

ASSEMBLY, No. 4222

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 9, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

**Assemblymen Caputo, Dancer, Assemblywomen Sumter, Carter,
Assemblymen Sampson, Torrissi, Assemblywomen Piperno and Eulner**

SYNOPSIS

Expands working hours for minors; updates process for obtaining working papers for minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning working hours for minors, amending and
2 supplementing P.L.1940, c.153 (C.34:2-21.1 et seq.), and
3 repealing sections 7 through 14 of P.L.1940, c.153.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to
9 read as follows:

10 1. (a) **["Employment certificate"** means a certificate granted
11 by the issuing officer authorizing the employment of a child as
12 permitted under this act. **]** (Deleted by amendment, P.L. , c. .)
13 (pending before the Legislature as this bill)

14 (b) **["Age certificate"** means a certificate issued for a person
15 between the ages of 18 and 21 years. **]** (Deleted by amendment,
16 P.L. , c. .) (pending before the Legislature as this bill)

17 (c) **["Issuing officer"** means any superintendent of schools,
18 supervising principal, or teacher in a school district who is
19 designated by the board of education in the district to issue
20 certificates or permits in accordance with the provisions of this
21 act.**]** (Deleted by amendment, P.L. , c. .) (pending before the
22 L Legislature as this bill)

23 (d) "School district" means any geographical area having
24 authority over the public schools within that area.

25 (e) "Agriculture" includes farming in all its branches and
26 among other things includes the cultivation and tillage of the soil,
27 dairying, the production, cultivation, growing, and harvesting of
28 any agricultural or horticultural commodities (including
29 commodities defined as agricultural commodities in subsection (g)
30 of section 15 of the Agricultural Marketing Act, 46 Stat. 11 (12
31 U.S.C. s. 141 et seq.), as amended), the planting, transplanting and
32 care of trees and shrubs and plants, the raising of livestock, bees,
33 fur-bearing animals or poultry, and any practices (including any
34 forestry or lumbering operations) performed by a farmer or on a
35 farm as an incident to or in conjunction with such farming
36 operations, including preparation for market, delivery to storage or
37 to market or to carriers for transportation to market, provided that
38 such practices shall be performed in connection with the handling
39 of agricultural or horticultural commodities the major portion of
40 which have been produced upon the premises of an owning or
41 leasing employer.

42 (f) "Newspaper carrier" means any minor between 12 and 18
43 years of age who engages in the occupation of delivering, soliciting,
44 selling and collecting for, newspapers outside of school hours on
45 residential routes.

46 (g) "Restaurant" means any establishment or business primarily
47 engaged in the preparation and serving of meals or refreshments,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 both food and drink, and shall include but not be limited to the
2 following: dining establishments, catering establishments,
3 industrial caterers, and drive-in restaurants.

4 (h) "Theatrical production" means and includes stage, motion
5 picture and television performances and rehearsals therefor.

6 (i) "Seasonal amusement" means any exclusively recreational or
7 amusement establishment or business which does not operate more
8 than seven months in any calendar year or which has received
9 during any consecutive six months of the preceding calendar year
10 average receipts equal to or less than 33 1/3% percent of its average
11 receipts for the other six months of that year. "Seasonal
12 amusement" includes but is not limited to amusement rides and
13 amusement device ticket sales, and operations of games. However,
14 "seasonal amusement" does not include retail, eating or drinking
15 concessions, camps, beach and swimming facilities, movie theatres,
16 theatrical productions, athletic events, professional entertainment,
17 pool and billiard parlors, circuses and outdoor shows, sport
18 activities or centers, country club athletic facilities, bowling alleys,
19 race tracks and like facilities which are not part of a diversified
20 amusement enterprise.

21 "Commissioner" means the Commissioner of Labor and
22 Workforce Development.

23 "Department" means the Department of Labor and Workforce
24 Development.

25 (cf: P.L.1987, c.125, s.1)

26

27 2. Section 2 of P.L.1940, c.153 (C.34:2-21.2) is amended to
28 read as follows:

29 2. No minor under 16 years of age shall be employed,
30 permitted, or suffered to work in, about, or in connection with any
31 gainful occupation at any time; provided, that minors between 14
32 and 16 years of age may be employed, permitted or suffered to
33 work outside school hours and during school vacations but not in or
34 for a factory or in any occupation otherwise prohibited by law or
35 by order or regulation made in pursuance of law; and provided,
36 further, that minors under 16 years of age may engage in
37 professional employment in theatrical productions upon the
38 obtaining of a permit therefor and may engage outside school hours
39 and during school vacations in agricultural pursuits or in street
40 trades and as newspaperboys as defined in this act, in accordance
41 with the provisions of section 15 of this act. Minors may also
42 engage in employment in domestic service performed outside of
43 school hours or during school vacations [with the permission of the
44 minor's parents or legal guardian], in a residence other than the
45 minor's own home. Nothing in this act shall be construed to apply
46 to the work of a minor engaged in domestic service or agricultural
47 pursuits performed outside of school hours or during school

1 vacations in connection with the minor's own home and directly for
2 his parents or legal guardian.

3 Except as to the employment of a minor for whom a theatrical
4 employment permit has been issued, no minor under 16 years of age
5 not a resident of this State shall be employed, permitted or suffered
6 to work in any occupation or service whatsoever at any time during
7 which the law of the state of his residence required his attendance at
8 school, or at any time during the hours when the public schools in
9 the district in which employment in such occupation or services
10 may be available are in session.

11 (cf: P.L.1983, c.196, s.1)

12
13 3. Section 3 of P.L.1940, c.153 (C.34:2-21.3) is amended to
14 read as follows:

15 3. a. Except as provided in section 15 of P.L.1940, c.153
16 (C.34:2-21.15) and except for domestic service or messengers
17 employed by communications companies subject to the supervision
18 and control of the Federal Communications Commission, no minor
19 under 18 years of age shall be employed, permitted, or suffered to
20 work in, about, or in connection with any gainful occupation more
21 than six consecutive days in any one week, or more than 40 hours in
22 any one week, or more than eight hours in any one day, nor shall
23 any minor under 16 years of age be so employed, permitted, or
24 suffered to work before 7 a.m. or after 7 p.m. of any day, except
25 that during the school year, a minor who is at least 14 or 15 years of
26 age may work during non-school hours, for no more than three
27 hours on a school day and no more than 18 hours in a school week,
28 and up to eight hours on a non-school day during a school week,
29 and except a minor who is 14 or 15 years of age may work in a
30 restaurant, supermarket or other retail establishment, or in any
31 occupation not prohibited by the provisions of this act, P.L.1940,
32 c.153 (C.34:2-21.1 et seq.) or by regulations promulgated by the
33 commissioner pursuant to this act, P.L.1940, c.153 (C.34:2-21.1 et
34 seq.), up to 40 hours in a week during the period beginning on the
35 last day of a minor's school year and ending on Labor Day of each
36 year until 9 p.m. of any day [with written permission from a parent
37 or legal guardian], and except a minor who is 14 or 15 years of age
38 may be employed as a little league umpire for little leagues
39 chartered by Little League Baseball, Incorporated, until 9 p.m. of
40 any day [with written permission from a parent or legal guardian];
41 nor shall any minor between 16 and 18 years of age be so
42 employed, permitted, or suffered to work before 6 a.m. or after 11
43 p.m. of any day; provided that minors between 16 and 18 years of
44 age may be employed after 11 p.m. during any regular vacation
45 season, and on days which do not precede a regularly scheduled
46 school day[, with a special written permit from their parents or
47 legal guardian stating the hours they are permitted to work];

1 provided that minors between 16 and 18 years of age may be
2 employed in a seasonal amusement or restaurant occupation after 11
3 p.m. and following 12:01 a.m. of the next day, if that employment is
4 a continuation of a workday which began before 11 p.m., either
5 during any regular school vacation season, or on workdays which
6 do not begin on a day which precedes a regularly scheduled school
7 day, [with a special written permit from their parents or legal
8 guardian stating the hours they are permitted to work,] except that
9 in no case shall minors between 16 and 18 years of age be
10 employed after 3 a.m. or before 6 a.m. on a day which precedes a
11 regularly scheduled school day; provided, further, that minors may
12 be employed in a concert or a theatrical performance up to 11:30
13 p.m.; and provided, further, that minors not less than 16 years of
14 age and who are attending school may be employed as pinsetters,
15 lane attendants, or busboys in public bowling alleys up to 11:30
16 p.m.], but may not be so employed during the school term without a
17 special written permit from the superintendent of schools or the
18 supervising principal, as the case may be, which permit shall state
19 that the minor has undergone a complete physical examination by
20 the medical inspector, and, in the opinion of the superintendent or
21 supervising principal, may be so employed, without injury to health
22 or interference with progress in school, such special permits to be
23 good for a period of three months only and are revocable in the
24 discretion of the superintendent or supervising principal. Such
25 permit may not be renewed until satisfactory evidence has been
26 submitted to the superintendent or supervising principal showing
27 that the minor has had a physical examination and the minor's
28 health is not being injured by said work]; and provided, further,
29 that minors between 16 and 18 years of age may not be employed
30 after 10 p.m. during the regular school vacation seasons in or for a
31 factory or in any occupation otherwise prohibited by law or by
32 order or regulation made in pursuance of law. The hours of work of
33 minors under 16 employed outside school hours shall not exceed
34 three hours in any one day when school is in session and shall not
35 exceed in any one week when school is in session the maximum
36 number of hours permitted for that period under the federal "Fair
37 Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and
38 regulations promulgated pursuant to that federal act.

39 b. Notwithstanding the provisions of subsection a. of this
40 section, a minor between 16 and 18 years of age may work up to 50
41 hours in one week and up to 10 hours in one day during the period
42 beginning on the last day of the minor's school year and ending on
43 Labor Day. This subsection shall take effect immediately upon the
44 date of enactment.

45 c. This section is not applicable to the employment of a minor
46 between 16 and 18 years of age during the months of June, July,
47 August or September by a summer resident camp, conference or
48 retreat operated by a nonprofit or religious corporation or

1 association, unless the employment is primarily general
2 maintenance work or food service activities.

3 (cf: P.L.1998, c.138, s.1)

4
5 4. Section 4 of P.L.1940, c.153 (C.34:2-21.4) is amended to
6 read as follows:

7 4. No minor under eighteen years of age shall be employed or
8 permitted to work for more than **【five】** six hours continuously
9 without an interval of at least thirty minutes for a lunch period, and
10 no period of less than thirty minutes shall be deemed to interrupt a
11 continuous period of work.

12 (cf: P.L.1940, c.153, s.5)

13
14 5. Section 15 of P.L.1940, c.153 (C.34:2-21.15) is amended to
15 read as follows:

16 15. Except as hereinafter provided as to newspaper carriers, no
17 minor under 14 years of age may engage in any street trade, which
18 term, for the purpose of this section shall include the selling,
19 offering for sale, soliciting for, collecting for, displaying, or
20 distributing any articles, goods, merchandise, commercial service,
21 posters, circulars, newspapers or magazines or in blacking shoes on
22 any street or other public place or from house to house. No minor
23 under 12 years of age may be employed in agricultural pursuits.

24 Whenever a minor has graduated from vocational school,
25 approved by the Commissioner of Education and is 17 years of age,
26 the minor's diploma or certified copy thereof and an employment
27 certificate **【mailed to the employer by the issuing officer】** provided
28 by the Department of Labor and Workforce Development shall be
29 deemed **【a special permit】** authorization to engage in those pursuits
30 in which the minor majored in said vocational school during those
31 hours permitted for persons 18 years of age and over.

32 Except as hereinafter provided as to newspaper carriers,
33 whenever a minor under 16 years of age desires to work during such
34 times as the schools of the district in which the minor resides are
35 not in session in any street trade or in agricultural pursuits, the
36 **【parent, guardian or other person having the custody and control of**
37 **the】** minor may **【file】** register with the **【issuing officer in the**
38 **school district in which the minor resides】** Department of Labor and
39 Workforce Development an application for **【a special permit**
40 **authorizing such】** authorization to work. Such **【application】**
41 registration shall show the exact character of the work the minor is
42 to do, and the hours and wages and special conditions under which
43 said work is to be performed.

44 If upon investigation it is found that the facts set forth in the
45 application are true and that the work will not interfere with the
46 minor's health or standing in school, the **【issuing officer】**
47 Department of Labor and Workforce Development shall**【**, upon

1 presentation to the issuing officer of the same proof of age as is
2 required for the issuance of an employment certificate,] issue [a
3 special permit,] authorization allowing the minor to work at such
4 times as the public schools in the district are not in session, but
5 such work except in agricultural pursuits, and as newspaper
6 carriers, to be otherwise subject to the maximum hours of labor
7 provisions set for minors under 16 years of age in section 3 of [this
8 act] P.L.1940, c.153 (C.34:2-21.3); provided, that nothing in [this
9 act] P.L.1940, c.153 (C.34:2-21.1 et seq.) shall prevent newspaper
10 carriers as defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et
11 seq.), between 11 and 14 years of age, from delivering, soliciting,
12 selling and collecting for newspapers on routes in residential
13 neighborhoods between the hours of 6:00 o'clock in the morning
14 and 7:00 o'clock in the evening of any day; and newspaper carriers
15 14 years of age and older from delivering, soliciting, selling and
16 collecting for newspapers on routes in residential neighborhoods
17 between the hours of 5:30 o'clock in the morning and 8:00 o'clock
18 in the evening of any day; and provided further that no newspaper
19 carrier under the age of 18 years shall be permitted to engage in
20 such occupation beyond the period of time wherein the combined
21 hours devoted to said occupation as a newspaper carrier and the
22 hours in school shall exceed a total of 40 hours per week and not
23 more than 8 hours in any 1 day; and provided, further, that minors
24 engaged in agricultural pursuits may be employed no more than 10
25 hours per day.

26 Such [special permit] authorization shall show the name,
27 address, and date of birth of the minor for whom it is issued, the
28 kind of proof of age submitted, the nature of the occupation in
29 which the minor is to engage, and such other information as the
30 [commissioner of Education] Department of Labor and Workforce
31 Development may require.

32 Any [such special permit] authorization for work in agriculture
33 shall be issued [for a period not to exceed 6 months and shall show
34 its date of expiration] and active until the minor is 18 years of age.
35 [Any person employing a minor under 16 years of age in
36 agriculture shall obtain such a certificate from the minor and keep
37 it on file during the period of the minor's employment and shall
38 return it to the minor to whom it is issued upon termination of the
39 minor's employment.]

40 Upon application by the [parent, guardian or other person having
41 custody and control of] minor who desires to work as a newspaper
42 carrier as defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et
43 seq.), who is between the ages of 11 and 18 years of age, to the
44 publisher of any newspaper in this State and upon receiving
45 [satisfactory proof of age and a signed statement of physical
46 fitness,] authorization from the Department of Labor and

1 Workforce Development, such publisher may **【issue to】** employ
2 such newspaper carrier **【a special permit on a form prescribed and**
3 **approved by the Commissioner of Education, whereby the**
4 **newspaper carrier shall be permitted】** to deliver, solicit, sell and
5 collect for newspapers outside of the newspaper carrier's school
6 hours on residential routes, and on Sundays and during school
7 vacations **【and no other employment certificate shall be required】**.

8 **【Such special permit】** The authorization shall show the name,
9 address and date of birth of the newspaper carrier for whom it is
10 issued, and such other information as the **【Commissioner of**
11 **Education】** Department of Labor and Workforce Development may
12 require.

13 **【The publisher shall forthwith mail 3 copies of such special**
14 **permit to the issuing officer as defined in section 1 of this act, one**
15 **of which copies shall be forwarded to the Commissioner of**
16 **Education and one copy to the Commissioner of Labor and Industry**
17 **in such manner as may be provided by regulation of said**
18 **commissioners. A copy of such special permit shall also be**
19 **furnished by the publisher to the parent, guardian or other person**
20 **having custody and control of the newspaper carrier and the**
21 **publisher shall retain at all times a file copy thereof.】**

22 The **【special permit】** authorization shall remain in full force and
23 effect unless and until the **【publisher has knowledge of or is**
24 **notified by the issuing officer or the Commissioner of Labor and**
25 **Industry that the newspaper carrier is not physically fit or that in**
26 **the opinion of the issuing officer or the Commissioner of Labor**
27 **and Industry, engaging in the occupation as a newspaper carrier will**
28 **be harmful to the newspaper carrier's education. In such case, the**
29 **said special permit shall be suspended unless and until the issuing**
30 **officer shall revoke said notification. In the event of such**
31 **notification and suspension, however, if either the parent, guardian**
32 **or other person having custody and control of the newspaper carrier**
33 **or the publisher shall deem such decision to be erroneous, an**
34 **appeal may be made to the Commissioner of Education who shall**
35 **have authority to affirm, reverse or modify such decision of the**
36 **issuing officer or the Commissioner of Labor and Industry】** the
37 minor is 18 years of age.

38 The publisher shall keep a record of the name, address and birth
39 date of each newspaper carrier **【to whom such special permit is**
40 **issued; the date said newspaper carrier commenced and ceased**
41 **delivering newspapers published by said publisher together with a**
42 **record of the number of newspapers sold to each newspaper carrier**
43 **and a general description of the area of the route served by each**
44 **newspaper carrier】** who is a minor. Such records shall be kept on
45 file by said publisher for a period of 2 years after the newspaper
46 carrier has ceased delivering newspapers published by said
47 publisher.

1 【The special permit shall remain in full force and effect unless
2 and until the publisher is notified by the issuing officer or the
3 Commissioner of Labor and Industry that the newspaper carrier is
4 not physically fit or that the newspaper carrier's school record is
5 such that engaging in the occupation of a newspaper carrier will be
6 harmful to the newspaper carrier's education. In such case,
7 however, if either the parent, guardian or other person having
8 custody and control of the newspaper carrier or the publisher shall
9 deem such decision to be erroneous, an appeal may be made to the
10 Commissioner of Education who shall have authority to reverse or
11 modify such decision of the issuing officer or the Commissioner of
12 Labor and Industry】.

13 (cf: P.L.1981, c.490, s.1)

14

15 6. (New section) a. The department shall create and maintain a
16 database for the employment of minors that is accessible by the
17 public and that displays each employer that is required to register
18 under P.L. , c. (C.) (pending before the Legislature as this
19 bill).

20 b. The database shall include the name and email address of
21 each employer registered under P.L. , c. (C.) (pending
22 before the Legislature as this bill).

23 c. Any minor under the age of 18 years who desires to work,
24 including but not limited to work as a news carrier or work in
25 agriculture, shall complete a one-time registration on the database,
26 but all information pertaining to the minor shall be confidential and
27 shall not be accessible by the public. The minor shall be required to
28 submit documentation, in the form and manner prescribed by the
29 department, sufficient to adequately identify the minor, including
30 but not limited to, the social security number of the minor, and
31 confirm the age of the minor, as well as identify the parent or legal
32 guardian of the minor. The minor shall provide contact
33 information, including email, if available, for the minor's parent or
34 legal guardian, as appropriate. The registration shall provide any
35 physical limitations of which employers should be aware. Upon
36 submission of documentation sufficient to meet the requirements of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 and the requirements of P.L.1940, c.153 (C.34:2-21.1 et seq.), the
39 department shall maintain an employment certificate for the minor
40 granting authorization for the minor to work in the occupation or
41 field for which the minor has expressed an interest and provided
42 documentation.

43 d. Each employer that hires, employs, or permits any minor
44 under the age of 18 to work in a gainful occupation as permitted by
45 P.L.1940, c.153 (C.34:2-21.1 et seq.), shall register with the
46 department, in the form and manner prescribed by the department,
47 the following information:

48 (1) The name of the employer;

1 (2) The email address of the employer;

2 (3) Any location of the employer's business operations,
3 including any location at which a minor will be working;

4 (4) The number and names of minors whom the employer has
5 hired, employed, or permitted to work in a gainful occupation, or
6 for seasonal employment, whom the employer expects to hire; and

7 (5) A certified statement from the employer that the employer is
8 employing minors in only those positions permitted by law to
9 ensure the health, safety and well-being of minors.

10 e. Within three days of an employer's or a minor's registration,
11 the department shall cross-check names submitted by employers
12 with minors who are registered on the database and send an
13 electronic confirmation to employers of the minor's authorization to
14 work. If an employer does not receive confirmation from the
15 department within one week of the employer's submission,
16 employment of the minor may commence unless and until the
17 employer receives notification from the department that the minor
18 has not received authorization to work.

19 f. Notwithstanding any limitations on hours, shifts, or times of
20 day that any minor may be permitted to work, the department shall
21 provide notification to a parent or legal guardian of a minor that has
22 registered with the database of the opportunity for an opt-out of
23 extended summer working hours. The parent or legal guardian of a
24 14 year old or 15 year old desiring to work may opt the minor out of
25 working past 7 p.m. of any day. The parent or legal guardian of a 16
26 year old or 17 year old desiring to work may opt the minor out of
27 working past 11 p.m. of any day. Any opt-out submitted by a
28 parent or legal guardian in accordance with this subsection shall be
29 binding on an employer and shall cover the whole summer and not
30 individual scheduling requests that should go through an employer.
31 The department shall send the notice by email, to the extent
32 possible, and by certified mail if email is not available, regarding
33 the opt-out required by this section within three days of granting an
34 authorization for a minor to work.

35 g. The Employment of Minors Advisory Council is established
36 to consult with and provide recommendations to the department for
37 the creation and administration of the database. The council shall
38 consist of five members:

39 (1) One representative from the Department of Labor and
40 Workforce Development to be appointed by the Governor;

41 (2) One representative from the Department of Education to be
42 appointed by the Governor;

43 (3) Two members who are employers or who represent the
44 interest of employers that employ a significant number of minors,
45 one who shall be appointed by the Senate President and one who
46 shall be appointed by the Speaker of the General Assembly; and

1 (4) One public member to represent the interests of parents or
2 legal guardians of minors, to be appointed by the Senate President
3 and the Speaker of the General Assembly.

4 Any vacancies occurring in the membership shall be filled in the
5 same manner as the original appointments. The council shall hold
6 at least two meetings per year to review the implementation and
7 operations of the database.

8 h. The department, in consultation with the Employment of
9 Minors Advisory Council, shall promulgate rules and regulations
10 necessary for the implementation of this act, P.L. c. (C.)
11 (pending before the Legislature as this bill), including but not
12 limited to, developing a schedule for the registration of employers
13 and minors in accordance with this act, P.L. c. (C.)
14 (pending before the Legislature as this bill).

15
16 7. The following sections are repealed:
17 Sections 7 through 14 of P.L.1940, c.153 (C.34:2-21.7 through
18 34:2-21.14).

19
20 8. This act shall take effect on the first day of the sixth month
21 next following enactment, except as to subsection b. of section 3
22 and as to section 4 of this act, which shall take effect immediately,
23 and except that the commissioner may take any anticipatory
24 administrative action in advance as shall be necessary for the
25 implementation of this act.

26 27 28 STATEMENT 29

30 This bill expands the hours working for minors. The bill makes
31 permanent P.L.2021, c.149, which expanded summer working hours
32 for minors between 16 and 18 years of age to up to 50 hours per
33 week for the summer of 2021. The bill expands working hours for
34 minors who are 14 years of age and 15 years of age to mirror
35 federal laws for working minors.

36 The bill removes authority from school districts to issue working
37 papers for minors and establishes a centralized database within the
38 Department of Labor and Workforce Development for minors and
39 employers to register with in order for minors to work. The
40 registration is a one-time registration for minors and will be
41 effective until the minor is no longer a minor.

42 The bill removes parental consent for a minor to work but
43 requires the department to provide parents with an opt-out for
44 extended summer working hours for the minor.

45 The bill increases the amount of time a minor may work before a
46 break is required from five hours to six hours.