



## Work Based Learning (WBL)

### **The information provided in this section includes:**

- Procedures and Requirements Information Sheet
- Student Memorandum of Agreement (MOA)
- Student Agreement and Responsibilities
- Emergency Medical Treatment Authorization Form
- Student Training Plan
- WBL Evaluation Form
- Examples of Journals
- Time Sheets
- Business Memorandum of Agreement (MOA) for Board of Education Approval
- NYS DOL Fact Sheet for Interns
- NYS DOL Laws Governing the Employment of Minors
- NYS DOL addendum relative to student learners in WBL experiences in hazardous occupations
- WBL Coordinators NYS Certification

These WBL forms indicate the responsibilities of all parties involved and executed by the NYS Department of Education certified WBL Coordinator. These forms require signatures of the school administration, program instructor, student, parents/ guardians, WBL coordinator, and employer/ mentors. The forms address and speak to the NYS and Federal labor laws involving student learners. They also clarify the roles and responsibilities of the employer/ mentors, school staff and the accountabilities relative to the student learners' professional mannerisms, attendance, and general behaviors when involved with WBL experiences.

When necessary employers/ mentors receive copies of the NYS DOL law governing the employment of minors with the written addendum issued by the NYSED and the NYS DOL relative to students in WBL experiences in hazardous occupations.

All WBL experiences for Capital Region BOCES Career and Technical School vary, in regard to length, duration and when they occur (during school hours, outside of school hours, during summer). Course instructors and the NYS certified WBL Coordinator monitor all of these experiences. Each of our approved CTE programs (Albany, Mohonasen and Schoharie Campuses) provide a variety of WBL opportunities including: job shadowing, Co-OP's (paid and unpaid), school based enterprises, community service and on-site projects.

**James Haas**

Work Based Learning Coordinator

518-862-4828

[james.haas@neric.org](mailto:james.haas@neric.org)



1015 Watervliet Shaker Road  
Albany, New York 12205  
518-862-4801

**Memorandum of Agreement**

This establishes an agreement between Albany, Schenectady, Schoharie and Saratoga BOCES and:

\_\_\_\_\_  
(Name of Business) (Contact Name/ Mentor)

\_\_\_\_\_  
(Address, Town, State, Zip) (Phone and Fax)

\_\_\_\_\_  
(e-mail address) (Company Web Site)

In relation to the Work Based Learning experience for:

\_\_\_\_\_  
(Student Name) (Date of Birth)

\_\_\_\_\_  
(Student Address) (Student Phone Number)

\_\_\_\_\_  
(Home School District) (CTE Program) Session AM  or PM

Emergency Contact \_\_\_\_\_ Emergency Phone # \_\_\_\_\_

- The work based learning program/experience will comply fully with ALL applicable NYS and Federal labor laws, including workers compensation laws and those specific to prohibited occupations, as well as with New York State Education Department laws and regulations.
- The employer/mentor and a certified Coordinator of Work Based Learning Programs for Career Development and at times a BOCES employee will supervise the work based learning experience.
- The student will be evaluated during the program and must maintain satisfactory standards of performance to continue in the experience.
- *Check all that apply:*  
 Paid    Unpaid    CBWP    Job Shadow    Drivers License    DOL Working Papers

\_\_\_\_\_  
(Start Date) (End Date)   M  Tu  Wed  Th  F  Sa  Su   (Days of Work) \_\_\_\_\_ (Hours of Work)

Student Signature: \_\_\_\_\_ Parent/Guardian Signature \_\_\_\_\_

Mentor/Employer Signature: \_\_\_\_\_ CTE Instructor Signature: \_\_\_\_\_

WBL Coordinator: \_\_\_\_\_ CTE Principal: \_\_\_\_\_

CTE Special Education Consultant Teacher \_\_\_\_\_ (If applicable)



**Capital Region Career and Technical School**  
Student Agreement and Responsibilities

1. An on-the-job mentor will be identified and assigned to the student for the duration of the experience.
2. This program will comply with all Federal and State Labor Department, NYS Workers Compensation regulations and New York State Education Department laws/regulations.
3. In the case of an unpaid internship the student is not entitled to receive wages or be considered an employee based on the NYSDOL regulations and minimum wage laws.
4. The student must abide by all regulations set forth by participating business. Failure to do so can cause immediate removal from the site or the participating business. Special attention is called to the employer's regulations concerning safety, dress, conduct and attendance.
5. The student is representing Capital Region BOCES in the business community, therefore we expect him/her to act and behave appropriately according and to the expectations of the business.
6. The student will be expected to attend the work site as per schedule. When they arrive at their work site (preferably from the business phone) they are to call in for attendance. If they are an Albany CTE student, they are required to call the campus attendance office **DAILY** (518-862-4806). If they are a Mohonasen Student, they are required to call the campus attendance office **DAILY** (518-356-8461). If they are a Schoharie CTE student, they are required to call their instructor **DAILY**. The student will give as much advance notice as possible if they are unable to report for work or if they will be tardy. The student must inform the classroom teacher by telephone of all unexpected absences from school during his/her off-campus experience.
7. The student will complete all appropriate forms relative to placement and transportation prior to beginning WBL experience. If driving a photo-copy of the student's driver's license must be provided.
8. The student must keep a Daily Journal, according to criteria developed by the coordinator and the instructor, for the internship experience.
9. The student will be evaluated during the program. **The student must obtain these evaluations from the WBL coordinator to be filled out by the employer and returned by the student to the classroom instructor.** The student must maintain satisfactory standards of performance to continue in the experience.
10. The student will not change or terminate the WBL experience without first consulting WBL coordinator and mentor/employer.

I, the undersigned, understand and accept all of the aforementioned conditions related to my participation in the work based learning program:

\_\_\_\_\_  
Student Name (Printed) \_\_\_\_\_  
Program

\_\_\_\_\_  
Student Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
WBL Coordinator \_\_\_\_\_  
Date



1015 Watervliet Shaker Road  
Albany, New York 12205  
518-862-4800

### Emergency Medical Treatment Authorization

Name of Student: \_\_\_\_\_

Parent/ Legal Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

In case of emergency, if unable to contact parent/guardian, please contact:

1. \_\_\_\_\_ Telephone \_\_\_\_\_ Relationship \_\_\_\_\_

2. \_\_\_\_\_ Telephone \_\_\_\_\_ Relationship \_\_\_\_\_

Student's Physician \_\_\_\_\_ Telephone \_\_\_\_\_

Student's Dentist \_\_\_\_\_ Telephone \_\_\_\_\_

If student is taking any regularly prescribed medication, is allergic to any medication, or there is any other emergency information we need to know, please indicate below:

\_\_\_\_\_  
\_\_\_\_\_

**In the event of an accident or illness, I hereby grant permission to authorized Capital Region BOCES personnel to provide for first aid to my son/daughter and in the event of an emergency, if reasonable attempts to contact those named above prove unsuccessful, I hereby give consent to transport my son or daughter to the Emergency Medical Department of the nearest hospital. If his/her physician cannot be contacted, medical treatment deemed necessary by the attending licensed physician or dentist may be administered.**

Signature of Parent/Legal Guardian \_\_\_\_\_

Date \_\_\_\_\_



Capital Region Career and Technical School

**“Insert CTE Class”**

Work Based Learning Student Training Plan

**Student:** \_\_\_\_\_ **Program:** \_\_\_\_\_

**Employer/ Mentor:** \_\_\_\_\_ **Work Site:** \_\_\_\_\_

**Contact Information:** \_\_\_\_\_

**Soft Skills (check targeted skills)**

**Business and Industry Skills (based on program)**

<input type="checkbox"/> Demonstrates responsibility on the job	<input type="checkbox"/> <b>On the job safety</b>
<input type="checkbox"/> Works independently when necessary.	<input type="checkbox"/> <b>Expose the students to</b>
<input type="checkbox"/> Works well as a part of a team or group.	<input type="checkbox"/> <b>Help students to learn how to</b>
<input type="checkbox"/> Dependable in attendance.	<input type="checkbox"/> <b>Topics can include fundamentals needed for students interested in pursuing a career in</b>
<input type="checkbox"/> Demonstrates a positive customer service attitude.	<input type="checkbox"/>
<input type="checkbox"/> Dresses appropriately for the workplace.	<input type="checkbox"/>
<input type="checkbox"/> Use of language acceptable in the workplace.	<input type="checkbox"/>
<input type="checkbox"/> Flexible and does Student adapt well to change	<input type="checkbox"/>
<input type="checkbox"/> Accepts constructive feedback.	<input type="checkbox"/>
<input type="checkbox"/> Uses time effectively.	<input type="checkbox"/>

**Additional experiences:**

**Job Interview**  \_\_\_\_\_

**Student Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Instructor’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mentor’s Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



(Please press firmly with pen—you are making 5 copies)

# Student Employability Evaluation

Capital Region Career and Technical School



**Albany Campus**  
1015 Watervliet-Shaker Road  
Albany, New York 12205  
(518) 862-4828  
Fax (518) 862-4818

**Schoharie Campus**  
174 State Route 30A  
Schoharie, New York 12157  
(518) 295-3000  
Fax (518) 295-3075

**Center For Advanced Technology**  
400 Warrior Way  
Schenectady, New York 12303  
(518) 356-8461

Student: \_\_\_\_\_

Program: \_\_\_\_\_

Employer/Mentor: \_\_\_\_\_

Teacher: \_\_\_\_\_

**Work-Based Learning:**

Check all that apply

- Paid Internship  
 Un-Paid Internship

- Supervised Clinical Experience

- Shadow Experience  
 Other

**Rating Scale**

- 4) Outstanding:** Expertly demonstrates skills required for an entry-level position. Often exceeds expectations/ has emerged as a leader.
- (3) Proficient:** Consistently demonstrates the skills required for an entry level position and shows initiative in improving skills.
- (2) Developing:** Demonstrates some skills required for an entry level position. More growth is needed.
- (1) Needs Improvement:** Has yet to demonstrate skills required for entry level position. Further development is needed.
- (NA) Not Applicable:** Does not apply to this work-based learning situation.

STANDARDS	RATING
<b>Responsibility:</b> Prepared and ready to learn.	
<b>Work Ethic/ Professionalism:</b> Maintains a clean, safe, and productive work environment. Dress, personal hygiene and grooming are appropriate.	
<b>Interpersonal Skills:</b> Demonstrates positive interaction skills. Responds appropriately when others initiate conversations.	
<b>Teamwork:</b> Works cooperatively with others. Is willing to help and ask for help.	
<b>Response to Supervision:</b> Responds to supervision positively; can accept constructive feedback.	
<b>Problem-Solving:</b> Explores options and considers alternatives when solving problems independently.	
<b>Time Management:</b> Meets assigned deadlines. Manages multiple tasks and projects with minimal supervision.	
<b>General Work Place Technology Skills:</b> Demonstrates the proper usage of information technology with minimal support.	
<b>Technical Language Skills—Oral Communication:</b> Speaks clearly and effectively. Demonstrates an understanding of audience. Expresses concepts well.	
<b>Technical Language Skills—Reading/ Writing:</b> Demonstrates entry level literacy skills. Comprehends written materials, including work-related documents. Writes clearly.	
<b>Content Area Competencies:</b> Demonstrates entry level content area skills and competencies (use of tools, equipment, etc.).	
<b>COMMENTS:</b>	<b>TOTAL:</b>

- White-Instructor
- Green-student File
- Canary-Home District
- Pink-WBL Coordinator
- Gold-Employer

**MENTOR SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



(Please press firmly with pen—you are making 5 copies)

# Student Employability Evaluation

Capital Region Career and Technical School



**Albany Campus**  
1015 Watervliet-Shaker Road  
Albany, New York 12205  
(518) 862-4828  
Fax (518) 862-4818

**Schoharie Campus**  
174 State Route 30A  
Schoharie, New York 12157  
(518) 295-3000  
Fax (518) 295-3075

**Center For Advanced Technology**  
400 Warrior Way  
Schenectady, New York 12303  
(518) 356-8461

Student: \_\_\_\_\_

Program: \_\_\_\_\_

Employer/Mentor: \_\_\_\_\_

Teacher: \_\_\_\_\_

<b>Work-Based Learning:</b> <i>Check all that apply</i>	<input type="checkbox"/> Paid Internship	<input type="checkbox"/> Supervised Clinical Experience	<input type="checkbox"/> Shadow Experience
	<input type="checkbox"/> Un-Paid Internship		<input type="checkbox"/> Other

## Rating Scale

<b>4) Outstanding:</b>	Expertly demonstrates skills required for an entry-level position. Often exceeds expectations/ has emerged as a leader.
<b>(3) Proficient:</b>	Consistently demonstrates the skills required for an entry level position and shows initiative in improving skills.
<b>(2) Developing:</b>	Demonstrates some skills required for an entry level position. More growth is needed.
<b>(1) Needs Improvement:</b>	Has yet to demonstrate skills required for entry level position. Further development is needed.
<b>(NA) Not Applicable:</b>	Does not apply to this work-based learning situation.

STANDARDS	RATING
<b>Responsibility:</b> Prepared and ready to learn.	
<b>Work Ethic/ Professionalism:</b> Maintains a clean, safe, and productive work environment. Dress, personal hygiene and grooming are appropriate.	
<b>Interpersonal Skills:</b> Demonstrates positive interaction skills. Responds appropriately when others initiate conversations.	
<b>Teamwork:</b> Works cooperatively with others. Is willing to help and ask for help.	
<b>Response to Supervision:</b> Responds to supervision positively; can accept constructive feedback.	
<b>Problem-Solving:</b> Explores options and considers alternatives when solving problems independently.	
<b>Time Management:</b> Meets assigned deadlines. Manages multiple tasks and projects with minimal supervision.	
<b>General Work Place Technology Skills:</b> Demonstrates the proper usage of information technology with minimal support.	
<b>Technical Language Skills—Oral Communication:</b> Speaks clearly and effectively. Demonstrates an understanding of audience. Expresses concepts well.	
<b>Technical Language Skills—Reading/ Writing:</b> Demonstrates entry level literacy skills. Comprehends written materials, including work-related documents. Writes clearly.	
<b>Content Area Competencies:</b> Demonstrates entry level content area skills and competencies (use of tools, equipment, etc.).	
<b>COMMENTS:</b>	<b>TOTAL:</b>

White-Instructor  
Green-student File  
Canary-Home District  
Pink-WBL Coordinator  
Gold-Employer

**MENTOR SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**CAPITAL REGION**  
**BOCES**

Capital Region Career and Technical School  
Work Based Learning Experience Log

Student:	
Program:	
Instructor:	

Date	Hours	Work Activities: List any jobs performed and/ or new skills learned.

Total Hours: \_\_\_\_\_

*Signatures*

Student: \_\_\_\_\_

Date: \_\_\_\_\_

Instructor: \_\_\_\_\_

Date: \_\_\_\_\_



## Work Based Learning Weekly Time Sheet

Student Name \_\_\_\_\_ Program \_\_\_\_\_

Placement \_\_\_\_\_ Mentor \_\_\_\_\_

**To Student:** Complete this form each week. Let your employer examine and sign it. Then return it to your co-op coordinator. If you are absent or late for work, please state your reason below under “Comments.” Complete one of these forms for each week of your WBL experience.

Day / Date	Time In	Time Out	Total hours	Comments/Job Description
____/____/____ Monday				
____/____/____ Tuesday				
____/____/____ Wednesday				
____/____/____ Thursday				
____/____/____ Friday				
____/____/____ Saturday				
____/____/____ Sunday				

\_\_\_\_\_  
Employer/Mentor

\_\_\_\_\_  
Date



900 Watervliet Shaker Road, Suite 102  
Albany, New York 12205  
518-862-4900

## MEMORANDUM OF AGREEMENT

This establishes an agreement between **(Full legal business name and address)** and the Board of Cooperative Educational Services of Albany-Schoharie-Schenectady-Saratoga Counties (Capital Region BOCES) relating to the Work Based Learning (WBL) experience for students from various programs. The following are general expectations and requirements that are agreed upon by the undersigned.

1. The work based learning program/experience will comply fully with ALL applicable NYS and Federal labor laws, including workers compensation laws and those specific to prohibited occupations, as well as with New York State Education Department laws and regulations. (see reverse side)
2. The employer/mentor and a certified Coordinator of Work Based Learning Programs for Career Development will supervise all Career and Technical Education work based learning programs.
3. The student will be evaluated during the program and must maintain satisfactory standards of performance to continue in the experience.
4. After appropriate discussion, any party may elect to discontinue this agreement at any time.
5. This agreement shall expire five (5) years after the date of its execution, but may be extended by written agreement of the parties.

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Authorized Signature - Sponsoring Business/Agency/School District

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Date

---

(Officer's printed/typed name & title)

---

Board Authorized Signature  
Albany-Schoharie-Schenectady-Saratoga BOCES

---

Date

*The Capital Region BOCES does not discriminate on the basis of race, color, national origin, sex, disability, or age in its employment and admissions:*  
<http://capitalregionboces.org/non-discrimination-statement/>

 An Equal Opportunity Employer

Revised 10/16/12

## Responsibilities:

### Employer:

- Appropriate general safety instruction for each job station will be provided.
- An on-the-job mentor will be identified and assigned to the student for the duration of the experience.
- This program will comply with all Federal and State Labor Department and New York State Education Department laws/regulations. **In the event the student may be working in a New York State Department of Labor (NYSDOL) deemed hazardous location and/or a prohibitive occupation all parties will comply with current USDOL, NYSDOL and NYSED regulations.**
- The employer acknowledges that the New York State Workers Compensation Board Employers' Handbook (<http://www.wcb.state.ny.us/content/main/Employers/EmployerHandbook.pdf>) (May, 2010 edition), at page 39, states the following about workers compensation coverage for student interns:  
Student interns are individuals that are providing services to gain work experience. An unpaid student intern providing services to a for-profit business, a nonprofit or a government entity is generally considered to be an employee of that organization and should be covered under that organization's workers' compensation insurance policy. Workers' Compensation Law Judges have ruled that the training received by student interns constitutes compensation (even though the student interns may not be receiving actual "cash payments" for their efforts).  
Exception: Please note that student interns (paid or unpaid) providing non-manual services to a religious, charitable or educational institution (covered under Section 501(c)(3) of the IRS tax code) are exempt from mandatory coverage (but can also be covered voluntarily). [Manual labor includes but is not limited to such tasks as filing; carrying materials such as pamphlets, binders, or books; cleaning such as dusting or vacuuming; playing musical instruments; moving furniture; shoveling snow; mowing lawns; and construction of any sort.]  
Naturally, a paid student intern providing services to a for-profit business, a nonprofit (other than a nonprofit that is covered under Section 501(c)(3) of the IRS tax code) or a government entity should be covered under that organization's worker's compensation insurance policy.
- Students will be accepted into this program and otherwise treated without regard to age, color, religion, creed, disability, marital status, national origin, race, gender or sexual orientation.
- The work based learning program/experience will comply fully with **ALL** of the following criteria points, which are outlined in the United States Department of Labor's Employment Relationships Under the Fair Labor Standards Act—  
Whether trainees or students are employees of an employer under the Fair Labor Standards Act will depend upon all of the circumstances surrounding their activities on the premises of the employer. If **ALL** of the following criteria apply, the trainees or students are **NOT** considered employees within the meaning of the Act:
  - (a) the training, even though it includes actual operation in the facilities of the employer, is similar to that which would be given in a vocational school;
  - (b) the training is for the benefit of the trainees or students;
  - (c) the trainees or students **DO NOT DISPLACE** regular employees, but work under their close observation;
  - (d) the employer that provides the training **DERIVES NO IMMEDIATE ADVANTAGE** from the activities of the trainees, and on occasion, his operations may actually be impeded; the trainees or students are not necessarily entitled to a job at the conclusion of the training period; and
  - (e) the employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in the extended classroom (in the case of an unpaid WBL experience).

### School and student:

- The CTE work based learning program will be supervised by a Certified Coordinator of Work Based Learning for Career Development.
- The student must abide by all regulations set forth by participating business. Failure to do so can cause immediate removal from the site or the participating business (i.e., dress code, behavior).
- The student is representing the Capital Region BOCES in the community, therefore we expect him/her to act and behave appropriately according to the expectations of the company.
- The student will be expected to attend the work site daily, as per schedule. The student must inform the employer/mentor and the school's Main Office (862-4800) or classroom teacher by telephone of all unexpected absences from the worksite during his/her off-campus experience.
- The student must keep a Daily Journal, according to criteria developed by the coordinator and the instructor, for the WBL experience.
- The student will be evaluated during the program, and must maintain satisfactory standards of performance to continue in the experience.

# Wage Requirements for Interns in For-Profit Businesses

The New York State Minimum Wage Act and Wage Orders contain the state's rules for pay and overtime. These rules are in addition to those required by federal law, including the Fair Labor Standards Act. This is a guideline to help decide if a for-profit business that has interns must pay them according to the state minimum wage and overtime rules. This only applies to the State Minimum Wage Act and Orders. It does not apply to Unemployment Insurance, Workers' Compensation, and/or any other law.

*\* Not-for-profit organizations and institutions of any type also may have unpaid interns, if they meet all the criteria for an intern who is not in an employment relationship.*

**In general, an intern is only exempt from the requirements of the Minimum Wage Act and Orders if the intern is not in an employment relationship.** To determine whether an employment relationship exists, the department uses six criteria from the U.S. Department of Labor and five criteria of its own to evaluate the situation.

**An employment relationship does not exist only if the situation meets ALL of these criteria:**

**1. The training, even though it includes actual operation of the employer's facilities, is similar to training provided in an educational program.**

For example:

- The internship program builds on a classroom or academic experience - NOT the employer's operations.
- A college, university, secondary school, specialist, technical, vocational or trade school oversees the program and awards educational credit.
- The internship teaches skills that are useful in other jobs (not skills specific to one employer's operation).
- The intern does not perform the routine work of the business on a regular basis, and the business does not depend upon the work of the intern.
- The intern is not engaged in the operations of the employer and does not perform productive work (such as filing, other clerical work or

helping customers). The intern gains a new skill, advanced knowledge or better work habits.

**2. The training is for the benefit of the intern.**

The intern must be the primary beneficiary of the training. Any benefit to the employer must be merely incidental. If the academic institution gives credit for the internship, it is considered some evidence of the beneficial nature of the program.

**3. The intern does not displace regular employees, and works under close supervision.**

Interns do not function in ways that replace or augment regular staff.

If interns do job shadowing to learn certain functions under the close and constant supervision of regular employees (but perform no or minimal work), then this is likely to be considered a true educational experience.

However, if interns receive the same level of supervision as the employer's regular workers, it suggests an employment relationship, rather than training.

Interns are considered employees if they substitute for regular workers or add to an existing workforce during specific time periods.

Interns are viewed as employees if the company would need to hire additional employees or require existing staff to work more hours to do the interns' work.

**4. The activities of trainees or students do not provide an immediate advantage to the employer. On occasion, operations may actually be impeded.**

The essence of a traineeship is that an employer provides a benefit to the trainees by developing their work skills or knowledge; the trainees do not benefit the employer.

In a true traineeship, the employer cannot gain an immediate advantage from the intern's presence. In fact, in most circumstances, interns will require employers to dedicate resources (in the form of

training, supervision, etc.) that may actually detract from the productivity of the worksite for some period.

**5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period and are free to take jobs elsewhere in the same field.**

The internship runs for a fixed period, set before the internship begins. It has no connection with any offer of employment or promise to stay with the employer.

Employers should not use unpaid internships as a trial period for those seeking employment.

Interns who are placed with the employer for a trial period, with the expectation that afterwards they will be hired as permanent employees, would generally be considered employees.

The longer an internship lasts, the more likely it will be considered an employment relationship.

**6. The trainees or students are notified, in writing, that they will not receive any wages and are not considered employees for minimum wage purposes.**

Such written notice must be clear and be given to the trainees or students before the internship or traineeship starts.

**7. Any clinical training is performed under the supervision and direction of people who are knowledgeable and experienced in the activity.**

The persons who supervise or direct any clinical, hands-on work performed by the trainees must have sufficient experience and knowledge in that industry.

Persons have “sufficient” experience and knowledge in the industry if they are proficient in the area and in all activities performed by the trainee. They must have adequate background, education, and experience to fulfill the educational goals and requirements of the training program. In addition, the persons must be competent to provide such training, with previous experience training employees or students.

**8. The trainees or students do not receive employee benefits.**

Examples of such benefits include, but are not limited to:

- Health and dental insurance
- Pension or retirement credit and
- Discounted or free goods and services from the employer

**9. The training is general, and qualifies trainees or students to work in any similar business. It is not designed specifically for a job with the employer that offers the program.**

Skills offered through the training must be:

- Useful
- Transferable to any employer in the field and
- Not specific to the for-profit employer offering the training

Any training that is specific to the employer and its operations is conclusive evidence that an employment relationship exists.

**10. The screening process for the internship program is not the same as for employment, and does not appear to be for that purpose. The screening only uses criteria relevant for admission to an independent educational program.**

This helps to ensure that employers do not mix recruiting of employees and interns. These searches must run independently from one another.

Educational institutions or other organizations should not consider employment-related factors when they place students with for-profit employers. They should only consider the needs of the student and the educational program.

**11. Advertisements, postings, or solicitations for the program clearly discuss education or training, rather than employment, although employers may indicate that qualified graduates may be considered for employment.**

This relates to the requirement that the employer tell trainees, in writing, that they are not entitled to wages for the training. This is to avoid a trainee’s misunderstanding of the nature of the program, and/or an employer’s misrepresentation of its nature, purposes and entitlements.

**Permitted Working Hours for Minors Under 18 Years of Age**

The following chart is a summary of the permitted working hours provisions of the New York State Labor Law relating to minors less than 18 years of age:

Age of Minor (Boys and Girls)	Industry or Occupation	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours
<b>Minors Attending School</b> When School is in Session					
14 and 15	All occupations except farm work, newspaper carrier and street trades	3 hours on school days 8 hours on other days	18 <sup>1</sup>	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier and street trades.	4 hours on days preceding school days (i.e., Mon., Tues., Weds., Thurs. <sup>2</sup> 8 hours on Fri., Sat., Sun. and Holidays. <sup>4</sup>	28 <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
<b>When School is Not In Session (Vacation)</b>					
14 and 15	All occupations except farm work, newspaper carrier and street trades.	8 hours	40	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Minors Not Attending School</b> 16 and 17	All occupations except farm work, newspaper carrier and street trades	8 hours <sup>4</sup>	48 <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Farm Work</b>					
12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours	-----	-----	7 AM to 7 PM June 21 to Labor Day 9 AM to 4 PM Day after Labor Day to June 20
14 to 18	Any farm work	-----	-----	-----	-----
<b>Newspaper Carriers</b> 11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days 5 hours on other days	-----	-----	5 AM to 7 PM or 30 minutes prior to Sunset, whichever is later
<b>Street Trades</b> 14 to 18	Self-employed work in public places selling newspapers or work as a bootblack	4 hours on school days 5 hours on other day	-----	-----	6 AM to 7 PM

<sup>1</sup>Students 14 and 15 enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one-week when school is in session.

<sup>2</sup>Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday when school is in session, as long as the hours are in conjunction with the Program.

<sup>3</sup>6 AM to 10 PM or until midnight with written parental and educational authorities consent on day preceding a school day and until midnight on day preceding a non- school day with written parental consent.

<sup>4</sup>This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

*A Schedule of Hours of Work for Minors Under 18 Years of Age Must Be Posted in the Establishment by the Employer.*

## Additional Child Labor Law Information

An Employment Certificate (Working Paper) is required for all minors under 18 years of age who are employed.

There are numerous prohibited occupations for minors in New York State. Contact any of the offices listed below for further information.

Civil penalties for violations of Child Labor Laws are:

First Violation - maximum \$1,000\*

Second Violation - maximum \$2,000\*

Third or Subsequent Violation - maximum \$3,000\*

\* If a minor is seriously injured or dies while illegally employed, the penalty is treble the maximum penalty allowable under the law for such violation.

Section 14A of the Workers' Compensation Law provides double compensation and death benefits for minors illegally employed.

Inquiries concerning these laws and other provisions of the New York State Labor Law may be addressed to the Department of Labor, at one of the offices of the Division of Labor Standards listed below:

**Albany District**  
State Office Campus  
Bldg. 12 Room 185A  
Albany, NY 12240  
(518) 457-2730

**Binghamton**  
Sub-District  
44 Hawley Street  
Binghamton, NY 13901  
(607) 721-8014

**New York City District**  
75 Varick Street  
7th Floor  
New York, NY 10013  
(212) 775-3880

**Garden City District**  
400 Oak Street  
Suite 101  
Garden City, NY 11530  
(516) 794-8195

**Buffalo District**  
65 Court Street  
Room 202  
Buffalo, NY 14202  
(716) 847-7141

**Rochester**  
Sub-District  
276 Waring Road  
Room 104  
Rochester, NY 14609  
(585) 258-4550

**Syracuse District**  
333 East Washington Street  
Room 121  
Syracuse, NY 13202  
(315) 428-4057

**White Plains District**  
120 Bloomingdale Road  
White Plains, NY 10605  
(914) 997-9521

DOL Website Homepage  
<http://www.labor.ny.gov>



OFFICE OF CURRICULUM AND INSTRUCTIONAL SUPPORT  
CAREER AND TECHNICAL EDUCATION TEAM  
89 WASHINGTON AVE., ROOM 315 EB  
ALBANY, NEW YORK 12234  
(518) 486-1547; FAX: (518) 402-5114  
[HTTP://WWW.NYSED.GOV/WORKFORCE/](http://www.nysed.gov/workforce/)

**Prohibitive Occupations Update  
In Relationship to the  
Cooperative Career & Technical Education Work Experience Program (Co-OP)**

The New York State Education Department (NYSED) recently received a letter from the New York State Department of Labor (NYSDOL) concerning the placement of minors into prohibitive occupations. In this correspondence, the NYSDOL indicates they have aligned their interpretation with the United States Department of Labor regulations concerning prohibitive occupations and will allow the paid employment of minors in select prohibitive occupations, as long as **the student-learner is enrolled in a NYSED-recognized Cooperative Career & Technical Education Work Experience Program (Co-OP) and is employed under a written agreement (i.e., Memorandum of Agreement), which provides that:**

- The work of the student worker in the operations declared hazardous shall be incidental to his or her training.
- Such work shall be intermittent and for short periods of time, and under the close supervision of a qualified and experienced person.
- Safety instruction shall be given by the school and correlated by the employer with on-the-job training.
- A schedule of organized and progressive work processes to be performed on the job shall have been prepared (i.e., Training Plan).

More information about the select prohibited occupations involved can be found in the NYSDOL publication entitled *Laws Governing the Employment of Minors*, available from any NYSDOL regional office. For additional information about the limiting criteria points listed above, please contact Tony Schilling, NYSED Coordinator for Work-based Learning, at 518-474-4486.

January 2006

For additional information:

<http://www.labor.state.ny.us/workerprotection/laborstandards/workprot/stprhboc.shtm>



University of the  
Education



State of New York  
Department

Extension of Certificate

JAMES K. HAAS

Certification Title: Coordinator of Work-Based Learning  
Programs for Career Development Extensio

Effective Date: 02/01/2009

Certificate Number: 173724

Period of Validity: PERMANENT

Control Number: 307468091

Given under the authority of  
the State Education Department

*Johanna Rucsal Peter*  
Senior Deputy Commissioner of Education - P-16

*Ronald Miller*  
Commissioner of Education