

34:2-21.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:2-21.1

(Child labor-- seasonal-- permit
without employment certificate)

CHAPTER 125

Laws Of: 1987

Bill No: A2706

Sponsor(s): Muzioani and Others

Date Introduced: May 22, 1986

Committee: **Assembly:** Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes

Amendments during passage denoted
by asterisks.

Date of Passage:

Assembly:

June 19, 1986

Senate:

April 23, 1987

Date of Approval: May 22, 1987

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

Yes

Following were printed:

Reports:

No

Hearings:

No

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ASSEMBLY, No. 2706

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1986

By Assemblymen MUZIANI, CHINNICI, Singer, Palaia and Azzolina

AN ACT concerning the employment of minors 15 years of age or older at certain recreational or amusement establishments and amending P. L. 1940, c. 153.

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

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

3 (a) "Employment certificate" means a certificate granted by
4 the issuing officer authorizing the employment of a child as per-
5 mitted under this act.

6 (b) "Age certificate" means a certificate issued for a person
7 between the ages of 18 and 21 years.

8 (c) "Issuing officer" means any superintendent of schools, su-
9 pervising principal, or teacher in a school district who is desig-
10 nated by the board of education in the district to issue certificates
11 or permits in accordance with the provisions of this act.

12 (d) "School district" means any geographical area having au-
13 thority over the public schools within that area.

14 (e) "Agriculture" includes farming in all its branches and
15 among other things includes the cultivation and tillage of the soil,
16 dairying, the production, cultivation, growing, and harvesting of
17 any agricultural or horticultural commodities (including commodi-
18 ties defined as agricultural commodities in *subsection (g) of sec-*
19 *tion 15 [(g)] of the Agricultural Marketing Act, 46 Stat. 11 (12*
20 *U. S. C. § 141 et seq.), as amended), the planting, transplant-*
21 *ing and care of trees and shrubs and plants, the raising of live-*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendment adopted June 12, 1986.

22 stock, bees, fur-bearing animals or poultry, and any practices
 23 (including any forestry or lumbering operations) performed by
 24 a farmer or on a farm as an incident to or in conjunction with such
 25 farming operations, including preparation for market, delivery to
 26 storage or to market or to carriers for transportation to market,
 27 provided that such practices shall be performed in connection with
 28 the handling of agricultural or horticultural commodities the
 29 major portion of which have been produced upon the premises
 30 of an owning or leasing employer.

31 (f) "Newspaper carrier" means any minor between 12 and 18
 32 years of age who engages in the occupation of delivering, solicit-
 33 ing, selling and collecting for, newspapers outside of school hours
 34 on residential routes.

35 (g) "Restaurant" means any establishment or business pri-
 36 marily engaged in the preparation and serving of meals or re-
 37 freshments, both food and drink, and shall include but not be
 38 limited to the following: dining establishments, catering establish-
 39 ments, industrial caterers, and drive-in restaurants.

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

42 (i) "*Seasonal amusement*" means any exclusively recreational
 43 or amusement establishment or business which does not operate
 44 more than seven months in any calendar year or which has re-
 45 ceived during any consecutive six months of the preceding calendar
 46 year average receipts equal to or less than 33 1/3 percent of its
 47 average receipts for the other six months of that year. "*Seasonal*
 48 *amusement*" includes but is not limited to amusement rides and
 49 amusement device ticket sales, and operations of games. However,
 50 "*seasonal amusement*" does not include retail, eating or drinking
 51 concessions, camps, beach and swimming facilities, movie theatres,
 52 theatrical productions, athletic events, professional entertainment,
 53 pool and billiard parlors, circuses and outdoor shows, sport activi-
 54 ties or centers, country club athletic facilities, bowling alleys, race
 55 tracks and like facilities which are not part of a diversified amuse-
 56 ment enterprise.

1 2. Section 7 of P. L. 1940, c. 153 (C. 34:2-21.7) is amended to
 2 read as follows:

3 7. (a) Except as permitted under section 15 of *this act*, no minor
 4 under 18 years of age shall be employed, permitted, or suffered
 5 to work in, about, or in connection with any gainful occupation,
 6 unless and until the person employing such minor shall procure
 7 and keep on file an employment certificate or special permit for

8 such minor, issued by the issuing officer of the school district in
 9 which the child resides, or of the district in which the child has
 10 obtained a promise of employment if the child is a nonresident
 11 of the State; provided, that:

12 (1) No certificate or special permit shall be required for any
 13 child 16 years of age or over employed in agricultural pursuits;

14 (2) No certificate or special permit shall be required for any
 15 child 14 years of age or over employed at such times as the school
 16 of his district are not in session, at any agricultural fair, horse,
 17 dog, or farm show the duration of which does not exceed 10 days;
 18 and

19 (3) No vacation certificate shall be required in the first 14 days
 20 of employment for any minor **[16]** 15 years of age or over em-
 21 ployed in *seasonal amusement*, food service, restaurant or retail
 22 occupations, at such times as the schools of his district are not
 23 in session *, *provided that no minor under 16 years of age shall be*
 23A *permitted to operate, or service, or to work in, about, or in con-*
 23B *nection with power-driven machinery*.*

24 (b) The employment covered under this section shall not require
 25 or involve work in, about, or in connection with employments pro-
 26 hibited by P. L. 1970, c. 115 (C. 34:2-21.15) and P. L. 1973, c. 204
 27 (C. 34:2-21.17) of the child labor laws.

28 (c) Such certificate or special permit shall be issued in triplicate
 29 in such form and in accordance with such instructions as may be
 30 prescribed by the Commissioner of Education. The Commissioner
 31 of Education shall supply to the issuing officers all blank forms to
 32 be used in connection with the issuance of such certificates, and
 33 special permits as provided for in section 15 of *this act*.

34 (d) Employment certificates shall be of two kinds, regular cer-
 35 tificates permitting employment during school hours, and vacation
 36 certificates permitting employment during the school vacation and
 37 during the school term at such times as the public schools are not
 38 in session.

39 (e) The original copy of the employment certificate shall be
 40 mailed by the issuing officer to the prospective employer of the
 41 minor for whom it is issued; a duplicate copy shall be mailed to the
 42 Department of Labor **[and Industry]** in Trenton as provided in
 43 section 12 of *this act*, and a triplicate copy shall be kept in the
 44 files of the issuing officer. The issuing officer may refuse to grant
 45 a certificate, if in his judgment, the best interests of the minor
 46 would be served by such refusal and he shall keep a record of such
 47 refusals, and the reasons therefor.

1 3. This act shall take effect immediately.

LABOR RELATIONS AND EMPLOYMENT

Amends child labor laws concerning seasonal amusement industry.

STATEMENT

This bill amends the State's child labor laws (C. 34:2-21.1 et seq.) to allow seasonal amusement or recreational businesses to hire a minor 15 years of age or older without an employment certificate, if the minor is hired when the schools of his district are not in session. However, the minor would have to secure an employment certificate from the school district during his first 14 days of employment in order to continue working for the employer. Current law permits this kind of employment practice only for food service, restaurant, and retail occupations and only for minors 16 years of age or older. By lowering the minimum age limit and granting a 14 day waiver to seasonal amusement and recreational businesses, this bill would give businesses more flexibility to cope with the decline in the number of 15 to 18-year-olds available for work in the industry.

LABOR RELATIONS AND EMPLOYMENT

Amends child labor laws concerning seasonal amusement industry.

A2706 (1986)

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2706

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1986

The Assembly Labor Committee reports favorably, with amendments, Assembly Bill No. 2706.

As amended, this bill revises the State's child labor law to reduce from 16 to 15 years of age the minimum age at which minors may work without a vacation certificate. Current law provides that minors age 16 or older may work without a certificate for 14 days in a food service, restaurant, or retail occupation. The minor must, however, obtain a certificate in order to continue the employment after 14 days. The bill expands the types of employment in which a minor may work temporarily to include employment at "seasonal amusement" establishments and defines that term.

The committee amended the bill to clarify that minors under 16 years of age are prohibited from working with, on, in, or near power-driven machinery.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2706

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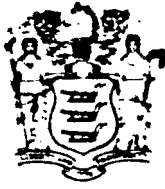
STATE OF NEW JERSEY

DATED: JULY 17, 1986

This bill amends the State's child labor law to permit minors, who are 15 years of age or older, to work without a vacation certificate for 14 days at a seasonal amusement or recreational business or in a food service, restaurant, or retail occupation. The minor must, however, obtain a certificate in order to continue the employment after 14 days.

The bill was amended by the Assembly Labor Committee to prohibit these minors who are under 16 years of age from working in, about or in connection with power-driven machinery.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625
Release: FRI., MAY 22, 1987

Governor Thomas H. Kean today signed legislation amending the State child labor laws to add the seasonal amusement industry to those excepted from the requirement that an employer obtain a "vacation certificate" during the first 14 days of a minor who works when the schools of his district are not in session.

A-2706 was sponsored by Assemblyman Guy Muziani, R-Cape May and Assemblyman Joseph Chinnici, R-Cape May.

The fourteen day exception was created by law in 1981 to ease scheduling delays that some shore area youths experienced in obtaining the required physical examinations for their working papers. Industries already covered by the exception are food service, restaurant and retail operations.

Further, A-2706, amends the law to permit the hiring of minors 15 years of age or older. Currently, the minimum age is sixteen.

The legislation is effective immediately.

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