

PROFESSIONAL MEDIA RELATIONS, INC.

The Orlando Sentinel

July 21, 2004

Working

By Harry Wessel

Knight Ridder/Tribune Business News

QUESTION: A 16-year-old acquaintance recently landed a summer job at a fast-food restaurant. However, her job search started when school was still in session, and several of the restaurants she contacted said the only positions they had were late-night shifts in which she would have had to work at least until midnight, and in one case until 3 a.m.

Working that late sounds like a violation of child labor laws. Can 16-year-olds legally work so late?

ANSWER: Yes and no. The restrictions on hours worked by teens ease at age 16, but they don't go away completely. Under Florida law, 16- and 17-year-olds are limited to working 30 hours a week when school is in session. They also can't work past 11 p.m. if there is school the next day.

But during summer vacations, holidays, even on Friday and Saturday nights during the school year, 16- and 17-year-olds can legally work as far into the night as the employer wants and the teen agrees.

So whether the restaurants you mention were violating the law, in practice or intent, depends on which work nights they were talking about. Perhaps the restaurant wanted her only for Fridays and Saturdays while school was in session. That would be legal under Florida law.

Federal child labor laws put no restrictions on the hours 16- and 17-year-olds can work.

TRAINING ALERT: There soon will be a "resurgence" of workplace training programs to combat sexual harassment, predicts Miami labor and employment attorney **Anne Marie Estevez.**

The reason, Estevez says, is the U.S. Supreme Court's decision last month in a case involving an employee of a Pennsylvania police department. She quit after being subjected to repeated lewd remarks from male superiors and then filed a sexual harassment suit that was upheld on appeal.

The Supreme Court affirmed the woman's right to sue the police force even though she had quit. But it did not rule completely in her favor.

Instead, the justices, by an 8-1 vote, sent the case back to lower courts. They made it clear that, because the woman quit, her burden of proof was higher than if she had been fired.

The high court also said the police force could defend itself by showing it had anti-harassment policies in place.

The ruling "should give employers even more incentive to train employees in what constitutes appropriate conduct," says Estevez, with the law firm of Morgan Lewis. "It's safe to say that many employees will find themselves in anti-harassment training sometime over the next year."

HEADING OUT? Some last-minute summer travel tips -- designed to make things easier for yourself and your co-workers -- courtesy of Liz Ryan, founder of Worldwit (worldwit.org), an Internet "discussion community" for working women.

--Write and communicate a vacation plan: Let everyone who has regular dealings with you know when you'll be away. Inform them if and how they can reach you, and who to contact in case of a work emergency.

--Appoint a designated "reacher": Someone must be authorized to reach you if necessary. Discuss with this person what sorts of situations would warrant contacting you.

--Create voice mail and e-mail messages: Include as much detail as will be helpful. Do the same on your cell phone if you plan to let it ring during your vacation.

--Remind your boss: Your manager approved your vacation plans six weeks ago, but that doesn't mean she's aware you'll be gone for the next two weeks. Remind her, and go through your vacation plan with her.

--Schedule your first day back: Clear your schedule for your first day back so you can catch up with the messages, calls and mail you missed while you were gone.

Harry Wessel can be reached at hwessel@orlandosentinel.com or 407-420-5506.