

**Lifeguards.**

- (a) 29 CFR 570.34(l) permits 15-year-olds, *but not 14-year-olds*, to be employed to perform lifeguard duties at traditional swimming pools and water amusement parks when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety. 29 CFR 570.34(l) was incorporated into the regulations by the 2008 Final Rule and replaces an enforcement position previously adopted by the WHD.
- (1) The core and defining duty of a lifeguard is to rescue swimmers in danger of drowning, often by entering the water and physically bringing the swimmer to safety (*see* 75 FR 28418). Child Labor Reg. 3 now prohibits the employment of anyone under 15 years of age to perform this core duty, and 15-year-olds may do so only when properly certified.
  - (2) Any employee under the age of 16 whose duties include this core duty, such as a junior lifeguard or a swim teacher aide, or whose employment could place him or her in a situation where the employer would reasonably expect him or her to perform such rescue duties, would be performing the duties of a lifeguard while working in such a position. For such employment to comply with Child Labor Reg. 3, the employee must be at least 15 years of age and be properly certified.
  - (3) A 15-year-old, who has been properly certified as a lifeguard, may also serve as a swimming instructor, but only when he or she has also been properly certified as a swimming instructor by the American Red Cross or some other recognized certifying agency (*see* 29 CFR 570.34(l)(2)).
- (b) **Where 15-year-old lifeguards may and may not be employed**
- (1) *Traditional swimming pools*
    - a. Properly certified 15-year-old lifeguards may be employed at traditional swimming pools. A traditional swimming pool means a water tight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming, and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith.
    - b. The provisions of 29 CFR 570.34(l) apply irrespective of who owns, operates, or manages the pool. Therefore, such minors could be employed at hotel pools, apartment complex pools, and homeowner association pools, as well as community pools.
  - (2) *Water amusement parks*
    - a. Properly certified 15-year-olds may be employed as lifeguards at most facilities of a water amusement park. A water amusement park means an establishment that not only encompasses the features of a traditional swimming pool, but also includes such additional attractions as wave pools, lazy rivers, baby pools, activities areas, and elevated water slides.
    - b. 15-year-olds may serve as lifeguards at wave pools, lazy rivers, activity areas, baby pools, and receiving or splashdown areas of elevated water slides.
    - c. 14- and 15-year-olds may not be stationed at the top of an elevated water slide to monitor the slide operations, keep order, and serve as dispatcher to ensure patrons properly ride the slide. The general prohibition against operating or tending power-driven equipment contained in Child Labor Reg. 3 prohibits youth under 16 from performing these non-traditional lifeguard duties at the top or on the stairs of an elevated slide. This same prohibition prevents youth under 16 from being employed to operate or tend, or serve as attendants on amusement park rides.
  - (3) *Natural environments*

No one under 16 years of age may be employed as a lifeguard at rivers, streams, lakes, ponds, quarries, reservoirs, wharfs, piers, canals, oceanside beaches, nor other natural environments.

(c) The duties 15-year-old lifeguards may perform include the following:

- (1) Rescuing swimmers in danger of drowning
- (2) Monitoring activities at poolside to prevent accidents
- (3) Providing swimming lessons, but only if properly certified to do so (*see* FOH 33d06(e)(3)a. below)
- (4) Teaching water safety
- (5) Providing assistance to patrons
- (6) Helping maintain order and cleanliness in the pool and pool areas
- (7) Conducting and officiating at swim meets
- (8) Administering first aid
- (9) Checking in and out items such as towels, and personal items such as rings, watches, and apparel
- (10) Using a ladder to access and descend from a lifeguard chair
- (11) Using hand tools to clean the pool and pool areas
- (12) Testing and recording water quality for temperature and/or Ph levels, using all of the tools of the testing process including adding chemicals to the test water sample

(d) The duties 15-year-old lifeguards may *not* perform include the following:

- (1) Such youth may not enter or work in any mechanical room or chemical storage area, including any areas where the filtration and chlorinating systems are housed.
- (2) Such youth may not operate or tend any power-driven equipment, including power-driven elevated water slides often found at water amusement parks and some swimming pools.
  - a. Child Labor Reg. 3 prohibits the employment of youths under 16 years of age as dispatchers or attendants at the top of elevated water slides performing such tasks as maintaining order, directing patrons as to when to depart the top of the slide, and ensuring that patrons have begun their ride safely (*see* 29 CFR 570.34(1)(2)).
  - b. Properly certified 15-year-old lifeguards may be stationed at the splashdown pools at the bottom of the elevated water slides to perform those permitted duties listed in FOH 33d06(b) above.
  - c. The prohibition concerning tending power-driven water slides would not apply to those small water slides designed for use by very small children and often located in baby pools. These slides that normally rise no more than 5 or 10 feet are accessed by ramps that patrons walk up rather than stairways or ladders. Properly certified 15-year-old lifeguards may tend these little slides designed for very small children.

(e) **Certification**

- (1) 29 CFR 570.34(1) requires that 15-year-olds be trained and certified in water safety and aquatics by the American Red Cross or a similar certifying agency before they may be employed as lifeguards or to perform the core duties of a lifeguard as discussed in FOH 33d06(a)(1) above.
- (2) Normally, the youth will have in his or her custody a certificate documenting that he or she has successfully completed all classroom and practical skill sets necessary for certification as a lifeguard. Such certification will normally be sufficient for purposes of establishing compliance with this portion of Child Labor Reg. 3.
- (3) As per 29 CFR 570.34(1)(2), 15-year-olds who, as part of their employment, serve as swimming instructors, teaching others how to swim, must not only hold proper certification as lifeguards, but must also be certified as swimming instructors by the American Red Cross or some other recognized certifying organization.
- (4) Once a lifeguard turns 16 years of age, this dual requirement for certification, just as all the other provisions of Child Labor Reg. 3, end.
- (5) The WHD has determined that the following organizations offer lifeguard certification programs that are similar to that offered by the American Red Cross and therefore satisfy the requirements of 29 CFR 570.34(1). This list is not to be considered exhaustive.
  - a. American Lifeguard Association ([www.americanlifeguard.com](http://www.americanlifeguard.com))
  - b. Ellis & Associates ([www.jellis.com](http://www.jellis.com))
  - c. National Aquatic Safety Company (NASCO) ([www.nascoaquatics.com](http://www.nascoaquatics.com))
  - d. United States Lifesaving Association ([www.usla.org](http://www.usla.org))