

34:2-21.3

LEGISLATIVE HISTORY CHECKLIST

WJSA 34:2-21.3 (Child Labor laws--certain exemptions for non-profit or religious camps and retreats)

LAWS OF 1979 CHAPTER 228

Bill No. A3370

Sponsor(s) Weidel

Date Introduced May 21, 1979

Committee: Assembly Labor

Senate Labor, Industry and Professions

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly June 21, 1979

Senate Aug. 6, 1979

Date of approval Oct. 12, 1979

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Legislative History Library
C. 1171

8/1/78

228
10-12-79
29
[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3370

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1979

By Assemblyman WEIDEL

Referred to Committee on Labor

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

3 3. Except as provided in section 15 and except for domestic
4 service or messengers employed by communications companies
5 subject to the supervision and control of the Federal Communica-
6 tions Commission, no minor under 18 years of age shall be em-
7 ployed, permitted, or suffered to work in, about, or in connection
8 with any gainful occupation more than 6 consecutive days in any
9 1 week, or more than 40 hours in any 1 week, or more than 8 hours
10 in any 1 day, nor shall any minor under 16 years of age be so
11 employed, permitted, or suffered to work before 7 a.m. or after 6
12 p.m. of any day; nor shall any minor between 16 and 18 years of
13 age be so employed, permitted or suffered to work before 6 a.m.
14 or after 10 p.m. of any day; provided, that minors between 14 and
15 18 years of age may be employed in a concert or a theatrical per-
16 formance up to 11 p.m.; and provided, further, that male minors
17 between 16 and 18 years of age may be employed in any public
18 bowling alley up to 11:30 p.m.; and provided, further, that male
19 minors not less than 16 years of age and who are attending school
20 may be employed as pin-setters only in public bowling alleys up
21 to 11:30 p.m. during any regular school vacation season, but may
22 not be so employed during the school term without a special written

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

12 and ending of the daily meal period. An employer may permit
 13 such minor to begin work after the time for beginning, and stop
 14 before the time for ending work stated in the schedule; but he shall
 15 not otherwise employ or permit him to work except as stated in
 16 the schedule. This schedule shall be on a form provided by the
 17 Department of Labor *and Industry* and shall remain the property
 18 of that department. Nothing in this section shall apply to the em-
 19 ployment of minors in agricultural pursuits or in domestic service
 20 in private homes, or as newspaperboys as provided in this act *or*
 21 *of minors between 16 and 18 years of age during the months of*
 22 *June, July, August or September by a summer resident camp,*
 23 *conference or retreat operated by a nonprofit or religious corpora-*
 24 *tion or association.**

1 ***[2.]*** *3.* Section 6 of P. L. 1940, c. 153 (C. 34:2-21.6) is
 2 amended to read as follows:

3 6. Every employer shall keep a record, in a form approved by
 4 the Department of Labor **and Industry**, which shall state the
 5 name, date of birth and address of each person under **[19]*** *18*
 6 years of age employed, the number of hours worked by said person
 7 on each day of the week, the hours of beginning and ending such
 8 work, the hours of beginning and ending meal periods, the amount of
 9 wages paid, and such other information as the department shall
 10 by regulation require. Such record shall be kept on file for at least
 11 1 year after the entry of the record and shall be open to the inspec-
 12 tion of the Department of Labor **and Industry**, of attendance
 13 officers and of police officers. Nothing in this section shall apply to
 14 the employment of minors in agricultural pursuits, or in domestic
 15 service in private homes, or as newspaperboys as provided in this
 16 act, *or to the employment of persons between 16 and **[19]*** *18**
 17 *years of age during the months of June, July, August or September*
 18 *by a summer resident camp, conference or retreat operated by a non-*
 19 *profit or religious corporation or association.*

1 *4. Section 6 of P. L. 1965, c. 173 (C. 34:11-4.6) is amended to
 2 read as follows:

3 6. Every employer shall:

- 4 a. Notify his employees at the time of hiring, of the rate of pay,
 5 and of the regular payday designated by the employer in accordance
 6 with section 2 of this act.
- 7 b. Notify his employees of any changes in the pay rates or pay
 8 days prior to the time of such changes.
- 9 c. Furnish each employee with a statement of deductions made
 10 from his wages in accordance with section 4 of this act for each
 11 pay period such deductions are made.
-

13 this section shall apply to the employment of minors in agricul-
14 tural pursuits, or in domestic service in private homes, or as news-
15 paperboys as provided in this act, *or to the employment of persons*
16 *between 16 and 19 years of age during the months of June, July,*
17 *August or September by a summer resident camp, conference or*
18 *retreat operated by a nonprofit or religious corporation or associa-*
19 *tion.*

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to exempt any minor between 16 and 18 years of age from the hour restrictions and record keeping section of the Child Labor Laws while employed by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association. This exemption is necessary due to the nature of the work required at these camps, such as the need to maintain resident staff on 24 hour call. A strict adherence to the law as it is now written is virtually impossible for these camps and would prohibit them from hiring minors under 18 years of age.

The type of work performed at these camps is not harmful to the well-being of these youths and they must still adhere to the other sections of the law which prohibit specific hazardous jobs for minors. It is essential to employ as many youths as possible during the summer months and these camps provide a healthy atmosphere for such employment. This bill would provide the means by which thousands of youngsters would be able to develop into productive members of society while staying out of trouble during the long hot summer months.

A3370 (T979)

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3370

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1979

The Assembly Labor Committee reports favorably on this legislation and endorses the statement appended to and printed with the bill as adequately explaining its purpose. The original bill amends two sections of the State's child labor laws to exempt summer resident (overnight) camps, conferences and retreats operated by nonprofit or religious corporations and associations from (a) the maximum hours of work and prohibited hours of work requirements of the act for certain minors age 16 and 17; and (b) the law's record keeping requirements (concerning hours of work and wages) for certain 16, 17 and 18 year olds.

Under current law, no one age 16 or 17 can be gainfully employed for more than 6 days per week, 40 hours per week and 8 hours a day, or outside of the hours of 6 a.m. and 10 p.m. (though males can work until 11 p.m. during school vacation periods). Moreover, the camps must maintain records for all such minors and 18 year olds specifying actual hours worked per day, (including "the hours of beginning and ending meal periods") and the amount of wages paid. Legislation in the late sixties exempted such camps from payment of minimum wages and overtime. Such minors are technically entitled, however, (unlike adults) to a 30-minute lunch period after 5 consecutive hours of work. Statutory exceptions to the aforesaid record keeping requirements have been made for those engaged in domestic services in private homes and in agriculture. At the present time, all summer resident camps in the State are operating in clear violation of the aforementioned requirements, by their own admission.

The committee amended the bill:

a. To have its exemption apply to two other sections of law that require the *posting* of minors' hours and the recording of hours under the State's more general wage payment section; and

b. To provide that the record keeping requirements of the child labor laws apply only to minors and not to 18-year-olds to reflect the actual age of majority.

According to its proponents, strict enforcement of existing law with regard to such camps could conceivably result in the "non-employment

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3370

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: AUGUST 6, 1979

As amended by the Assembly Labor Committee and on the floor of the Assembly, this bill would amend a section of the child labor law (N. J. S. A. 34:2-21.3) to exempt summer resident camps, conferences and retreats operated by nonprofit or religious corporations and associations from the maximum hours of work requirements for minors between the ages of 16 and 18, unless the employment is primarily general maintenance work or food services activities.

Camp counsellors are generally "on call" for unusually long hours, although much of their "work" is recreational in nature. This bill would exempt them from the "maximum hours" restrictions of N. J. S. A. 34:2-21.3 and thus allow them the full benefits of the camp experience.

Camp workers, however, who work in general maintenance or in the kitchen would in all likelihood miss a good part of the camp's recreational activities if they were required to work more than the legally allowable 6 consecutive days or, 40 hours in any 1 week, or the allowable 8 hours in any 1 day. N. J. S. A. 34:2-21.3 provides that minors age 16-18 cannot be employed before 6 a.m. or after 10 p.m., although males between 16 and 18 may work until 11 p.m. during the summer vacation season. The sponsor feels that certain minors needs these protections.

N. J. S. A. 34:11-56a4.1 (P. L. 1966, c. 113) exempts summer camps, conferences and retreats operated by nonprofit or religious corporations or associations from payment of minimum wages and overtime.
