

Work-Based Learning Activities

Federal and State Laws

Work-based learning is career awareness and exploration, work experience, structured training, and/or mentoring at the worksite; it provides individuals with real-life work experiences where they can apply academic and technical skills and develop their employability. It includes on-the-job training, incumbent-worker-learning, registered apprenticeship, and customized training.

The United States (U.S) Department of Labor’s (DOL) Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish minimally acceptable standards for wages and working conditions in this country, regardless of immigration status.

The U.S. DOL administers and enforces the Fair Labor Standard Act (FLSA) through the WHD of the Employment Standards Administration (ETA).

The FLSA applies when an **employer-employee relationship** exists. It requires employers to pay covered non-exempt employees at least the federal minimum wage and overtime pay for all hours worked over 40 in a work week. It also regulates the employment of youth.

An employee-employer relationship may not exist in all work-based learning activities. The WHD has some useful [Fact Sheets on their website](#) that should be used as guidance to help determine whether an employee-employer relationship exists.

The Equal Employment Opportunity Commission (EEOC) enforces federal laws prohibiting employment discrimination. These laws protect employees and job applicants from discrimination based on race, color, religion, sex [including pregnancy, gender identity, and sexual orientation, national origin, age (40 or older), disability, and genetic information]. The EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

- Different rules apply to [youth employed in agriculture](#).
- The States also regulate the [hours that youth under age 18 may work](#).

Federal Laws

Click the following link to view: [Prohibited Employment Policies/Practices](#).

Laws on Wages and FLSA – [Title 29 U.S.C. §§ 201-219](#); DOL [Wages and the Fair Labor Standard Act](#).

[WHD - U.S. Department of Labor](#):

- Youth Rules: [Child Labor Laws and Topics](#)
- Wage and Hour Division – [Administrator’s Interpretation No. 2016-2](#)
- Fair Labor Standards Act Advisor - [Volunteers](#)
- Fair Labor Standards Act Advisor - [School-to-Work](#)
- FLSA Protections to [Pump at Work](#)

Title VII of the federal Civil Rights Act (CRA) – *applies to employers with 15 or more employees and it is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) - [42 U.S.C. §§ 2000e-2000e-17](#)*

Title I of the federal **American with Disabilities Act (ADA) of 1990** – *prohibits private and public employers from discriminating against qualified individuals with disabilities in regard to any term, condition or privilege of employment. [42 U.S.C. §§ 12101-12213](#); [29 C.F.R § 1630.2](#).*

[EEOC Laws and Guidance](#)

- [Pregnant Workers Fairness Act](#)

Arizona’s Wage and Hour Laws

[Arizona Revised Statutes Title 23 - Labor](#)

- Arizona’s minimum wage requirement Exceptions
- Arizona Curfew Laws <http://lawforkids.org/curfew>
- Employment Practices and Working Conditions (Sec: 23-201-23-495.01)
- Right-to-Work:
 - Arizona Constitution Article 25; [A.R.S. § 23-1302](#) (*prohibits conditioning employment on union membership and prohibits unions from requiring employers to hire only union employees*)
 - Chapter 2, Article 3 – Youth Employment
 - See [23-231](#): Prohibited employment of persons **under the age of eighteen**
 - See [23-232](#): Prohibited employment of persons **under the age of sixteen**

- See [23-233](#): Permissible hours of labor for persons ***under the age of sixteen, exceptions, definition:***
 - For the definitions of items listed under Article 3 - [23-231](#) and [23-232](#), see [23-230](#).
- **Title 41 - State Government, Chapter 9, Civil Rights, Article 4, Discrimination in Employment (41-1461 through 41-1468) links listed below:**
 - [41-1461](#) - Definitions
 - [41-1462](#) - Exemption; nonresident aliens, religious institutions
 - [41-1463](#) - Discrimination; unlawful practices; definition
 - [41-1464](#) - Other unlawful employment practices; opposition to unlawful practices; filing of charges; participation in proceedings; notices and advertisements for employment
 - [41-1465](#) - Age discrimination; affected individuals
 - [41-1466](#) - Medical examinations and inquiries; exception
 - [41-1467](#) - Essential job functions
 - [41-1468](#) - Interpretation of disability and substantially limits, definitions
- **Discrimination in Employment Statutes:**
 - Free Exercise of Religion [A.R.S. Title 41, Article 9](#)

[Industrial Commission of Arizona-Arizona Statutes:](#)

- [Frequently Asked Questions](#)
- **Earned Paid Sick Time, refer to the [Industrial Commission of Arizona \(ICA\) website](#) and/or at the [A.R.S. website under Title 23](#), Chapter 2, Article 8.1.**

Labor Employment Laws Additional Resources

American with Disabilities Act, [42. U.S.C., 12101, et seq.](#)

Office of the American with Disabilities Act: [Know the ADA](#)

Title VII of the [Civil Rights Act of 1964](#) U.S. Equal Employment Opportunity Commission ([EEOC website](#))

U.S Department of Labor, Wage and Hour Division - [Who is Covered?](#)

Fact Sheets:

- Fact Sheets with [Different Topics related to WBL](#)
- [Fact Sheet #40](#) Overview of Youth Employment (Child Labor) Provisions of the Fair Labor Standards Act (FLSA) for Agricultural Occupations
- [Fact Sheet #49](#) The Migrant and Seasonal Agricultural Worker Protection Act

- [Fact Sheet #71](#): Internship Programs Under The Fair Labor Standards Act
- [Fact Sheet #21](#): Recordkeeping Requirements (to be kept by the employers) under the Fair Labor Standards Act (FLSA)

Workplace Posters [General Topics and Contacts](#)

- Occupational Safety and Health Act/OSHA
- Migrant and Seasonal Agricultural Worker Protection Act Notice (MSPA)
- Know Your Rights

Perkins Collaborative Resource Network– [Work-Based Learning Initiatives](#)

Contacts:

- Wage and Hour Division [Contacts throughout the US](#)
- Department Of Labor (DOL) WHD [Arizona's Contact local offices](#)

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1