



New York State Department of Labor
Andrew M. Cuomo, Governor
Colleen C. Gardner, Commissioner

January 12, 2011

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Request for Opinion
Minors - Employment of
RO-10-0189

Dear [REDACTED]:

I have been asked to respond to your letter of December 15, 2010, in which you ask whether the New York Labor Law prohibits the operation of cheese graters by employees who are seventeen (17) years old in connection with pizza making. Your letter describes the process as involving the use of a grater attachment onto a "Hobart Mixing Machine" that is typically used to mix pizza dough thereby allowing it to grate five pound bricks of mozzarella cheese for use on pizzas. Your letter asks if seventeen year old employees may operate such equipment in connection with the cheese grating process. This would involve the loading of the machine (perhaps to include the attachment of the grating mechanism onto the machine), the operation of the equipment, and troubleshooting any problems that might develop during the grating process (e.g. equipment jams).

Section 133 of the Labor Law sets forth several restrictions on types of work that children of certain ages are prohibited from performing. Section 133(2) of the New York State Labor Law prohibits the employment of or assisting by minors of any age in certain activities and, in relevant part to your inquiry, provides "[n]o minor of any age shall be employed in or assist in ... (m) any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, *bakery*, and paper products machines." A "Hobart Mixing Machine" used in connection with pizza making, is a "bakery" machine and, as such, cannot be used by minors of any age. It is additionally worth noting that Section 133(2)(e) provides that children of any age may not adjust belts to machinery or clean, oil or wipe machinery, nor may they work in any occupation involving the operation of circular saws, bandsaws and guillotine shears. Such activities could certainly be included in the operation of

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this equipment should blocks of cheese become jammed in the equipment or need to be adjusted during the grating process. Accordingly, please be advised that the "Hobart Mixing Device" described in your letter may not be used by employees who are 17 years old in connection with pizza making.¹

This opinion is based exclusively on the facts and circumstances described in your correspondence dated December 15, 2010, and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. This opinion cannot be used in connection with any pending private litigation concerning the issue addressed herein. If you have any further questions, please do not hesitate to contact me.

Very truly yours,
Maria L. Colavito, Counsel

By: 
Michael Paglialonga
Assistant Attorney II

CC: Carmine Ruberto

¹ Additionally, Section 133(1)(c) would prohibit any other type of grating device to be used by children under the age of sixteen.