

TEXAS

CHILD LABOR LAWS

Texas Workforce Commission | Labor Law Section, Child Labor Enforcement
U.S. Department of Labor | Wage and Hour Division

For further information about Texas' child labor laws, call: 1-800-822-9243 (in Texas only) TDD 1-800-735-2988. This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWCS' Labor Law Section concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243.

The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are those for both federal and state law. The hazardous occupations designated by an asterisk (*) have been proscribed for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certificate has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

(1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments;

(2) involving the driving of motor vehicles and outside helpers;

(3) on an elevated road or highway;

(4) in a dangerous place where logging or sawmill operations are in progress, or in excavations;

(5) under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law;

(6) connected with coal mining;

(7) in logging and sawmill occupations and occupations involving firefighting and timber tracts;

(8) "in operating or assisting to operate power-driven woodworking machines;

(9) involving exposure to radioactive substances and to ionizing radiations;

(10) "in operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, slings, etc.;

(11) in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering;

(12) "involved in the operation of power-driven paper-products machines, balers and compactors;

(13) in manufacturing brick, tile, and kindred products;

(14) "in operating or assisting to operate power-driven circular saws, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers;

(15) in mining and mineral processing operations;

(16) "in roofing operations and on or about a roof, and

(17) "in connection with excavation operations.

Additional prohibited occupations that apply under state law:

(1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements;

(2) Occupations in sexually oriented businesses by a child under 18 years of age.

Additional prohibited occupations that apply only to 14- and 15-year-old children:

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

(1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed;

(2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines;

(3) work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides;

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NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

You have been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

WHAT IS AN OMBUDSMAN? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issue cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with your appeal and response to insurance carrier's appeal, if necessary.

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Figure 28 TAC §276.5(c) - April 2018

AVISO PARA LOS EMPLEADOS SOBRE LA ASISTENCIA DISPONIBLE EN EL SISTEMA DE COMPENSACIÓN PARA TRABAJADORES POR PARTE DE LA OFICINA DE ASESORIA PÚBLICA PARA EL EMPLEADO LESIONADO

¡Se ha lesionado en el trabajo! Como empleado lesionado en Texas, usted tiene derecho a recibir asistencia gratuita por parte de la Oficina de Asesoria Pública para el Empleado Lesionado (Office of Injured Employee Counsel –OIEC, por su nombre y siglas en inglés). OIEC es la agencia estatal que ayuda a los empleados que no cuentan con representación legal con sus reclamaciones en el sistema de compensación para trabajadores. Usted puede comunicarse con OIEC llamando a su número de teléfono gratuito: 1-866-EZE-OIEC (1-866-393-6432). Más información sobre OIEC y sobre el Programa de Ombudsman se encuentra disponible en el sitio Web de la agencia (www.oiec.texas.gov).

PROGRAMA DE OMBUDSMAN

¿QUÉ ES UN OMBUDSMAN? Un Ombudsman es un empleado de OIEC que puede asistirle si usted tiene una disputa con la aseguradora de su empleador. La asistencia por parte de un Ombudsman es gratuita. Cada Ombudsman cuenta con una licencia de ajustados de compensación para trabajadores y ha completado un extenso programa de capacitación, el cual ha sido diseñado específicamente para asistirle a usted con su disputa.

Un Ombudsman puede ayudarle a identificar y desarrollar los asuntos en disputa en su caso e intentar resolvélos. Si los asuntos no pueden ser resueltos, el Ombudsman puede ayudarle a solicitar un procedimiento de resolución de disputas ante el Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers' Compensation). Una vez que el procedimiento haya sido programado, el Ombudsman puede:

- Ayudarle a prepararse para el procedimiento (Conferencia de Revisión de Beneficios y/o Audiencia Caso Impugnado);
- Asistir al procedimiento con usted y hablar en su nombre; y
- Le ayudará con una apelación o una respuesta a la apelación de un asegurador, de ser necesario.

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Figure 28 TAC §276.5(c) - April 2018

WORKERS' COMPENSATION NOTICE 6

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer] _____ has workers' compensation insurance coverage from [name of commercial insurance company] _____. In the event of work-related injury or occupational disease, this coverage is effective from [effective date of workers' compensation insurance policy] _____. Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _____. An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.

Notice 6 (01/13) TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION Rule 110.101(e)(1)

PAY-DAY NOTICE/UNEMPLOYMENT COMPENSATION
Texas Workforce Commission ATTENTION EMPLOYEES
Your employer reports your wages to the Texas Workforce Commission. If you become unemployed or your work hours are reduced, you may be eligible for unemployment benefit payments. File online at www.twc.state.tx.us or call 1-800-939-6631. Additional assistance may be available at your local Workforce Solutions Office; please visit the directory at www.twc.state.tx.us/directory/workforce-solutions-offices.
Unemployment compensation is available to workers who are unemployed and who meet the requirements of state UI eligibility laws.
To file your Payroll Tax Return, file online at www.twc.state.tx.us or call 1-800-939-6631.
The Texas Payroll Tax, Title II, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least twice a month and each pay period must consist as nearly as possible of an equal number of hours.
Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)
MONTHLY: SEMI-MONTHLY: OTHER:
TO report suspected fraud, waste or abuse of the program call 800-252-3642.
Y-10C(0420)

WORKERS' COMPENSATION NOTICE 5

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer] _____ does not have workers' compensation insurance coverage. As an employee of a non-covered employer, you are not eligible to receive workers' compensation benefits under the Texas Workers' Compensation Act. However, a non-covered (non-subscribing) employer can and may provide other benefits to injured employees. You should contact your employer regarding the availability of other benefits for a work-related injury or occupational disease. In addition, you may have rights under the common law of Texas should you have an on the job injury or occupational disease. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.

Notice 5 (01/13) TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION Rule 110.101(e)(4)

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