

## *Can children under the age of eighteen serve as volunteer firefighters?*

There is no clear state or federal regulation prohibiting children under the age of 18 from serving as volunteer firefighters. However, Vermont's child labor regulations, which mirror those of its federal counterpart, generally prohibit children under the age of 18 from engaging in hazardous occupations.

Although volunteers are typically not considered to be "employees" under the Fair Labor Standards Act (FLSA), the Vermont and U.S. Labor Departments are likely to consider firefighting as "employment" in this context.

In addition to setting minimum standards for wage and overtime pay, the FLSA also requires employers to refrain from conducting "oppressive child labor." Oppressive child labor consists of employing children under the minimum age standard and employing age eligible children in occupations deemed hazardous. The minimum age for non-agricultural employment, with exceptions, is 16. This means that children under the age of 16 are clearly prohibited from firefighting activities.

While neither Vermont nor federal child labor laws specifically list firefighting as a hazardous occupation, many of its associated activities are. These activities include driving or riding on the outside of fire trucks, participating in training or firefighting exercises on a roof, or working with a power-driven hoisting apparatus, such as a crane, hoist or manlift.

The Vermont Department of Labor and Industry Wage-Hour Program, in a memorandum entitled, "Permitted and Prohibited Fire Service Activities For Children Under the Age of 18," imparted the following guidance unto fire departments:

**•14- and 15-year olds cannot** participate in firefighting activities. **16- and 17-years olds can** ride as passengers inside a fire truck, climb up and down a ladder, and participate in firefighting operations such as pump operations or interior firefighting.

**•16- and 17-year olds cannot** drive or ride on the outside of fire trucks, operate a ladder or other power-driven hoisting apparatus, or partake in training or firefighting operations on a roof.

**•16- and 17-years olds can** ride as passengers inside a fire truck, climb up and down a ladder, and participate in firefighting operations such as pump operations or interior firefighting.

Even though it is clear that 16- and 17-year olds may not participate in rooftop firefighting operations, VLCT joins the Vermont Department of Labor and Industry in strongly recommending that children under the age of 18 not be allowed to participate in interior firefighting activities. As stated in the Department's memorandum, "Fire fighting is an extremely hazardous activity, and poses serious risks to youths as well as potentially serious liability for a municipality or fire fighting company."

- *Garrett Baxter, Associate, VLCT Municipal Assistance Center*