

AGENDA ITEM

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2713

FORT BEND COUNTY FY 2009
COMMISSIONER'S COURT AGENDA REQUEST FORM

Return Completed Form to: Agenda Coordinator, County Judge's Office

Date Submitted: June 17, 2009	Submitted By: Kent Edwards
Court Agenda Date: June 23, 2009	Department: Human Resources
	Phone Number: 281-341-8631

SUMMARY OF ITEM:
 Take all appropriate action on Agreement for additional temporary employees between Fort Bend County and Workforce Solutions effective for a 4 month period from June 1, 2009 through September 30, 2009 for the Summer Food Program.

RENEWAL AGREEMENT/APPOINTMENT YES NO
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

List Supporting Documents Attached:

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: _____ Account Number: _____
 Activity (If Applicable): _____

REQUIRES AUDITOR TO CERTIFY FUNDS: YES NO

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms may be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:
 Original Form Submitted with back up to County Judge's Office (✓ when completed)
 If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input checked="" type="checkbox"/> Auditor (281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input checked="" type="checkbox"/> Budget Officer (281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Take all appropriate action on Agreement for additional temporary employees between Fort Bend County and Workforce Solutions effective for a 4 month period from June 1, 2009 through September 30, 2009 for the Summer Food Program.

Special Handling Requested (specify): *6-25-09 copy received*

Worksite: Fort Bend County Contact: Mike Davis Tel #: 281-642-3716

Address: Multiple Fort Bend Locations E-Mail: davismic@co.fort-bend.tx.us

This Agreement is entered by and between CAREER RECOVERY, hereinafter referred to as the "Contractor," and FORT BEND COUNTY, hereinafter referred to as the "Worksite."

This Agreement establishes the terms and conditions for the Contractor and the Worksite as follows:

1. This Agreement is effective June 1, 2009 and will terminate no later than September 30, 2009. This Agreement may be terminated by either party, at anytime, upon written notice to the other party with ten business days notice. No alteration or variation of the terms of this Agreement shall be valid and/or binding unless made in writing and signed by both the parties hereto.

2. The Worksite understands that the purpose of this Agreement is to provide eligible young workers, ages 14-24, with a summer job. Worksite may offer employment to those young workers who meet the job qualifications in locations that have job openings.

3. Contractor is responsible for worker's compensation insurance coverage for young workers approved to work at Worksite, subject to the limitations contained herein. All minors must have parental or guardian consent on file with Contractor to authorize emergency medical treatment.

4. Contractor will provide Worksite with payroll and attendance reporting requirements for young workers, and Worksite agrees to follow Contractor's said requirements.

5. Work experience assignments shall be for a set number of hours per week, payable at the rate of no less than \$7.25 per hour.

6. Worksite further agrees to: (1) comply with Labor Laws and/or Child Labor Laws and federal and state equal employment opportunity laws; (2) ensure necessary emergency medical care is given to young workers in the event of an occupational injury or illness; (3) provide adequate supervision and instruction; (4) ensure safe and healthful working conditions; (5) provide young workers with a written job description; (6) provide an evaluation or progress report on each young worker as requested.

7. Worksite understands and agrees that the Contractor and the Houston-Galveston Area Council will conduct on-site visits to evaluate general compliance with above requirements.

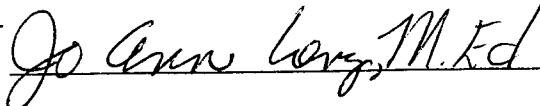
8. Worksite must ensure that no young workers replace regular employees. This means that any company participating in Summer Jobs Project will not (directly or indirectly) cause the displacement of any company's regular employees.

To the extent authorized by law,

9. Indemnification: Worksite shall indemnify and hold harmless Contractor, Gulf Coast Workforce Board, Houston-Galveston Area Council and their officers, employees and agents from any loss, liability, claim or damage that may arise from any activities of worksite, and worksite shall defend and indemnify Contractor and Gulf Coast Workforce Board from any liability or judgment. Worksite warrants that it has adequate general liability insurance in effect.

In Witness Whereof, this agreement has been executed by and on behalf of the parties described herein.

Worksite Signature: 

Contractor Signature: 

Printed Name and Title: Robert Hebert
County Judge

Printed Name and Title: Jo Ann Long, Program
Coordinator
Date Signed: 6/10/09

Date Signed: _____



CHILD LABOR LAWS

Texas Workforce Commission,
Tax and Labor Law Dept., Child Labor Enforcement
U.S. Department of Labor,
Wage and Hour Division



For further information about Texas' child labor laws, call:
1-800-832-9243
(in Texas only)
TDD 1-800-735-2989

*This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. **MINIMUM AGE FOR EMPLOYMENT IS 14**; however, state and federal laws provide for certain exceptions. Please call TWC's Tax and Labor Law department for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child-labor laws, consult your local listings for the nearest office of the U.S. Department of Labor, Wage and Hour Division.*

The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-leamer certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.
- (2) involving the driving of motor vehicles and outside helpers
 - A. on any public road or highway,
 - B. in or about any place where logging or sawmill operations are in progress, or
 - C. in excavations.
 (Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)
- (3) connected with coal mining.
- (4) including logging operations and sawmill occupations.
- (5) *operating or assisting to operate power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations.
- (7) operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks.
- (8) *operating or assisting to operate power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) *operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering with the exception of the killing and processing of poultry, rabbits, or small game in areas separated from the killing floor.
- (11) operating or assisting to operate power-driven bakery machines.
- (12) *Occupations involved in the operation of power-driven paper-products machines, scrap paper balers and paper box compactors. (Under certain conditions, loading a baler or compactor is NOT considered a hazardous occupation under state or federal law.)
- (13) manufacturing brick, tile, and kindred products.
- (14) *operating or assisting to operate power-driven circular saws, band saws and guillotine shears, with the exception of machines equipped with full automatic feed and ejection.
- (15) wrecking, demolition, and ship-breaking operations.
- (16) *occupations in roofing operations and on or about a roof.
- (17) *connected with excavation operations.

Additional prohibited occupations that apply only to 14- and 15-year-olds:

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) Mining.
- (2) Manufacturing.
- (3) The performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed.
- (4) Public messenger service.
- (5) The operation or tending of hoisting apparatus or any power-driven machinery other than office machines.
- (6) Occupations in connection with:
 - A. Transportation of persons or property by rail, highway, air, water, pipeline, or other means. However, office or sales work is permitted except on vehicles and other transportation conveyances or at the actual construction site.
 - B. Warehousing and storage.
 - C. Communications and public utilities.
 - D. Construction including demolition and repair.
- (7) Any of the following occupations in a retail food service or gasoline service establishment:
 - A. Work performed in or about boiler or engine rooms.
 - B. Work in connection with maintenance or repair of the establishment, machines or equipment.
 - C. Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
 - D. Cooking (except under limited circumstances)
 - E. Baking.
 - F. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
 - G. Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).
 - H. Loading and unloading goods to and from trucks, railroad cars or conveyors.
 - I. All occupations in warehouses, except office and clerical work.

Work times for 14- and 15-year-olds

State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 48 hours in one week.
- (2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school.
- (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment for children:

- (1) no more than eight hours on a non-school day or 40 hours during a non-school week.
- (2) no more than three hours on a school day, 18 hours during a school week.
- (3) Children may work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

Certificate of Age/Child Actors

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

PENALTIES:

State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal — The FLSA prescribes a maximum administrative penalty of \$10,000 per violation and/or criminal prosecution and fines.