

Observations on a Teen's First Job

Research suggests some tough questions

By Gary L. Winn, Austin L. Winn and Elyce A. Biddle

LIKE MANY OTHER TEENAGERS, the time finally arrived for Austin to look for a summer job. He had worked on the family farm for years and was pretty handy doing chores. He and his younger sister had been in the hay field since they were in car seats. Over that time, they had heard often about the need to stay away from power take-off shafts, to avoid mower discharge chutes and to work safely around livestock.

Now it was time for Austin to have a "real job"—a source of some discretionary money that isn't his parents. It also means that he would learn about showing up on time, working with other people toward a common goal and returning home in one piece.

What that first job would be had been the topic of many dinner discussions. Much thought was given to pay scales, weekend work and possible conflicts with school. Only when he succeeded in taking his

first real job, though, was much thought given to working conditions or suitability of employer.

Austin's first job experience proved to be a shocking one (See "So, What Did You Do Over the Summer?" sidebar on p. 48)—one that prompted a search for information and answers. As it turned out, some of the jobs that Austin had considered are termed "particularly hazardous" (U.S. Department of Labor, 2005) and are prohibited to those under age 18. That would include working at a friend's sawmill or in another friend's roofing business. Even for nonrestricted jobs, would employers offer PPE, training or supervision?

Employers and parents may not know the rules about under-18 youth—and teenage employees may be too intimidated to ask questions. This article presents what the search revealed—specifically about those under age 18. These comments and observations are shared first for parents with children under 18 who are looking for their first jobs; second for high-school teens, still minors, who are seeking a first job; and third for employers who may hire minors. The authors recognize that it is the parents' responsibility—particularly for minor youth—to prepare the teenager for the job interview.

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Literature Review

The Fair Labor Standards Act (FLSA) establishes standards for minimum wages, overtime pay, recordkeeping and child labor. FLSA is an expression of the intent of Congress that the federal government should be involved in these activities. These standards affect more than 100 million U.S. workers—full-time and part-time—in the private and public sectors. The act dates to 1938 and since has been amended many times.

FLSA applies to businesses with employees who engage in interstate commerce or produce goods for interstate commerce, or those businesses that handle, sell or work on goods or materials that have been moved in or produced for interstate commerce. The act also regulates certain jobs for minors that have been studied and declared "hazardous" by the Department of Labor (see "Occupations Banned" sidebar, p. 50). OSHA does not have specific regulations or prohibitions regarding minors but FLSA specifically states that minors cannot be hired to perform these "hazardous occupations."

Remember that this is not an expression of intent or purpose by OSHA or NIOSH, but by Congress. Its roots go back decades to legislative efforts on behalf of workers—back as far as the minimum wage laws and child labor restrictions passed by Congress during the Great Depression. Congress decided long ago that minors were not to be employed in occupations deemed "hazardous" through committee deliberation and citizen input.

In the early 1970s, Congress passed other legislation that created agencies such as NIOSH and OSHA which would work in concert with private-sector organizations (such as American Council of Government Industrial Hygienists or ANSI) to define permissible levels and limits of various exposures. Some exposures would be addressed voluntarily, while others would be subject to enforceable limits. However, only the FLSA addresses youth in "hazardous occupations."

In 2002, NIOSH provided a research-based update of the understanding of hazardous occupations. NIOSH gathered new, extensive nationwide data over a period of almost 5 years about teenagers in the workplace. The agency noted that in the time since the U.S. Department of Labor first restricted hazardous jobs for minors "significant changes [have occurred] in the workplace and advancement of knowledge about occupational safety and health hazards that are not reflected in [the list of] existing hazardous occupations" (NIOSH, 2002, p. 1).

The results of this study bring to light important topics for parents and for every teenager considering a first job. The following discussion focuses on six aspects of the NIOSH research, and offers a list of questions that parents need to ask prospective employers if they attend the first-job interview or need to make sure their child asks.

Specific Duties

Ask for a list of specific duties the teenager will perform. NIOSH research indicates that 30% of working youth (age 15 to 17) are employed in retail eating and drinking establishments, including positions such as cashiers or sales occupations, food preparation or counter-related jobs or other cooking jobs. However, a youth employed as a cashier will likely also perform other small jobs such as cleaning, stocking and customer service (NIOSH, 2002, p.5).

Because these added duties might expand to include working with meat slicers or bakery processes, the teenager actually may be working in

an FLSA-restricted hazardous occupation (See HO-10 and HO-11 in "Occupations Banned" sidebar on p. 50). NIOSH says that "inaccurate job titles can obscure the fact that adolescents are performing tasks prohibited by child labor laws [NRC/IOM, 1998]" (NIOSH, 2002, p. 4).

Evidently, it pays to ask. NIOSH cites an occupational survey conducted at a Massachusetts high school which showed that nearly half of the students working after school had used cleaning chemicals; 19% had used food slicers; and 13% had used box crushers. A North Carolina survey cited in the NIOSH study suggested that 36% of employees age 14 to 17 reported working on ladders or scaffolding, and 36% reported using forklifts, tractors or riding mowers (p. 5) even though the job description did not include these tasks.

Therefore, a parent or a minor must ask the employer to state clearly what tasks the job encompasses. Will s/he be carrying heavy loads of trash in the evening or emptying hot cooking oil after closing? Will the young worker be stocking shelves or lifting heavy containers? Performing roof work? Working in or near excavations?

Readers may have noted the inclusion of two jobs (roof work and excavations) that fall into the category of hazardous occupations and, therefore, are illegal tasks for a minor teenager. Parents and employers must know which jobs are restricted for minor teens in order to avoid them.

What if a job requires heavy lifting, or involves hot cooking oil or stocking shelves? If the teen worker is informed, trained, supervised and physically fit, why shouldn't s/he perform these tasks? It may be a difficult job, a hot job or perhaps a smelly job, but it is not illegal unless restricted by FLSA or a state agency.

What should a parent or other adult do if s/he detects an illegal employer activity involving young workers? Should the activity be reported to a government agency? Both the OSH Act and the Code of Federal Regulations give any employee the right to lodge a written, anonymous complaint with the Department of Labor, the state occupational safety and health agency or the state Department of Labor.

Although this article does not attempt to offer legal advice—the authors are not qualified to do so by experience, certification or training—the rules of common sense can certainly be applied. If the parent senses that an employer's intent is innocent and will not have particularly serious consequences, it likely does not merit a complaint to an agency. It is better to try to resolve the concern by talking to the employer.

However, if the complaint has serious consequences (meeting the definition of a serious violation, which ends in serious injury or the likelihood thereof) and the employer clearly knows better, then a complaint is warranted. In any event, the employee is protected from retaliation through the OSH Act by Section 11(c), well-known rules that have been in place for more than 35 years. If the parent or youth are undecided, it likely is best to seek other employment.

Abstract: *The authors share their firsthand experience with the potentially dangerous jobs available to young workers today. That experience prompted a search for information and answers regarding how to protect young workers. They share the results of that search and offer practical questions that parents, teens and employers should be asking.*

Training

Ask how much training the teenager will receive. NIOSH cites a survey conducted in Massachusetts which suggests that only 50% of teenagers reported receiving any training. Also troubling is the conclusion that more teen workers are unaware of their legal

rights on the job than are the adults around them. Task-specific training is another concern. OSHA requires training in basic chemical exposures (29 CFR 1910.1200), bloodborne pathogens (1910.1030) and the use of fire extinguishers [1910.157(g)]. There are many similar *mandatory* requirements.

So, What Did You Do Over the Summer?

By Austin L. Winn

I'm 17. I live in a town of about 5,100 people. It's a rural county with a small college. The town has the usual assortment of fast food shops, auto and tractor repair shops, theaters and shopping.

For my first paying job, we looked all over town and made a list of employers' names and numbers. We stopped at maybe a dozen prospective workplaces and picked up a stack of applications. A few places seemed cool, but I ended up turning in an application to a local tractor repair/sales shop, a sporting goods retailer, a motorcycle dealer and a car wash.

The car wash was short one person and needed another hand. My interview went like this:

"Do you drink, boy?"

"Uh . . . no, I don't."

"Well, I'm going to ask you again. Do you drink?"

"No, I still don't drink."

"Well, we'll show you how, don't worry!"

They wanted to hire me immediately and despite the strange interview, I took the job. As I started on my first day in early June, it looked like it was going to be a long summer. But the job did not last long—not even 1 day.

Apparently I could not wash cars and chew tobacco and drink beer as well as the other workers. After 1 hour of anecdotes from my boss about drunkenness, using drugs and almost getting busted, I was sure I couldn't fit in. Maybe I didn't talk

enough or spit enough. I surely didn't drink enough.

I forgot to pick up my earnings as I walked out. I wondered, "Is this what 'work' is really like?"

Exactly 1 week later, my dad was in a local tractor sales/repair shop picking up a part and talking to the owner. I had put in an application there a few months earlier, but had sort of forgotten about it.

After a final reassurance that, yes, I could arrive on time every day, the owner told my dad that the following Monday at 8:00, should I wish, I could start my second real job. I took him up on his offer.

At the shop, one of the experienced men supervised me as I began changing fuel filters, cleaning parts, using jacks, ratchets and impact air tools. (I brought my own safety glasses, just in case, but the shop had lots of them). Being a mechanical person with a reasonable amount of experience from home, I was in heaven.

However, it didn't take me long to realize the potential dangers that existed in a shop like this and what the older guys did to manage them. Things settled down a bit and I got into a work routine that I liked.

I was "adopted" immediately, probably because I could think on my feet and at least try to "get 'er done." These guys were great; they could make any day fun. I never may have learned so much or laughed so much.



"It didn't take me long to realize the potential dangers that existed in a shop like this and what the older guys did to manage them."

But there were times when the job they gave me scared me. An example of one of those days would be removing a belly pan for a dozer, which involved me crawling under the blade and dozer itself, loosening all the bolts then removing about all but 6 of the 14 bolts. This is where the experienced guys helped me to see hazards and how to address each one with a safe way to do it right.

I was especially uncomfortable about being on a creeper under the blade, so when the time came to raise it, I learned their procedures to secure the blade. First, there was a heavy chain from the lift arm to the roll cage. To test it, they let the blade down on it and made sure the chain held the blade securely. As a back-up, an

upright, wooden crib-block was placed under the blade in the case that the chain failed. Third, the ignition key was taken out of the dozer.

This was 6 weeks into my job, and I could do just about all they asked of me. But when I was uncomfortable thinking about going under that dozer, I told them so. They took care of it, helped me and taught me. I am glad I asked, because I see now just how dangerous that could have been (for example, the blade falling down on me from 2½ ft). I see now there is nothing to be ashamed of by just asking.

I learned a lot about mechanics and made some good friends. I think I'll go back and apply there this summer. I might even ask for a raise!

Another area of interest is PPE. OSHA requires training regarding hazards that require protection for eyes, face, head and extremities [1910.132(a)]. The regulations also require training for each employee relative to the particular kind of PPE used [1910.132(f)] and mandate that the employer verify that the employee understood the training [1910.132(g)].

To an SH&E professional closely involved in legislation and compliance issues, it may seem amazing that an employer would fail to offer any training to employees. As a parent, however, that failure is much more poignant. Imagine not training a teen how to use a bench grinder or not even offering safety glasses. Parents should make sure that the teenager knows s/he needs training on almost every task that will be performed because employers have binding obligations to provide it.

Supervision

Ask about supervision—who, when, where. NIOSH found that among teenage workers, 15% to 20% either “often or always” worked with no supervision. That is a formula for disaster—and it is not the experienced worker who will get hurt. Thus, it rests with either the teen or the parent to ask who will be the worker’s immediate supervisor, how closely they will work together and for how long.

Fit for the Job

Suppose a teen is small for his/her age. Will the job match the person? The NIOSH study implies that because of the greater variability in the size of teenagers during this time of their lives, “smaller youth may be at greater risk because of mismatches between strength and the dimension and design of equipment or machinery [that has been] designed for adults” (NIOSH, 2002, p. 6). Thus, it is important to learn whether the size of the teenager matches the job and its requisite tools.

A greater concern is hidden hazards posed by chemical exposures. “Initiation of reproductive function depends on the development of a complex system of hormones and feedback mechanisms,” NIOSH (2002) reports, adding that “this period of development in adolescence may introduce added risk of future fertility problems and gonadotoxic and mutagenic effects” (p. 6). Therefore, it is critical to ask whether the teen worker will be exposed to chemicals with known reproductive effects. Avoidance would be best, but, again, training and PPE are the employer’s responsibility.

Greatest Possible Harm

Of all possible hazards, which is most likely to harm a young worker? Parents beware—this part of the discovery was particularly shocking. The leading causes of fatalities among young workers are homicides in retail outlets, followed by highway-related transportation incidents. Between 1992 and 1997, more teenagers were killed on the job from assaults and violent acts than any other single source (NIOSH, 2002, p. 12).

Occupations with a large number of homicides are typically those that engage in cash transactions or have valuables on hand, such as convenience stores and retail outlets. NIOSH concludes that retail homicides and violence are so significant a factor among teenagers because a criminal is more likely to target a person who is less likely to present a threat to criminal intentions. Therefore, it is important to know whether the teenager will be handling money and during what hours of the day.

Occupations to Avoid

Which occupations does the Department of Labor list as being a “hazardous occupation” for teens? According to OSHA’s website for teen workers—

Employment Restrictions for 14- & 15-Year-Olds

The federal youth employment provisions limit the times of day, number of hours, and industries and occupations in which 14- and 15-year-olds may be employed.

Hours Standards

Child Labor Regulation No. 3, 29 CFR Part 570, Subpart C (CL Reg 3), limits the hours and the times of day that 14- and 15-year-olds may work to:

- outside school hours;
- no more than 3 hours on a school day, including Fridays;
- no more than 8 hours on a non-school day;
- no more than 18 hours during a week when school is in session;
- no more than 40 hours during a week when school is not in session;

- between 7 a.m. and 7 p.m., except between June 1 and Labor Day when the evening hour is extended to 9 p.m.

Permitted Occupations

- 14- and 15-year-olds may work in most office jobs and retail and food service establishments, but may not work in processing, mining or in any workroom or workplace where goods are manufactured or processed.
- Such youth also are prohibited from working in any of the jobs identified in the Hazardous Occupations Orders, or in those occupations that involve transportation, construction, warehousing, communications and public utilities.
- 14- and 15-year-olds may not operate most power-driven machinery,

including lawn mowers, lawn trimmers and weed cutters. Such youth may operate most office machines and certain equipment found in food service establishments such as dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders and coffee grinders.

- They may be employed in occupations such as bagging groceries, office work, stocking shelves and cashiering, and may cook with electric and gas grills that do not involve open flames and deep-fat fryers that are equipped with and use devices which automatically raise and lower the baskets into and out of the oil or grease. Fourteen- and 15-year-olds may not bake as part of their employment.

www.osha.gov/SLTC/teenworkers—“children of any age are generally permitted to work for businesses entirely owned by their parents, except that those under age 16 may not be employed in mining or manufacturing, and no one under age 18 may be employed in any other occupation [which] the Secretary of Labor has declared to be hazardous (see “Occupations Banned” sidebar below). Workers age 14 and 15 are the subject of after-school hour and other restrictions and these must be investigated closely as well (see “Employment Restrictions” sidebar on p. 49).

OSHA’s user-friendly teen worker website offers

a thorough treatment of what employers must do to comply with FLSA and OSHA requirements. The site suggests what any responsible parent will suggest—that is, the teenager has certain obligations to look out for him/herself on the job. OSHA advises the teenager to:

- follow the employer’s safety rules;
- follow safe work practices when the employer shows you how to do a job safely;
- ask questions.

These rules are a good start, but they are not enough. Concerned parents and teenagers should also know how much and what kind of training will

Occupations Banned for All Minors Under the Age of 18

FLSA establishes an 18-year minimum age for those nonagricultural occupations that the Secretary of Labor finds and declares to be particularly hazardous for 16- and 17-year-old minors, or detrimental to their health or well-being. In addition, Child Labor Regulation No. 3 also bans 14- and 15-year-olds from performing any work proscribed by the Hazardous Occupations Orders (HOs). There are currently 17 HOs that include a partial or total ban on the occupations or industries they cover.

HO 1. Manufacturing or storing explosives. Bans minors working where explosives are manufactured or stored, but permits work in retail stores selling ammunition, gun shops, trap and skeet ranges, and police stations.

HO 2. Driving a motor vehicle or work as an outside helper on motor vehicles. Bans operating motor vehicles on public roads and working as outside helpers on motor vehicles, except 17-year-olds may drive cars or small trucks during daylight hours for limited times and under strictly limited circumstances (see Fact Sheet #34 in this series for information about on-the-job driving).

HO 3. Coal mining. Bans most jobs in coal mining.

HO 4. Logging and sawmilling. Bans most jobs in logging and timbering (including cutting firewood) and in sawmills.

HO 5. Power-driven woodworking machines. Bans the operation of most power-driven woodworking machines, including chainsaws, nailing machines and sanders.^{ab}

HO 6. Exposure to radioactive substances and ionizing radiation. Bans exposure to radioactive materials.

HO 7. Power-driven hoisting apparatus. Bans the operation of most power-driven hoisting apparatus such as forklifts, nonautomatic elevators and cranes, including most high lift trucks, but does not apply to chair-lifts at ski resorts, nor to electric and pneumatic lifts used to raise cars in garages and gasoline service stations.

HO 8. Power-driven metal-forming, punching and shearing machines. Bans the operation of certain power-driven metal-working machines but permits the use of most machine tools.^{ab}

HO 9. Mining other than coal. Bans most jobs in mining at metal mines, quarries, aggregate mines and other mining sites including underground work in mines, work in or about open cut mines, open quarries, and sand and gravel operations.

HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants. Bans the operation

of power-driven meat processing machines, such as meat slicers, saws and meat choppers, wherever used (including restaurants and delicatessens). This ban includes the use of this machinery on items other than meat, such as cheese and vegetables. HO 10 also bans most jobs in slaughtering and meatpacking establishments.^{ab}

HO 11. Power-driven bakery machines. Bans the operation of power-driven bakery machines such as vertical dough and batter mixers (including most countertop models), dough rollers and dough sheeters. This ban covers such machinery wherever used.^b

HO 12. Power-driven paper-products machines. Bans the operation of power-driven paper-products machines such as scrap paper balers, paper box compactors and platen-type printing presses. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under very specific guidelines (see Fact Sheet #57 for information about the rules concerning the loading of power-driven balers and compactors).^{ab}

HO 13. Manufacturing of brick, tile and related products. Bans most jobs in the manufacture of brick, tile and similar products.

HO 14. Power-driven circular saws, band saws and guillotine shears. Bans the operation of various types of power-driven band and circular saws and guillotine shears, no matter what kind of items are being cut by the saws and shears.^{ab}

HO 15. Wrecking, demolition and ship-breaking operations. Bans most jobs in wrecking, demolition and ship-breaking operations, but does not apply to remodeling or repair work that is not extensive.

HO 16. Roofing operations. Bans most jobs in roofing operations, including work performed on the ground and removal of the old roof, and all work on or about a roof.^a

HO 17. Trenching and excavation operations. Bans most jobs in trenching and excavation work, including working in a trench more than 4 ft deep.^a

Note. ^aThe regulations provide a limited exemption from HOs 5, 8, 10, 12, 14, 16 and 17 for apprentices and student-learners who are at least 16 years of age and enrolled in approved programs. ^bThe term “operation” as used in HOs 5, 8, 10, 11, 12 and 14 generally includes the tasks of setting up, adjusting, repairing, oiling or cleaning the equipment.

Top 10 Questions Teenagers Should Ask an Employer

- 1) Exactly what tasks will I be expected to do?
- 2) Will I be supervised by an experienced employee? Is that employee at work all day?
- 3) Will I handle money?
- 4) What training will I get for the tasks I am expected to do?
- 5) What protective equipment will I need to bring to the job each day?
- 6) What protective equipment will be supplied to me?
- 7) Will I be exposed to chemicals?
- 8) Is a safety or employee manual available that I can have?
- 9) Are there any power-driven machines in my job description?
- 10) Are emergency numbers clearly marked near phones?

There were no easy answers about what to do in the event that one of these questions raises a concern. The teenager or the parent will have to decide whether to take the job. Better yet, these issues should offer an opportunity to speak frankly with the employer about any concerns that may be raised.

be provided. They should request an exhaustive list of job duties, inquire about supervision details, ask whether money will be handled, and request information on potential for exposure to chemicals. The "Top 10 Questions" sidebar (right) summarizes questions that should be asked before a teenager takes a job.

It would be nice to believe that every prospective employer has a young worker's best interests in mind. However, as the "So, What Did You Do Over the Summer?" sidebar illustrates, this is not always the case. Only by asking these tough questions can one gauge an employer's true intent.

Conclusion

After Austin's brief first job and thanks to the research conducted as a result, everyone was better prepared for a second interview. Because he was still a minor and new to the interview process, I (as his father) attended the second interview. Pointed questions were asked: Will he have supervision, training and PPE? Will he handle money? The employer had questions as well: Did he have experience with hand tools? Could he get to work on time? This job would turn out to be the opposite of the first job in terms of training and supervision provided, and in the use of safe work practices.

We were fortunate to move out of a bad experience into a positive one. This article shares that experience in hopes that it may save a parent or teenager from finding out about a job the hard way. It may also save an employer from an FLSA citation. By keeping in mind the lessons highlighted in the NIOSH research, knowing what occupations are

deemed hazardous for teens, and asking questions and speaking frankly and openly with the employer, any parent and teenager can reduce the probability of a first-job disaster. ■

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Practical Applications

What practical steps can be taken by the three affected groups—parents, teens and employers—to achieve the mutual goals of preventing needless injury or economic loss, while achieving regulatory compliance and maintaining goodwill in the community? Here are two important findings.

If Life Is Just One Big Negotiation, Let's Get to the Table & Talk

To achieve the goals above, we need to talk before anything bad happens. The three groups must be on the same page about who does what, and starting with open, informed, frank

discussions seems the best way to realize these goals. Teens who are uncomfortable or inexperienced in a job interview can be accompanied by parents, especially minors. Parents can ask the tough questions proposed in this article, but teens need to learn interviewing skills eventually. Parents can help prepare them with mock interviews at home. Teens and parents should know that certain jobs are prohibited for teenagers under the age of majority.

Why even apply for such a job—much less offer one—that is listed as an HO in the sidebar on p. 50? Employers simply may not know about

hazardous occupations that are restricted for minor teens, but they need to be informed as well.

The best places to start are to read current NIOSH research regarding the changing teen workplace; to visit the websites of OSHA, FLSA and state departments of labor; and to jot down questions about safety and health to ask during an interview.

Let's Apply the Laws of Common Sense

Each group must be aware of its respective rights and responsibilities under OSHA and FLSA, as well as under the law of common

sense. There is no law requiring it, but surely employers have a right to ask teens to show up on time, dress properly, be unimpaired and alert for hazards and changing job conditions, and prepared to put in a full day's work for a full day's pay. An employer also has a right to expect a teen worker to pay attention and ask questions in order to get the job done to quality expectation levels, on time and safely.

These are all common sense, but the biggest single complaint employers expressed in the research reviewed was getting employees to show up at starting time.