



**PA Department of Education  
Nurse Aide Training Program  
333 Market Street 11<sup>th</sup> floor  
Harrisburg, PA 17126-0333**

**DATE:** July 19, 2011

**SUBJECT:** Limited Participation Allowed for Operation of Power –Driven Lifts by 16- and 17- Year Olds

**TO:** Administrators/Coordinators of State-Approved Nurse Aide Training Programs

**FROM:** Lee Burket, Director, Bureau of Career and Technical Education

The Department of Labor’s Wage and Hour Division (WHD) released Field Assistance Bulletin No. 2011-3 (the “Bulletin”) which details the circumstances under which 16- and 17-year olds will be permitted to assist in the operation of power-driven resident lifts. Specifically, the WHD states that it will exercise enforcement discretion and not assert child labor violations involving 16- and 17-year olds who assist a trained adult worker in the operation of floor based vertical powered resident lifts, ceiling-mounted vertical powered lifts and sit-to-stand lifts, only when ALL of the following six conditions are met:

1. The teen has successfully completed the 75 clock hours of nurse aide training required by the Federal Nursing Home Reform Act (or a higher state standard where applicable) **AND** has successfully completed the nurse aide competency evaluation detailed in 42 C.F.R. § 483.154 (or a higher state standard where applicable).
2. The teen is not operating by himself or herself the lifting device **AND** the teen is assisting in the use of the device as a junior member of at least a 2-person team that is headed by an employee who is at least 18 years of age. All members of the team must be trained in the safe operation of the lifting device(s) being used.
3. The teen may:
  - a. set up, move, position and secure unoccupied lifting devices;
  - b. assist trained adult employees in attaching slings to, and un-attaching slings from lifting devices prior to and after the lift/transfer of the resident is completed;
  - c. assist the trained adult employees in operating the controls that activate the power to lift/transfer the resident; and
  - d. act as a spotter/observer and may position items such as a chair, wheelchair, bed or commode under the resident who is being lifted/transferred.
4. The teen may **not** *Independently* engage in “hands on” physical contact with the resident during the lifting/transferring process (such as placing or removing the sling, including pushing or pulling the sling under/around the resident; adjusting the sling under/around the resident; and manipulating the resident when placing, adjusting or removing a sling)—the teen, however, may assist in these “hands on” activities when assisting a trained adult employee who is manipulating, guiding, rotating, or otherwise maneuvering the resident during the lift/transfer. The teen may similarly assist a trained adult employee who is pushing, pulling or rotating lifting devices when the device is engaged in the process of lifting/transferring a resident.

5. The teen is not injured while operating or assisting in the operation of a lifting device. In the event of an injury, the employer will be subject to the assessment of child labor civil monetary penalties as permitted by Section 16(e)(1) of the Fair Labor Standards Act.
6. The employer has provided to the teen employee a copy of the document that is attached to the Bulletin as Attachment A.

As previously stated in a memorandum dated October 22, 2010, the operation of mechanical lifts is one of the 17 hazardous occupations in which student learners are not an exception under the Child Labor Law, Regulations Governing the Employment of Minors in Industry. This said if the career and technical education program has equipment to teach students the proper technique for operating a mechanical lift, the students are permitted to operate the equipment under the supervision of an instructor. However, in the clinical environment and cooperative education setting, student learners are prohibited from operating mechanical lifts even if it is incidental to the training on location.

A NATCEP instructor should continue to demonstrate procedures, such as: Transferring a Client from a Bed to A Wheel Chair Using a Mechanical Lift. If this procedure is demonstrated at the clinical site using their mechanical device, a mannequin or volunteer student, 18 years of age or older, could assume the role of the resident for demonstration purposes; however, 16 and 17-year old nurse aide students are prohibited from re-demonstrating this procedure or any other procedure that incorporates the use of a mechanical lift.

If you have questions or comments about this subject please call Sheri Weidman at (717) 772-4868 or submit your comments to [ra-natcep@state.pa.us](mailto:ra-natcep@state.pa.us) .

Thank you for your assistance.

*Dr. Lee Burkett*, Bureau Director