



Ohio Revised Code

Section 4109.22 Manufacturing and construction mentorship program.

Effective: October 3, 2023

Legislation: House Bill 33 - 135th General Assembly

(A) As used in this section:

(1) "Construction occupation" means employment that consists of the construction, reconstruction, enlargement, alteration, repair, remodeling, renovation, demolition, or painting of a building or other structure, road, bridge, or other work, including preparation of a site for new construction.

(2) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product.

(3) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a construction occupation or manufacturing occupation.

(B) There is hereby created the manufacturing and construction mentorship program to expose minors who are sixteen or seventeen years of age to construction occupations and manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following:

(1) Determine the duration of the minor's employment;

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity;

(3) Provide the minor with the training described in division (C) of this section;

(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a career-technical



education program when the minor begins employment;

(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors.

(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a construction occupation or manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following:

(a) A ten-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor;

(b) Instructions on how to operate the specific tools the minor will use during the minor's employment;

(c) The general safety and health hazards to which the minor may be exposed at the minor's workplace;

(d) The value of safety and management commitment;

(e) Information on the employer's drug testing policy.

(2) For purposes of division (C)(1)(a) of this section, a minor may participate in a thirty-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration if the minor has already successfully completed a ten-hour course.

(3) The employer shall pay any costs associated with providing the training required by division (C)(1) or permitted under division (C)(2) of this section.

(4) An employer is not required to provide the training described in division (C)(1) or (2) of this section if the minor presents proof of completing the training during the six-month period



immediately before beginning employment with the employer.

(5) An employer may require a minor participating in the mentorship program to take a drug test in accordance with the policy described in division (C)(1)(e) of this section.

(D) The director of commerce, in consultation with employers, shall adopt rules in accordance with Chapter 119. of the Revised Code specifying a list of the tools that a minor who is sixteen or seventeen years of age who is employed under the mentorship program may operate during the minor's employment in a construction occupation or manufacturing occupation. The director shall use the manual issued by the wage and hour division of the United States department of labor titled "field operations handbook" or its successor for guidance in developing the list. Nothing in this division requires the director to include a tool on the list if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section specifically permit minors of that age to operate the tool.

(E)(1) A minor who is sixteen or seventeen years of age shall possess a valid driver's license to be eligible for employment under the mentorship program.

(2) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any construction occupation or manufacturing occupation not denied by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section.

(F) No employer shall do either of the following:

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program;

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.