

# SENATE, No. 138

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

Allows minors to serve as election workers between 5:30 a.m. and 9:00 p.m. on election days.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT allowing minors to serve as election workers and amending  
2 P.L.1940, c.153.

3

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

6

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

9 3. Except as provided in section 15 of P.L.1940, c.153 (C.34:2-  
10 21.15) and except for domestic service or messengers employed by  
11 communications companies subject to the supervision and control  
12 of the Federal Communications Commission, no minor under 18  
13 years of age shall be employed, permitted, or suffered to work in,  
14 about, or in connection with any gainful occupation more than six  
15 consecutive days in any one week, or more than 40 hours in any one  
16 week, or more than eight hours in any one day, nor shall any minor  
17 under 16 years of age be so employed, permitted, or suffered to  
18 work before 7 a.m. or after 7 p.m. of any day, except a minor who is  
19 14 or 15 years of age may work in a restaurant, supermarket or  
20 other retail establishment, or in any occupation not prohibited by  
21 the provisions of this act, P.L.1940, c.153 (C.34:2-21.1 et seq.) or  
22 by regulations promulgated by the commissioner pursuant to this  
23 act, P.L.1940, c.153 (C.34:2-21.1 et seq.), during the period  
24 beginning on the last day of a minor's school year and ending on  
25 Labor Day of each year until 9 p.m. of any day with written  
26 permission from a parent or legal guardian, and except a minor who  
27 is 14 or 15 years of age may be employed as a little league umpire  
28 for little leagues chartered by Little League Baseball, Incorporated,  
29 until 9 p.m. of any day with written permission from a parent or  
30 legal guardian; nor shall any minor between 16 and 18 years of age  
31 be so employed, permitted, or suffered to work before 6 a.m. or  
32 after 11 p.m. of any day; provided that minors between 16 and 18  
33 years of age may be employed after 11 p.m. during any regular  
34 vacation season, and on days which do not precede a regularly  
35 scheduled school day, with a special written permit from their  
36 parents or legal guardian stating the hours they are permitted to  
37 work; provided that minors between 16 and 18 years of age may be  
38 employed in a seasonal amusement or restaurant occupation after 11  
39 p.m. and following 12:01 a.m. of the next day, if that employment is  
40 a continuation of a workday which began before 11 p.m., either  
41 during any regular school vacation season, or on workdays which  
42 do not begin on a day which precedes a regularly scheduled school  
43 day, with a special written permit from their parents or legal  
44 guardian stating the hours they are permitted to work, except that in  
45 no case shall minors between 16 and 18 years of age be employed  
46 after 3 a.m. or before 6 a.m. on a day which precedes a regularly

**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 scheduled school day; provided, further, that minors may be  
2 employed in a concert or a theatrical performance up to 11:30 p.m.;  
3 provided, further, that minors between 16 and 18 years of age may  
4 serve at an election pursuant to R.S.19:45-6, between the hours of  
5 5:30 a.m. and 9:00 p.m. on a day that the election is held; and  
6 provided, further, that minors not less than 16 years of age and who  
7 are attending school may be employed as pinsetters, lane attendants,  
8 or busboys in public bowling alleys up to 11:30 p.m., but may not  
9 be so employed during the school term without a special written  
10 permit from the superintendent of schools or the supervising  
11 principal, as the case may be, which permit shall state that the  
12 minor has undergone a complete physical examination by the  
13 medical inspector, and, in the opinion of the superintendent or  
14 supervising principal, may be so employed, without injury to health  
15 or interference with progress in school, such special permits to be  
16 good for a period of three months only and are revocable in the  
17 discretion of the superintendent or supervising principal. Such  
18 permit may not be renewed until satisfactory evidence has been  
19 submitted to the superintendent or supervising principal showing  
20 that the minor has had a physical examination and the minor's  
21 health is not being injured by said work; and provided, further, that  
22 minors between 16 and 18 years of age may not be employed after  
23 10 p.m. during the regular school vacation seasons in or for a  
24 factory or in any occupation otherwise prohibited by law or by  
25 order or regulation made in pursuance of law. The hours of work of  
26 minors under 16 employed outside school hours shall not exceed  
27 three hours in any one day when school is in session and shall not  
28 exceed in any one week when school is in session the maximum  
29 number of hours permitted for that period under the federal "Fair  
30 Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and  
31 regulations promulgated pursuant to that federal act.

32 This section is not applicable to the employment of a minor  
33 between 16 and 18 years of age during the months of June, July,  
34 August or September by a summer resident camp, conference or  
35 retreat operated by a nonprofit or religious corporation or  
36 association, unless the employment is primarily general  
37 maintenance work or food service activities.

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

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40 2. This act shall take effect immediately.

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#### STATEMENT

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45 This bill amends existing law to permit minors between the ages of  
46 16 and 18 to be employed as election workers, pursuant to R.S.19:45-  
47 6, between the hours of 5:30 a.m. and 9:00 p.m. on a day that an  
48 election is held.