

34:2-21.1a et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 63

NJSA: 34:2-21.1a et al
(Expands working hours for minors; updates process for obtaining working papers for minors.)

BILL NO: A4222 (Substituted for S2796 (1R))

SPONSOR(S) Roy Freiman and others

DATE INTRODUCED: 6/9/2022

COMMITTEE: **ASSEMBLY:** Labor
SENATE: Labor
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 6/29/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/5/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A4222

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 6/21/2022
7/5/2022

S2796 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

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§6
C.34:2-21.1a
§7
Repealer
§8
Approp.
§9
Note

P.L. 2022, CHAPTER 63, *approved July 5, 2022*
Assembly, No. 4222 (*First Reprint*)

1 AN ACT concerning working hours for minors, amending and
2 supplementing P.L.1940, c.153 (C.34:2-21.1 et seq.), and
3 repealing sections 7 through 14 of P.L.1940, c.153.
4

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

7
8 1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to
9 read as follows:

10 1. (a) **["**Employment certificate" means a certificate granted
11 by the issuing officer authorizing the employment of a child as
12 permitted under this act. **"]** (Deleted by amendment, P.L. , c. .)
13 (pending before the Legislature as this bill)

14 (b) **["**Age certificate" means a certificate issued for a person
15 between the ages of 18 and 21 years. **"]**
16 (Deleted by amendment, P.L. , c. .) (pending before the
17 Legislature as this bill)

18 (c) **["**Issuing officer" means any superintendent of schools,
19 supervising principal, or teacher in a school district who is
20 designated by the board of education in the district to issue
21 certificates or permits in accordance with the provisions of this
22 act.**"]** (Deleted by amendment, P.L. , c. .) (pending before the
23 Legislature as this bill)

24 (d) "School district" means any geographical area having
25 authority over the public schools within that area.

26 (e) "Agriculture" includes farming in all its branches and among
27 other things includes the cultivation and tillage of the soil, dairying,
28 the production, cultivation, growing, and harvesting of any
29 agricultural or horticultural commodities (including commodities
30 defined as agricultural commodities in subsection (g) of section 15
31 of the Agricultural Marketing Act, 46 Stat. 11 (12 U.S.C. s. 141 et
32 seq.), as amended), the planting, transplanting and care of trees and
33 shrubs and plants, the raising of livestock, bees, fur-bearing animals
34 or poultry, and any practices (including any forestry or lumbering
35 operations) performed by a farmer or on a farm as an incident to or
36 in conjunction with such farming operations, including preparation

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:

¹Senate SBA committee amendments adopted June 27, 2022.

1 for market, delivery to storage or to market or to carriers for
2 transportation to market, provided that such practices shall be
3 performed in connection with the handling of agricultural or
4 horticultural commodities the major portion of which have been
5 produced upon the premises of an owning or leasing employer.

6 (f) "Newspaper carrier" means any minor between 12 and 18
7 years of age who engages in the occupation of delivering, soliciting,
8 selling and collecting for, newspapers outside of school hours on
9 residential routes.

10 (g) "Restaurant" means any establishment or business primarily
11 engaged in the preparation and serving of meals or refreshments,
12 both food and drink, and shall include but not be limited to the
13 following: dining establishments, catering establishments,
14 industrial caterers, and drive-in restaurants.

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

17 (i) "Seasonal amusement" means any exclusively recreational or
18 amusement establishment or business which does not operate more
19 than seven months in any calendar year or which has received
20 during any consecutive six months of the preceding calendar year
21 average receipts equal to or less than 33 1/3% percent of its average
22 receipts for the other six months of that year. "Seasonal
23 amusement" includes but is not limited to amusement rides and
24 amusement device ticket sales, and operations of games. However,
25 "seasonal amusement" does not include retail, eating or drinking
26 concessions, camps, beach and swimming facilities, movie theatres,
27 theatrical productions, athletic events, professional entertainment,
28 pool and billiard parlors, circuses and outdoor shows, sport
29 activities or centers, country club athletic facilities, bowling alleys,
30 race tracks and like facilities which are not part of a diversified
31 amusement enterprise.

32 "Commissioner" means the Commissioner of Labor and
33 Workforce Development.

34 "Department" means the Department of Labor and Workforce
35 Development.

36 ¹"Caregiver" means a person over 18 years of age who is the
37 biological parent, adoptive parent, foster parent, resource family
38 parent, step-parent, parent-in-law or legal guardian, having a
39 "parent-child relationship" with a child as defined by law, or having
40 sole or joint legal or physical custody, care, guardianship, or
41 visitation with a child, or who became the parent of the child
42 pursuant to a valid written agreement between the parent and a
43 gestational carrier.¹

44 (cf: P.L.1987, c.125, s.1)

45
46 2. Section 2 of P.L.1940, c.153 (C.34:2-21.2) is amended to
47 read as follows:

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

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

30 (cf: P.L.1983, c.196, s.1)

31

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

34 3. a. Except as provided in section 15 of P.L.1940, c.153
35 (C.34:2-21.15) and except for domestic service or messengers
36 employed by communications companies subject to the supervision
37 and control of the Federal Communications Commission, no minor
38 under 18 years of age shall be employed, permitted, or suffered to
39 work in, about, or in connection with any gainful occupation more
40 than six consecutive days in any one week, or more than 40 hours in
41 any one week, or more than eight hours in any one day, nor shall
42 any minor under 16 years of age be so employed, permitted, or
43 suffered to work before 7 a.m. or after 7 p.m. of any day, except
44 that during the school year, a minor who is at least 14 or 15 years of
45 age may work during non-school hours, for no more than three
46 hours on a school day and no more than 18 hours in a school week,
47 and up to eight hours on a non-school day during a school week,
48 and except a minor who is 14 or 15 years of age may work in a

1 restaurant, supermarket or other retail establishment, or in any
2 occupation not prohibited by the provisions of this act, P.L.1940,
3 c.153 (C.34:2-21.1 et seq.) or by regulations promulgated by the
4 commissioner pursuant to this act, P.L.1940, c.153 (C.34:2-21.1 et
5 seq.), up to 40 hours in a week during the period beginning on the
6 last day of a minor's school year and ending on Labor Day of each
7 year until 9 p.m. of any day **【with written permission from a parent
8 or legal guardian】**, and except a minor who is 14 or 15 years of age
9 may be employed as a little league umpire for little leagues
10 chartered by Little League Baseball, Incorporated, until 9 p.m. of
11 any day **【with written permission from a parent or legal guardian】**;
12 nor shall any minor between 16 and 18 years of age be so
13 employed, permitted, or suffered to work before 6 a.m. or after 11
14 p.m. of any day; provided that minors between 16 and 18 years of
15 age may be employed after 11 p.m. during any regular vacation
16 season, and on days which do not precede a regularly scheduled
17 school day**【**, with a special written permit from their parents or
18 legal guardian stating the hours they are permitted to work**】**;
19 provided that minors between 16 and 18 years of age may be
20 employed in a seasonal amusement or restaurant occupation after 11
21 p.m. and following 12:01 a.m. of the next day, if that employment is
22 a continuation of a workday which began before 11 p.m., either
23 during any regular school vacation season, or on workdays which
24 do not begin on a day which precedes a regularly scheduled school
25 day, **【with a special written permit from their parents or legal
26 guardian stating the hours they are permitted to work,】** except that
27 in no case shall minors between 16 and 18 years of age be
28 employed after 3 a.m. or before 6 a.m. on a day which precedes a
29 regularly scheduled school day; provided, further, that minors may
30 be employed in a concert or a theatrical performance up to 11:30
31 p.m.; and provided, further, that minors not less than 16 years of
32 age and who are attending school may be employed as pinsetters,
33 lane attendants, or busboys in public bowling alleys up to 11:30
34 p.m.**【**, but may not be so employed during the school term without a
35 special written permit from the superintendent of schools or the
36 supervising principal, as the case may be, which permit shall state
37 that the minor has undergone a complete physical examination by
38 the medical inspector, and, in the opinion of the superintendent or
39 supervising principal, may be so employed, without injury to health
40 or interference with progress in school, such special permits to be
41 good for a period of three months only and are revocable in the
42 discretion of the superintendent or supervising principal. Such
43 permit may not be renewed until satisfactory evidence has been
44 submitted to the superintendent or supervising principal showing
45 that the minor has had a physical examination and the minor's
46 health is not being injured by said work**】**; and provided, further,
47 that minors between 16 and 18 years of age may not be employed

1 after 10 p.m. during the regular school vacation seasons in or for a
2 factory or in any occupation otherwise prohibited by law or by
3 order or regulation made in pursuance of law. The hours of work of
4 minors under 16 employed outside school hours shall not exceed
5 three hours in any one day when school is in session and shall not
6 exceed in any one week when school is in session the maximum
7 number of hours permitted for that period under the federal "Fair
8 Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and
9 regulations promulgated pursuant to that federal act.

10 b. Notwithstanding the provisions of subsection a. of this
11 section, a minor between 16 and 18 years of age may work up to 50
12 hours in one week and up to 10 hours in one day during the period
13 beginning on the last day of the minor's school year and ending on
14 Labor Day. This subsection shall take effect immediately upon the
15 date of enactment.

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

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

23

24 4. Section 4 of P.L.1940, c.153 (C.34:2-21.4) is amended to
25 read as follows:

26 4. No minor under eighteen years of age shall be employed or
27 permitted to work for more than **【five】** six hours continuously
28 without an interval of at least thirty minutes for a lunch period, and
29 no period of less than thirty minutes shall be deemed to interrupt a
30 continuous period of work.

31 (cf: P.L.1940, c.153, s.5)

32

33 5. Section 15 of P.L.1940, c.153 (C.34:2-21.15) is amended to
34 read as follows:

35 15. Except as hereinafter provided as to newspaper carriers, no
36 minor under 14 years of age may engage in any street trade, which
37 term, for the purpose of this section shall include the selling,
38 offering for sale, soliciting for, collecting for, displaying, or
39 distributing any articles, goods, merchandise, commercial service,
40 posters, circulars, newspapers or magazines or in blacking shoes on
41 any street or other public place or from house to house. No minor
42 under 12 years of age may be employed in agricultural pursuits.

43 Whenever a minor has graduated from vocational school,
44 approved by the Commissioner of Education and is 17 years of age,
45 the minor's diploma or certified copy thereof and an employment
46 certificate **【mailed to the employer by the issuing officer】** provided
47 by the Department of Labor and Workforce Development shall be
48 deemed **【a special permit】** authorization to engage in those pursuits

1 in which the minor majored in said vocational school during those
2 hours permitted for persons 18 years of age and over.

3 Except as hereinafter provided as to newspaper carriers,
4 whenever a minor under 16 years of age desires to work during such
5 times as the schools of the district in which the minor resides are
6 not in session in any street trade or in agricultural pursuits, the
7 **【parent, guardian or other person having the custody and control of**
8 **the】** minor may **【file】** register with the **【issuing officer in the**
9 **school district in which the minor resides】** Department of Labor and
10 Workforce Development an application for **【a special permit**
11 **authorizing such】** authorization to work. Such **【application】**
12 registration shall show the exact character of the work the minor is
13 to do, and the hours and wages and special conditions under which
14 said work is to be performed.

15 If upon investigation it is found that the facts set forth in the
16 application are true and that the work will not interfere with the
17 minor's health or standing in school, the **【issuing officer】**
18 Department of Labor and Workforce Development shall**【,** upon
19 presentation to the issuing officer of the same proof of age as is
20 required for the issuance of an employment certificate,**】** issue **【a**
21 **special permit,】** authorization allowing the minor to work at such
22 times as the public schools in the district are not in session, but
23 such work except in agricultural pursuits, and as newspaper
24 carriers, to be otherwise subject to the maximum hours of labor
25 provisions set for minors under 16 years of age in section 3 of **【this**
26 **act】** P.L.1940, c.153 (C.34:2-21.3); provided, that nothing in **【this**
27 **act】** P.L.1940, c.153 (C.34:2-21.1 et seq.) shall prevent newspaper
28 carriers as defined in **【this act】** P.L.1940, c.153 (C.34:2-21.1 et
29 seq.), between 11 and 14 years of age, from delivering, soliciting,
30 selling and collecting for newspapers on routes in residential
31 neighborhoods between the hours of 6:00 o'clock in the morning
32 and 7:00 o'clock in the evening of any day; and newspaper carriers
33 14 years of age and older from delivering, soliciting, selling and
34 collecting for newspapers on routes in residential neighborhoods
35 between the hours of 5:30 o'clock in the morning and 8:00 o'clock
36 in the evening of any day; and provided further that no newspaper
37 carrier under the age of 18 years shall be permitted to engage in
38 such occupation beyond the period of time wherein the combined
39 hours devoted to said occupation as a newspaper carrier and the
40 hours in school shall exceed a total of 40 hours per week and not
41 more than 8 hours in any 1 day; and provided, further, that minors
42 engaged in agricultural pursuits may be employed no more than 10
43 hours per day.

44 Such **【special permit】** authorization shall show the name,
45 address, and date of birth of the minor for whom it is issued, the
46 kind of proof of age submitted, the nature of the occupation in
47 which the minor is to engage, and such other information as the

1 **【commissioner of Education】** Department of Labor and Workforce
2 Development may require.

3 Any **【such special permit】** authorization for work in agriculture
4 shall be issued **【for a period not to exceed 6 months and shall show**
5 **its date of expiration】** and active until the minor is 18 years of age.
6 **【Any person** employing a minor under 16 years of age in
7 agriculture shall obtain such a certificate from the minor and keep it
8 on file during the period of the minor's employment and shall return
9 it to the minor to whom it is issued upon termination of the minor's
10 employment.**】**

11 Upon application by the **【parent, guardian or other person having**
12 **custody and control of】** minor who desires to work as a newspaper
13 carrier as defined in **【this act】** P.L.1940, c.153 (C.34:2-21.1 et
14 seq.), who is between the ages of 11 and 18 years of age, to the
15 publisher of any newspaper in this State and upon receiving
16 **【satisfactory proof of age and a signed statement of physical**
17 **fitness,】** authorization from the Department of Labor and
18 Workforce Development, such publisher may **【issue to】** employ
19 such newspaper carrier **【a special permit on a form prescribed and**
20 **approved by the Commissioner of Education, whereby the**
21 **newspaper carrier shall be permitted】** to deliver, solicit, sell and
22 collect for newspapers outside of the newspaper carrier's school
23 hours on residential routes, and on Sundays and during school
24 vacations **【and no other employment certificate shall be required】**.

25 **【Such special permit】** The authorization shall show the name,
26 address and date of birth of the newspaper carrier for whom it is
27 issued, and such other information as the **【Commissioner of**
28 **Education】** Department of Labor and Workforce Development may
29 require.

30 **【The publisher shall forthwith mail 3 copies of such special**
31 **permit to the issuing officer as defined in section 1 of this act, one**
32 **of which copies shall be forwarded to the Commissioner of**
33 **Education and one copy to the Commissioner of Labor and Industry**
34 **in such manner as may be provided by regulation of said**
35 **commissioners. A copy of such special permit shall also be**
36 **furnished by the publisher to the parent, guardian or other person**
37 **having custody and control of the newspaper carrier and the**
38 **publisher shall retain at all times a file copy thereof.】**

39 The **【special permit】** authorization shall remain in full force and
40 effect unless and until the **【publisher has knowledge of or is**
41 **notified by the issuing officer or the Commissioner of Labor and**
42 **Industry that the newspaper carrier is not physically fit or that in**
43 **the opinion of the issuing officer or the Commissioner of Labor**
44 **and Industry, engaging in the occupation as a newspaper carrier will**
45 **be harmful to the newspaper carrier's education. In such case, the**
46 **said special permit shall be suspended unless and until the issuing**

1 officer shall revoke said notification. In the event of such
2 notification and suspension, however, if either the parent, guardian
3 or other person having custody and control of the newspaper carrier
4 or the publisher shall deem such decision to be erroneous, an
5 appeal may be made to the Commissioner of Education who shall
6 have authority to affirm, reverse or modify such decision of the
7 issuing officer or the Commissioner of Labor and Industry] the
8 minor is 18 years of age.

9 The publisher shall keep a record of the name, address and birth
10 date of each newspaper carrier [to whom such special permit is
11 issued; the date said newspaper carrier commenced and ceased
12 delivering newspapers published by said publisher together with a
13 record of the number of newspapers sold to each newspaper carrier
14 and a general description of the area of the route served by each
15 newspaper carrier] who is a minor. Such records shall be kept on
16 file by said publisher for a period of 2 years after the newspaper
17 carrier has ceased delivering newspapers published by said
18 publisher.

19 [The special permit shall remain in full force and effect unless
20 and until the publisher is notified by the issuing officer or the
21 Commissioner of Labor and Industry that the newspaper carrier is
22 not physically fit or that the newspaper carrier's school record is
23 such that engaging in the occupation of a newspaper carrier will be
24 harmful to the newspaper carrier's education. In such case,
25 however, if either the parent, guardian or other person having
26 custody and control of the newspaper carrier or the publisher shall
27 deem such decision to be erroneous, an appeal may be made to the
28 Commissioner of Education who shall have authority to reverse or
29 modify such decision of the issuing officer or the Commissioner of
30 Labor and Industry].

31 (cf: P.L.1981, c.490, s.1)

32

33 6. (New section) a. The department shall create and maintain a
34 database for the employment of minors that is accessible by the public
35 and that displays each employer that is required to register under
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 b. The database shall include the name and email address of each
38 employer registered under P.L. , c. (C.) (pending before the
39 Legislature as this bill).

40 c. Any minor under the age of 18 years who desires to work,
41 including but not limited to work as a news carrier or work in
42 agriculture, shall complete a one-time registration on the database, but
43 all information pertaining to the minor shall be confidential and shall
44 not be accessible by the public. ¹If the minor desires to work for a
45 different employer or for an employer in addition to the employer for
46 which the minor first registered, the minor shall update the minor's
47 registration.¹ The minor shall be required to submit documentation, in

1 the form and manner prescribed by the department, sufficient to
2 adequately identify the minor, including but not limited to, the social
3 security number of the minor, and confirm the age of the minor, as
4 well as identify the ¹["parent or legal guardian"] caregiver¹ of the
5 minor. The minor shall provide contact information, including email,
6 if available, for the minor's ¹["parent or legal guardian"] caregiver¹, as
7 appropriate. The registration shall provide any physical limitations of
8 which employers should be aware. Upon submission of
9 documentation sufficient to meet the requirements of P.L. ,
10 c. (C.) (pending before the Legislature as this bill), and the
11 requirements of P.L.1940, c.153 (C.34:2-21.1 et seq.), the department
12 shall maintain an employment certificate for the minor granting
13 authorization for the minor to work in the occupation or field for
14 which the minor has expressed an interest and provided
15 documentation. ¹Except as provided by subsection e. of this section, a
16 minor shall not commence work with an employer unless that
17 employer has received confirmation from the department that the
18 minor has authorization to work.¹

19 d. Each employer that hires, employs, or permits any minor under
20 the age of 18 to work in a gainful occupation as permitted by
21 P.L.1940, c.153 (C.34:2-21.1 et seq.), shall register with the
22 department, in the form and manner prescribed by the department, the
23 following information:

- 24 (1) The name of the employer;
- 25 (2) The email address of the employer;
- 26 (3) Any location of the employer's business operations, including
27 any location at which a minor will be working;
- 28 (4) The number and names of minors whom the employer has
29 hired, employed, or permitted to work in a gainful occupation, or for
30 seasonal employment, whom the employer expects to hire; and
- 31 (5) A certified statement from the employer that the employer is
32 employing minors in only those positions permitted by law to ensure
33 the health, safety and well-being of minors.

34 ¹An employer shall be required to update the employer's
35 registration as to any minor employee who is changing a position from
36 the position for which the minor employee was originally hired to
37 perform to a new position.¹

38 e. Within three days of an employer's or a minor's registration,
39 the department shall cross-check names submitted by employers with
40 minors who are registered on the database and ¹, upon authorization by
41 the minor's caregiver in accordance with subsection f. of this section,¹
42 send an electronic confirmation to employers of the minor's
43 authorization to work. If an employer does not receive confirmation
44 from the department within one week of the employer's submission,
45 employment of the minor may commence unless and until the
46 employer receives notification from the department that the minor has
47 not received authorization to work.

1 f. ¹【Notwithstanding any limitations on hours, shifts, or times of
2 day that any minor may be permitted to work, the department shall
3 provide notification to a parent or legal guardian of a minor that has
4 registered with the database of the opportunity for an opt-out of
5 extended summer working hours. The parent or legal guardian of a 14
6 year old or 15 year old desiring to work may opt the minor out of
7 working past 7 p.m. of any day. The parent or legal guardian of a 16
8 year old or 17 year old desiring to work may opt the minor out of
9 working past 11 p.m. of any day. Any opt-out submitted by a parent
10 or legal guardian in accordance with this subsection shall be binding
11 on an employer and shall cover the whole summer and not individual
12 scheduling requests that should go through an employer. The
13 department shall send the notice by email, to the extent possible, and
14 by certified mail if email is not available, regarding the opt-out
15 required by this section within three days of granting an authorization
16 for a minor to work.】 Notwithstanding the provisions of any law to the
17 contrary, and except as provided in this subsection, the department
18 shall not approve a minor's registration to work pursuant to subsection
19 c. of this section without a caregiver's authorization for the minor to
20 work as specified by the minor in the minor's registration. The
21 department shall provide notification to a caregiver of a minor who has
22 registered with the database for the caregiver to provide an
23 authorization or rejection of the minor's registration to work. The
24 department shall send the notice by email, to the extent possible, and
25 by certified mail if email is not available, regarding this authorization
26 or rejection within three days of the minor's registration. The
27 caregiver shall submit an authorization or rejection electronically
28 through the registration system established pursuant to this section. If
29 a caregiver does not submit an authorization or rejection within two
30 weeks of the department's notification, then the department shall
31 approve a minor's registration for work unless and until a caregiver
32 submits a rejection through the registration system. If a minor updates
33 the minor's registration to indicate a change in or addition of an
34 employer, the department shall notify the caregiver by email, to the
35 extent possible, and by certified mail if email is not available, of the
36 change in registration. The caregiver shall submit an updated
37 authorization or rejection electronically through the registration system
38 established pursuant to this section. If a caregiver does not submit an
39 authorization or rejection of the change within two weeks of the
40 department's notification, then the department shall approve the
41 minor's updated registration for work unless and until a caregiver
42 submits a rejection through the registration system.¹

43 g. The Employment of Minors Advisory Council is established to
44 consult with and provide recommendations to the department for the
45 creation and administration of the database. The council shall consist
46 of five members:

47 (1) One representative from the Department of Labor and
48 Workforce Development to be appointed by the Governor;

1 (2) One representative from the Department of Education to be
2 appointed by the Governor;

3 (3) Two members who are employers or who represent the interest
4 of employers that employ a significant number of minors, one who
5 shall be appointed by the Senate President and one who shall be
6 appointed by the Speaker of the General Assembly; and

7 (4) One public member to represent the interests of ¹~~parents or~~
8 ~~legal guardians~~ caregivers¹ of minors, to be appointed by the Senate
9 President and the Speaker of the General Assembly.

10 Any vacancies occurring in the membership shall be filled in the
11 same manner as the original appointments. The council shall hold at
12 least two meetings per year to review the implementation and
13 operations of the database.

14 h. The department, in consultation with the Employment of
15 Minors Advisory Council ¹and the Department of Education¹, shall
16 promulgate rules and regulations necessary for the implementation of
17 this act, P.L. c. (C.) (pending before the Legislature as this
18 bill), including but not limited to, developing a schedule for the
19 registration of employers and minors in accordance with this act,
20 P.L. c. (C.) (pending before the Legislature as this bill).

21
22 7. The following sections are repealed:
23 Sections 7 through 14 of P.L.1940, c.153 (C.34:2-21.7 through
24 34:2-21.14).

25
26 ¹8. There is appropriated from the General Fund to the
27 Department of Labor and Workforce Development \$1,000,000 to
28 effectuate the purposes of this act.¹

29
30 ¹~~8.~~ 9.¹ This act shall take effect on ¹~~the first day of the~~
31 ~~sixth month next following enactment~~ June 1, 2023¹, except as to
32 subsection b. of section 3 and as to section 4 of this act, which shall
33 take effect immediately, and except that the commissioner may take
34 any anticipatory administrative action in advance as shall be
35 necessary for the implementation of this act.

36
37
38
39
40 Expands working hours for minors; updates process for obtaining
41 working papers for minors.

ASSEMBLY, No. 4222

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 9, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

**Assemblymen Caputo, Dancer, Assemblywomen Sumter, Carter,
Assemblymen Sampson, Torrissi, Assemblywomen Piperno and Eulner**

SYNOPSIS

Expands working hours for minors; updates process for obtaining working papers for minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning working hours for minors, amending and
2 supplementing P.L.1940, c.153 (C.34:2-21.1 et seq.), and
3 repealing sections 7 through 14 of P.L.1940, c.153.

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

7
8 1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to
9 read as follows:

10 1. (a) **["**Employment certificate" means a certificate granted
11 by the issuing officer authorizing the employment of a child as
12 permitted under this act. **"]** (Deleted by amendment, P.L. , c. .)
13 (pending before the Legislature as this bill)

14 (b) **["**Age certificate" means a certificate issued for a person
15 between the ages of 18 and 21 years. **"]** (Deleted by amendment,
16 P.L. , c. .) (pending before the Legislature as this bill)

17 (c) **["**Issuing officer" means any superintendent of schools,
18 supervising principal, or teacher in a school district who is
19 designated by the board of education in the district to issue
20 certificates or permits in accordance with the provisions of this
21 act.**"]** (Deleted by amendment, P.L. , c. .) (pending before the
22 Legislature as this bill)

23 (d) "School district" means any geographical area having
24 authority over the public schools within that area.

25 (e) "Agriculture" includes farming in all its branches and
26 among other things includes the cultivation and tillage of the soil,
27 dairying, the production, cultivation, growing, and harvesting of
28 any agricultural or horticultural commodities (including
29 commodities defined as agricultural commodities in subsection (g)
30 of section 15 of the Agricultural Marketing Act, 46 Stat. 11 (12
31 U.S.C. s. 141 et seq.), as amended), the planting, transplanting and
32 care of trees and shrubs and plants, the raising of livestock, bees,
33 fur-bearing animals or poultry, and any practices (including any
34 forestry or lumbering operations) performed by a farmer or on a
35 farm as an incident to or in conjunction with such farming
36 operations, including preparation for market, delivery to storage or
37 to market or to carriers for transportation to market, provided that
38 such practices shall be performed in connection with the handling
39 of agricultural or horticultural commodities the major portion of
40 which have been produced upon the premises of an owning or
41 leasing employer.

42 (f) "Newspaper carrier" means any minor between 12 and 18
43 years of age who engages in the occupation of delivering, soliciting,
44 selling and collecting for, newspapers outside of school hours on
45 residential routes.

46 (g) "Restaurant" means any establishment or business primarily
47 engaged in the preparation and serving of meals or refreshments,

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 both food and drink, and shall include but not be limited to the
2 following: dining establishments, catering establishments,
3 industrial caterers, and drive-in restaurants.

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

6 (i) "Seasonal amusement" means any exclusively recreational or
7 amusement establishment or business which does not operate more
8 than seven months in any calendar year or which has received
9 during any consecutive six months of the preceding calendar year
10 average receipts equal to or less than 33 1/3% percent of its average
11 receipts for the other six months of that year. "Seasonal
12 amusement" includes but is not limited to amusement rides and
13 amusement device ticket sales, and operations of games. However,
14 "seasonal amusement" does not include retail, eating or drinking
15 concessions, camps, beach and swimming facilities, movie theatres,
16 theatrical productions, athletic events, professional entertainment,
17 pool and billiard parlors, circuses and outdoor shows, sport
18 activities or centers, country club athletic facilities, bowling alleys,
19 race tracks and like facilities which are not part of a diversified
20 amusement enterprise.

21 "Commissioner" means the Commissioner of Labor and
22 Workforce Development.

23 "Department" means the Department of Labor and Workforce
24 Development.

25 (cf: P.L.1987, c.125, s.1)

26

27 2. Section 2 of P.L.1940, c.153 (C.34:2-21.2) is amended to
28 read as follows:

29 2. No minor under 16 years of age shall be employed,
30 permitted, or suffered to work in, about, or in connection with any
31 gainful occupation at any time; provided, that minors between 14
32 and 16 years of age may be employed, permitted or suffered to
33 work outside school hours and during school vacations but not in or
34 for a factory or in any occupation otherwise prohibited by law or
35 by order or regulation made in pursuance of law; and provided,
36 further, that minors under 16 years of age may engage in
37 professional employment in theatrical productions upon the
38 obtaining of a permit therefor and may engage outside school hours
39 and during school vacations in agricultural pursuits or in street
40 trades and as newspaperboys as defined in this act, in accordance
41 with the provisions of section 15 of this act. Minors may also
42 engage in employment in domestic service performed outside of
43 school hours or during school vacations **【with the permission of the**
44 **minor's parents or legal guardian】**, in a residence other than the
45 minor's own home. Nothing in this act shall be construed to apply
46 to the work of a minor engaged in domestic service or agricultural
47 pursuits performed outside of school hours or during school

1 vacations in connection with the minor's own home and directly for
2 his parents or legal guardian.

3 Except as to the employment of a minor for whom a theatrical
4 employment permit has been issued, no minor under 16 years of age
5 not a resident of this State shall be employed, permitted or suffered
6 to work in any occupation or service whatsoever at any time during
7 which the law of the state of his residence required his attendance at
8 school, or at any time during the hours when the public schools in
9 the district in which employment in such occupation or services
10 may be available are in session.

11 (cf: P.L.1983, c.196, s.1)

12

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

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

1 provided that minors between 16 and 18 years of age may be
2 employed in a seasonal amusement or restaurant occupation after 11
3 p.m. and following 12:01 a.m. of the next day, if that employment is
4 a continuation of a workday which began before 11 p.m., either
5 during any regular school vacation season, or on workdays which
6 do not begin on a day which precedes a regularly scheduled school
7 day, [with a special written permit from their parents or legal
8 guardian stating the hours they are permitted to work,] except that
9 in no case shall minors between 16 and 18 years of age be
10 employed after 3 a.m. or before 6 a.m. on a day which precedes a
11 regularly scheduled school day; provided, further, that minors may
12 be employed in a concert or a theatrical performance up to 11:30
13 p.m.; and provided, further, that minors not less than 16 years of
14 age and who are attending school may be employed as pinsetters,
15 lane attendants, or busboys in public bowling alleys up to 11:30
16 p.m.], but may not be so employed during the school term without a
17 special written permit from the superintendent of schools or the
18 supervising principal, as the case may be, which permit shall state
19 that the minor has undergone a complete physical examination by
20 the medical inspector, and, in the opinion of the superintendent or
21 supervising principal, may be so employed, without injury to health
22 or interference with progress in school, such special permits to be
23 good for a period of three months only and are revocable in the
24 discretion of the superintendent or supervising principal. Such
25 permit may not be renewed until satisfactory evidence has been
26 submitted to the superintendent or supervising principal showing
27 that the minor has had a physical examination and the minor's
28 health is not being injured by said work]; and provided, further,
29 that minors between 16 and 18 years of age may not be employed
30 after 10 p.m. during the regular school vacation seasons in or for a
31 factory or in any occupation otherwise prohibited by law or by
32 order or regulation made in pursuance of law. The hours of work of
33 minors under 16 employed outside school hours shall not exceed
34 three hours in any one day when school is in session and shall not
35 exceed in any one week when school is in session the maximum
36 number of hours permitted for that period under the federal "Fair
37 Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and
38 regulations promulgated pursuant to that federal act.

39 b. Notwithstanding the provisions of subsection a. of this
40 section, a minor between 16 and 18 years of age may work up to 50
41 hours in one week and up to 10 hours in one day during the period
42 beginning on the last day of the minor's school year and ending on
43 Labor Day. This subsection shall take effect immediately upon the
44 date of enactment.

45 c. This section is not applicable to the employment of a minor
46 between 16 and 18 years of age during the months of June, July,
47 August or September by a summer resident camp, conference or
48 retreat operated by a nonprofit or religious corporation or

1 association, unless the employment is primarily general
2 maintenance work or food service activities.

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

4

5 4. Section 4 of P.L.1940, c.153 (C.34:2-21.4) is amended to
6 read as follows:

7 4. No minor under eighteen years of age shall be employed or
8 permitted to work for more than **【five】** six hours continuously
9 without an interval of at least thirty minutes for a lunch period, and
10 no period of less than thirty minutes shall be deemed to interrupt a
11 continuous period of work.

12 (cf: P.L.1940, c.153, s.5)

13

14 5. Section 15 of P.L.1940, c.153 (C.34:2-21.15) is amended to
15 read as follows:

16 15. Except as hereinafter provided as to newspaper carriers, no
17 minor under 14 years of age may engage in any street trade, which
18 term, for the purpose of this section shall include the selling,
19 offering for sale, soliciting for, collecting for, displaying, or
20 distributing any articles, goods, merchandise, commercial service,
21 posters, circulars, newspapers or magazines or in blacking shoes on
22 any street or other public place or from house to house. No minor
23 under 12 years of age may be employed in agricultural pursuits.

24 Whenever a minor has graduated from vocational school,
25 approved by the Commissioner of Education and is 17 years of age,
26 the minor's diploma or certified copy thereof and an employment
27 certificate **【mailed to the employer by the issuing officer】** provided
28 by the Department of Labor and Workforce Development shall be
29 deemed **【a special permit】** authorization to engage in those pursuits
30 in which the minor majored in said vocational school during those
31 hours permitted for persons 18 years of age and over.

32 Except as hereinafter provided as to newspaper carriers,
33 whenever a minor under 16 years of age desires to work during such
34 times as the schools of the district in which the minor resides are
35 not in session in any street trade or in agricultural pursuits, the
36 **【parent, guardian or other person having the custody and control of**
37 **the】** minor may **【file】** register with the **【issuing officer in the**
38 **school district in which the minor resides】** Department of Labor and
39 Workforce Development an application for **【a special permit**
40 **authorizing such】** authorization to work. Such **【application】**
41 registration shall show the exact character of the work the minor is
42 to do, and the hours and wages and special conditions under which
43 said work is to be performed.

44 If upon investigation it is found that the facts set forth in the
45 application are true and that the work will not interfere with the
46 minor's health or standing in school, the **【issuing officer】**
47 Department of Labor and Workforce Development shall **【,** upon

1 presentation to the issuing officer of the same proof of age as is
2 required for the issuance of an employment certificate,] issue [a
3 special permit,] authorization allowing the minor to work at such
4 times as the public schools in the district are not in session, but
5 such work except in agricultural pursuits, and as newspaper
6 carriers, to be otherwise subject to the maximum hours of labor
7 provisions set for minors under 16 years of age in section 3 of [this
8 act] P.L.1940, c.153 (C.34:2-21.3); provided, that nothing in [this
9 act] P.L.1940, c.153 (C.34:2-21.1 et seq.) shall prevent newspaper
10 carriers as defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et
11 seq.), between 11 and 14 years of age, from delivering, soliciting,
12 selling and collecting for newspapers on routes in residential
13 neighborhoods between the hours of 6:00 o'clock in the morning
14 and 7:00 o'clock in the evening of any day; and newspaper carriers
15 14 years of age and older from delivering, soliciting, selling and
16 collecting for newspapers on routes in residential neighborhoods
17 between the hours of 5:30 o'clock in the morning and 8:00 o'clock
18 in the evening of any day; and provided further that no newspaper
19 carrier under the age of 18 years shall be permitted to engage in
20 such occupation beyond the period of time wherein the combined
21 hours devoted to said occupation as a newspaper carrier and the
22 hours in school shall exceed a total of 40 hours per week and not
23 more than 8 hours in any 1 day; and provided, further, that minors
24 engaged in agricultural pursuits may be employed no more than 10
25 hours per day.

26 Such [special permit] authorization shall show the name,
27 address, and date of birth of the minor for whom it is issued, the
28 kind of proof of age submitted, the nature of the occupation in
29 which the minor is to engage, and such other information as the
30 [commissioner of Education] Department of Labor and Workforce
31 Development may require.

32 Any [such special permit] authorization for work in agriculture
33 shall be issued [for a period not to exceed 6 months and shall show
34 its date of expiration] and active until the minor is 18 years of age.
35 [Any person employing a minor under 16 years of age in
36 agriculture shall obtain such a certificate from the minor and keep
37 it on file during the period of the minor's employment and shall
38 return it to the minor to whom it is issued upon termination of the
39 minor's employment.]

40 Upon application by the [parent, guardian or other person having
41 custody and control of] minor who desires to work as a newspaper
42 carrier as defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et
43 seq.), who is between the ages of 11 and 18 years of age, to the
44 publisher of any newspaper in this State and upon receiving
45 [satisfactory proof of age and a signed statement of physical
46 fitness,] authorization from the Department of Labor and

1 Workforce Development, such publisher may **【issue to】** employ
2 such newspaper carrier **【a special permit on a form prescribed and**
3 **approved by the Commissioner of Education, whereby the**
4 **newspaper carrier shall be permitted】** to deliver, solicit, sell and
5 collect for newspapers outside of the newspaper carrier's school
6 hours on residential routes, and on Sundays and during school
7 vacations **【and no other employment certificate shall be required】**.

8 **【Such special permit】** The authorization shall show the name,
9 address and date of birth of the newspaper carrier for whom it is
10 issued, and such other information as the **【Commissioner of**
11 **Education】** Department of Labor and Workforce Development may
12 require.

13 **【The publisher shall forthwith mail 3 copies of such special**
14 **permit to the issuing officer as defined in section 1 of this act, one**
15 **of which copies shall be forwarded to the Commissioner of**
16 **Education and one copy to the Commissioner of Labor and Industry**
17 **in such manner as may be provided by regulation of said**
18 **commissioners. A copy of such special permit shall also be**
19 **furnished by the publisher to the parent, guardian or other person**
20 **having custody and control of the newspaper carrier and the**
21 **publisher shall retain at all times a file copy thereof.】**

22 The **【special permit】** authorization shall remain in full force and
23 effect unless and until the **【publisher has knowledge of or is**
24 **notified by the issuing officer or the Commissioner of Labor and**
25 **Industry that the newspaper carrier is not physically fit or that in**
26 **the opinion of the issuing officer or the Commissioner of Labor**
27 **and Industry, engaging in the occupation as a newspaper carrier will**
28 **be harmful to the newspaper carrier's education. In such case, the**
29 **said special permit shall be suspended unless and until the issuing**
30 **officer shall revoke said notification. In the event of such**
31 **notification and suspension, however, if either the parent, guardian**
32 **or other person having custody and control of the newspaper carrier**
33 **or the publisher shall deem such decision to be erroneous, an**
34 **appeal may be made to the Commissioner of Education who shall**
35 **have authority to affirm, reverse or modify such decision of the**
36 **issuing officer or the Commissioner of Labor and Industry】** the
37 minor is 18 years of age.

38 The publisher shall keep a record of the name, address and birth
39 date of each newspaper carrier **【to whom such special permit is**
40 **issued; the date said newspaper carrier commenced and ceased**
41 **delivering newspapers published by said publisher together with a**
42 **record of the number of newspapers sold to each newspaper carrier**
43 **and a general description of the area of the route served by each**
44 **newspaper carrier】** who is a minor. Such records shall be kept on
45 file by said publisher for a period of 2 years after the newspaper
46 carrier has ceased delivering newspapers published by said
47 publisher.

1 【The special permit shall remain in full force and effect unless
2 and until the publisher is notified by the issuing officer or the
3 Commissioner of Labor and Industry that the newspaper carrier is
4 not physically fit or that the newspaper carrier's school record is
5 such that engaging in the occupation of a newspaper carrier will be
6 harmful to the newspaper carrier's education. In such case,
7 however, if either the parent, guardian or other person having
8 custody and control of the newspaper carrier or the publisher shall
9 deem such decision to be erroneous, an appeal may be made to the
10 Commissioner of Education who shall have authority to reverse or
11 modify such decision of the issuing officer or the Commissioner of
12 Labor and Industry】.

13 (cf: P.L.1981, c.490, s.1)

14

15 6. (New section) a. The department shall create and maintain a
16 database for the employment of minors that is accessible by the
17 public and that displays each employer that is required to register
18 under P.L. , c. (C.) (pending before the Legislature as this
19 bill).

20 b. The database shall include the name and email address of
21 each employer registered under P.L. , c. (C.) (pending
22 before the Legislature as this bill).

23 c. Any minor under the age of 18 years who desires to work,
24 including but not limited to work as a news carrier or work in
25 agriculture, shall complete a one-time registration on the database,
26 but all information pertaining to the minor shall be confidential and
27 shall not be accessible by the public. The minor shall be required to
28 submit documentation, in the form and manner prescribed by the
29 department, sufficient to adequately identify the minor, including
30 but not limited to, the social security number of the minor, and
31 confirm the age of the minor, as well as identify the parent or legal
32 guardian of the minor. The minor shall provide contact
33 information, including email, if available, for the minor's parent or
34 legal guardian, as appropriate. The registration shall provide any
35 physical limitations of which employers should be aware. Upon
36 submission of documentation sufficient to meet the requirements of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 and the requirements of P.L.1940, c.153 (C.34:2-21.1 et seq.), the
39 department shall maintain an employment certificate for the minor
40 granting authorization for the minor to work in the occupation or
41 field for which the minor has expressed an interest and provided
42 documentation.

43 d. Each employer that hires, employs, or permits any minor
44 under the age of 18 to work in a gainful occupation as permitted by
45 P.L.1940, c.153 (C.34:2-21.1 et seq.), shall register with the
46 department, in the form and manner prescribed by the department,
47 the following information:

48 (1) The name of the employer;

1 (2) The email address of the employer;

2 (3) Any location of the employer's business operations,
3 including any location at which a minor will be working;

4 (4) The number and names of minors whom the employer has
5 hired, employed, or permitted to work in a gainful occupation, or
6 for seasonal employment, whom the employer expects to hire; and

7 (5) A certified statement from the employer that the employer is
8 employing minors in only those positions permitted by law to
9 ensure the health, safety and well-being of minors.

10 e. Within three days of an employer's or a minor's registration,
11 the department shall cross-check names submitted by employers
12 with minors who are registered on the database and send an
13 electronic confirmation to employers of the minor's authorization to
14 work. If an employer does not receive confirmation from the
15 department within one week of the employer's submission,
16 employment of the minor may commence unless and until the
17 employer receives notification from the department that the minor
18 has not received authorization to work.

19 f. Notwithstanding any limitations on hours, shifts, or times of
20 day that any minor may be permitted to work, the department shall
21 provide notification to a parent or legal guardian of a minor that has
22 registered with the database of the opportunity for an opt-out of
23 extended summer working hours. The parent or legal guardian of a
24 14 year old or 15 year old desiring to work may opt the minor out of
25 working past 7 p.m. of any day. The parent or legal guardian of a 16
26 year old or 17 year old desiring to work may opt the minor out of
27 working past 11 p.m. of any day. Any opt-out submitted by a
28 parent or legal guardian in accordance with this subsection shall be
29 binding on an employer and shall cover the whole summer and not
30 individual scheduling requests that should go through an employer.
31 The department shall send the notice by email, to the extent
32 possible, and by certified mail if email is not available, regarding
33 the opt-out required by this section within three days of granting an
34 authorization for a minor to work.

35 g. The Employment of Minors Advisory Council is established
36 to consult with and provide recommendations to the department for
37 the creation and administration of the database. The council shall
38 consist of five members:

39 (1) One representative from the Department of Labor and
40 Workforce Development to be appointed by the Governor;

41 (2) One representative from the Department of Education to be
42 appointed by the Governor;

43 (3) Two members who are employers or who represent the
44 interest of employers that employ a significant number of minors,
45 one who shall be appointed by the Senate President and one who
46 shall be appointed by the Speaker of the General Assembly; and

1 (4) One public member to represent the interests of parents or
2 legal guardians of minors, to be appointed by the Senate President
3 and the Speaker of the General Assembly.

4 Any vacancies occurring in the membership shall be filled in the
5 same manner as the original appointments. The council shall hold
6 at least two meetings per year to review the implementation and
7 operations of the database.

8 h. The department, in consultation with the Employment of
9 Minors Advisory Council, shall promulgate rules and regulations
10 necessary for the implementation of this act, P.L. c. (C.)
11 (pending before the Legislature as this bill), including but not
12 limited to, developing a schedule for the registration of employers
13 and minors in accordance with this act, P.L. c. (C.)
14 (pending before the Legislature as this bill).

15

16 7. The following sections are repealed:

17 Sections 7 through 14 of P.L.1940, c.153 (C.34:2-21.7 through
18 34:2-21.14).

19

20 8. This act shall take effect on the first day of the sixth month
21 next following enactment, except as to subsection b. of section 3
22 and as to section 4 of this act, which shall take effect immediately,
23 and except that the commissioner may take any anticipatory
24 administrative action in advance as shall be necessary for the
25 implementation of this act.

26

27

28

STATEMENT

29

30 This bill expands the hours working for minors. The bill makes
31 permanent P.L.2021, c.149, which expanded summer working hours
32 for minors between 16 and 18 years of age to up to 50 hours per
33 week for the summer of 2021. The bill expands working hours for
34 minors who are 14 years of age and 15 years of age to mirror
35 federal laws for working minors.

36 The bill removes authority from school districts to issue working
37 papers for minors and establishes a centralized database within the
38 Department of Labor and Workforce Development for minors and
39 employers to register with in order for minors to work. The
40 registration is a one-time registration for minors and will be
41 effective until the minor is no longer a minor.

42 The bill removes parental consent for a minor to work but
43 requires the department to provide parents with an opt-out for
44 extended summer working hours for the minor.

45 The bill increases the amount of time a minor may work before a
46 break is required from five hours to six hours.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4222

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Labor Committee reports favorably Assembly Bill No. 4222.

This bill expands working hours for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor.

The bill removes parental consent for a minor to work but requires the department to provide parents with an opt-out for extended summer working hours for the minor.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4222
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 21, 2022

SUMMARY

- Synopsis:** Expands working hours for minors; updates process for obtaining working papers for minors.
- Type of Impact:** Potential increase in Gross Income Tax collections in the Property Tax Relief Fund; potential increase in State revenue collections to Unemployment Insurance Compensation fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave account; potential increase in administrative State expenditures.
- Agencies Affected:** Departments of the Treasury and Labor and Workforce Development.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.
- The OLS also estimates that the enactment of the bill may lead to an increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill.
- The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions

of the bill. The OLS notes that any cost increase would depend on operational decisions by the department, which the OLS cannot anticipate.

BILL DESCRIPTION

This bill expands working hours for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor.

The bill removes parental consent for a minor to work but requires the department to provide parents with an opt-out for extended summer working hours for the minor.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.

The OLS also estimates that the enactment of the bill may lead to increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill. These programs are funded through payroll taxes, the rates of which are set annually and applied to that year's taxable wage base.

The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions of the bill. The OLS notes that any cost increase would depend on operational decisions by the department, which the OLS cannot anticipate.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO ASSEMBLY, No. 4222

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4222, with committee amendments.

As amended, this bill expands the hours working for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor. If the minor changes employment or take on additional employment, the minor will be required to update the minor's registration.

An employer that hires, employs, or permits any minor under the age of 18 to work is required to register under the bill.

The bill requires the department to provide caregivers with notice of the minor's registration, and it requires caregivers to authorize or reject a minor's registration to work.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

The bill provides an appropriation from the General Fund to the Department of Labor and Workforce Development of \$1,000,000 to effectuate the purposes of the bill.

As amended and reported by the committee, Assembly Bill No. 4222 (1R) is identical to Senate Bill No. S2796 (1R), as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require a minor to update the minor's registration for any change in employer;

(2) require the employer to update the employer's registration for any change in a minor's position with the employer;

(3) delay the effective date until June 1, 2023 for all provisions of the bill except as to subsection b. of section 3 and as to section 4 of the bill, which remain as taking effect immediately;

(4) requiring the Department of Labor and Workforce Development to consult with the Department of Education in the implementation of rules and regulations for the provisions of the bill;

(5) change “parent or legal guardian” to “caregiver” and provide a definition for caregiver;

(6) require the minor’s caregiver to authorize the minor’s registration to work through the registration system; and

(7) add an appropriation to the Department of Labor and Workforce Development to effectuate the purposes of the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.

The OLS also estimates that the enactment of the bill may lead to an increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill.

The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions of the bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4222

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2022

SUMMARY

- Synopsis:** Expands working hours for minors; updates process for obtaining working papers for minors.
- Type of Impact:** Potential increase in Gross Income Tax collections in the Property Tax Relief Fund; potential increase in State revenue collections to Unemployment Insurance Compensation fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave account; potential increase in administrative State expenditures.
- Agencies Affected:** Departments of the Treasury and Labor and Workforce Development.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 and Thereafter</u>
State Cost Increase	Up to \$1 million	Indeterminate
State Revenue Increase	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.
- The OLS also estimates that the enactment of the bill may lead to an increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill.
- The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible

by the public and that displays each employer that is required to register under the provisions of the bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

BILL DESCRIPTION

This bill expands the hours working for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor. If the minor changes employment or take on additional employment, the minor will be required to update the minor's registration.

An employer that hires, employs, or permits any minor under the age of 18 to work is required to register under the bill.

The bill requires the department to provide caregivers with notice of the minor's registration, and it requires caregivers to authorize or reject a minor's registration to work.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

The bill provides an appropriation from the General Fund to the Department of Labor and Workforce Development of \$1,000,000 to effectuate the purposes of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.

The OLS also estimates that the enactment of the bill may lead to increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill. These programs are funded through payroll taxes, the rates of which are set annually and applied to that year's taxable wage base.

The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions of the

bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2796

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 6, 2022

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Expands working hours for minors; updates process for obtaining working papers for minors.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning working hours for minors, amending and
2 supplementing P.L.1940, c.153 (C.34:2-21.1 et seq.), and
3 repealing sections 7 through 14 of P.L.1940, c.153.

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

7
8 1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to read
9 as follows:

10 1. (a) **["Employment certificate"** means a certificate granted by
11 the issuing officer authorizing the employment of a child as permitted
12 under this act. **]** (Deleted by amendment, P.L. , c. .) (pending
13 before the Legislature as this bill)

14 (b) **["Age certificate"** means a certificate issued for a person
15 between the ages of 18 and 21 years. **]** (Deleted by amendment, P.L. , c. .) (pending
16 before the
17 Legislature as this bill)

18 (c) **["Issuing officer"** means any superintendent of schools,
19 supervising principal, or teacher in a school district who is designated
20 by the board of education in the district to issue certificates or permits
21 in accordance with the provisions of this act. **]** (Deleted by
22 amendment, P.L. , c. .) (pending before the Legislature as this
23 bill)

24 (d) "School district" means any geographical area having
25 authority over the public schools within that area.

26 (e) "Agriculture" includes farming in all its branches and among
27 other things includes the cultivation and tillage of the soil, dairying,
28 the production, cultivation, growing, and harvesting of any
29 agricultural or horticultural commodities (including commodities
30 defined as agricultural commodities in subsection (g) of section 15
31 of the Agricultural Marketing Act, 46 Stat. 11 (12 U.S.C. s. 141 et
32 seq.), as amended), the planting, transplanting and care of trees and
33 shrubs and plants, the raising of livestock, bees, fur-bearing animals
34 or poultry, and any practices (including any forestry or lumbering
35 operations) performed by a farmer or on a farm as an incident to or
36 in conjunction with such farming operations, including preparation
37 for market, delivery to storage or to market or to carriers for
38 transportation to market, provided that such practices shall be
39 performed in connection with the handling of agricultural or
40 horticultural commodities the major portion of which have been
41 produced upon the premises of an owning or leasing employer.

42 (f) "Newspaper carrier" means any minor between 12 and 18
43 years of age who engages in the occupation of delivering, soliciting,
44 selling and collecting for, newspapers outside of school hours on
45 residential routes.

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 (g) "Restaurant" means any establishment or business primarily
2 engaged in the preparation and serving of meals or refreshments, both
3 food and drink, and shall include but not be limited to the following:
4 dining establishments, catering establishments, industrial caterers,
5 and drive-in restaurants.

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

8 (i) "Seasonal amusement" means any exclusively recreational or
9 amusement establishment or business which does not operate more
10 than seven months in any calendar year or which has received during
11 any consecutive six months of the preceding calendar year average
12 receipts equal to or less than 33 1/3% percent of its average receipts
13 for the other six months of that year. "Seasonal amusement" includes
14 but is not limited to amusement rides and amusement device ticket
15 sales, and operations of games. However, "seasonal amusement"
16 does not include retail, eating or drinking concessions, camps, beach
17 and swimming facilities, movie theatres, theatrical productions,
18 athletic events, professional entertainment, pool and billiard parlors,
19 circuses and outdoor shows, sport activities or centers, country club
20 athletic facilities, bowling alleys, race tracks and like facilities which
21 are not part of a diversified amusement enterprise.

22 "Commissioner" means the Commissioner of Labor and
23 Workforce Development.

24 "Department" means the Department of Labor and Workforce
25 Development.

26 (cf: P.L.1987, c.125, s.1)

27
28 2. Section 2 of P.L.1940, c.153 (C.34:2-21.2) is amended to read
29 as follows:

30 2. No minor under 16 years of age shall be employed, permitted,
31 or suffered to work in, about, or in connection with any gainful
32 occupation at any time; provided, that minors between 14 and 16
33 years of age may be employed, permitted or suffered to work outside
34 school hours and during school vacations but not in or for a factory
35 or in any occupation otherwise prohibited by law or by order or
36 regulation made in pursuance of law; and provided, further, that
37 minors under 16 years of age may engage in professional
38 employment in theatrical productions upon the obtaining of a permit
39 therefor and may engage outside school hours and during school
40 vacations in agricultural pursuits or in street trades and as
41 newspaperboys as defined in this act, in accordance with the
42 provisions of section 15 of this act. Minors may also engage in
43 employment in domestic service performed outside of school hours
44 or during school vacations [with the permission of the minor's
45 parents or legal guardian], in a residence other than the minor's own
46 home. Nothing in this act shall be construed to apply to the work of
47 a minor engaged in domestic service or agricultural pursuits
48 performed outside of school hours or during school vacations in

1 connection with the minor's own home and directly for his parents or
2 legal guardian.

3 Except as to the employment of a minor for whom a theatrical
4 employment permit has been issued, no minor under 16 years of age
5 not a resident of this State shall be employed, permitted or suffered
6 to work in any occupation or service whatsoever at any time during
7 which the law of the state of his residence required his attendance at
8 school, or at any time during the hours when the public schools in the
9 district in which employment in such occupation or services may be
10 available are in session.

11 (cf: P.L.1983, c.196, s.1)

12

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

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

1 employed in a seasonal amusement or restaurant occupation after 11
2 p.m. and following 12:01 a.m. of the next day, if that employment is
3 a continuation of a workday which began before 11 p.m., either
4 during any regular school vacation season, or on workdays which do
5 not begin on a day which precedes a regularly scheduled school day,
6 **【with a special written permit from their parents or legal guardian**
7 **stating the hours they are permitted to work,】** except that in no case
8 shall minors between 16 and 18 years of age be employed after 3 a.m.
9 or before 6 a.m. on a day which precedes a regularly scheduled school
10 day; provided, further, that minors may be employed in a concert or
11 a theatrical performance up to 11:30 p.m.; and provided, further, that
12 minors not less than 16 years of age and who are attending school
13 may be employed as pinsetters, lane attendants, or busboys in public
14 bowling alleys up to 11:30 p.m. **【**, but may not be so employed during
15 the school term without a special written permit from the
16 superintendent of schools or the supervising principal, as the case
17 may be, which permit shall state that the minor has undergone a
18 complete physical examination by the medical inspector, and, in the
19 opinion of the superintendent or supervising principal, may be so
20 employed, without injury to health or interference with progress in
21 school, such special permits to be good for a period of three months
22 only and are revocable in the discretion of the superintendent or
23 supervising principal. Such permit may not be renewed until
24 satisfactory evidence has been submitted to the superintendent or
25 supervising principal showing that the minor has had a physical
26 examination and the minor's health is not being injured by said
27 work**】**; and provided, further, that minors between 16 and 18 years
28 of age may not be employed after 10 p.m. during the regular school
29 vacation seasons in or for a factory or in any occupation otherwise
30 prohibited by law or by order or regulation made in pursuance of law.
31 The hours of work of minors under 16 employed outside school hours
32 shall not exceed three hours in any one day when school is in session
33 and shall not exceed in any one week when school is in session the
34 maximum number of hours permitted for that period under the federal
35 "Fair Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and
36 regulations promulgated pursuant to that federal act.

37 b. Notwithstanding the provisions of subsection a. of this
38 section, a minor between 16 and 18 years of age may work up to 50
39 hours in one week and up to 10 hours in one day during the period
40 beginning on the last day of the minor's school year and ending on
41 Labor Day. This subsection shall take effect immediately upon the
42 date of enactment.

43 c. This section is not applicable to the employment of a minor
44 between 16 and 18 years of age during the months of June, July,
45 August or September by a summer resident camp, conference or
46 retreat operated by a nonprofit or religious corporation or association,

1 unless the employment is primarily general maintenance work or
2 food service activities.

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

4

5 4. Section 4 of P.L.1940, c.153 (C.34:2-21.4) is amended to read
6 as follows:

7 4. No minor under eighteen years of age shall be employed or
8 permitted to work for more than **【five】** six hours continuously
9 without an interval of at least thirty minutes for a lunch period, and
10 no period of less than thirty minutes shall be deemed to interrupt a
11 continuous period of work.

12 (cf: P.L.1940, c.153, s.5)

13

14 5. Section 15 of P.L.1940, c.153 (C.34:2-21.15) is amended to
15 read as follows:

16 15. Except as hereinafter provided as to newspaper carriers, no
17 minor under 14 years of age may engage in any street trade, which
18 term, for the purpose of this section shall include the selling, offering
19 for sale, soliciting for, collecting for, displaying, or distributing any
20 articles, goods, merchandise, commercial service, posters, circulars,
21 newspapers or magazines or in blacking shoes on any street or other
22 public place or from house to house. No minor under 12 years of age
23 may be employed in agricultural pursuits.

24 Whenever a minor has graduated from vocational school,
25 approved by the Commissioner of Education and is 17 years of age,
26 the minor's diploma or certified copy thereof and an employment
27 certificate **【mailed to the employer by the issuing officer】** provided
28 by the Department of Labor and Workforce Development shall be
29 deemed **【a special permit】** authorization to engage in those pursuits
30 in which the minor majored in said vocational school during those
31 hours permitted for persons 18 years of age and over.

32 Except as hereinafter provided as to newspaper carriers, whenever
33 a minor under 16 years of age desires to work during such times as
34 the schools of the district in which the minor resides are not in session
35 in any street trade or in agricultural pursuits, the **【parent, guardian or**
36 **other person having the custody and control of the】** minor may **【file】**
37 register with the **【issuing officer in the school district in which the**
38 **minor resides】** Department of Labor and Workforce Development an
39 application for **【a special permit authorizing such】** authorization to
40 work. Such **【application】** registration shall show the exact character
41 of the work the minor is to do, and the hours and wages and special
42 conditions under which said work is to be performed.

43 If upon investigation it is found that the facts set forth in the
44 application are true and that the work will not interfere with the
45 minor's health or standing in school, the **【issuing officer】**
46 Department of Labor and Workforce Development shall**【,** upon
47 presentation to the issuing officer of the same proof of age as is

1 required for the issuance of an employment certificate,] issue [a
2 special permit,] authorization allowing the minor to work at such
3 times as the public schools in the district are not in session, but such
4 work except in agricultural pursuits, and as newspaper carriers, to be
5 otherwise subject to the maximum hours of labor provisions set for
6 minors under 16 years of age in section 3 of [this act] P.L.1940,
7 c.153 (C.34:2-21.3); provided, that nothing in [this act] P.L.1940,
8 c.153 (C.34:2-21.1 et seq.) shall prevent newspaper carriers as
9 defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et seq.), between
10 11 and 14 years of age, from delivering, soliciting, selling and
11 collecting for newspapers on routes in residential neighborhoods
12 between the hours of 6:00 o'clock in the morning and 7:00 o'clock in
13 the evening of any day; and newspaper carriers 14 years of age and
14 older from delivering, soliciting, selling and collecting for
15 newspapers on routes in residential neighborhoods between the hours
16 of 5:30 o'clock in the morning and 8:00 o'clock in the evening of any
17 day; and provided further that no newspaper carrier under the age of
18 18 years shall be permitted to engage in such occupation beyond the
19 period of time wherein the combined hours devoted to said
20 occupation as a newspaper carrier and the hours in school shall
21 exceed a total of 40 hours per week and not more than 8 hours in any
22 1 day; and provided, further, that minors engaged in agricultural
23 pursuits may be employed no more than 10 hours per day.

24 Such [special permit] authorization shall show the name, address,
25 and date of birth of the minor for whom it is issued, the kind of proof
26 of age submitted, the nature of the occupation in which the minor is
27 to engage, and such other information as the [commissioner of
28 Education] Department of Labor and Workforce Development may
29 require.

30 Any [such special permit] authorization for work in agriculture
31 shall be issued [for a period not to exceed 6 months and shall show
32 its date of expiration] and active until the minor is 18 years of age.
33 [Any person employing a minor under 16 years of age in agriculture
34 shall obtain such a certificate from the minor and keep it on file
35 during the period of the minor's employment and shall return it to
36 the minor to whom it is issued upon termination of the minor's
37 employment.]

38 Upon application by the [parent, guardian or other person having
39 custody and control of] minor who desires to work as a newspaper
40 carrier as defined in [this act] P.L.1940, c.153 (C.34:2-21.1 et seq.),
41 who is between the ages of 11 and 18 years of age, to the publisher
42 of any newspaper in this State and upon receiving [satisfactory proof
43 of age and a signed statement of physical fitness,] authorization from
44 the Department of Labor and Workforce Development, such
45 publisher may [issue to] employ such newspaper carrier [a special
46 permit on a form prescribed and approved by the Commissioner of

1 Education, whereby the newspaper carrier shall be permitted] to
2 deliver, solicit, sell and collect for newspapers outside of the
3 newspaper carrier's school hours on residential routes, and on
4 Sundays and during school vacations [and no other employment
5 certificate shall be required].

6 [Such special permit] The authorization shall show the name,
7 address and date of birth of the newspaper carrier for whom it is
8 issued, and such other information as the [Commissioner of
9 Education] Department of Labor and Workforce Development may
10 require.

11 [The publisher shall forthwith mail 3 copies of such special permit
12 to the issuing officer as defined in section 1 of this act, one of which
13 copies shall be forwarded to the Commissioner of Education and one
14 copy to the Commissioner of Labor and Industry in such manner as
15 may be provided by regulation of said commissioners. A copy of
16 such special permit shall also be furnished by the publisher to the
17 parent, guardian or other person having custody and control of the
18 newspaper carrier and the publisher shall retain at all times a file copy
19 thereof.]

20 The [special permit] authorization shall remain in full force and
21 effect unless and until the [publisher has knowledge of or is notified
22 by the issuing officer or the Commissioner of Labor and Industry that
23 the newspaper carrier is not physically fit or that in the opinion of
24 the issuing officer or the Commissioner of Labor and Industry,
25 engaging in the occupation as a newspaper carrier will be harmful to
26 the newspaper carrier's education. In such case, the said special
27 permit shall be suspended unless and until the issuing officer shall
28 revoke said notification. In the event of such notification and
29 suspension, however, if either the parent, guardian or other person
30 having custody and control of the newspaper carrier or the publisher
31 shall deem such decision to be erroneous, an appeal may be made to
32 the Commissioner of Education who shall have authority to affirm,
33 reverse or modify such decision of the issuing officer or the
34 Commissioner of Labor and Industry] the minor is 18 years of age.

35 The publisher shall keep a record of the name, address and birth
36 date of each newspaper carrier [to whom such special permit is
37 issued; the date said newspaper carrier commenced and ceased
38 delivering newspapers published by said publisher together with a
39 record of the number of newspapers sold to each newspaper carrier
40 and a general description of the area of the route served by each
41 newspaper carrier] who is a minor. Such records shall be kept on
42 file by said publisher for a period of 2 years after the newspaper
43 carrier has ceased delivering newspapers published by said publisher.

44 [The special permit shall remain in full force and effect unless and
45 until the publisher is notified by the issuing officer or the
46 Commissioner of Labor and Industry that the newspaper carrier is not
47 physically fit or that the newspaper carrier's school record is such that

1 engaging in the occupation of a newspaper carrier will be harmful to
2 the newspaper carrier's education. In such case, however, if either
3 the parent, guardian or other person having custody and control of
4 the newspaper carrier or the publisher shall deem such decision to be
5 erroneous, an appeal may be made to the Commissioner of Education
6 who shall have authority to reverse or modify such decision of the
7 issuing officer or the Commissioner of Labor and Industry】.

8 (cf: P.L.1981, c.490, s.1)

9
10 6. (New section) a. The department shall create and maintain a
11 database for the employment of minors that is accessible by the
12 public and that displays each employer that is required to register
13 under P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 b. The database shall include the name and email address of each
16 employer registered under P.L. , c. (C.) (pending before the
17 Legislature as this bill).

18 c. Any minor under the age of 18 years who desires to work,
19 including but not limited to work as a news carrier or work in
20 agriculture, shall complete a one-time registration on the database,
21 but all information pertaining to the minor shall be confidential and
22 shall not be accessible by the public. The minor shall be required to
23 submit documentation, in the form and manner prescribed by the
24 department, sufficient to adequately identify the minor, including but
25 not limited to, the social security number of the minor, and confirm
26 the age of the minor, as well as identify the parent or legal guardian
27 of the minor. The minor shall provide contact information, including
28 email, if available, for the minor's parent or legal guardian, as
29 appropriate. The registration shall provide any physical limitations
30 of which employers should be aware. Upon submission of
31 documentation sufficient to meet the requirements of P.L. , c.
32 (C.) (pending before the Legislature as this bill), and the
33 requirements of P.L.1940, c.153 (C.34:2-21.1 et seq.), the department
34 shall maintain an employment certificate for the minor granting
35 authorization for the minor to work in the occupation or field for
36 which the minor has expressed an interest and provided
37 documentation.

38 d. Each employer that hires, employs, or permits any minor
39 under the age of 18 to work in a gainful occupation as permitted by
40 P.L.1940, c.153 (C.34:2-21.1 et seq.), shall register with the
41 department, in the form and manner prescribed by the department,
42 the following information:

- 43 (1) The name of the employer;
- 44 (2) The email address of the employer;
- 45 (3) Any location of the employer's business operations, including
46 any location at which a minor will be working;

1 (4) The number and names of minors whom the employer has
2 hired, employed, or permitted to work in a gainful occupation, or for
3 seasonal employment, whom the employer expects to hire; and

4 (5) A certified statement from the employer that the employer is
5 employing minors in only those positions permitted by law to ensure
6 the health, safety and well-being of minors.

7 e. Within three days of an employer's or a minor's registration,
8 the department shall cross-check names submitted by employers with
9 minors who are registered on the database and send an electronic
10 confirmation to employers of the minor's authorization to work. If
11 an employer does not receive confirmation from the department
12 within one week of the employer's submission, employment of the
13 minor may commence unless and until the employer receives
14 notification from the department that the minor has not received
15 authorization to work.

16 f. Notwithstanding any limitations on hours, shifts, or times of
17 day that any minor may be permitted to work, the department shall
18 provide notification to a parent or legal guardian of a minor that has
19 registered with the database of the opportunity for an opt-out of
20 extended summer working hours. The parent or legal guardian of a
21 14 year old or 15 year old desiring to work may opt the minor out of
22 working past 7 p.m. of any day. The parent or legal guardian of a 16
23 year old or 17 year old desiring to work may opt the minor out of
24 working past 11 p.m. of any day. Any opt-out submitted by a parent
25 or legal guardian in accordance with this subsection shall be binding
26 on an employer and shall cover the whole summer and not individual
27 scheduling requests that should go through an employer. The
28 department shall send the notice by email, to the extent possible, and
29 by certified mail if email is not available, regarding the opt-out
30 required by this section within three days of granting an authorization
31 for a minor to work.

32 g. The Employment of Minors Advisory Council is established
33 to consult with and provide recommendations to the department for
34 the creation and administration of the database. The council shall
35 consist of five members:

36 (1) One representative from the Department of Labor and
37 Workforce Development to be appointed by the Governor;

38 (2) One representative from the Department of Education to be
39 appointed by the Governor;

40 (3) Two members who are employers or who represent the interest
41 of employers that employ a significant number of minors, one who
42 shall be appointed by the Senate President and one who shall be
43 appointed by the Speaker of the General Assembly; and

44 (4) One public member to represent the interests of parents or legal
45 guardians of minors, to be appointed by the Senate President and the
46 Speaker of the General Assembly.

47 Any vacancies occurring in the membership shall be filled in the
48 same manner as the original appointments. The council shall hold at

1 least two meetings per year to review the implementation and
2 operations of the database.

3 h. The department, in consultation with the Employment of
4 Minors Advisory Council, shall promulgate rules and regulations
5 necessary for the implementation of this act, P.L. c. (C.)
6 (pending before the Legislature as this bill), including but not limited
7 to, developing a schedule for the registration of employers and
8 minors in accordance with this act, P.L. c. (C.) (pending
9 before the Legislature as this bill).

10

11 7. The following sections are repealed:

12 Sections 7 through 14 of P.L.1940, c.153 (C.34:2-21.7 through
13 34:2-21.14).

14

15 8. This act shall take effect on the first day of the sixth month
16 next following enactment, except as to subsection b. of section 3 and
17 as to section 4 of this act, which shall take effect immediately, and
18 except that the commissioner may take any anticipatory
19 administrative action in advance as shall be necessary for the
20 implementation of this act.

21

22

23

STATEMENT

24

25 This bill expands the hours working for minors. The bill makes
26 permanent P.L.2021, c.149, which expanded summer working hours
27 for minors between 16 and 18 years of age to up to 50 hours per week
28 for the summer of 2021. The bill expands working hours for minors
29 who are 14 years of age and 15 years of age to mirror federal laws
30 for working minors.

31 The bill removes authority from school districts to issue working
32 papers for minors and establishes a centralized database within the
33 Department of Labor and Workforce Development for minors and
34 employers to register with in order for minors to work. The
35 registration is a one-time registration for minors and will be effective
36 until the minor is no longer a minor.

37 The bill removes parental consent for a minor to work but requires
38 the department to provide parents with an opt-out for extended
39 summer working hours for the minor.

40 The bill increases the amount of time a minor may work before a
41 break is required from five hours to six hours.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2796

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably, and with committee amendments, Senate Bill No. 2796.

As amended, this bill expands the hours working for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor. If the minor changes employment or take on additional employment, the minor will be required to update the minor's registration.

An employer that hires, employs, or permits any minor under the age of 18 to work is required to register under the bill.

The bill requires the department to provide caregivers with notice of the minor's registration, and it requires caregivers to authorize or reject a minor's registration to work.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

The bill provides an appropriation from the General Fund to the Department of Labor and Workforce Development of \$1,000,000 to effectuate the purposes of the bill.

As amended and reported by the committee, Senate Bill No. 2796 (1R) is identical to Assembly Bill No. 4222 (1R), as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require a minor to update the minor's registration for any change in employer;

(2) require the employer to update the employer's registration for any change in a minor's position with the employer;

(3) delay the effective date until June 1, 2023 for all provisions of the bill except as to subsection b. of section 3 and as to section 4 of the bill, which remain as taking effect immediately;

(4) requiring the Department of Labor and Workforce Development to consult with the Department of Education in the implementation of rules and regulations for the provisions of the bill;

(5) change “parent or legal guardian” to “caregiver” and provide a definition for caregiver;

(6) require the minor’s caregiver to authorize the minor’s registration to work through the registration system; and

(7) add an appropriation to the Department of Labor and Workforce Development to effectuate the purposes of the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.

The OLS also estimates that the enactment of the bill may lead to an increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill.

The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions of the bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2796

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 5, 2022

SUMMARY

- Synopsis:** Expands working hours for minors; updates process for obtaining working papers for minors.
- Type of Impact:** Potential increase in Gross Income Tax collections in the Property Tax Relief Fund; potential increase in State revenue collections to Unemployment Insurance Compensation fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave account; potential increase in administrative State expenditures.
- Agencies Affected:** Departments of the Treasury and Labor and Workforce Development.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 and Thereafter</u>
State Cost Increase	Up to \$1 million	Indeterminate
State Revenue Increase	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.
- The OLS also estimates that the enactment of the bill may lead to an increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill.
- The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions

of the bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

BILL DESCRIPTION

This bill expands the hours working for minors. The bill makes permanent P.L.2021, c.149, which expanded summer working hours for minors between 16 and 18 years of age to up to 50 hours per week for the summer of 2021. The bill expands working hours for minors who are 14 years of age and 15 years of age to mirror federal laws for working minors.

The bill removes authority from school districts to issue working papers for minors and establishes a centralized database within the Department of Labor and Workforce Development for minors and employers to register with in order for minors to work. The registration is a one-time registration for minors and will be effective until the minor is no longer a minor. If the minor changes employment or take on additional employment, the minor will be required to update the minor's registration.

An employer that hires, employs, or permits any minor under the age of 18 to work is required to register under the bill.

The bill requires the department to provide caregivers with notice of the minor's registration, and it requires caregivers to authorize or reject a minor's registration to work.

The bill increases the amount of time a minor may work before a break is required from five hours to six hours.

The bill provides an appropriation from the General Fund to the Department of Labor and Workforce Development of \$1,000,000 to effectuate the purposes of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the enactment of this bill may result in an indeterminate annual increase in Gross Income Tax collections to the Property Tax Relief Fund, to the extent that the net taxable wages are not fully offset by the potential displacement of other workers.

The OLS also estimates that the enactment of the bill may lead to increase in payroll tax collections to the Unemployment Insurance Compensation Fund, Supplemental Workforce Fund for Basic Skills, Workforce Development Partnership Fund, and to State Disability Benefits Fund, including the Family Leave insurance account, given the increase in wages earned by minors under the bill. These programs are funded through payroll taxes, the rates of which are set annually and applied to that year's taxable wage base.

The OLS notes that the bill may result in an annual indeterminate increase in State expenditures to the Department of Labor and Workforce Development tied to the requirement that the department establish and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under the provisions of the bill. The bill appropriates \$1 million from the General Fund to the Department of Labor and Workforce and Development for the purposes of the bill.

Section: Commerce, Labor and Industry

Analyst: Juan C. Rodriguez
Senior Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

07/5/2022

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A-1455wGR/S-1596 (Lopez, Dancer, DeAngelo/Beach) - Permits county clerk or register of deeds and mortgages to issue identification card to Gold Star Family member

ACS for A-3196/S-2349 (Caputo, Lampitt, Jasey, Jaffer/Turner, Diegnan) - Requires State Board of Education to administer New Jersey Graduation Proficiency Assessment as field test for class of 2023

A-4091/S-2729 (Swain, Conaway/Lagana, Singleton) - Makes County Option Hospital Fee Pilot Program permanent and expands definition of “participating county” under program

A-4214/S-2770 (Jaffer, Moen, Wimberly, Benson/Zwicker, Singleton) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for transportation infrastructure projects for FY2023; makes appropriation

A-4222/S-2796 (Freiman, Egan, Calabrese/Gopal, Lagana) - Expands working hours for minors; updates process for obtaining working papers for minors

A-4255/S-2870 (McKeon, Haider, Kennedy/Smith, Codey) - Revises law requiring registration with DEP of certain entities engaged in soil and fill recycling services