

34: 2-21.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:2-21.2 (Child Labor Law - allow any type of domestic service)

LAWS OF: 1983 CHAPTER: 196

Bill No: A610

Sponsor(s): Markert and others

Date Introduced: Feb. 1, 1982

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes // Assembly Committee substitute (OCR) enacted. Amendments denoted by asterisks.

according to Governor's recommendations:

Date of Passage: Assembly: March 15, 1982 Re-enacted 4-11-83

Senate: Jan. 20, 1983 Re-enacted 5-23-83

Date of Approval: May 27, 1983

Following statements are attached if available:

Sponsor statement:		Yes	//
Committee statement:	Assembly	Yes	//
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		Yes	//
Message on Signing:		///	No
Following were printed:			
Reports:		///	No
Hearings:		///	No

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 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 610

STATE OF NEW JERSEY

ADOPTED MARCH 8, 1982

By Assemblyman MARKERT

AN ACT to amend "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (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 2 of P. L. 1940, c. 153 (C. 34:2-21.2) is amended to
 2 read as follows:

3 2. No minor under 16 years of age shall be employed, permitted,
 4 or suffered to work in, about, or in connection with any gainful
 5 occupation at any time; provided, that minors between 14 and 16
 6 years of age may be employed, permitted or suffered to work out-
 7 side school hours and during school vacations but not in or for a
 8 factory or in any occupation otherwise prohibited by law or by
 9 order or regulation made in pursuance of law; and provided, fur-
 10 ther, that minors under 16 years of age may engage in professional
 11 employment in theatrical productions upon the obtaining of
 12 a permit therefor and may engage outside school hours and during
 13 school vacations in agricultural pursuits or in street trades and as
 14 newspaperboys as defined in this act, in accordance with the pro-
 15 visions of section 15 of this act. **Minors may also engage in*
 16 *employment in domestic services performed outside of school hours*
 17 *or during school vacation with the permission of the minor's parent*
 18 *or legal guardian, in a residence other than the minor's own home.**
 19 Nothing in this act shall be construed to apply to the work of a

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 amendments adopted in accordance with Governor's recommendations March 14, 1983.**

20 minor engaged in **[domestic service or]** **domestic service or**
 21 agricultural pursuits performed outside of school hours or during
 22 school vacation in connection with the minor's own home and
 23 directly for his parent or legal guardian**[.]****[** *or to the work*
 24 *of a minor engaged in domestic service performed outside of school*
 24A *hours or during school vacation in connection with the minor's own*
 24B *home and directly for the minor's parent or legal guardian or,*
 24C *with the permission of the minor's parent or legal guardian, in a*
 24D *residence other than the minor's own home]*****.*

25 Except as to the employment of a minor for whom a theatrical
 26 employment permit has been issued, no minor under 16 years of
 27 age not a resident of this State shall be employed, permitted or
 28 suffered to work in any occupation or service whatsoever at any
 29 time during which the law of the State of his residence required
 30 his attendance at school, or at any time during the hours when the
 31 public schools in the district in which employment in such occupa-
 32 tion or services may be available are in session.

1 2. This act shall take effect immediately.

ASSEMBLY, No. 610

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblyman MARKERT, Assemblywoman WRIGHT, Assembly-
man SCHUBER and Assemblywoman OGDEN

Referred to Committee on Labor

AN ACT concerning the employment of minors as babysitters and
supplementing P. L. 1940, c. 153 (C. 34:2-21.1 et seq.).

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

1 1. The regulation of working hours set forth in section 3 of P. L.
2 1940, c. 153 (C. 34:2-21.3) and the requirements for the procuring
3 of an employment certificate or special permit pursuant to section 7
4 of P. L. 1940, c. 153 (C. 34:2-21.7) shall not apply to minors 14
5 years of age or older employed with parental permission as baby-
6 sitters in their own residence or the residence of the child left in
7 their care.

1 2. This act shall take effect immediately.

STATEMENT

This bill exempts minors employed as babysitters from the prohibition of working after 11 p.m. and the need to obtain "working papers" for every babysitting job. It is probably true that these requirements are ignored as a matter of custom by the vast majority of minors involved in babysitting, but continuing such unreasonable requirements in force only weakens respect for the law in general.

ASSEMBLY LABOR COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 610

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

Assembly Bill No. 610, as originally drafted, supplemented the child labor law to allow minors 14 years of age or older to work after 11 p.m., without working papers, if the minors were employed with parental permission either in their own residence or the residence of the child left in their care.

The Assembly Labor Committee released a committee substitute to Assembly Bill No. 610 which would amend the child labor law to permit minors under 16 years of age to be employed in any type of domestic service, such as cleaning, dishwashing or babysitting, with the permission of a parent or legal guardian, in a residence other than their own home. As long as the domestic work was occasional and non-recurrent, working papers would not be required to be obtained.

N. J. S. A. 34:2-21.3 stipulates the hours minors under 18 are permitted to work; this section of law, however, exempts minors engaged in domestic service. Babysitters, 14-18 years of age, therefore, are not now restricted in the hours they could work, as long as they were working outside of school hours.

The preamble to the child labor law states (1) that the employment of minors in occupations in which they are exploited is contrary to public policy; (2) that such employment which would impede the progress of minors, prove a detriment to their health, or interfere with their education should be abolished in the State; and (3) that "the work of minors in occasional and nonrecurrent occupations when not required to attend school is not thus detrimental, nor will it, when properly supervised by parent or guardian, constitute such exploitation."

Consistent with the intent of this preamble, the Department of Labor does not presently require working papers for minors under 18, as long as the babysitting is done on an occasional and nonrecurrent basis. If the babysitting is done on a recurrent basis, working papers are required.

The child labor law was passed in conjunction with the compulsory education law. The schools are charged with enforcing certain aspects of the child labor law through the issuance or recall of employment

certificates (working papers). If a minor were employed in recurrent babysitting and this work interfered with his school work or school attendance, his employment certificate could be denied or revoked by the issuing officer.

N. J. S. A. 34:2-21.2 now allows minors under 16 years of age to perform domestic service outside of school hours or during school vacations in connection with the minor's own home and directly for his parent or legal guardian. Assembly Committee Substitute for Assembly Bill No. 610 would allow these minors to perform domestic service, with the permission of their parent or guardian, in a residence other than their own home.

Minors between 16 and 18 years of age are not now restricted to performing domestic service only in connection with their own home; therefore no change in the law is necessary to permit these minors to engage in domestic services outside their own home.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 610

STATE OF NEW JERSEY

DATED: SEPTEMBER 16, 1982

This bill allows minors under 16 years of age to be employed in any type of domestic service in a residence other than their own home if such employment occurs with the permission of their parent or guardian and outside of school hours or during school vacations.

Although domestic service is not defined in the statute, it appears to include such tasks as cleaning, dishwashing and babysitting.

The section of law which is being amended currently allows a minor under 16 years of age to perform domestic service outside of school hours or during school vacations in the minor's own home, directly for his parent or guardian.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

March 14, 1983

ASSEMBLY BILL NO. 610 (Acs)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 610 (Acs) with my recommendations for re-consideration.

This bill amends the Child Labor Act to (NJS 34:2-2 et seq.) to permit minors under 16 years of age to be employed in any type of domestic service, with the permission of a parent or legal guardian, in a residence other than their own home.

As written, this bill provides that no other provisions of the Child Labor Act shall apply to the work of minors under 16 years of age performing domestic services. The exclusion of all other sections of the act would in effect remove numerous protections afforded to working minors, such as those provided in NJS. 34:2-21.17, which enumerates numerous types of dangerous activities that are prohibited employments for minors under 16 years of age. Therefore, enactment of this bill as written would leave no protection for such minors working in households in use of dangerous chemical substances, or power tools such as snow blowers and power lawn mowers, which are generally recognized even by manufacturers as hazardous.

I fully support the sponsor's belief that minors under 16 years of age should be allowed under the law to perform various types of domestic services, provided they obtain their parents' or legal guardians' permission. However, I also believe that these minors should be provided all of the much needed protections currently afforded them under the Child Labor Act.

Accordingly, I herewith return Assembly Bill No. 610 (Acs) and recommend that it be amended as follows:

Page 1, Section 1, Line 15: After "act." insert "Minors may also engage in employment in domestic services performed outside of school hours or during school vacation with the permission of the minor's parent or legal guardian, in a residence other than the minor's own home."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Page 1, Section 1, Line 17: After "or]" insert "domestic
service or"

Page 2, Section 1, Lines 19-24: After "[.]" delete in its
entirety and insert "."

Respectfully,

/s/ Thomas H. Kean
GOVERNOR

[seal]

/s/ W. Cary Edwards

Chief Counsel