

34:2-21.3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:2-21.3 et al (Child labor law-- allow 15-year olds to work in retail establishments)

LAWS OF: 1988 **CHAPTER:** 112

BILL NO: A335

SPONSOR(S): Frelinghuysen and Littell

Date Introduced: Pre-filed

Committee: **Assembly:** Labor
Senate: Labor, Industry & Professions

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** March 7, 1988

Senate: June 30, 1988

Date of Approval: August 22, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

[FIRST REPRINT]
ASSEMBLY, No. 335

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen FRELINGHUYSEN and LITTELL

1 AN ACT permitting the employment of certain minors ¹[until 7
2 p.m. and the employment of 15 year old minors in
3 supermarkets and other retail establishments,] and¹ amending
P.L. 1940, c. 153.

5

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

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

3. Except as provided in section 15 of P.L. 1940, c. 153 (C.
11 34:2-21.15) and except for domestic service or messengers
employed by communications companies subject to the
13 supervision and control of the Federal Communications
Commission, no minor under 18 years of age shall be employed,
15 permitted, or suffered to work in, about, or in connection with
any gainful occupation more than six consecutive days in any
17 one week, or more than 40 hours in any one week, or more than
eight hours in any one day, nor shall any minor under 16 years of
19 age be so employed, permitted, or suffered to work before 7
a.m. or after [6] 7 p.m. of any day, except a minor between¹[15
21 and 16 years of age] the ages of 14 and 16¹ may work in a
supermarket or other retail establishment during the period
23 beginning on¹[June 1 of each] the last day of a minor's school¹
year and ending on Labor Day of each year until 9 p.m. of any
25 day with written permission from a parent or legal guardian; nor
shall any minor between 16 and 18 years of age be so employed,
27 permitted, or suffered to work before 6 a.m. or after 11 p.m. of
any day; provided that minors between 16 and 18 years of age
29 may be employed after 11 p.m. during any regular vacation
season, and on days which do not precede a regularly scheduled
31 school day, with a special written permit from their parents or
legal guardian stating the hours they are permitted to

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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly ALA committee amendments adopted February 8, 1988.

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

38 This section is not applicable to the employment of a minor
39 between 16 and 18 years of age during the months of June, July,
40 August or September by a summer resident camp, conference or

1 retreat operated by a nonprofit or religious corporation or
 2 association, unless the employment is primarily general
 3 maintenance work or food service activities.

(cf: P.L. 1984, c. 68, s. 1)

5 2. Section 17 of P.L. 1940, c. 153 (C. 34:2-21.17) is amended
 to read as follows:

7 17. No minor under 16 years of age shall be employed,
 permitted or suffered to work in, about, or in connection with
 9 power-driven machinery.

No minor under 18 years of age shall be employed, permitted
 11 or suffered to work in, about, or in connection with the
 following:

13 The manufacture or packing of paints, colors, white lead, or
 red lead;

15 The handling of dangerous or poisonous acids or dyes; injurious
 quantities of toxic or noxious dust, gases, vapors or fumes;

17 Work involving exposure to benzol or any benzol compound
 which is volatile or which can penetrate the skin;

19 The manufacture, transportation or use of explosives or highly
 inflammable substances;

21 Oiling, wiping, or cleaning machinery in motion or assisting
 therein;

23 Operation or helping in the operation of power-driven
 woodworking machinery; provided, that apprentices operating
 25 under conditions of bona fide apprenticeship may operate such
 machines under competent instruction and supervision;

27 Grinding, abrasive, polishing or buffing machines; provided,
 that apprentices operating under conditions of bona fide
 29 apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between
 31 the ram and the dye or the stripper exceeds $\frac{1}{4}$ inch;

Cutting machines having a guillotine action;

33 Corrugating, crimping or embossing machines;

Paper lace machines;

35 Dough brakes or mixing machines in bakeries or cracker
 machinery;

37 Calendar rolls or mixing rolls in rubber manufacturing;

39 Centrifugal extractors, or mangles in laundries or dry cleaning
 establishments;

1 Ore reduction works, smelters, hot rolling mills, furnaces,
foundries, forging shops, or any other place in which the heating,
3 melting, or heat treatment of metals is carried on;

Mines or quarries;

5 Steam boilers carrying a pressure in excess of 15 pounds;

Construction work of any kind;

7 Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

9 The transportation of payrolls other than within the premises
of the employer.

11 No minor under 18 years of age shall be employed, permitted,
or suffered to work in, about, or in connection with any
13 establishment where alcoholic liquors are distilled, rectified,
compounded, brewed, manufactured, bottled, or are sold for
15 consumption on the premises, or in a pool or billiard room;
provided, however, this paragraph shall not apply to minors 16
17 years of age or over, employed as pinsetters only in public
bowling alleys as provided in section 3 hereof or to minors
19 employed in theatrical productions where alcoholic beverages
are sold on the premises.

21 Minors 14 years of age or over may be employed as golf
course caddies and pool attendants.

23 No minor under 18 years of age shall be employed, permitted,
or suffered to work in any place of employment, or at any
25 occupation hazardous or injurious to the life, health, safety, or
welfare of such minor, as such occupation shall, from time to
27 time, be determined and declared by the Commissioner of Labor
to be hazardous or injurious to the life, health, safety, or
29 welfare of such minors, after a public hearing thereon and after
such notice as the commissioner may by regulation prescribe.

31 None of the provisions of this section regarding employment
in connection with alcoholic liquors shall be construed to
33 prevent the employment of minors 16 years of age or more in a
restaurant as defined in section 1 and as provided for in section
35 3 of this act (C. 34:2-21.3), or in the executive offices,
maintenance departments, or pool or beach areas of a hotel,
37 motel or guesthouse; provided, however, that no minor shall
engage in the preparation, sale or serving of alcoholic
39 beverages, [nor in the sale of cigarettes or other tobacco

1 products,] nor in the preparation [or sale] of photographs, nor in
any dancing or theatrical exhibition or performance which is not
3 part of a theatrical production where alcoholic beverages are
sold on the premises, while so employed.

5 Nothing in this section shall be deemed to apply to the work
done by pupils in public or private schools of New Jersey, under
7 the supervision and instruction of officers or teachers of such
organizations or schools, or to a minor who is 17 years of age
9 employed in the type of work in which such minor majored under
the conditions of the special vocational school graduate permit
11 provided in section 15 of this act (C. 34:2-21.15).

Nothing in this section shall be construed to prevent minors 16
13 years of age or older who are members of a Junior Firemen's
Auxiliary, created pursuant to N.J.S. 40A:14-95, from engaging
15 in any activities authorized by N.J.S. 40A:14-98.

Notwithstanding any provision of this section to the contrary,
17 a minor who is 15 years of age or older may work as a cashier or
bagger on or near a supermarket or retail establishment cash
19 register conveyor belt.

(cf: P.L. 1981, c. 511, s. 18)

21 3. This act shall take effect immediately.

23

LABOR AND EMPLOYMENT

25

Children

27 Modifies child labor laws to permit minors between 14 and 16 to
work in retail establishments at certain times and in certain
29 occupations.

1 preparation, sale or serving of alcoholic beverages, [nor in the
 2 sale of cigarettes or other tobacco products,] nor in the
 3 preparation [or sale] of photographs, nor in any dancing or
 4 theatrical exhibition or performance which is not part of a
 5 theatrical production where alcoholic beverages are sold on the
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 19 a minor who is 15 years of age or older may work as a cashier or
 20 bagger on or near a supermarket or retail establishment cash
 21 register conveyor belt.

22 3. This act shall take effect immediately.

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STATEMENT

26
 27 Current State labor law permits minors between 14 and 16
 28 years of age to work until 6 p.m.; prohibits the employment of
 29 minors in occupations which require the use of a conveyor belt,
 30 such as a cash register belt; and specifies that the combined
 31 hours of work and school for a minor under 16 may not exceed a
 32 total of eight per day.

33 This bill modifies the child labor law, R.S. 34:2-21.1 et seq.,
 34 to:

35 (1) Allow minors between 14 and 16 years of age to work until
 36 7 p.m.;

37 (2) Permit a minor who is 15 years of age or older to work in
 supermarkets or other retail establishments with the written

1 permission of the minor's parent or legal guardian until 9 p.m.
2 during the period between June 1 and Labor Day;

3 (3) Authorize supermarkets and other retail establishments to
4 employ a minor 15 years of age or older as a cashier or bagger
5 working in or near a cash register conveyor belt;

6 (4) Permit minors between 14 and 16 years of age to sell
7 tobacco products and photographs, practices which minors under
8 16 are currently prohibited by State law from performing during
9 employment; and

10 (5) Specify that the total hours a minor under 16 may work
11 outside school hours shall not exceed three hours per day on a
12 school day.

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LABOR AND EMPLOYMENT

Children

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18 Modifies child labor laws to permit 15 year olds to work in retail
19 establishments at certain times and in certain occupations.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 335

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1988

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 335.

This bill amends the child labor law, P.L. 1940, c. 153 (C. 34:2-21.1 et seq.), to:

- (1) Allow minors between 14 and 16 years of age to work until 7 p.m.;
- (2) Permit a minor who is between 14 and 16 years of age or older to work in supermarkets or other retail establishments with the written permission of the minor's parent or legal guardian until 9 p.m. during the period between the last day of the minor's school year and Labor Day;
- (3) Authorize supermarkets and other retail establishments to employ a minor 15 years of age or older as a cashier or bagger working in or near a cash register conveyor belt;
- (4) Permit minors between 14 and 16 years of age to sell tobacco products and photographs, practices which minors under 16 are currently prohibited by State law from performing during employment; and
- (5) Specify that the total hours a minor under 16 may work outside school hours shall not exceed three hours per day on a school day.

Current State law: permits minors between 14 and 16 years of age to work until 6 p.m.; prohibits the employment of minors in occupations which require the use of a conveyor belt, such as a cash register belt; and specifies that the combined hours of work and school for a minor under 16 may not exceed a total of eight per day.

The committee amendments: (1) provide that a minor between 14 and 16 years of age may work until 9 P.M. with parental permission beginning on the last day of the minor's school year; and (2) permit 14 year olds to work until 9 P.M. with parental permission during the summer vacation period.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 335

STATE OF NEW JERSEY

DATED: JUNE 23, 1988

The Senate Labor, Industry and Professions Committee reports favorably Assembly, No. 335 (1R).

This bill amends the child labor law, P.L. 1940, c. 153 (C. 34:2-21.1 et seq.), to:

a. Allow minors between 14 and 16 years of age to work until 7 p.m., instead of the current 6 p.m.;

b. Permit a minor who is between 14 and 16 years of age to work in supermarkets or other retail establishments with the written permission of the minor's parent or legal guardian until 9 p.m. during the period between the last day of the minor's school year and Labor Day;

c. Authorize supermarkets and other retail establishments to employ a minor 15 years of age or older as a cashier or bagger working in or near a cash register conveyor belt;

d. Permit minors between 14 and 16 years of age to sell tobacco products and photographs, practices which minors under 16 are currently prohibited by State law from performing during employment; and

e. Specify that the total hours a minor under 16 may work outside school hours shall not exceed three hours per day on a school day.

Current State law: permits minors between 14 and 16 years of age to work until 6 p.m.; prohibits the employment of minors in occupations which require the use of a conveyor belt, such as a cash register belt; and specifies that the combined hours of work and school for a minor under 16 may not exceed a total of eight per day.