

Cooperative Education Guidelines for Administration

**How to Comply with Federal and State Laws and
Regulations**



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION**

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Introduction

Cooperative education is a method of instruction that enables students to combine academic classroom instruction (school-based learning component) with occupational instruction through learning on the job (work-based learning component) in a career area of choice. Emphasis is placed on the students' education and employability skills.

Pennsylvania continues to be a leader in this effort through cooperative education. Cooperative education has been a part of both the secondary and postsecondary school programs in Pennsylvania for many years, having its beginning around the turn of the 20th century.

In Pennsylvania, cooperative education is provided for in Chapter 4 of the Pennsylvania State Board of Education Regulations (SBR); Academic Standards and Assessment, Section 4.31 (c), which can be found at the following website:

<http://www.pacode.com/secure/data/022/chapter4/chap4toc.html>.

or Section 4.3 of Title 22 of the Pennsylvania Code, 22 Pa. 4.3

Vocational-technical education programs must consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized skill standards and may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills.

Cooperative education program content is provided for in Chapter 339 of the Pennsylvania Code (Vocational Education, Section 339.22,

www.pacode.com/secure/data/022/chapter339/chap339toc.html

Career and technical schools and comprehensive high schools offering the Pennsylvania Department of Education (PDE) - approved career and technical education programs may provide Capstone Cooperative Education as a method of instruction that includes an off-campus, occupationally-related experience.

Capstone Cooperative Education shall be planned and implemented as a method to assist students in their transition from school to work; it shall be planned and implemented in accordance with the student's declared career objective and in concert with predetermined, expected academic and occupational learning outcomes.

Diversified occupations education is also provided for in Chapter 339 of the Pennsylvania Code Vocational Education, Section 339.29,

<http://www.pacode.com/secure/data/022/chapter339/chap339toc.html>.

Diversified occupations programs may include any of the occupational areas defined in the Pennsylvania Code subsection (a) 22 Pa. Code 339.22(a) or other occupational areas not offered at the comprehensive high schools or area vocational technical school. The diversified occupations program shall be available as a one-year or two-year program. This program is for 11th and 12th grade students who are unable to gain admission to a vocational program due to

excessive numbers of applicants, inability to meet entrance requirements for other existing vocational programs, or lack of specific vocational areas offered at the comprehensive high school or participating area vocational technical school.

The major components of a quality cooperative education program are:

1. Job placements where students perform work related to acquired skills with the opportunity to develop additional competencies and contribute to the productivity of the business organization.
2. Certified cooperative education teacher-coordinators with appropriate occupational experience to provide planned, supervised instruction.
3. Worksite training supervisors who can share occupational expertise with students.
4. Accurate and realistic descriptions of the jobs to be performed by students, as well as realistic employer expectations of the skills the students bring to the job.
5. Individualized, written training plans that are correlated to the students' school-based instruction and on-the-job training (work-based).
6. Evaluations that are formal and informal assessments of the students' progress on the job, including feedback and follow-up to assist students in improving performance.
7. Parents/guardians who have a full understanding of their responsibilities in the program.
8. Assistance with job placement in full-time positions or referrals for additional education for graduates.
9. Follow-up studies of graduates that are conducted in a systematic manner.
10. Instruction in all aspects of the industry the student is preparing to enter, which provides a broad base of knowledge of all facets of the business operation including management, finances, health and safety.
11. Strong commitment by school administration for the program.

These guidelines were specifically developed to assist administrators and cooperative education teacher-coordinators in complying with federal and state laws, and regulations regarding cooperative education. The guidelines address laws, regulations and operational issues that should be followed to ensure an effective work-based learning environment for all students.

National Commission for Cooperative Education

Definition and Essential Characteristics

A national committee of experienced practitioners developed the cooperative education model, which follows. The definition and essential characteristics were approved by the boards of the National Commission for Cooperative Education, Cooperative Education Association and the Cooperative Education Division of the American Society for Engineering Education. Also included is a list of anticipated outcomes.

Definition of Cooperative Education

Cooperative education is a structured educational strategy integrating classroom studies with learning through productive work experiences in a field related to a student's academic or career goals. It provides progressive experiences in integrating theory and practice. Cooperative education is a partnership among students, educational institutions and employers, with specified responsibilities for each party. These include:

Essential Characteristics

1. Formal recognition by the school as an educational strategy integrating classroom learning and progressive work experiences, with a constructive academic relationship between teaching faculty and cooperative education faculty or administrators.
2. Structure for multiple work experiences in formalized sequence with study leading to degree completion of an academic program.
3. Work experiences, which include both an appropriate learning environment and productive work.
4. Work experiences related to career or academic goals.
5. Formal recognition of the co-op experience on student records (e.g., grade, credit hours, part of degree requirement, notation on transcript, etc.).
6. Pre-employment preparation for students, as well as ongoing advising.
7. Agreement among the school, employer, parent/guardian* and the student on:
 - a. Job description and new learning opportunities.
 - b. Specified minimum work periods equivalent in length to an academic term (quarter, semester or trimester). In alternating programs, students work approximately 40 hours/week, full-time during the term. In parallel programs, students work approximately 20 hours/week, part-time during the term.
 - c. Work monitored by the school and supervised by employers.
 - d. Official school enrollment during employment.
 - e. Recognition as a co-op employee by the employer.
 - f. Evaluations by the student, the school, and the employer, with guided reflection by the student.
 - g. Remuneration for the work performed.
8. Provision for employer and school evaluation of quality and relevance of the work experience and curriculum.
9. Designed to maximize outcomes for students, employers and the school.

*In Pennsylvania, the parent/guardian must be included as a key component of the partnership.

1) Outcomes

a. Student Outcomes

i. Academic

1. Ability to integrate classroom theory with workplace practice
2. Clarity about academic goals
3. Academic motivation
4. Technical knowledge through use of state-of-the-art equipment

ii. Professional

1. Clarity about career goals
2. Understanding of workplace culture
3. Workplace competencies
4. New or advanced skills
5. Career management professional network
6. After-graduation employment opportunities

iii. Personal

1. Maturity
2. Determination of strengths and weaknesses
3. Development/enhancement of interpersonal skills
4. Earnings to assist college expenses or to support personal financial responsibilities
5. Productive and responsible citizenship skills
6. Lifelong learning skills

b. Employer Outcomes

- i. Well-prepared, short-term employees
- ii. Flexibility to address human resource needs
- iii. Cost-effective long-term recruitment and retention
- iv. Access to candidates with sought-after skills and/or background
- v. Increased staff diversity
- vi. Partnerships with schools
- vii. Input on quality and relevance of school's curricula
- viii. Cost-effective productivity

c. College and University Outcomes

- i. Recruitment of new students
- ii. Retention of current students
- iii. Wider range of learning opportunities for students
- iv. Enriched curriculum
- v. Enhanced reputation in the employment community
- vi. Improved rate of employment of graduates
- vii. Increased alumni participation (hire students, contribute money, etc.)
- viii. Partnerships with business, government and community organization
- ix. Increased external support by corporations, foundations and government grants

d. Societal Outcomes

- i. Established model for workforce preparedness
- ii. Income tax revenue
- iii. Reduced demand for student loans
- iv. Productive and responsible citizens
- v. Industry-education partnerships

Developed by National Commission for Cooperative Education Practitioners Committee.
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Cooperative Education Programs

Cooperative education is a structured method of instruction combining school-based classroom learning with productive work-based learning in an occupation matching the student's academic and career objectives. At the secondary level, cooperative education involves a planned partnership with specified connecting activities and responsibilities among students, parent/guardians, schools, employers, labor organizations and government. These specified connecting activities and responsibilities include, but are not limited to, the following:

1. School-based learning activities including career awareness, career exploration and counseling, and the initial selection of a career objective by interested students.
2. Student enrollment in a PDE-approved career and technical education program which facilitates linkages with postsecondary education, a coherent multi-year sequence of instruction and the opportunity for full-time employment.
3. A written training agreement outlining responsibilities and a training plan detailing work-based competencies relevant to the student's career choice.
4. Students receive pay comparable to entry-level wage.
5. Supervision, coordination, monitoring and evaluation of student progress and performance between the school-based and work-based learning components are performed by appropriately certified professional school personnel because school credit is to be awarded for this experience. A minimum of one on-site visit per month is required.
6. An employer/employee relationship exists therefore, all state and federal laws regarding employer/employee relationships are enforced. Particular attention shall be given to the Child Labor Act regarding work permits, working hours, insurance, workers' compensation, safety and hazardous occupations.
7. Cooperative education teacher-coordinators shall complete a training agreement and training plan, and receive copies of each student's employment certificate or work permit and proof of workers' compensation before the student is placed at the work site.

Types of Cooperative Education Opportunities

Capstone

Students receiving a cooperative education experience from the specialized areas of career and technical education including: agriculture; business, computer and information technology; family and consumer sciences; marketing education (formerly distributive education); health occupations; and trade and industrial education may participate in Capstone. Through cooperative education, these students "cap off" their formal in-school career and technical education with a related employment experience at a school-approved, work-based learning site. (22 Pa. Code, Chapter 4 § 4.3)

Diversified Occupations

Diversified Occupations is a planned vocational program which may be offered at either the area vocational-technical school or comprehensive high school. The program prepares a heterogeneous group of students for more than one vocational education area of instruction for gainful employment. The program is a direct relationship/partnership between a local

business/industry and the local education agency. Career competency and manipulative aspects of a skill are developed at the job training station site. The school, in a classroom setting, provides related general as well as technical instruction, including safety.

Diversified occupations programs may include any of the occupational areas defined in (Chapter 339.22 Program Content/subsection (a)) or other occupational areas not offered at the comprehensive high schools or area vocational technical school. The diversified occupations program shall be available as a one-year or two-year program. This program is for 11th and 12th grade students who are unable to gain admission to a vocational program due to excessive numbers of applicants, inability to meet entrance requirements for other existing vocational programs, or lack of specific vocational areas offered at the comprehensive high school or participating area vocational technical school. When diversified occupations programs are provided, they shall be planned in accordance with the student's stated career objective.

Time Needed to Deliver a Cooperative Education/Diversified Occupations Program

Often asked is the question, "How much time should be devoted to teaching, coordinating and supervising cooperative education?" The best answer to this question is another question, "How successful do you want your program to be?"

School administrators, as well as cooperative education teacher-coordinators, need to recognize that all good things take time. Therefore, if you are going to enter into a cooperative education program, adequate and appropriate time must be provided for the cooperative education teacher-coordinator to do his or her job. The cooperative education teacher-coordinator will need time to assume added responsibilities in the following areas:

1. Delivering a school-based learning component to include academic integration and postsecondary articulation.
2. Helping students with their career major and/or career objective.
3. Matching students with highly skilled jobs.
4. Helping students gain entry into work-based learning.
5. Developing broader comprehensive training plans.
6. Integrating academic and career and technical education subject matter.
7. Fostering greater involvement with industry-education partnerships.
8. Working with diverse student populations.
9. Providing for transportable skill certification.
10. Infusing community exploration.
11. Becoming involved with work-based mentor training and on-site coordination.
12. Explaining all aspects of the industry.

Time requirements vary by the type of cooperative education offered. For Capstone Cooperative Education, students must meet with their certified vocational instructor at least 45-minutes per week or 90-minutes every other week to discuss job problems and related information. A minimum of one onsite evaluation for on-the-job activities must occur each month.

For school district-operated diversified occupation program, students shall meet with their

teacher-coordinator for at least one 40 to 45-minute period per day or a minimum of three hours per week. To meet this requirement at a career and technical center operated program, diversified occupations students shall meet their teacher-coordinator for at least one 40 to 45-minute period per week.

Facilities and Equipment

It is important that adequate classroom space be available for the teaching of general and occupationally specific information to Capstone Cooperative Education or Diversified Occupations students. The cooperative education facilities should contain areas in which to store occupational reference books, periodicals and individual student notebooks and study guides. The cooperative education facilities should be comparable to other classrooms at the school.

Special Population Services

Career and technical education provides employment opportunities for many students who are economically disadvantaged, foster children, disabled, limited English proficient, single parent/guardians and individuals who participate in programs preparing for nontraditional training and employment. With current law, a greater emphasis must be placed upon accountability within the career and technical education program, and developing more fully the academic, and career and technical skills of all students who enroll in these programs. The cooperative education program provides an opportunity for special population students to succeed in career and technical education and become gainfully employed.

The cooperative education teacher-coordinator must strive to provide supportive services/strategies as needed. Strategies include:

1. To bring about a thorough understanding of what is expected of students in the classroom and on the job by explaining:
 - a. The training agreement and training plan.
 - b. Problems arising in connection with the job.
 - c. The value of the program to students and employees.
2. To introduce areas of information to beginning workers by describing:
 - a. State and federal laws.
 - b. Workers' compensation, unemployment compensation, etc.
 - c. Initial employer expectations – promptness, correct dress, willingness to work, etc.
3. To teach students to use a study guide and other modifications used in connection with work and study.
4. To explain fully how students and their work will be evaluated at school and work.
5. To comply with the Individuals with Disabilities in Education Improvement Act of 2004 which requires transition services for students with special needs at the age of 16.

To accomplish the above, the cooperative education teacher-coordinator should incorporate curriculum, and/or physical modifications and adaptations appropriate to each student.

Note: Special populations mean: individuals with disabilities; individuals from economically disadvantaged families, including foster children; individuals preparing for nontraditional training and employment; single parent/guardians, including single pregnant women; displaced

homemakers and individuals with other barriers to educational achievement, including individuals with limited English proficiency. (Public Law 105-332)

Guidelines for Operating Capstone Cooperative Education Programs

Career and technical schools and comprehensive high schools offering PDE-approved career and technical education programs may provide Capstone Cooperative Education as a method of instruction that includes an off-campus, occupationally-related experience.

Capstone Cooperative Education shall be planned and implemented as a method to assist students in their transition from school to work. These programs should be planned and implemented in accordance with the student's declared career objective and in concert with predetermined, expected academic and occupational learning outcomes.

If cooperative vocational education is provided, it shall be planned in accordance with the stated career or occupational objectives of the student and include:

1. Related learning experiences held at a school-approved work station.
2. A training plan and a training agreement developed with the employer and available on file with both the school entity and the employer. The training agreement and training plan must be signed by the student, parent/guardian, school officials and cooperating employer.
3. Payment of the existing legal wage when applicable under Section 206 of the Fair Labor Standards Act of 1938 (29 U.S.C.A. § 206) and the Minimum Wage Act of 1968 (43 P. S. § § 333.101 – 333.115).
4. Provision for administration and supervision by school staff members in cooperation with the employer.
5. A minimum of one onsite student evaluation by a certified teacher for on-the-job activities per month.
6. At least 45 minutes per week, or 90 minutes every other week, for students to meet with their vocational instructor to discuss job problems and related information.
7. Credit for cooperative vocational education work experience.
8. A certified teacher coordinating the program.
9. Compliance with federal and state statutes.
10. Insurance protection for both the school and students.
11. It is recommended that a training plan detailing the types of on-the-job, work-based experiences and sequentially anticipated learning outcomes the student will complete be written and signed. See sample training plans on pages 23 and 24.
12. It is recommended that students meet with the cooperative education teacher-coordinator and their assigned technical education instructor to discuss job-related progress. It is also an opportunity to discuss problems and receive additional instruction in order to meet prescribed course outcomes and enhance their performance on the job.

Related instruction for Capstone Cooperative Education has been designed by cooperative education teacher-coordinators in the field to assist in the development of specific competencies identified in the 37 Capstone Activity Packets which are listed on the following pages. This should be used as a planning guide for related instruction. Individual needs of the students will determine which modules will be used. The Capstone Activity Packets are available from the

career and technical education professional development centers at Indiana University of Pennsylvania, the Pennsylvania State University and Temple University, or at the following website: <http://www.voced.iup.edu/PCEA>.

Pennsylvania Capstone Cooperative Education-Related Instructional Guide

The cooperative education capstone learning modules will enable the student to:

Orientation

1. Identify cooperative education program goals, policies and procedures
2. Describe work ethics
3. Discuss the transition from the classroom to the actual job situation

Human Relations

1. List and evaluate your personality traits to indicate self-understanding
2. List characteristics of a responsible employee
3. Develop and describe positive working relationships with others on the job
4. Demonstrate ways to resolve conflict

Health and Safety

1. Identify appropriate occupational safety practices and procedures

2. Describe the role of government agencies in providing for a safe workplace

Employment Retention

1. List ways you can show interest and enthusiasm on the job
2. List ways to show initiative and assertiveness on the job
3. List techniques for maintaining self-control
4. Explain importance of attendance and punctuality on the job
5. Prioritize your activities as they relate to your job
6. Diagram the organizational structure of your company
7. Interpret the purpose and use of a performance evaluation and complete a self-evaluation
8. Identify source of employee information regarding company policies and procedures
9. Identify proper procedures for job termination

10. List the occupational and leadership requirements to maintain and improve employment at the job

Communications

1. Distinguish between positive and negative feedback; define and give examples of constructive criticism
2. Demonstrate basic skills for both verbal and nonverbal communication
3. Define the elements of communicating with a supervisor
4. Define the elements of communicating with coworkers, emphasizing appropriate group behavior on the job
5. Demonstrate appropriate skills in communicating with the public

Consumer Skills

1. Understand and prepare a sample budget
2. List and describe fringe

benefits provided by the employer

3. Describe how to open a checking account, balance a checkbook and apply for a loan
4. Demonstrate the ability to file federal, state and local tax forms

Legal Awareness

1. List the steps in obtaining an employment certificate
2. Describe labor regulations that affect wages, hours and conditions of employment
3. Describe the withholding laws and the benefits provided by Social Security, workers' compensation and unemployment compensation

Future Planning

1. Develop a resume
2. Practice skills needed to be successful in a job interview
3. Discuss the importance to adapt to change
4. Establish short-term goals
5. Establish long-term goals
6. Complete a job application

Guidelines for Operating Cooperative Diversified Occupations Programs

The cooperative education Diversified Occupations approach provides the occupational skill training and knowledge acquisition essential to high school students having career objectives that cannot be met by any of the existing in-school career and technical education programs. Through the cooperative Diversified Occupations program, students with specific career objectives are matched with related employment experiences while they attend planned periods of related classroom theory during the school year.

The cooperative education Diversified Occupations program is designed for 11th and 12th grade students who are:

1. Unable to gain admission to a vocational program due to excessive applicants.
2. Unable to meet entrance requirements for other existing vocational programs. Or
3. Unable to participate in a specific vocational area because it is not offered at the comprehensive high school or participating area vocational-technical school.

Note: Diversified Occupations is a program of study with its own Classification of Instructional Program (CIP) Code, 32.0105 (Job Seeking/Changing Skills). Career and Technology Centers and school districts must apply for program approval to PDE's Bureau of Career and Technical Education, if seeking PDE-approved status and reimbursement.

Planning, Organization and Operation of Local Programs

Successful cooperative education Diversified Occupations programs never begin haphazardly. Work-based learning programs are unique in the degree to which the employers in the community are involved. For a meaningful program, employers assist in establishing the curriculum and student training plans. The most successful programs have given special attention to the following items:

1. Employ a certified cooperative education teacher-coordinator (See CSPG No. 37 – Cooperative Education Certification and Assignment Scope [7-12]).
2. Conduct student interest and community interest surveys to determine the need for, and acceptance of, a cooperative education Diversified Occupations program.
3. Select advisory committees that can facilitate the effective operation of a cooperative education Diversified Occupations program.
4. Determine the program cost and method of financing the cooperative education Diversified Occupations program.
5. Cooperative education Diversified Occupations programs may be offered at a career and technology center or comprehensive high school. When cooperative education Diversified Occupations programs are provided, they are planned in accordance with the student's stated career objective and must include:
 - a. Work-based learning experiences held at a school-approved worksite.
 - b. A training plan and a training agreement shall be developed with the employer and available on file with both the school and the employer. The training agreement and training plan must be signed by the student, parent/guardian, school official(s) and cooperating employer.
 - c. School-based, academic and career-specific instruction.
 - d. One planned course – equal to one unit of credit – of general related theory or technical

related content, or both, per year. In order to meet this requirement, the Diversified Occupations student must meet with his/her teacher-coordinator for at least one 40- to 45-minute period per day or a minimum of three hours per week for school district-operated programs. In a career and technical center operated program, the Diversified Occupations student shall meet with the teacher-coordinator for at least one 40- to 45-minute period per week.

- e. Payment of the existing legal wage.
- f. Provision for administration, supervision and monitoring by a certified cooperative education teacher-coordinator in cooperation with the employer.
- g. Provision of worksite supervision by an experienced person, and the student has had an opportunity to perform a variety of work assignments.
- h. A certified cooperative education teacher-coordinator to manage the program.
- i. Provision for coordination of worksite activities of at least one-half hour per week per student, including worksite visits and observations, as well as preparation for the related in-school instruction.
- j. Students shall be legally employed a minimum of 15 hours a week during the school year. Graduation credits can be awarded for hours worked outside of school hours.
- k. Students shall be legally employed a minimum of 150 school days to be eligible for PDE reimbursement.
- l. Recognition and high school credit for the student's participation in the cooperative education diversified occupations program.
- m. Compliance with federal and state statutes.
- n. Insurance protection for both the school and students.
- o. PDE-approved career and technical education programs must meet the minimum hour requirements in the Pennsylvania Code, Chapter 339.22 (a)(9)(i)(A). One-year sequence programs must meet a minimum of 720 hours, and these hours must occur within the school day. These 720 hours can be a combination of related classroom instruction and work experience. Two-year sequence programs must meet the minimum of 720 hours.

Secondary Curricula

The following descriptions concern cooperative education Diversified Occupations programs at both career and technology centers and comprehensive high schools (grades 11 and 12).

1. Two-Year Program (grades 11 and 12)
 - a. Eleventh Grade – School-Based Learning
 - Planned instruction that assures successful student competency in related theory and specific curricular content should include, but not be limited to, the Diversified Occupations Scope of Instruction.
 - Worksite placement of 11th grade students would be prohibited except where this experience is essential to meet the needs of individual students.
 - A specific planned instruction sufficient to cover related theory and specific curricular content to include instruction on school-based and work-based safety and accident prevention. Students are required to meet with the teacher-coordinator at least one 40- to 45-minute period per day or a minimum of three hours per week for school district operated programs. In a career and technical center operated program, the Diversified Occupations student shall meet with the teacher-coordinator for at

- least one 40- to 45-minute period per week.
- b. Twelfth Grade – School-Based Learning
 - Planned instruction that assures successful student competency attainment in related theory and specific curricular content should include, but not be limited to, the Diversified Occupations Scope of Instruction.
 - Students shall be legally employed a minimum of 15 hours per week during the school year. The specific planned instruction should be sufficient to cover related theory and specific curricular content to include instruction on school-based and work-based safety and accident prevention.
 - It is required that students be employed a minimum of 150 school days.
 - Students are required to meet with the teacher-coordinator at least one 40- to 45-minute period per day or a minimum of three hours per week in a school district operated program. In a career and technical center operated program, the Diversified Occupations student shall meet with the teacher coordinator for at least one 40 to 45-minute period per week.
 - A certified cooperative education teacher manages the program.
2. One-Year Program (grade 12)
- a. The specific planned instruction should be sufficient to cover related theory and specific curricular content. Refer to scope of instruction.
 - b. Students shall be legally employed a minimum of 15 hours per week during the school year. The specific planned instruction should be sufficient to cover related theory and specific curricular content to include instruction on school-based and work-based safety and accident prevention.
 - c. It is required that students be employed a minimum of 150 school days.
 - d. Students are required to meet with the teacher-coordinator at least one 40- to 45-minute period per day or a minimum of three hours per week for school district operated programs. In a career and technical center operated program, the Diversified Occupations student shall meet with the teacher-coordinator for at least one 40- to 45-minute period per week.
 - e. A certified cooperative education teacher manages the program.

Related instruction for Diversified Occupations has been designed by cooperative education teacher-coordinators in the field to assist in the development of specific competencies identified in the 88 Diversified Occupations Co-op Activity Packets listed on the following pages. This should be used as a planning guide for related instruction. Individual needs of the students will determine which modules will be used. The Diversified Occupations Co-op Activity Packets are available from the Career and Technical Education Professional Development Centers at Indiana University of Pennsylvania, the Pennsylvania State University and Temple University, or at the following website: <http://www.voced.iup.edu/PCEA>.

Pennsylvania Cooperative Education Diversified Occupations Scope of Instruction

General Related Instruction

Orientation

1. Program Terms and Definitions
2. Program Objectives, Policies, Procedures, Forms, Grading and Expectations
3. Career and Technical Education Programs
4. Work Ethics
5. Introduction to Youth Organizations

Career Development and Planning

1. Self-Assessment
2. Values Clarification
3. Personal Responsibilities
4. Individual Development
5. Decision Making Skills
6. Career Investigations
7. Labor Force Trends

Employment Acquisition

1. Application Forms and Letters

2. Interviews
3. Resumes
4. Tests
5. Employment Agencies/Services
6. Job Sources
7. Personal Appearance
8. Attitudes
9. Pennsylvania Office of Employment Security Services

Human Relations

1. Human Needs
2. Personality Development
3. Ethnic Understanding
4. Racial Understanding
5. Sex Equity
6. Managing Conflict
7. Employee Organizations (Professional Associations/Unions)
8. Employer-Employee Relations
9. Getting Along with Co-Workers

Health and Safety

1. Drugs and Alcohol

2. Stress
3. Healthful Living
4. Occupational Health Hazards
5. Personal Safety
6. Home Safety
7. Job Site Safety
8. First Aid

Employment Retention

1. Good Worker Attributes
 - a. Knowledge
 - b. Skills
 - c. Attitudes
2. Job Changes and Promotions
3. Organizational Structure
4. Employee Responsibilities

Communications

Development

1. Listening Skills
2. Speaking Skills
3. Nonverbal Skills
4. Writing Skills
5. Telephone Skills

Legal Awareness

1. Child Labor Law
2. Occupational Safety & Health
3. Social Security
4. Fair Labor Standards
5. Civil Law
6. Workers' Compensation
7. Equal Opportunity
8. Targeted Jobs Tax Credit
9. Work Force Investment Board
10. Americans with Disabilities Act
11. Right-to-Know
12. Pennsylvania Human Relations Act

Youth Organizations

1. Public Relations
2. Community Service
3. Parliamentary Procedures
4. Leadership Development
5. Citizenship
6. Community Involvement
7. Community Responsibilities
8. School Improvement

Pennsylvania Cooperative Education Diversified Occupations Program Scope of Instruction (continued)

Technical Related Instruction

Consumer Skills

1. Banking
2. Credit
3. Money Management
4. Taxes (Income and Wages)
5. Insurance
6. Investments
7. Consumer Protection
8. Wages and Salaries
9. Fringe Benefits
10. Methods of Transportation

Literacy Skills

Economics

1. Entrepreneurship
2. Economic Systems
3. Supply and Demand
4. Organizational Types
 - a. Sole Proprietorship
 - b. Partnership
 - c. Corporation

Future Planning

1. Technological Changes
2. Technological Advances
3. Professional Development
4. Career Changes
5. Computer Awareness
6. Short and Long Term Goals
7. Educational Opportunities
8. Occupational Opportunities

Related Instruction

1. Job Safety
2. Occupational Terms
3. Occupational Requirements
4. Entry-Level Occupational Competencies
5. Professional and Trade Associations
6. Further Training Needed
7. Apprenticeship Programs
8. Licenses and Permits

General Related Instruction in a cooperative education diversified occupations program encompasses the competencies necessary to succeed as employees in the world of work. Learning activities, based on career planning and development, are generated through classroom group instruction. The curriculum areas include: Career Development and Planning, Employment Acquisition, Human Relations, Health and Safety, Employment Retention, Communications Development, Legal Awareness, Consumer Skill and Economics.

Technical Related Instruction is a cooperative education teacher-coordinator directed individualized method of study that allows each student to obtain theory about an area related to his/her current job or career objective. Cooperative education teacher-coordinators may apply a variety of instructional techniques using the students' training plans as a learning guide.

The students practice and demonstrate their occupational competencies on the job, and reinforce the technical theory through classroom instruction.

Pennsylvania Cooperative Education Diversified Occupations Competencies

A student will be able to:

Orientation

1. Identify program policies and procedures
2. List program objectives
3. Describe work ethics
4. Complete forms
5. List the benefits of career and technical student organizations

Career Development and Planning

1. Construct a profile of personal interests, aptitudes, abilities and values
2. Compare careers in relation to job tasks, work environment, job availability and educational requirements

Employment Acquisition

1. Prepare a resume
2. Prepare a letter of application
3. Complete employment applications
4. Demonstrate job interview techniques
5. Demonstrate job interview/application follow-up activities
6. List potential employers

Human Relations

1. Analyze human relations in terms of:
 - a. Employer responsibilities
 - b. Employee responsibilities
 - c. Coworker responsibilities
2. Demonstrate positive decision making skills
3. Identify methods to resolve conflicts
4. Distinguish between positive/negative criticisms
5. Compare the advantages and disadvantages of unions and other employee organizations

Health and Safety

1. Describe the need for safety practice and procedures
2. Identify ways to achieve personal safety
3. Identify general occupational safety practices
4. Demonstrate general first aid procedures
5. Describe the role of government agencies in providing for a safe workplace

Employment Retention

1. Demonstrate the positive attributes of a “good employee”
2. Evaluate job changes and promotions
3. Diagram the organizational structure of a company
4. Interpret a performance evaluation

5. Identify sources of employee information regarding company policies and procedures
6. Summarize proper procedures for job termination

Communications Development

1. Demonstrate listening skills
2. Demonstrate speaking skills
3. Demonstrate nonverbal skills
4. Demonstrate writing skills
5. Demonstrate telephone skills
6. Demonstrate self-assertiveness

Legal Awareness

1. Describe how labor regulations (federal and state) affect employment certificates
2. Describe how labor regulations affect where a student can work
3. Describe how labor regulations affect the time a student can work
4. Describe how labor regulations affect wages
5. List the benefits provided by:
 - a. Social Security
 - b. Workers’ compensation
 - c. Unemployment compensation
6. Describe the purpose of Equal Opportunity Employment
7. Identify major laws that regulate management relations

Pennsylvania Cooperative Education Diversified Occupations Competencies (continued)

Youth Organizations

1. List good citizenship activities
2. Participate in a leadership activity
3. Demonstrate leadership qualities
4. Demonstrate parliamentary procedure skills
5. Participate in a public relations activity

Consumer Skills

Banking

1. Discuss financial institutions
2. Demonstrate ability to use basic banking services

Credit

3. Describe the function and purposes of credit
4. Describe how to use credit wisely

Money Management

5. List personal financial goals
6. Prepare a budget

Taxes

7. Describe the types and function of taxes
8. Prepare tax forms of payroll deductions

Insurance

9. Describe types and purposes of insurance
10. List factors in buying insurance

Consumer Protection

11. Identify actions that can be taken for consumer protection

Wages

12. Identify types of earnings
13. Describe forms of payroll deductions

Fringe Benefits

14. Describe various fringe benefits

Economics

1. Describe types of business organizations
2. Describe the opportunities of entrepreneurship
3. Identify major differences in economic systems

Future Planning

1. Describe the impact of technological change in the workplace
2. List the occupational opportunities at your present skill level

3. List short- and long-term career goals
4. Develop a plan for professional growth
5. Discuss career changes

Technical Related Instruction

1. List specific safety rules and identify potential hazards at the job site
2. Demonstrate safe work habits and attitudes on the job
3. Define the specific occupational terms related to your job
4. List your occupational skills
5. List the occupational requirements to maintain employment at your job site
6. Describe the policies and procedures used by your cooperating employer
7. Diagram your company's organizational structure
8. Identify technical related resources that correlate with on the job experiences

The above competencies may be arranged according to individual preference. This is not to be a syllabus. PDE is committed to promoting the adoption and implementation of competency-based career and technical education for all occupational programs. It is suggested that an 80 percent or better level of mastery be achieved for each competency.

Staffing Requirements

The staffing requirements for cooperative education are noted in Certification and Staffing Policies and Guidelines (CSPG) available on the Pennsylvania Department of Education's (PDE) website.

The two CSPGs that refer to cooperative education staffing requirements are: CSPG No. 37 - Cooperative Education; and CSPG 61; Special Education – Cognitive, Behavior and Physical/Health Disabilities. A person holding a Pennsylvania certificate endorsed for an area of special education, and who is engaged in cooperative education activity within a special education program also, shall hold certification for cooperative education to be qualified for such assignment.

CSPG No. 37 covers the cooperative education certification and assignment scope. It includes the following:

Cooperative Education is the science or art involved in teaching the technical skills, knowledge acquisition and workplace training essential to students. Students with specific career objectives are molded with related employment experiences while they attend planned periods of career-related classroom theory.

Grade Level Scope of Certificate

A person holding a valid Pennsylvania certificate for cooperative education is qualified to plan and teach cooperative education training and courses, including work based instruction and training activities in grades 7 through 12.

Certification Assignment

An educator holding a valid Pennsylvania certificate for cooperative education is qualified to teach cooperative education programs of study; and to provide work placement services for students into selected training agencies in the community and supervise students at a work-based site.

Special Considerations

Cooperative education certification requires a pre-existing Pennsylvania Instructional I or II, or Vocational Instructional I or II certificate. The certified educator may teach cooperative education courses to special education or gifted students within the scope of the certificate. An educator certified in this field may provide school staff development services regarding their collegial studies/skills, may serve in the role of mentor or advisor and may assist students in understanding the “reading” content area materials related to this subject area.

A person holding an administrative or supervisory level certificate is not qualified, by virtue of such certificate, to perform cooperative education activities.

Pennsylvania Career and Technical Education Professional Development Centers

A candidate seeking certification in cooperative education should contact one of the three following professional development centers.

Indiana University of Pennsylvania
Center for Career and Technical Personnel Preparation
1110 Maple Street
Reschini House
Indiana, PA 15705-1057
Phone: 724-357-4435
Fax: 724-357-6200
<http://www.voced.iup.edu>

Pennsylvania State University
Professional Personnel Development Center
301 J. Orvis Keller Building
University Park, PA 16802
Phone: 814-863-0804
Fax: 814-863-7532
<http://www.ed.psu.edu/educ>

Temple University
Center for Professional Development in Career and Technical Education
Ritter Hall, Room 340
1301 Cecil B. Moore Avenue
Philadelphia, PA 19122-6091
Phone: 215-204-6249
Fax: 215-204-5154
<http://www.temple.edu/education/career-tech>

Training Agreements and Training Plans

Successful cooperative education experiences are the result of planned, relevant experiences for students. The importance of formalizing agreed-upon learning experiences and activities for students cannot be overemphasized. The training agreement and training plan provide the connection between participants and assure a beneficial experience for all involved.

The standards for career and technical education are located in Chapter 339 issued under the Public School Code of 1949 Chapter 339.29(2). According to the standards, cooperative education shall include “a training plan and a training agreement” per PDE guidelines, signed by the student, parent/guardian, school official and cooperating employer or representative.”

A sample training agreement and training plan are included in this section of the [*Cooperative Education Guidelines*] and meet the requirements for a memorandum of understanding.

Training Agreement

A training agreement is a statement of fundamental agreements and responsibilities regarding the participation of a student in a work environment that is signed by all participants. The training agreement states the conditions and understandings that the school, student and supervisor agree to when participating in a training program. The training agreement is initiated by the school and reflects a cooperative commitment on the part of the cooperative education teacher-coordinator, employer, parent/guardian, student and school administrator.

The training agreement is essential for a number of reasons:

1. As a planning document, it serves as a management tool for directing various learning experiences.
2. As an information document, it helps employers to appreciate their teaching role and to understand the purpose of the cooperative education program.
3. As a permanent record, it is useful for subsequent placement services and follow-up studies.
4. As a career decision-making document, it builds student satisfaction in fulfilling a prevailing career interest.

The training agreement is a compilation of important information and data relative to the employment of the student. The student, parent/guardian, employer and cooperative education teacher-coordinator should each have a copy of the training agreement when the student begins the training experience.

SAMPLE TRAINING AGREEMENT FOR COOPERATIVE EDUCATION

Pennsylvania Career and Technical Education Regulations and Standards and Pennsylvania and Federal Child Labor Laws Require a Written Training Agreement and Training Plan for Each Student Learner in a Cooperative Education Program.

Student Learner Name _____ P A secure ID _____
Address _____ Telephone _____
Birth Date _____ Age _____ Work Permit No. _____
Student Learner Career Objective _____ Job Title _____
Date of Employment: Beginning _____ Ending _____
High School or CTC/AVTS _____
Address _____ Telephone _____
Training Agency _____
Address _____ Telephone _____
Training Supervisor _____ Telephone _____
Weekly Hours _____ Beginning Rate of Pay _____

EMPLOYER/TRAINING SITE RESPONSIBILITIES:

The employer/training site will adhere to all State and Federal regulations regarding safe working environment and conditions, employment, child labor laws, minimum wages and workers' compensation.

1. The student learner will be given a variety of work assignments and be supervised by an experienced person.
2. A periodic evaluation of job progress will be made by the training supervisor on a rating form provided by the school.
3. The training supervisor will arrange a conference with the coordinator when a trainee problem arises.
4. The training sponsor will provide necessary safety instruction throughout student learner training period.
5. Employer/training site will not employ a student learner to displace a regular worker.
6. Exposure to the hazardous work will be incidental to the student's training and that any such work will be intermittent and under the direct supervision of an experienced, qualified person.
7. The employer is not liable to the unemployment compensation fund for wages paid to the student learner while under the training program. This is provided in Section 4(l) (4) (10) (C) of the Pennsylvania Unemployment Compensation Law.

STUDENT LEARNER RESPONSIBILITIES:

1. The student learner agrees to perform the assigned duties in a loyal manner and work to the best interest of all concerned.
2. The student learner agrees to report job problems to the training supervisor and cooperative education coordinator.
3. The student learner will adhere to company policy; employment may be terminated for the same reasons as regular employees.
4. The student learner must be regular in attendance at school and on the job. If unable to report to work, the student learner will notify the employer and coordinator before the start of the normal workday.
5. The student learner's employment will be terminated upon withdrawal from school.
6. The student learner will report to school for designated meetings and related instruction.
7. The student learner will follow school rules at the work and school sites. Violation of school rules will lead to disciplinary action, which may include termination from employment.

SCHOOL RESPONSIBILITIES:

1. The program is under the direct supervision of a certified cooperative education coordinator.
2. The student learner will receive related instruction and safety instruction from the occupational instructor or the cooperative education coordinator prior to job placement.
3. The cooperative education coordinator will visit the student learner and training supervisor on a regular basis at the training site.
4. The cooperative education coordinator will investigate compatibility of job circumstances with requirements for student learner attainment of advanced standing in an apprenticeship program upon graduation from high school.
5. The school will maintain signed copies of the written training agreement and plan for each student learner participating in the program for three years from the date of enrollment in the program.
6. Student learner transportation, insurance and attendance at school and work will be covered by school policy.

This memorandum is for the purpose of outlining the agreement between the school and employer on the conditions of training to be given a student learner while on the job. We, the undersigned, agree to the conditions and statements in this agreement.

Student Learner	Date	Parent or Guardian	Date
Employer	Date	Principal, CTC/AVTS Director or Designee	Date
Cooperative Education Coordinator	Date		

Employer/Training sites and schools of cooperative education students shall not discriminate in educational programs, activities or employment practices based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership or any other legally protected classification. Announcement of this policy is in accordance with state and federal laws including Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

PDE-4555 (1/2007)

Training Plan

A training plan details who, what, when, where and why of a student's on-the-job training experience. The training plan is an educational plan and, as such, the student receives recognition and school credit(s) for performance in carrying out the plan. The training plan is a document separate from the training agreement. The plan outlines training activities that the student will learn to perform while on the job.

The following principles should be considered in the development and use of a training plan:

1. The plan is individualized with the student's career objective or career interest as its basis.
2. The cooperative education teacher-coordinator, student and employer work as a team to prepare the training plan, which identifies the activities to be performed by the student learner.
3. Safety instruction should be a training activity for each student. Training activities for a student exposed to hazardous occupations must show evidence of planned on-the-job safety instruction.
4. A training plan must be modified during the training experience when conditions warrant.
5. The cooperative education teacher-coordinator and employer agree on the approximate time needed by the student to complete a training activity.
6. The cooperative education teacher-coordinator and employer cooperatively evaluate student performance of each training activity.
7. The cooperative education teacher-coordinator bases program planning, training site visitations and related instructional activities on the training plan.
8. As a working document, the training plan allows the employer and cooperative education teacher-coordinator to evaluate the student's on-the-job placement.

The training plan provides space for student data, training site details, training activities, performance evaluation and signatures of the student, parent/guardian, school official(s) and employer. The student, parent/guardian, employer and cooperative education teacher-coordinator should each have a copy of the completed training plan.

SAMPLE
Training Plan for Cooperative Education

Student Learner _____	Telephone _____	E-Mail _____
Training Agency _____	Telephone _____	E-Mail _____
Training Supervisor _____	Telephone _____	E-Mail _____
Parent/Guardian _____	Telephone _____	E-Mail _____
Signatures: Cooperative Education Teacher-Coordinator _____	Date _____	
Training Supervisor _____	Date _____	
Student Learner _____	Date _____	
Parent/Guardian _____	Date _____	

Educational Program

Student Program Title _____ Classification of Instructional Program (CIP) _____
Student Career Objective _____

Competencies to be developed
(List the competencies the student is to learn on-the-job)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Learning Activities
(Briefly describe what the student will do to master the competencies listed above)

Employer/Training sites and schools of cooperative education students shall not discriminate in educational programs, activities, or employment practices based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership or any other legally protected classification. Announcement of this policy is in accordance with state and federal laws including Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Pennsylvania Laws Relevant to Cooperative Education

There are many state and federal laws that have a significant impact on cooperative education. The cooperative education teacher-coordinator has an ethical and professional responsibility to know and understand the special provisions that apply to the employment of students. This section was developed to assist teacher-coordinators in meeting these responsibilities.

By reviewing this section, cooperative education teacher-coordinators will be aware of areas where they may need to take special action, to obtain information or to seek the assistance of other individuals or agencies. This section is not, however, an authoritative nor comprehensive presentation of the laws. Laws and policies constantly change therefore, it is imperative for cooperative education teacher-coordinators to keep abreast of new developments and changes. For that reason, the Appendix section contains sources of up-to-date information. Teacher-coordinators should also consult their school district's legal counsel whenever questions arise.

In most cases, employers must comply with both federal and state laws. Therefore, cooperative education teacher-coordinators must be knowledgeable about both the federal Fair Labor Standards Act and the Pennsylvania Child Labor Act.

Federal and Pennsylvania Child Labor Laws do not always align. When the two laws differ, the stringent of the two must apply. Indiana University of Pennsylvania has developed a resource, *Labor Laws Reference Guide* which offers a comparison of federal and Pennsylvania child labor laws. Refer to the Pennsylvania Cooperative Education Association's website at <http://www.voced.iup.edu/pcea/Frame.asp?url=home.htm>.

Pennsylvania Child Labor Act

The Pennsylvania Child Labor Act was enacted to "provide for the health, safety, and welfare of minors by forbidding their employment or work in certain establishments and occupations, and under certain specified ages." The Child Labor Act establishes the age limits, hours of employment and the prohibited occupations for students who are residents of the commonwealth.

The provisions of the Child Labor Act apply to all situations in which an employer-employee relationship exists, including all paid work experience as part of cooperative education.

Resource Links:

1. General information about Pennsylvania Child Labor Law. Provided by the Pennsylvania Department of Labor and Industry.
<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=553527&mode=2>
2. Frequently asked questions about the Pennsylvania Child Labor Law. Provided by the Pennsylvania Department of Education.
http://www.portal.state.pa.us/portal/server.pt/community/child_labor_law/7508
3. Pennsylvania Child Labor Act. Provided by the Pennsylvania Department of Labor and Industry.
www.portal.state.pa.us/portal/server.pt?open=18&objID=438548&mode=2
4. Pennsylvania Department of Labor and Industry's Abstract of the Child Labor Law. All employers must have a copy of the abstract posted if they employ minors.
<http://www.portal.state.pa.us/portal/server.pt?open=18&objID=439051&mode=2>

PDE-4617A (1/2007)

5. Pennsylvania Department of Labor and Industry's regulations concerning child labor define terms such as apprentice, laboratory student aide and student learner. The regulations also list and define dangerous and prohibited occupations.

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=552939&mode=2>

The Child Labor Act also requires all students under the age of 18 to complete an *Application to Work Permit* prior to beginning employment. Pages 36 and 37 contain samples of the employment certificate/work permit application and form used with cooperative education student learners.

1. The designated school district issuing officer has responsibility for approving applications for employment certificates and work permits.
2. Employment certificates or work permits are required for students to participate in cooperative education. Cooperative education teacher-coordinators should be certain that all students have obtained the necessary employment certificate or work permit prior to being sent to their worksites.

Additional information can be obtained from any Pennsylvania Bureau of Labor Law Compliance office and from the School Services Unit in the Pennsylvania Department of Education.

Fair Labor Standards Act

The Fair Labor Standards Act is the federal law which contains provisions for the employment of minors, hazardous occupations, minimum wage and overtime. It can be viewed at

<http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>.

Both the state and federal child labor laws also include a list of prohibited occupations for minors. Cooperative education student learners may not be involved in any prohibited occupation unless they qualify for one of the stated exceptions.

Cooperative education teacher-coordinators should be aware that infractions related to child labor laws occasionally occur because there are inconsistencies between the state and federal child labor laws. When such inconsistencies exist, the rule is that the most stringent requirement of either body of law will prevail, regardless of whether it is a state or federal mandate.

PDE-4617A (1/2007)

Pennsylvania Child Labor Act

Excerpts from the Law

Note: The following information was copied verbatim from the Child Labor Law Act. (See source listed below.) Cooperative education coordinators needing clarification should contact the Pennsylvania Department of Labor and Industry. Contact information is listed in the appendix.

Time limitations on employment of minors:

- (a) Rest break--No minor may be employed for more than five hours continuously without an interval of at least 30 minutes for a rest break. No period of less than 30 minutes shall be deemed to interrupt a continuous period of work.
- (b) Time restriction--Except for newspaper delivery under section 14, a minor may not be employed for more than six consecutive days.
- (c) Age restriction--Except as set forth under sections 4(d) and 5, no individual under 14 years of age may be employed.

Pennsylvania Child Labor Act hours of employment for minors 16 years of age or older

The hours of employment for minors who are 16 years of age or older are as follows:

- (1) When school is in session, an individual who is 16 years of age or older shall be limited as follows:
 - (i) The minor may not be employed for more than 28 hours per week during a regular school week.
 - (ii) The minor may not be employed for more than eight hours in a single day.
 - (iii) The minor may not be employed before 6 a.m. or after midnight, except that during a school vacation period a minor shall be permitted to be employed until 1 a.m.
- (2) During a school vacation, an individual who is 16 years of age or older shall be limited as follows:
 - (i) The minor may not be employed for more than ten hours in a single day.
 - (ii) The minor may not be employed for more than 48 hours in a single week provided that any hours worked more than 44 in a single week shall be voluntarily agreed to by the minor and further provided that the minor may reject any request for employment in excess of 44 hours in a single week without retaliation.
- (3) A minor enrolled in summer school is subject to the limitations set forth under paragraph (1).
- (4) An individual who is 16 years of age or older who is employed as a counselor, counselor-in-training or junior counselor during the school vacation period by a summer resident camp or a conference or retreat operated by a religious or scout organization shall receive 24 consecutive hours of rest during every seven-day period. This paragraph does not apply to a minor employed primarily for general maintenance work or food service activities.
- (5) This subsection does not apply to a minor who:
 - (i) Is a high school graduate; or
 - (ii) Is exempt from compulsory school attendance requirements under section 1330(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Source: <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=438548&mode=2>

PDE-4617A (1/2007)

What are the Pennsylvania Child Labor Act prohibited occupations for minors?

(a) Minors may not be employed in the following:

- (1) Establishments where alcoholic beverages are produced, sold or dispensed except as follows:
 - (i) Notwithstanding any other provisions of law, a hotel, restaurant or club liquor licensee or any retail dispenser may allow students receiving instruction in a performing art to perform an exhibition if the students are not compensated and are under proper supervision in accordance with the act of April 12, 1951 (P.L.90, No.21) known as the Liquor Code. PDE-4617A (1/2007)
 - (ii) An individual under 16 years of age may be employed at a continuing-care retirement community, ski resort, bowling alley, golf course, amusement park or other similar recreational establishment where alcoholic beverages are served as long as the individual is not permitted to handle or serve the beverages and is not employed in an area where the beverages are stored or served.
 - (iii) A minor 16 years of age or older may be employed in that part of the establishment in which alcoholic beverages are not served.
 - (iv) A minor 16 years of age or older may be employed in a hotel, club or restaurant where alcoholic beverages are served if the employment consists of serving food, clearing tables and related duties, provided that the establishment has a valid permit for Sunday sales issued by the Pennsylvania Liquor Control Board and the minor's duties do not include dispensing or serving alcoholic beverages. Before employing a minor under this subsection, an establishment licensed by the Pennsylvania Liquor Control Board for Sunday sales must submit to the issuing officer a copy of the current valid permit for Sunday sales.
- (2) In any occupation or establishment designated as hazardous and otherwise prohibited under the Fair Labor Standards Act and regulations under that act.
- (3) As a pilot, fireman or engineer upon a boat or vessel; on a railroad or railway as a track repairman, gate-tender, switch-tender, brakeman, fireman, engineer, motorman or conductor; or in the manufacture of paint, color or white-lead, poisonous dyes or compositions using dangerous lead or acids; and minors under 16 years of age shall not be permitted to strip or sort tobacco, work on scaffolding or work in a tunnel.
- (4) An individual under 16 years of age may not be employed or permitted to conduct youth peddling, which entails the selling of goods or services to customers at locations other than the minor-employer's establishment, such as the customers' residences or places of business or public places such as street corners and public transportation stations. Prohibited activities associated with youth peddling not only include the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler in conjunction with his or her sales, such as the loading and unloading of vans or other motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer and the transportation of minors to and from the various sales areas by the employer. Prohibited youth peddling also includes such promotion activities as the holding, wearing or waving of signs, merchandise, costumes, sandwich boards or placards in order to attract potential customers, except when performed inside or directly in front of the employer's establishment providing the product, service or event being advertised. PDE-4617A (1/2007)

This paragraph does not prohibit a minor salesperson from conducting sales for his or her employer on property controlled by the employer that is out of doors but may properly be considered part of the employer's establishment. Minors may conduct sales in such employer exterior facilities, whether temporary or permanent, as garden centers, sidewalk sales and parking lot sales, when employed by that establishment. Youth peddling does not include the activities of persons who, as volunteers and without compensation, sell goods or services on behalf of eleemosynary organizations or public agencies.

- (b) List--The department shall publish a list in the Pennsylvania Bulletin which shall constitute hazardous or otherwise prohibited establishments or occupations under this act. The list shall consist of those occupations and establishments prohibited under subsection (a) (2) and those establishments and occupations specifically enumerated as hazardous or prohibited in this act. (See Pennsylvania Child Labor Act Prohibited Occupations for all Minors below.)
- (c) Additional occupations--The Pennsylvania Department of Labor and Industry may establish additional prohibited or hazardous occupations or establishments which are not included in subsection (b), through regulation.

Source: <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=438548&mode=2>

Pennsylvania Child Labor Act Prohibited Occupations for All Minors

- **BRICKMAKER:** Manufacturing bricks, tile and kindred products. Working in the brick-making industry on horizontal or vertical pug mills (mixers) (34 Pa. Code § 11.54). Manufacturing of clay construction products – exception: may work in storage or shipping, in offices, laboratories and storerooms and in the drying departments of plants manufacturing sewer pipe. For silica brick and silica refractories, office work is permitted. Prohibition does not include non-structural bearing clay products: ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories, except silica refractories (29 CFR § 570.64).
- **CRANE OPERATOR:** Operating, tending, riding upon, working from, repairing servicing, or disassembling cranes, hoists, derricks, high lift trucks including fork lifts and elevators (34 Pa. Code § 11.32; 29 CFR § 570.58).
- **ELECTRICAL WORKER:** Installing and removing electrical wiring.* Installing, removing, reading and testing electric meters* (34 Pa. Code §§ 11.31; 11.35; 11.38).
- **ELEVATOR OPERATOR:** Operating, managing (34 Pa. Code § 11.32), tending, riding upon, working from, repairing, servicing or disassembling passenger or freight elevators, hoisting or lifting machinery (34 Pa. Code § 11.32; 29 CFR § 570.58). Exception: riding inside unattended automatic operation passenger elevator, and 16 and 17 year old minors may ride upon a freight elevator operated by an assigned operator (29 CFR § 570.58).
- **EXCAVATOR:** Working within tunnels, shafts prior to completion of all driving, sinking and shoring operations and trenches more than four feet in depth* (34 Pa. Code § 11.66; 29 CFR § 570.68).
- **EXPLOSIVES MANUFACTURING:** Including handling or storing explosives (34 Pa. Code § 11.43): Exception for retail establishments (29 CFR § 570.51). Must be at least 360 feet from point of handling/storage of 200 pounds of explosives, amount of distance increases with greater pounds of explosives (34 Pa. Code § 11.43).
- **FOREST FIREFIGHTING:** Including forest fire prevention activities. Exceptions for 16 and 17 year olds: as long as tasks are not performed in conjunction with/support of firefighting efforts. May clear fire trails/roads, construct/maintain/patrol fire lines, pile/burn slash, maintain firefighting equipment and act as fire lookout or fire patrolman (29 CFR § 570.54).

- **FOREST SERVICE/MILL WORKER:** Including timber tract management, logging, lath mill, shingle mill, cooperage stock mill and saw mill operations. Exceptions for 16 and 17 year olds: work in offices, repair/maintenance shops, living quarters, repair/maintenance of roads, railroads or flumes; work on telephone lines not involving the use of power-driven machinery, handling/use of explosives, felling/bucking of timber, and collecting or transporting of logs or work on trestles; work related to forest marketing/forest economics, feeding/care of animals, peeling fence posts, pulpwood, chemical wood, excelsior wood, cordwood, etc., when not done in conjunction or location with logging occupations. For permanent saw mill, lath mill, shingle mill or cooperage stock mill operations, 16 and 17 year olds may straighten/mark/tally/pull lumber on dry chain or dry drop sorter, clean-up lumber yard, piling/handling, shipping of cooperage stock, other than operating/assisting with power-driven equipment; clerical work; clean-up work outside shake and shingle mills, except when mill is operational; split shakes manually from precut/split blocks and pack shakes into bundles, except inside mill building/cover; manually loading bundles of shingles/shakes into trucks/railroad cars with doctor's note (29 CFR § 570.54).
- **MEAT PROCESSING:*** Operation of power driven food chopping, meat grinding, slicing or processing machines, and any occupation on the killing floor, in curing/hide cellars. Except for 16 and 17 year old minors working as messengers, runners, and hand truckers, which require entering such workrooms infrequently and for short periods of time. All occupations in recovery of lard and oils, except packaging and shipping, all occupations involved in tankage or rendering of dead animals; boning, pushing or dropping of any suspended full, half or quarter carcass; hand lifting or hand carrying any full, half or quarter carcass of beef, horse, or buffalo; and, any hand lifting or hand carrying of full or half deer or pork carcass. Killing and processing of rabbits and small game in areas physically separated from killing floor permitted for 16 and 17 year olds (34 Pa. Code § 11.65; 29 CFR § 570.61).
- **MOTION PICTURE (FILM) PROJECTIONIST.** Exception, 17 year old minor may work as apprentice of a motion picture projectionist (34 Pa. Code § 11.45).
- **MOTOR VEHICLE:** Driving a motor vehicle and being an outside helper on public roads/highways, in or about any mine, in or about excavation operations, and around sawmill/logging operations. Exception for occasional driving for licensed 17 year olds with state approved driver education course, if vehicle does not exceed 6,000 pounds and has restraining device, driving is during daylight, within 30 mile radius of employer, and limited to two trips per day away from employer location. May not drive for urgent, time-sensitive transporting and deliveries, including pizza delivery, may not tow, drive route deliveries/sales, may not provide transportation for hire of property/goods/passengers, limit of three passengers. Outside helper is any individual other than driver, whose work includes riding on

a motor vehicle outside the cab for purpose of assisting in transporting/delivering goods (29 CFR § 570.52).

- **PAINT, ACIDS AND POISON MANUFACTURER:** In any capacity in the manufacture of paint, color or white-lead, poisonous dyes, or compositions using dangerous lead or acids (Child Labor Act, § 4(a) (3)).
- **ROOFER:** All occupations* (34 Pa. Code § 11.63; 29 CFR § 570.67).
- **SPRAY COATER:** Spray coating with substances containing lead, benzol or ground siliceous material* (34 Pa. Code § 11.58).
- **WELDER:** Acetylene or electric welding* (34 Pa. Code § 11.33).
- **WOODWORKING:** Using power-driven woodworking machines, including supervising/controlling operation of machines, feeding/assisting with feeding materials into machines; setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines, off-bearing from circular saws and guillotine-action veneer clippers.* Exception, 16 and 17 year olds may place material on moving chain/hopper for automatic feeding (34 Pa. Code § 11.46; 29 CFR § 570.55).
- **WRECKING AND/OR DEMOLITION WORKER:** All occupations, including shipbreaking (34 Pa. Code § 11.64; 29 CFR § 570.33).

All minors are also prohibited from working:

- **IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRODUCED, SOLD OR DISPENSED:** Except in part of establishment where alcohol is not served, or hotels, clubs, or restaurants where alcohol is served and the establishment has a Sunday sales license issued by the Liquor Control Board, and minor is serving food, clearing tables and/or related duties, but minor may not serve or dispense alcohol. Performing arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code (Child Labor Act, § 4(a)(1)).
- **ON MACHINERY:** Including repairing, cleaning or oiling machinery in motion (34 Pa. Code § 11.46; 29 CFR § 570.65), and operating or assisting in the operation of the following: emery wheels,** metal plate bending (34 Pa. Code §§ 11.51; 11.55), forming, punching, hammering, bending, rolling and shearing machines* (29 CFR § 570.59), punch presses** (34 Pa. Code § 11.49; 29 CFR § 570.59), wire-stitching, stapling machines* (34 Pa. Code § 11.34; 11.46; 29 CFR § 570.59), circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs* (29 CFR § 570.65).
- **ON BAKING MACHINERY:** Operating, assisting, setting up, adjusting, repairing, oiling or cleaning dough/batter mixer, bread dividing, rounding or molding machine, dough brake, dough sheeter, bread slicer/wrapper machine or cake cutting band saw, and setting up/adjusting cookie or cracker machine. Except for 16 and 17 year olds setting up, adjusting, repairing, oiling and cleaning lightweight, small capacity, portable counter-top power-driven food mixers comparable to models intended for household use. Except for 16 and 17 year olds operating pizza-dough rollers constructed with safeguards to prevent fingers, hands, clothing from being caught on the in-running point of rollers, which have completely enclosed gears, and have micro switches that disengage machinery if the backs/sides of rollers removed. Exception does not apply to setting up, adjusting, repairing, oiling or cleaning of pizza-dough rollers (29 CFR § 570.62; 34 Pa. Code § 11.47).

- **IN METAL INDUSTRIES:** Working in rolling mills* (34 Pa. Code § 11.37; 29 CFR § 570.59), handling bull ladles (34 Pa. Code § 11.56) and working around furnaces (34 Pa. Code § 11.53).
- **IN MINES:** Dangerous occupations in or around any mine, including all work performed in any underground working, open-pit, or surface part of any coal-mining plant, that contribute to the extraction, grading, cleaning or other handling of coal. Exceptions for 16 and 17 year olds: slate/refuse picking at picking table/chute in a tippel or breaker at a coal mine, work in office or repair/maintenance shops on the surface. For other mines all occupations prohibited, except may work in above-ground office, warehouse, supply house, change house, laboratory, repair/maintenance shops, in living quarters, outside mine in surveying, repair/maintenance of roads, general clean-up, track crew work for sections of railroad track when mining activities not being performed, work in or about surface placer mining operations other than place dredging operations and hydraulic placer mining operations. At metal mills other than in mercury-recovery mills or mills using cyanide process may operate jigs, sludge tables flotation cells, drier-filters, may perform hand-sorting at picking table/belt, general cleanup (29 CFR § 570.60). Exception, 14 and 15 year old minors may work in office and perform clerical duties (29 CFR § 570.34).
- **IN QUARRIES:** Most occupations, including drilling, shot firing or assisting in loading or tamping holes, face cleaning, attaching blocks to chains for cable hoisting, assisting/operating steam, air or electric shovels (34 Pa. Code § 11.37).
- **IN THE PRINTING AND PAPER INDUSTRY:** Operating or assisting with balers, compactors, and power-driven paper-products machines. Operating power driven paper cutters, circular or band saws, corner cutter/mitering machine, corrugating and single/double facing machine, envelope die-cutting press, guillotine paper cutter/shearer, horizontal bar scorer, laminating/combing machine, sheeting machine, scrap paper baler, paper box compactor, vertical slotter, platen die-cutting press, platen printing press, punch press involving hand feeding of machine, operating or assisting with any compactor designed or used to process materials other than paper.* Exception for 16 and 17 year olds loading materials into scrap paper balers and paper box compactor which cannot be operated while being loaded, machine must meet applicable ANSI standard, there is an on-off switch with key-lock or other system and control maintained by employee over 18, on-off switch in off position when machine not in operation and employer posted notice (29 CFR § 570.63).
- **AROUND RADIOACTIVE SUBSTANCES:** In all occupations involving exposure to radioactive substances, *** or ionizing radiation*** (34 Pa. Code § 11.62; 29 CFR § 570.57).
- **ON RAILROADS AND RAILWAYS:** Section hand (34 Pa. Code § 11.41), track repairing, gate-tending, switch-tending, brakeman, fireman, engineer, motorman, or conductor (Child Labor Act, § 4(a) (1)).
- **ON RIVETS:** Heating and passing rivets, except for 16 and 17 year old minors 10 feet or less from ground or on a scaffold equipped with guardrails and board in accordance with Chapter 47, Subchapter G (34 Pa. Code § 47.221 et seq) (34 Pa. Code § 11.52).
- **IN TANNERIES:** All occupations in the tanning process (34 Pa. Code § 11.40).

*Except apprentices, student learners, and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

** Except apprentices, student learners, laboratory student aides and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

*** Except laboratory student aides and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

Source: <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=1317803&mode=2>

Employment Certificates

What are the duties of Pennsylvania employers regarding work permits as required by the Pennsylvania Child Labor Act?

(a) Work permits and parental authorization--

- (1) Unless a minor has the items listed in paragraph (2), a minor may not be employed or permitted to work:
 - (i) In, about or in connection with an establishment; or
 - (ii) In an occupation.
- (2) To be employed, a minor must have all of the following:
 - (i) A work permit.
 - (ii) For individuals who are under 16 years of age, a written statement by the minor's parent or legal guardian acknowledging understanding of the duties and hours of employment and granting permission to work subject to the provisions of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (3) Before employing a minor, an employer shall do all of the following:
 - (i) Verify the work permit under paragraph (2) (i).
 - (ii) Receive the verified statement under paragraph (2) (ii).

(b) Notification--The employer shall notify the issuing officer in writing of the employment of a minor and shall detail the normal duties and hours of employment within five days after the beginning of employment and shall include the age and permit number of the minor. On termination of employment of a minor, the employer shall notify the issuing officer within five days of the final day of employment that the minor no longer is employed by the employer.

(c) Posting requirement--An employer shall post a printed abstract of the sections of this act relating to the hours of labor in a conspicuous place in the establishment.

(d) Records--An employer shall maintain the following records at the workplace:

- (1) A list of all the minors employed in the establishment.
- (2) A schedule of the hours of labor of the minors listed in subparagraph (ii). The schedule of hours of labor shall contain:
 - (i) The maximum number of hours each minor is required or permitted to work on each day of the week;
 - (ii) The weekly total for each minor; and
 - (iii) The daily hours for commencing and stopping work and for time allowed for meals.

- (3) For each minor, the employer shall keep a copy of the work permit, the original verified permission statement required in subsection (a) and a copy of the letter sent to the issuing officer announcing the employment of the minor.
- (4) An employer shall maintain records for employed minors in compliance with the recordkeeping requirements of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, and shall maintain accurate records of the actual days, hours and times of day the minors worked, including breaks.
- (5) An employer shall provide an enforcement officer with access to records kept under this subsection at all reasonable times.

Source: <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=438548&mode=2>

How does the student apply for a work permit?

Work permit.

(a) Form and content--

- (1) A work permit shall be issued on a wallet-sized form prescribed by the department. The work permit shall contain the following information related to the minor:
 - (i) Name.
 - (ii) Sex.
 - (iii) Date and place of birth.
 - (iv) Place of residence.
 - (v) Color of hair and eyes.
 - (vi) Any physical work restrictions.
- (2) The work permit shall certify that:
 - (i) The holder has personally appeared before the issuing officer and has been examined;
 - (ii) All papers required by law have been examined, approved and filed; and
 - (iii) All conditions and requirements for issuing a permit have been fulfilled.
- (3) The work permit shall be signed in the presence of the issuing officer by the minor.
- (4) The work permit shall bear a number, the date of issuance and the signature of the issuing officer.

(b) Application.--

- (1) Documentation shall be as follows:
 - (i) Except as set forth under subparagraph (ii), the application for a work permit must be verified as follows:
 - (A) The applicant's parent or legal guardian must sign the application.
 - (B) In lieu of a signature under clause (A), the applicant may execute a statement before a notary public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application on a form prescribed by the department. The statement shall be attached to the application.
 - (ii) Subparagraph (i) does not apply if the applicant can demonstrate official proof of high school graduation.
 - (iii) The issuing officer shall not issue a work permit until the issuing officer has received, examined, approved and filed the following papers which verify the applicant's age:
 - (A) If proof of age is an official document or record of the commonwealth or government of another state or governmental subdivision of another state, it need not be filed if the issuing officer records the information necessary to enable the document or record to be located at the place where it is filed. If proof of age is other than an official document or record of the commonwealth or government of another state or governmental subdivision of another state, the following is the order of preference for acceptable proof under this clause:

- (I) An attested transcript of the birth certificate, filed according to law with a register of vital statistics or other officer charged with the duty of recording births.
- (II) A certified baptismal certificate or transcript of the record of baptism showing the date of birth.
- (III) A passport showing the age of the minor.
- (IV) Any certified documentary record of age other than a school record or an affidavit of age, which appears to the satisfaction of the issuing officer to be sufficient evidence of age.
- (V) The signed statement of a physician, physician's assistant or nurse practitioner, approved by the board of school directors, stating that, after examination, it is the opinion of the individual signing the statement that the applicant has attained the age required by law for the occupation in which the applicant expects to engage. The statement must be accompanied by an affidavit signed by the applicant's parent or legal guardian or, if there is no parent or legal guardian, by the applicant's next friend and certifying to the name, date and place of birth of the applicant and that the individual signing the statement is unable to produce any of the proofs of age specified in subclauses (I), (II), (III) and (IV).

(B) (Reserved).

(2) Examination shall be as follows:

- (i) Except as set forth under subparagraph (ii), a work permit shall not be issued until the applicant has personally appeared before and has been examined by the issuing officer.
 - (ii) Subparagraph (i) does not apply if the applicant can demonstrate official proof of high school graduation.
- (c) Issuance.--If all application requirements are met, a work permit shall be issued by an issuing officer unless it is the issuing officer's judgment that the applicant cannot maintain adequate academic achievement if permitted to work during the school year.
- (d) Revocation.--An issuing officer may revoke a work permit if it is the issuing officer's judgment that the applicant cannot maintain adequate academic achievement if permitted to work during the school year.
- (e) Cooperation.--The issuing officer shall cooperate with an enforcement officer with investigation and enforcement of this act.”

Source: <http://www.portal.state.pa.us/portal/server.pt?open=18&objID=438548&mode=2>

**PARENTAL ACKNOWLEDGEMENT
OF MINOR'S DUTIES AND HOURS
OF EMPLOYMENT**

(Must be completed for minors under 16 years of age)*

(This section to be completed by the employer.)

The undersigned parent or legal guardian of _____, age _____,
(name of minor)

hereby acknowledges and understands that this minor's employment with

_____, commencing _____, will consist of the following duties and hours:
(name of employer) (date)

(This section to be completed by the employer.)

Duties of minor (e.g., cashier, food service,
lifeguard, sales clerk, etc.)

Hours of work:

Sunday	_____	.m.-	_____	.m.
Monday	_____	.m.-	_____	.m.
Tuesday	_____	.m.-	_____	.m.
Wednesday	_____	.m.-	_____	.m.
Thursday	_____	.m.-	_____	.m.
Friday	_____	.m.-	_____	.m.
Saturday	_____	.m.-	_____	.m.

Other/additional hours (include explanation):

(additional sheet(s) attached)

(To be signed by minor's parent or legal guardian.)

I hereby acknowledge that I understand the above duties and hours to be worked by the above-named minor for this employer and grant permission for this employment. This statement is made subject to the provisions of 18 Pa. C.S. § 4904 (relating to unsworn falsifications to authorities).

(Printed name of parent or legal guardian) Parent of _____ (Name of minor)
 Legal guardian

(Signature of parent or legal guardian) _____ (Date)

* This form is required to be completed by the parent or legal guardian of a minor employee under 16 years of age pursuant to Section 8(a)(2)(ii) of the Child Labor Act, and the original copy must be kept by the employer at the workplace along with other records of the minor's employment required by Section 8(d).

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

Source:

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.voced.iup.edu%2Fpcea%2FResources%2Fwork%2520permits.docx&ei=ioGvUdLQCrH64AOynYD4Dg&usg=AFQjCNEEN4Pk2wVyPIA-xB3qbsUi2LF7Ew&bvm=bv.47380653,d.dmg>

APPLICATION FOR WORK PERMIT

Date of application _____

Certificate/Permit number _____

PDE-4565 (1/13)

Date issued _____

A. To be completed by issuing officer

Name of minor	Sex _____	Signature of issuing officer
	Color of hair _____	
	Color of eyes _____	

Any physical work restrictions	School district - name and address
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Place of residence	Place of birth
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Date of birth			Evidence of age accepted and filed. Evidence shall be required in the order designated. Cross out all but the one accepted.		
Month	Day	Year	a. Transcript of birth certificate	b. Baptismal certificate or transcript	c. Passport
			d. Other documentary evidence	e. Affidavit of parent or guardian accompanied by physician's statement of opinion as to the age of the minor	

B. To be completed by parent or guardian, unless minor is a high school graduate (please attach proof of graduation)

Signature of parent, guardian or legal custodian*	Name and address of parent, guardian or legal custodian
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Commonwealth of Pennsylvania - Department of Education

*In lieu of signature under clause (B), the applicant may execute a statement before a notary public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application on a form prescribed by the department. The statement shall be attached to the application.

Source:

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.voced.iup.edu%2Fpcea%2FResources%2Fwork%2520permits.docx&ei=ioGvUdLQCrH64AOynYD4Dg&usg=AFQjCNEEN4Pk2wVyPIA-xB3qbsUi2LF7Ew&bvm=bv.47380653,d.dmg>

Hazardous Occupations Exemptions for Diversified Occupations (DO) Students

Student learners – Minors enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school and employed under a written agreement, which provides the following:

1. That the work of the student learner in the occupations declared particularly hazardous shall be incidental to his training.
2. That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
3. That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
4. That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of the student learner and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer.

Concern: Are Diversified Occupations students eligible for the student-learner exemption under prohibited occupations?

Answer: To be eligible for the student-learner exemption, students must have **specific** and **adequate** occupational training in school. (Note the student-learner definition above.) As most Diversified Occupations students have had no training and are being placed specifically for the purpose of receiving initial training on the job, they are not eligible for the student-learner exemption.

Definitions

Specific Training – training directly related to the career objective.

Adequate Training – training in one of the six vocational areas normally considered adequate to develop occupational competence.

For more information on Regulations Governing the Employment of Minors in Industry, access the Department of Labor and Industry, Bureau of Labor Law Compliance website at <http://www.dli.state.pa.us/landi/lib/landi/laws-regulations/lrc/r-1.pdf>.

Reviewed by the Pennsylvania Department of Labor and Industry, August 2013.

Pennsylvania Minimum Wage Act/Fair Labor Standards Act

Pennsylvania's Minimum Wage Act of 1968 (P.L. 11, No. 5, as amended, 43 P.S. §333.101.115) and the Federal Fair Labor Standards Act of 1938 (29 U.S.C.A. §206) establish minimum wage and overtime standards, require equal pay for equal work, regardless of sex, and contain certain child labor standards that apply to cooperative education when an employer-employee relationship is established.

Information on Pennsylvania's Minimum Wage can be found at:
<http://www.dli.state.pa.us/landi/cwp/view.asp?a=142&Q=64690>.

Keeping Records

Every employer shall keep a true, accurate and legible record for each employee. The records shall be preserved for a period of three years from date of last entry and shall contain the following information:

1. Name
2. Home address
3. Regular hourly rate of pay
4. Occupation
5. Time and day that the work week begins
6. The number of hours worked daily and weekly
7. Total daily or weekly straight time wages
8. Total overtime excess compensation for the work week
9. Total additions to, or deductions from, wages paid each pay period
10. Allowances, if any, claimed as part of the minimum wage
11. Total wages paid each pay period
12. Date of payment and the pay period covered by payment
13. Special certificates for students and learners as set forth in Section 12 of the Act (43 P.S. §333.104(b))

Pennsylvania Worker and Community Right to Know Act

The Pennsylvania Worker and Community Right to Know Act requires that information about hazardous substances in the workplace and in the environment be available to public sector employees and employees of private sector workplaces not covered by the Federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, and to all persons living or working in the state.

Students participating in cooperative education in the workplace are covered by this Act and are entitled to information about hazardous substances in their specific work area or workplace. The Pennsylvania Worker and Community Right to Know Act workplace notice can be downloaded from the Department of Labor and Industry website at
<http://www.dli.state.pa.us/landi/lib/landi/pdf/pennsafe/pdfs/psf-4-4s.pdf>.

For additional information, contact the Department of Labor and Industry, Bureau of PENNSAFE, Room 155-E, Seventh and Forster Streets, Harrisburg, Pennsylvania 17120, phone 717-783-2071, Fax 717-783-5099.

Pennsylvania Workers' Compensation Act

Workers' Compensation is an employer-financed, no-fault insurance that compensates employees who have been disabled due to a work-related injury or disease. The passage of Act 44, Workers' Compensation Reform Act of 1993, and Act 57, Reform Act of 1996, have led to major reductions in employer insurance rates while encouraging employers to provide safer working environments.

Nearly every Pennsylvania worker is covered by the PA Workers' Compensation Act. Employers must provide workers' compensation (WC) coverage for all of their employees, including seasonal and part-time workers.

Cooperative education teacher-coordinators should remind students participating in cooperative education that they should immediately report any injury or work-related illness to their worksite supervisor to ensure they will receive any eligible benefits under the Workers' Compensation Act. **A copy of the declaration page of the Workers' Compensation policy should be on file in the cooperative education teacher- coordinator's office.**

Anyone who commits fraud may be subject to civil or criminal penalties. Reports of workers' compensation fraud should be directed to the Pennsylvania Insurance Fraud Prevention Authority.

The Department of Labor and Industry, through the Bureau of Workers' Compensation, is responsible for the administration and maintenance of this program.

Source: <http://www.dli.state.pa.us/landi/lib/landi/laws-regulations/wc/wcact.pdf>

Pennsylvania Human Relations Act

Pennsylvania Human Relations Act of 1955, P.L. 744, No. 222 as amended July 12, 1996 by Act 117 of 1996 prohibit certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as defined in the Act. It also authorized the Human Relations Commission to adopt guidelines as a prevention tool to help assure that everyone in Pennsylvania can work in an environment free from unsolicited and unwelcome sexual advances. Although complaints of sexual harassment will be decided by the Commission on a case-by-case basis, the guidelines outlined below have been designed to help employers and employees understand how the Commission will make such decisions.

The following are Pennsylvania Human Relations Commission sexual harassment guidelines.

Harassment on the basis of sex is a violation of the Pennsylvania Human Relations Act. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an

intimidating, hostile or offensive working environment.

2. In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.
3. Applying general Title VII and Pennsylvania Human Relations Act principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as 'employer') is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.
4. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.
5. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility, which the employer may have with respect to the conduct of such nonemployees.
6. Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII and the Pennsylvania Human Relations Act, and developing methods to sensitize all concerned.
7. Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Pa. B. Dec. No. 81-201. Filed January 30, 1981)

For more information on the Pennsylvania Human Relations Act, visit the Pennsylvania Human Relations Commission website at

http://www.phrc.state.pa.us/portal/server.pt/community/phrc_home/18970.

Tort Liability

Tort of Negligence is the act of unintentionally committing harm to the person or property of another.

Four Elements of Negligence:

1. Duty (teachers have a duty to exercise care in the supervision of students);
2. Breach of Duty (negligent supervision is a breach of duty);
3. Injury (a teacher's negligent supervision must be the proximate cause for the injury) and
4. Damages (can be monetary, pain and suffering, future earnings, etc.).

Tort Liability and Public School Teachers:

1. At one time, public school systems enjoyed sovereign immunity.
2. From 1973-1978, school districts became subject to liability for ordinary negligence.
3. In 1978, the Political Subdivision Tort Claims Act was passed (42 Pa. C.S.A. §8541), which restored immunity except in eight specific circumstances. Thus, school districts (and other political subdivisions) are not immune from liability, if a plaintiff can demonstrate negligence in any one of the following areas:
 - a. The operation of a motor vehicle;
 - b. The care, custody or control of personal property;
 - c. The care, custody or control of real property;
 - d. A dangerous condition of trees, traffic signs, lights or other traffic controls or street lighting systems;
 - e. A dangerous condition of the facilities or steam, sewer, water, gas or electric systems;
 - f. A dangerous condition of streets;
 - g. A dangerous condition of sidewalks and
 - h. The care, custody or control of animals.

Damages and Employee Liability:

1. Damages arising from the same occurrence are limited to \$500,000 in the aggregate.
2. The Act requires the employer to indemnify an employee of a public school district, provided the employee has given timely written notice to the district and the employee was acting within the scope of his/her employment at the time of the accident. In addition, the district must either defend or pay for the cost of defense of the employee.
3. Where employee's conduct constitutes a crime, fraud, malice or willful misconduct, the individual will assume liability and the district will enjoy immunity.

Caution: Negligence can rise to the level of willful misconduct. Thus, if the district successfully argues that negligence was actually willful (or outside the scope of employment), the district escapes liability and the employee assumes liability.

Mandatory Postings for Pennsylvania Employers

Pennsylvania employers are required to post certain notices in their worksites so employees have access to and information about applicable labor laws. These posters can be downloaded for free from the links below. Each poster link identifies the content of the poster, which employers are required to post it and contact information should you require additional information.

All notices must be posted in a conspicuous place so that they can be seen and read by employees. Failure to post notices can result in stiff penalties and possible fines. In addition to the notices listed below, all government agencies and private employers with government contracts over \$25,000 are required to publish and post an anti-drug policy statement in accordance with the Drug-Free Workplace Act of 1998.

You will need the Adobe Acrobat Reader to successfully view/print some information.

State Required Employee Notices

Notice	Posting Requirements	How to Obtain Notice
Abstract of the Pennsylvania Child Labor Act Form No. LLC-5 (Rev 1-13)	All PA Employers of Minors	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Resumen de la Ley de Trabajo Infantil Form No. LLC-5 (ESP) (6-08)	All Employers of Minors (To be posted for Spanish-speaking employees.)	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Hours of Work for Minors Under Eighteen Form No. LLC-17 (Rev 2-07)	All PA Employers of Minors	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Horas de Trabajo para Menores de Dieciocho Años Form No. LLC-17 (ESP) (6-08)	All Employers of Minors (To be posted for Spanish-speaking employees.)	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Minimum Wage Law Poster and Fact Sheet Form No. LLC-1 (Rev 9-09) More Minimum Wage Information	All PA Employers	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Abstract of Equal Pay Law Form No. LLC-8 (Rev 2-07)	All PA Employers	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Resumen de la Ley de Igualdad Salarial Form No. LLC-8 (ESP) (6-08)	All Employers (To be posted for Spanish-speaking employees.)	Department of Labor & Industry Labor Law Compliance 1-800-932-0665
Pennsylvania Right to Know Law Form No. PSF-4 (Rev 8-09) Form No. PSF-4S (Rev 8-09)	Public Employers (State, County, Township, etc.)	Department of Labor & Industry PENNSAFE 717-783-2071
Unemployment Compensation Form No. UC-700 (Rev 4-13)	All Employers (Public)	Department of Labor & Industry Office of UC Policy 717-783-8794
Compensacion Por Desempleo Form UC-700(ESP) (Rev 4-13)	All Employers (Public) (To be posted for Spanish-speaking employees.)	Department of Labor & Industry Office of UC Policy 717-783-8794

Unemployment Compensation for State Employees Form UC-700A (Rev 1-04)	State Government Employers	Department of Labor & Industry Office of UC Policy 717-783-8794
Workers' Compensation Insurance Posting Form No. LIBC-500 (Rev 5-09)	All PA Employers	Your Insurance Carrier or Department of Labor & Industry Workers' Compensation 717-783-5421
PA Clean Indoor Air Act Signage for No Smoking	All Employers identified under the PA Clean Indoor Air Act	PA Department of Health Clean Indoor Air Helpline: 1-877-835-9535
Equal Opportunity & Fair Practices Notices	Click here for specific requirements.	Pennsylvania Human Relations Commission 717-772-2845

If you would like to request copies of these posters to be mailed to you from the Pennsylvania Department of Labor & Industry, please call 717-783-8794.

Retrieved July 2013 from PA Labor & Industry Website:

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=553565&mode=2>

Federal Laws Relevant to Cooperative Education

Employment Relationship under the Federal Fair Labor Standards Act

Before the provisions of the Fair Labor Standards Act (FLSA) apply to a person's employment, an employer-employee relationship must exist. An employment relationship requires an "employer" and "employee," and the act or condition of employment. The courts have made it clear that an employment relationship under the Fair Labor Standards Act is broader than the traditional common law concept of master and servant. The difference between an employment relationship under the Fair Labor Standards Act and one under the common law arises from the fact that the term "employ" as defined in the Fair Labor Standards Act includes "to suffer or permit to work." Mere knowledge by an employer of work done for him or her by another is sufficient to create an employment relationship under the Fair Labor Standards Act.

Employment Relationship of Trainees

The Supreme Court has held that the words "to suffer or permit to work," as used in the Fair Labor Standards Act to define "employ," do not make all persons employees who, without any express or implied compensation agreement, work for their own advantage on the premises of another. Whether trainees or students are employees of an employer under the FLSA 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** employees within the meaning of the Act:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a career and technical school;
2. The training is for the benefit of the trainees or students;
3. The trainees or students do not displace regular employees, but work under close supervision;
4. The employer that provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his operations may even be impeded;
5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period and
6. The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

More detailed information is provided in the resource, "Employment Relationship under the Fair Labor Standards Act available at http://www.voced.iup.edu/pcea/_Frame.asp?tab=resources&url=Resources.

The Americans with Disabilities Act (ADA)

The American Disabilities Act Public Law 336 of the 101st Congress, enacted July 26, 1990, prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation and telecommunications. It also applies to the United States Congress.

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship. Religious entities with 15 or more employees are covered under Title I.

To be protected by the Americans with Disabilities Act, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the Americans with Disabilities Act as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment or a person who is perceived by others as having such impairment. The Americans with Disabilities Act does not specifically name all of the impairments that are covered.

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this subchapter, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

All provisions of the Americans with Disabilities Act must be followed in the placement of students in cooperative education. If a cooperative education student believes that an employer is engaging in employment discrimination on the basis of disability, or they wish to request an accommodation, they should contact the local field office of the U.S. Equal Employment Opportunity Commission.

Source: <http://www.usdoj.gov/crt/ada/cguide.htm>.

Federal Required Employee Notices

Some of the statutes and regulations enforced by agencies within the Department of Labor require that posters or notices be posted in the workplace. The Department provides electronic copies of the required posters and some of the posters are available in languages other than English.

Please note that posting requirements vary by statute; that is, not all employers are covered by each of the Department's statutes and thus may not be required to post a specific notice. For example, some small businesses may not be covered by the Family and Medical Leave Act and thus would not be subject to the Act's posting requirements. For information on coverage, visit the [Employment Laws Assistance for Workers and Small Business \(elaws\) Poster Advisor](#). You may also contact the Office of Small and Disadvantaged Business Utilization, for assistance with these notice requirements.

To obtain posters or for more information about poster requirements or other compliance assistance matters, you may contact the U.S. Department of Labor at 1-866-4-USA-DOL.

U.S. Department of Labor Workplace Poster Requirements for Small Businesses and Other Employers

Poster	Who Must Post	Citations / Penalty	Other Information
<p>JOB SAFETY AND HEALTH PROTECTION Occupational Safety and Health Administration 29 USC 657(c), 29 CFR 1903.2</p> <ul style="list-style-type: none"> En Español 	<p>Private employers engaged in a business affecting commerce. Does not apply to federal, state or political subdivisions of states.</p>	<p>Any covered employer failing to post the poster may be subject to citation and penalty.</p>	<p>Employers in states operating Occupational Safety and Health Administration-approved state plans should obtain and post the state's equivalent poster.</p> <p>For more information about Job Safety and Health, please visit: http://www.osha.gov/Publications/poster.html</p>

<ul style="list-style-type: none"> • EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW Office of Federal Contract Compliance Programs Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; 38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; 41 CFR Chapter 60-1.42; 41 C.F.R 60-250.4(k); 4 1 C.F.R. 60-74 1.5(a)4 • En Español 	<p>Entities holding federal contracts or subcontracts or federally assisted construction contracts of \$10,000 or more; financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes; depositories of federal funds or entities having government bills of lading.</p> <p>Please note that the EEOC* may provide additional posting requirements at Section 2000e-10 [§711].</p>	<p>Appropriate contract sanctions may be imposed for uncorrected violations.</p>	<p>Post copies of the poster in conspicuous places available to employees, applicants for employment, and representatives of labor organizations with which there is a collective bargaining agreement. Also, non-construction contractors or subcontractors with 50 or more employees and a contract of \$50,000 or more [otherwise required by 41 CFR 60-2.1 (a)] should develop an equal opportunity policy as part of an affirmative action plan and post the policy on company bulletin boards. 41 CFR 60-2.2 1 (a) (9).</p>
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<p>Fair Labor Standards Act (FLSA) Minimum wage poster Wage and Hour Division</p> <ul style="list-style-type: none"> • En Español • Chinese Version (PDF) • Russian Version (PDF) • Thai Version (PDF) • Hmong Version (PDF) • Vietnamese Version (PDF) • Korean Version (PDF) <p>Specific posters for:</p> <ul style="list-style-type: none"> • State & Local Gov't Employees (PDF) • Agricultural Employees (PDF) • American Samoa (PDF) • Northern Mariana Islands (PDF) 	<p>Every private, federal, state and local government employer employing any employee subject to the Fair Labor Standards Act, 29 USC 211, 29 CFR 516.4 posting of notices.</p>	<p>No citations or penalties for failure to post.</p>	<p>Any employer of employees to whom sec. 7 of the Fair Labor Standards Act does not apply may alter or modify the poster legibly to show that the overtime provisions do not apply.</p> <p>For information on how to order a poster, please visit: http://www.dol.gov/whd/publications</p>
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<p>Employee Right for Workers with Disabilities/Special Minimum Wage Poster</p> <p>Wage and Hour Division 29 CFR 525.14</p> <ul style="list-style-type: none"> • En Español 	<p>Every employer having workers employed under special minimum wage certificates authorized by section 14(c) of the Fair Labor Standards Act.</p>	<p>No citations or penalties for failure to post.</p>	<p>Where an employer finds it inappropriate to post such a notice, the employer may provide the poster directly to all employees subject to its terms.</p> <p>For information on how to order a poster, please visit: http://www.dol.gov/whd/publications</p>
<p>YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT</p> <p>Wage and Hour Division 29 CFR 825.300, .402</p> <ul style="list-style-type: none"> • En Español 	<p>Public agencies (including state, local, and federal employers), public and private elementary and secondary schools, as well as private sector employers who employ 50 or more employees in 20 or more work weeks and who are engaged in commerce or in any industry or activity affecting commerce, including joint employers and successors of covered employers.</p>	<p>Willful refusal to post may result in a civil money penalty by the Wage and Hour Division not to exceed \$100 for each separate offense.</p>	<p>Where an employer's workforce is not proficient in English, the employer must provide the notice in the language the employee speaks. The poster must be posted prominently where it can be readily seen by employees and applicants for employment.</p> <p>For information on how to order a poster, please visit: http://www.dol.gov/whd/publications</p>

<p>Uniformed Services Employment and Reemployment Rights Act (Notice for use by all employers.)</p> <p>Veterans' Employment and Training Service 38 U.S.C. 4334, 20 CFR 1002.</p>	<p>The full text of the notice must be provided by each employer to persons entitled to rights and benefits under USERRA.</p>	<p>No citations or penalties for failure to notify. An individual could ask USDOL to investigate and seek compliance, or file a private enforcement action to require the employer to provide the notice to employees.</p>	<p>Employers may provide the notice by posting it where employee notices are customarily placed. However, employers are free to provide the notice in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by distributing the notice by direct handling, mailing, or via electronic mail).</p> <p>For more information about USERRA, please visit: http://www.dol.gov/vets/programs/userra/</p>
<p>NOTICE TO ALL EMPLOYEES WORKING ON FEDERAL OR FEDERALLY FINANCED CONSTRUCTION PROJECTS (Davis-Bacon Act) Wage and Hour Division 29 CFR 5.5(a)(1)</p> <ul style="list-style-type: none"> • En Español 	<p>Any contractor/subcontractor engaged in contracts in excess of \$2,000 for the actual construction, alteration/repair of a public building or public work or building or work financed in whole or in part from federal funds, federal guarantee, or federal pledge which is subject to the labor standards provisions of any of the acts listed in 29 CFR 5.1.</p>	<p>No citations or penalties for failure to post.</p>	<p>The contractor or subcontractor is required to insert in any subcontract the poster requirements contained in 29 CFR 5.5(a) (1). The poster must be posted at the site of work, in a prominent and accessible place where it can easily be seen by workers.</p> <p>For information on how to order a poster, please visit: http://www.dol.gov/whd/publications</p>

<p><u>NOTICE TO EMPLOYEES WORKING ON GOVERNMENT CONTRACTS</u> (Service Contracts Act) Wage and Hour Division 29 CFR 4.6(e), .184</p> <ul style="list-style-type: none"> • <u>En Español</u> 	<p>Every contractor or subcontractor engaged in a contract with the United States or the District of Columbia in excess of \$2,500 the principal purpose of which is to furnish services in the U.S. through the use of service employees.</p>	<p>No citations or penalties for failure to post.</p>	<p>Contractors and any subcontractors engaged in federal service contracts exceeding \$2,500 shall notify each service employee or post the minimum monetary wage and any fringe benefits required to be paid pursuant to the contract.</p> <p>For information on how to order a poster, please visit: <u>http://www.dol.gov/whd/publications</u></p>
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<p><u>NOTICE: EMPLOYEE POLYGRAPH PROTECTION ACT</u> Wage and Hour Division 29 CFR 801.6</p> <ul style="list-style-type: none"> • <u>En Español</u> 	<p>Any employer engaged in or affecting commerce or in the production of goods for commerce. Does not apply to federal, state and local governments, or to circumstances covered by the national defense and security exemption.</p>	<p>The Secretary of Labor can bring court actions and assess civil penalties for failing to post.</p>	<p>The Act extends to all employees or prospective employees regardless of their citizenship status. Foreign corporations operating in the United States must comply or will result in penalties for failing to post. The poster must be displayed where employees and applicants for employment can readily observe it.</p> <p>For information on how to order a poster, please visit: <u>http://www.dol.gov/whd/publications</u></p>
<p><u>NOTICE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT</u> Wage and Hour Division 29 CFR 500.75, .76</p> <ul style="list-style-type: none"> • <u>In English/En Español</u> • <u>In English/An Ereyôl</u> 	<p>Agricultural employers, agricultural associations and farm labor contractors.</p>	<p>A civil money penalty may be assessed.</p>	<p>Each employer covered by the Act who provides housing to migrant agricultural workers shall post in a conspicuous place, throughout the occupancy period, information on the terms and conditions of occupancy of such housing.</p> <p>For information on how to order a poster, please visit: <u>http://www.dol.gov/whd/publications</u></p>

<p><u>NOTIFICATION OF EMPLOYEE RIGHTS UNDER FEDERAL LABOR LAWS</u> Office of Labor-Management Standards Executive Order 13496; 29 CFR Part 471</p>	<p>Federal contractors and subcontractors must post the employee notice conspicuously in and around their plants and offices so that it is prominent and readily seen by employees. In particular, contractors and subcontractors must post the notice where other notices to employees about their jobs are posted.</p> <p>Additionally, federal contractors and subcontractors who post notices to employees electronically must also post the required notice electronically via a link to the OLMS website. When posting electronically, the link to the notice must be placed where the contractor customarily places other electronic notices to employees about their jobs. The link can be no less prominent than other employee notices. Electronic posting cannot be used as a substitute for physical posting.</p> <p>Where a significant portion of a federal</p>	<p>The sanctions, penalties, and remedies for non-compliance with the notice requirements include the suspension or cancellation of the contract and the debarring of Federal contractors from future Federal contracts.</p>	<p>The notice, prescribed in the Department of Labor's regulations, informs employees of Federal contractors and subcontractors of their rights under the NLRA to organize and bargain collectively with their employers and to engage in other protected concerted activity. Additionally, the notice provides examples of illegal conduct by employers and unions, and it provides contact information to the National Labor Relations Board (www.nlrb.gov), the agency responsible for enforcing the NLRA.</p> <p>For more information about OLMS Federal Labor Laws, please visit: http://www.dol.gov/olms/regs/compliance/EO13496.htm</p>
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	<p>contractor's or subcontractor's workforce is not proficient in English, they must provide the employee notice in languages spoken by employees. OLMS will provide translations of the employee notice that can be used to comply with the physical and electronic posting requirements.</p>		
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Retrieved July 2013 from U.S. Department of Labor Website:
<http://www.dol.gov/oasam/boc/osdbu/sbrefa/poster/matrix.htm>.

Federal and Pennsylvania Unemployment Compensation

The Federal Unemployment Tax Act Reg. 31-3306(c) (10)-3 provides for unemployment tax exemption of students engaged in work-study programs.

The term “employment” shall not include...service performed by an individual under the age of 22 who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institutions, which combined academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

The Pennsylvania Unemployment Compensation Law in its entirety is available on the Commonwealth of Pennsylvania Department of Labor and Industry home page at Source: <http://www.dli.state.pa.us>. Click on "Laws and Regulations" and scroll to "Unemployment Compensation." Click on "Law" and click on "Unemployment Compensation Law."

Evaluation of Cooperative Education

The purpose of any evaluation is to be practical and effective in determining how to improve the quality of a program and/or services. Evaluation provides information to decision makers on how to examine a program to determine how and where to make program improvements. This involves defining the program and establishing quality indicators.

What is Cooperative Education?

The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field. Alternation:

1. Shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and
2. May include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks or other periods of time in fulfilling the cooperative program.

(Pennsylvania Department of Education, Bureau of Career and Technical Education, Perkins Local Plan Guidelines, 2007-2008)

What Elements Determine a Cooperative Education Program Based on the Definition?

1. **Alternate or parallel periods of instruction in school and supervised public or private employment are required.** Periods of work and classroom activities may be made up of alternate half days, full days, weeks or other time segments. The average minimum number of hours is usually between 15 and 20 hours per week. This facilitates compliance with federal and state law as affecting the employment of minors.
2. **A written agreement among the school, the employer, the student and where appropriate, the parent/guardian is required.** This written agreement, commonly known as the training agreement, is school initiated and outlines the responsibilities of the educational agencies, employers and students to the program. It is Pennsylvania’s position that the parent/guardian be included as a key component of the partnership for high school students.
3. **Instruction (including required academic instruction) must be related to the job and to the students’ academic study or career goals.** Vocational cooperative education programs normally have time requirements for related career and technical instruction by program area, as dictated by the state guidelines. (See Title 22 Section §339.22 Program Content) This required related instruction can range from a minimum of one hour up to three hours per day. At the secondary level, in-school courses are specifically designed to develop students’ attitudes, knowledge and employability skills and are generally designed to be taken concurrently with employment.

4. **The alternation of study and work must be planned and supervised to further the students' education and employability.** Cooperative education coordinators are responsible for planning and conducting related academic and career and technical instruction designed to meet the students' on-the-job needs. The training sponsors have the responsibility of providing a variety of well-planned tasks to assist students in becoming competent employees. Competent supervision by both parties ensures that experience, in a systematic progression of job-related skills, is correlated with classroom instruction.
5. **Students must be employed and compensated in compliance with federal, state and local laws.** Such compliance ensures that students are not exploited for private gain.

Approved Program Evaluation Checklist

The Pennsylvania Department of Education, Bureau of Career and Technical Education uses the following criteria to evaluate Cooperative Education services and Diversified Occupations programs. These criteria were copied directly from the Approved Program Evaluation checklist.

20. Capstone Cooperative Education – Chapter 339.29

<input type="checkbox"/> Documentation/ Evidence	20.1 Describe how cooperative education is planned in accordance with the stated career or occupational objectives of the student.
	<ul style="list-style-type: none"> • Documentation of co-op requirements and procedures
<input type="checkbox"/> Documentation/ Evidence	20.2 Provide a list of related learning experiences held at school-approved work stations.
	<ul style="list-style-type: none"> • List of students, work-site placements, and type of work to be performed
<input type="checkbox"/> Documentation/ Evidence	20.3 Provide completed training plans and training agreements developed with the employer and signed by the student, parent/guardian, school officials, and cooperating employers.
	<ul style="list-style-type: none"> • Student files with completed and signed training plans and training agreements
<input type="checkbox"/> Documentation/ Evidence	20.4 Provide documentation of payment of the existing legal wage.
	<ul style="list-style-type: none"> • Student records and copies of time/pay statements

20.5 Provide the professional certificate in Cooperative Education for all Cooperative Education coordinators.

Documentation/
Evidence

- Professional certificate for Cooperative Education staff

20.6 Provide documentation of one on-site student evaluation per month by the Cooperative Education coordinator.

Documentation/
Evidence

- Student records

20.7 Provide documentation of at least 45 minutes per week or 90 minutes every other week for students to meet with their vocational instructor to discuss job problems and related information.

Documentation/
Evidence

- Teacher schedule
- Student schedules

20.8 Provide documentation of credit for cooperative education work experience.

Documentation/
Evidence

- Student transcripts

20.9 Provide documentation of insurance protection for both the school and students.

Documentation/
Evidence

- Liability insurance policy

ALL REQUIREMENTS MET

THERE IS NO COOPERATIVE EDUCATION PROGRAM

Commendations:

Recommendations:

Corrections:

Comments:

21. Diversified Occupations Cooperative Education – Chapter 339.22(c)

NOTE: In addition to all other items in the checklist, this compliance item must be completed for

CIP 32.0105.

21.1 Describe whether students are in this program because they were unable to gain admission to a vocational program due to excessive number of applicants, inability to meet entrance requirements for other existing vocational programs, or lack of specific vocational areas offered at the comprehensive high school or participating CTC/AVTS.

Documentation/
Evidence

- Rationale for DO placements that compete with CTC/AVTS/school district programs due to excessive number of applicants

21.2 Describe how a diversified occupation is planned in accordance with the stated career or occupational objectives of the student.

Documentation/
Evidence

- Discussion with Cooperative Education staff and DO students
- Educational and Occupational Objective Forms

21.3 Provide a list of work-based related learning experiences held at school-approved work sites.

Documentation/
Evidence

- List of students, work-site placements, and type of work to be performed

21.4 Provide completed training plans, showing a variety of work assignments, and training agreements developed with the employer and signed by the student, parent/guardian, school officials, and cooperating employers.

Documentation/
Evidence

- Student files with completed and signed training plans and training agreements

21.5 Describe the school-based, academic and career-specific instruction for this CIP.

Documentation/
Evidence

- Lesson plans

21.6 Provide documentation of one planned course, equal to one unit of credit, of general related theory or technical related content, or both, per year. To meet this requirement, the school district operated diversified student shall meet with his teacher-coordinator for at least one 40 to 45 minute period PER DAY or a minimum of 3 hours per week. To meet this requirement at a career and technical center operated program, the diversified occupations student shall meet with his teacher-coordinator for at least one 40 to 45 minute period per week.

Documentation/
Evidence

- Student transcripts
- Student schedules

21.7 Provide documentation of payment of the existing legal wage.

Documentation/
Evidence

- Time/pay statements

21.8 Provide documentation of coordination of work site activities of at least ½ hour per week per student, including work site visits and observations, as well as preparation for the related in-school instruction.

Documentation/
Evidence

- Student records
- Lesson plans
- Unit plans
- Teacher travel log

21.9 Provide documentation that students in this CIP are legally employed a minimum of 15 hours a week during the school year. Graduation credits can be awarded for hours worked outside of school hours.

Documentation/
Evidence

- Time/pay statements

21.10 Provide documentation of credit for participation in the cooperative education diversified occupations program.

Documentation/
Evidence

- Student transcripts

21.11 Provide documentation of insurance protection for both the school and students.

Documentation/
Evidence

- Liability insurance policy

ALL REQUIREMENTS MET

THERE IS NO DIVERSIFIED OCCUPATIONS PROGRAM

Commendations:

Recommendations:

Corrections:

Comments:

Types of Work-Based Programs and Activities

Program or Activity	School-Based Elements	Work-Based Elements	Connecting Activities and Coordination
Clinical Experiences	Specific occupational area School training in specific field Develop technical competencies School credit	Practical experience – short term Supervised work-based learning Broad overview of an occupational field	Teachers supervise and work with employers to give students added development of technical competencies in a work setting Teachers, students and employers meet to evaluate the work experience and performance
Cooperative Education	Technical skills in a specific career area Integrated career and technical and academic studies Employability skills School credit	Hands-on experience at a worksite Work related to school training Paid work experience Evaluation by a supervisor	Training plan and agreement between school, student, parent/guardian and employer Supervised visits by school Cooperative Education Coordinator Students matched by ability with the job experience Students receive grades and wages
Community Service	No specific preparation	Volunteer services, usually in nonprofit organizations	Coordination with community organizations to provide situation whereby students can learn work skills, take responsibility and contribute to the community

Internships	Specific occupational area School training in a specific field Develop technical competencies School credit	Practical experience – short term Supervised work-based learning Broad overview of an occupational field	Teachers supervise and work with employers to give students added development of technical competencies in a work setting Teachers, students and employers meet to evaluate the work experience and performance
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Program or Activity	School-Based Elements	Work-Based Elements	Connecting Activities and Coordination
Job Shadowing	Career awareness No specific preparation	Exposure to work environment Student paired with adult for experience	Structured visits to worksites to acculturate students to the world of work
Registered Apprenticeships	Technical skills in a specific area Integrated academic and technical coursework School credit	Hands-on experience at work site Work related to school training Written training plan Paid work experience Evaluation by supervisor	
School-Based Enterprises	Specific career focus Related academics Technical skills	Situational learning	All aspects of the industry
Service Learning	Community service Academics Technical skills Experiential learning	Supervised work related experience	Teachers work with community organization representatives to give students added development of technical competencies in a community setting
Work Release	No career objective or school credit awarded	Paid employment	No school/work connection

Definitions and Terms

All Aspects of the Industry – with respect to a particular industry that a student is preparing to enter, the student needs to have strong experience in and understanding of planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety and environmental issues related to that industry.

Apprentice – a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journey/craft person. The training should be combined with properly coordinated studies of related technical and academic subjects.

Apprenticeship Training Program – a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act (29 U.S.C. §50), that is conducted or sponsored by an employer, group of employers or a joint apprenticeship committee representing both employers and a union, and that contains all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices.

Cooperative Education – The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field. Alternation:

1. Shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and
2. May include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks or other periods of time in fulfilling the cooperative program.

(Pennsylvania Department of Education, Bureau of Career and Technical Education, Perkins Local Plan Guidelines, 2007-2008)

Cooperative Education Teacher-Coordinator – A certified professional member of the instructional staff responsible for administering the cooperative education program and resolving all problems that arise between the school and the on-the-job activities of the employed student. The teacher-coordinator acts as a liaison between the school and employers for cooperative education programs or other work-based learning experiences.

Diversified Occupations Program – A career and technical high school program of study in which students are given supervised work experience in any one of a variety of occupations combined with related classroom instruction. This type of program of study is suited especially to communities where the need for workers is too limited to justify separate courses for each occupation. This program of study is under the direction of the cooperative education teacher-coordinator.

Contacts and Sources of Information

Association for Career and Technical Education

1410 King Street

Alexandria, VA 22314

703- 683-3111

800- 826-9972

<http://www.acteonline.org>

Pennsylvania Department of Education

Michael J. Stanger

Bureau of Career and Technical Education

Division of Program Standards and Quality Assurances

333 Market Street, 11th Floor

Harrisburg, PA 17126-0333

717-772-4870

mstanger@pa.gov

<http://www.pde.state.pa.us>

Pennsylvania Department of Labor and Industry

Labor Law Compliance

L & I Building

7th and Forster Streets

Harrisburg, PA 17121

717-787-5279

877-803-8560

<http://www.dli.state.pa.us>

Team Pennsylvania CareerLink

Bureau of Employer and Career Services

7th and Forster Streets

Harrisburg, PA 17120

717-787-9874

<http://www.pacareerlink.state.pa.us>

U.S. Department of Labor

Office of Apprenticeship

Mr. Thomas Bydlon

Regional Director

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Suite 820-East

170 S. Independence Mall, West

Philadelphia, PA 19106-3315

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U.S. Department of Labor, Wage and Hour Division, Pennsylvania Offices

Philadelphia, PA 19106
 1617 John F. Kennedy Blvd.
 Suite 1780
 Phone: 215-597-4950

Pittsburgh, PA 15222
 1000 Liberty Ave.
 Suite 1416
 Phone: 412-395-4996

Wilkes-Barre, PA 18702
 7 N. Wilkes-Barre Blvd.
 Suite 373-M
 Phone: 570-826-6316

Pennsylvania Department of Labor and Industry, Bureau of Labor Law Compliance District Offices

Contact:	Counties Served:
Bureau of Labor Law Compliance Altoona District Office 1130 Twelfth Avenue Suite 200 Altoona, PA 16601-3486 Phone: 814-940-6224 or 1-877-792-8198	Armstrong-Bedford-Blair-Cambria-Cameron-Centre-Clarion-Clearfield-Clinton-Elk-Fayette-Forest-Fulton-Huntingdon-Indiana-Jefferson-McKean-Mifflin-Potter-Somerset-Warren-Westmoreland
Bureau of Labor Law Compliance Harrisburg District Office 651 Boas Street, Room 1305 Harrisburg 17121-0750 Phone: 717-787-4671 or 1-800-932-0665	Adams-Columbia-Cumberland-Dauphin-Franklin-Juniata-Lancaster-Lebanon-Montour-Northumberland-Perry-Snyder-Union-York
Bureau of Labor Law Compliance Philadelphia District Office 110 North 8th Street Suite 203 Philadelphia, PA 19107 Phone: 215-560-1858 or 1-877-817-9497	Bucks-Chester-Delaware-Montgomery-Philadelphia

Contact:	Counties Served:
<p>Bureau of Labor Law Compliance Pittsburgh District Office 301 5th Avenue Suite 330 Pittsburgh, PA 15222</p> <p>Phone: 412-565-5300 or 1-877-504-8354</p>	<p>Allegheny-Beaver-Butler-Crawford-Erie-Greene- Lawrence-Mercer-Venango-Washington</p>
<p>Bureau of Labor Law Compliance Scranton District Office 201-B State Office Bldg. 100 Lackawanna Avenue Scranton, PA 18503</p> <p>Phone: 570-963-4577 or 1-877-214-3962</p>	<p>Berks-Bradford-Carbon-Lackawanna-Lehigh- Luzerne-Lycoming-Monroe-Northampton-Pike- Schuylkill-Sullivan-Susquehanna-Tioga-Wayne- Wyoming</p>

Critical Issues in Career and Technical Education Cooperative Education

1. What programs require a certified program coordinator?

All Pennsylvania Department of Education approved career and technical education programs, which include cooperative education as an integral part of the curriculum, require cooperative education professional certification.

For further clarification of certification, contact the Pennsylvania Department of Education, Bureau of Teacher Certification and Preparation at (717) 783-6730. See specifically, Cooperative Education Certification and Assignment Scope: CSPG #37.

2. Do supervisors have to be certified?

Yes, if they are engaged in public school supervision. However, the term supervisor may be misleading. If, in this case, the job description requires the instruction and on-the-job supervision of cooperative education students, the required area of certification is that of Cooperative Education Teacher-Coordinator and not Supervisor.

3. If high schools have instituted block scheduling, what ramifications will these strategies have for cooperative education and other school/worksite partnerships?

Any form of block scheduling should be a plus in the overall scheduling process because it could provide flexibility and additional time in a student's daily or weekly schedule. Examples are combining several class periods for concentrated instruction or offering off-campus experiential learning and/or on-the-job training.

4. Is there a student and cooperative education teacher-coordinator ratio regulated by the state? Is there a maximum number of students?

No. The state does not regulate a ratio. Rather, it assumes the local school district administrators will use good judgment in the number of students assigned to a Cooperative Education teacher-coordinator because of the amount of time required to instruct, place and complete regular on-site follow-up visits to improve students' performance on the job. Refer to "Time Needed to Deliver a Cooperative Education Program" in section one of this document.

5. What are the legal ramifications per the Pennsylvania Department of Labor and Industry for putting students into unpaid worksite experiences, such as job shadowing, internships, volunteering, etc.?

The legal ramifications for unpaid learning experiences per Labor and Industry regulations fall under the Fair Labor Standards Act (Wages-Hour Law) and Child Labor Law. It is imperative that you apply the six criteria for trainees or students who are not considered employees. Refer to "Employment Relationships" found in Section Two of these guidelines. It would be advisable to have the school solicitor assist in the preparation of a comprehensive school policy regarding potential liability in case of an accident or injury to a student participating in an unpaid worksite experience.

6. Should there be minimal safety training before a placement?

Yes, proper student instruction in safety and accident prevention is a shared responsibility of the cooperative education teacher-coordinator and career and technical education teacher and must be provided prior to, as well as during, the student's on-the-job experience.

Safety instruction should include the area(s) of the Pennsylvania Worker and Community Right to Know Act, the Worker's Compensation Act and any specific job-related safety practices, including "all aspects of the industry."

Student learners should receive related classroom instruction in the Pennsylvania Worker and Community Right to Know Act, the Workers' Compensation Act, as well as specific job safety to include all aspects of the industry. For more information, refer to section two of this document.

Particular attention should be given to prohibited occupations for minors and the basis for which exemptions are granted (see Section Two). The terms student learner, apprentice and laboratory student aide are key to determining eligibility for an exemption. Note: Students must be enrolled in, or have graduated from, an approved career and technical education curriculum that prepares them for employment in the specific occupation.

7. Who is liable for job shadowing and internships?

The local school district/career and technical school, professionally involved school personnel (such as teachers, counselors, administrators and the cooperative education teacher-coordinator), parent/guardian, student and training site all share in this responsibility. The primary area of concern usually arises from tort liability and negligence. Thus, it is important to establish local school board policy for all concerned parties. Additional information is found in section two of this document.

Although there are no state professional certification requirements for the category of job shadowing or internships, it is highly recommended that persons working with students in these areas be professionally prepared. Also, any form of student job shadowing or internship should be addressed and adopted as part of the school/career and technical center strategic plan.

8. Is liability insurance needed for field and clinical experiences (not job shadowing or nonpaid). What are the hourly requirements for internships?

It is strongly advisable that school/career and technical centers carry liability insurance wherever students will be dealing with the consumer. In most health clinical areas, institutions usually require proof of liability insurance as part of the contract to allow students into the facility for a hands-on experience. Insurance should cover the teacher and the student in the clinical area.

Hourly requirements should be built on predetermined exit outcomes and learning objectives. In some instances, regulations stipulate student time in clinical or field experience. For example, the Certified Nurse Aide program has a clinical minimum of 37.5 hours.

9. In health and food service programs, who pays for immunization shots (Hepatitis B)?

Occupational Safety and Health (OSHA) regulations stipulate that the employer is responsible for employee immunizations and universal precautions education. The employer does an assessment and designates the employees in the high-risk category. Those individuals receive a series of immunizations for hepatitis upon employment. The employer is responsible only for those immunizations during actual employment. In all secondary program areas of health, it is advisable to have a school board-approved health policy in place to protect the student and the school district.

10. Must child labor laws be followed?

State and federal child labor laws were designed to protect the student learner and the employer. The employer and cooperative education teacher-coordinator must adhere to the laws. Precautions must be taken when placing students in hazardous occupations. Exemptions only apply when all six student-learner criteria are in place. Refer to the Fair Labor Standards Act for clarification:

<http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

11. Can students legally work without pay?

Yes, but under strict conditions and criteria regarding the training that will take place. In this question, the term “work” is a misnomer. The Fair Labor Standards Act is very specific in terms of whether trainees or students are considered employees. If the student is considered an “employee,” then the employer is obligated to provide wages. Refer to “Employment Relationships” in section two of this document. The Cooperative Education teacher-coordinator should carefully review the six criteria listed.

12. How do you determine paid versus nonpaid programs?

As per the “Employment Relationship” document, “Whether trainees or students are employees of an employer under the FLSA 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** employees within the meaning of the Act:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a career and technical school;
2. The training is for the benefit of the trainees or students;
3. The trainees or students do not displace regular employees, but work under close supervision;
4. The employer that provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his operations may even be impeded;

5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period and
6. The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.”

More detailed information is provided in the resource, “Employment Relationship under the Fair Labor Standards Act” available at http://www.voced.iup.edu/pcea/_Frame.asp?tab=resources&url=Resources.

13. How are the Child Labor Laws addressing job shadowing and nonpaid experiences?

Job shadowing and nonpaid experiences are addressed in the Fair Labor Standards Act. Additional information is provided in the “Employment Relationships” document. Student-learners are usually considered “employees” and should be paid wages. The Cooperative Education coordinator should carefully review *each of the six criteria* described above when placing a student in a job shadowing or nonpaid experience.

14. Under Child Labor Laws, what employment certificates must students apply for prior to employment?

All minors must secure a work permit, prior to employment.

15. Can a 17-year old student learner on cooperative education work an eight- hour day?

As defined in the Pennsylvania Child Labor Act,

“The hours of employment for minors who are 16 years of age or older are as follows:

(1) When school is in session, an individual who is 16 years of age or older shall be limited as follows:

- (i) The minor may not be employed for more than 28 hours per week during a regular school week.
- (ii) The minor may not be employed for more than eight hours in a single day.
- (iii) The minor may not be employed before 6 a.m. or after 12 midnight, except that during a school vacation period a minor shall be permitted to be employed until 1 a.m.

(2) During a school vacation, an individual who is 16 years of age or older shall be limited as follows:

- (i) The minor may not be employed for more than ten hours in a single day.
- (ii) The minor may not be employed for more than 48 hours in a single week provided that any hours worked more than 44 in a single week shall be voluntarily agreed to by the minor and further provided that the minor may reject any request for employment in excess of 44 hours in a single week without retaliation.”

16. Are there standard guidelines for workers’ compensation with a small employer?

Yes, there are guidelines. To obtain copies of the guidelines and other

information, contact the Department of Labor and Industry, through the Bureau of Workers' Compensation.

17. How can special populations' students be accommodated and placed on cooperative education? Who is responsible for making accommodations?

If a school is offering a Pennsylvania Department of Education approved career and technical education program of study in which cooperative education is an integral part, instruction and placement of students are to be done by a certified cooperative education teacher-coordinator who can be a Special Education instructor holding cooperative education certification. Responsibility is shared by all concerned parties: the school district/career and technical school, professionally involved personnel (counselors, teachers, administrators, and the cooperative education teacher-coordinator), parent/guardian, student and the employer, as it is for all regular cooperative education students. See CSPG #37 and CSPG #61 Pennsylvania Department of Education, Bureau of Teacher Preparation and Certification.

18. What requirements can be established so that career and technical schools and high schools are not duplicating services or programs?

Chapter 339 provides for Diversified Occupations. The program should not compete with existing vocational programs offered at the comprehensive high school or participating area vocational-technical school.

19. How are cooperative education teacher-coordinators in individual districts sharing job leads in communities they share?

Some cooperative education teacher-coordinators who share a given business community have developed their own collaborative, cooperative arrangements and job bank. The key is to communicate and exchange job leads with one another, as well as maintain close contact with the local CareerLink office, in order to provide the best services possible to prospective students and employers.

20. In spite of Diversified Occupations and career and technical education programs, students are not participating in cooperative education. How can we reach the students that can benefit from this program/instructional method?

School administrators and cooperative education teacher-coordinators in particular, must take a proactive role and seize every opportunity to explain the program and program benefits. Contact home schools, community and civic organizations and offer to make presentations to describe and promote the program to prospective students, school board members, parent/guardians and employers. Develop a program brochure and/or newsletter with pictures of students in training. Invite the media to cover all noteworthy events pertaining to cooperative education. Developing a public relations plan is one of the keys to success. The development of career exploration activities, such as job shadowing, at an early level could help create interest and stepping-stones. Cooperative Education should be addressed in the high school/career and technical school strategic plan.

21. How do you determine if students are replacing a worker in a nonpaid experience?

The cooperative education teacher-coordinator must be knowledgeable in the law and regulations, and then become familiar with the training station and the expectations of the employer. He or she must make regular on-site visits to monitor the student learner. The cooperative education teacher-coordinator must be satisfied that the trainee is not in violation of the six criteria identified in the Fair Labor Standards Act. Misunderstanding by the student learner and employer can best be avoided by use of a formal training plan and agreement.

22. Can students work during the summer if the cooperative education teacher-coordinator is not employed?

Depending on their age and working conditions, students might be able to work but not under the guise of cooperative education. Cooperative education provides the legal connecting link between the school and the employer. Students must be continually instructed and monitored on the job by the cooperative education teacher-coordinator to be considered exempt from a prohibited occupation and to receive school credit for this planned, off-campus educational experience. Otherwise, the student is on his/her own for summer employment and subject to a whole new set of employment rules, especially if under age 18. For further clarification, contact the Pennsylvania Department of Labor and Industry, Bureau of Labor Standards.

23. Can we use criteria such as grades and attendance to remove or place students on cooperative education?

This is a local school/school district decision. It is important to develop a local board approved policy and to make certain the policy is applicable in a nondiscriminatory manner to all students.

24. How do schools transport students for job shadowing?

This varies from school to school. In most instances, there is school board policy making the student and parent/guardian responsible for transportation. There are, however, situations where the school district provides the transportation, such as busing an entire class of students to an off-campus learning site, or providing transportation for special needs students. The district is advised to develop a board-approved policy for student transportation to an off-campus learning site.