regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received on this regulation during the public comment period. The agency did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation is necessary to protect the health, safety, and welfare of minors in Virginia by establishing maximum limits on the numbers of hours which minors under the age of 16 may work. This regulation protects the health, safety and welfare of minors in Virginia who are under the age of 16 by prohibiting inappropriate child labor conditions and assures that the minor's work does not interfere with school attendance.

The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation remain in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation should have a positive impact on the family and on family stability. The provisions of this regulation will help parents by protecting the health, safety, and welfare of working minors in Virginia.