

34:2-21.8; 34:2-21.10; 34:2-21.59
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 **CHAPTER:** 162

NJSA: 34:2-21.8; 34:2-21.10; 34:2-21.59 (Modifies process for obtaining working certificates for minors.)

BILL NO: A4804 (Substituted for S3115 (1R))

SPONSOR(S) Downey, Joann and others

DATE INTRODUCED: 10/8/2020

COMMITTEE: **ASSEMBLY:** Commerce & Economic Development

SENATE: Labor

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/3/2021

SENATE: 6/3/2021

DATE OF APPROVAL: 7/7/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A4804

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: No

S3115 (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: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2021, CHAPTER 162, *approved July 7, 2021*
Assembly, No. 4804 (*First Reprint*)

1 AN ACT concerning working certificates for minors and amending
2 P.L.1940, c.153.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to
8 read as follows:

9 8. **[The]** a. Except as provided in subsection b. of this
10 section, the issuing officer shall issue such certificates only upon
11 the application in person of the minor desiring employment, and
12 after having approved and filed the following papers:

13 (1) A promise of employment signed by the prospective
14 employer or by someone duly authorized by him, setting forth the
15 specific nature of the occupation in which he intends to employ
16 such minor, the wage to be paid such minor, and the number of
17 hours per day and days per week which said minor shall be
18 employed.

19 (2) Evidence of age showing that the minor is of the age
20 required by this act, which evidence shall consist of one of the
21 following proofs of age and shall be required in the order herein
22 designated, as follows:

23 (a) A birth certificate or certified transcript thereof or a signed
24 statement of the recorded date and place of birth issued by a
25 registrar of vital statistics or other officer charged with the duty of
26 recording births, or

27 (b) A baptismal certificate or attested transcript thereof showing
28 the date and place of birth, and date and place of baptism of the
29 minor, or

30 (c) Other documentary evidence of age satisfactory to the
31 issuing officer, such as a bona fide contemporary record of the date
32 and place of the minor's birth kept in the Bible in which the records
33 of the births in the family of the minor are preserved, or a passport,
34 showing the age of the minor, or a certificate of arrival in the
35 United States, issued by **[the Office of Immigration and**
36 **Naturalization Services]** U.S. Citizenship and Immigration
37 Services, showing the age of the minor, or a life insurance policy,
38 provided that such other documentary evidence has been in
39 existence at least one year prior to the time it is offered as evidence,

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 SLA committee amendments adopted February 11, 2021.

1 and provided further that a school record of age or an affidavit of a
2 parent or guardian or other written statement of age shall not be
3 accepted, except as specified in paragraph (d) of this section.

4 (d) In the case none of the aforesaid proofs of age shall be
5 obtainable and only in such case, the issuing officer may accept the
6 school record or the school-census record of the age of the minor
7 together with the sworn statement of a parent or guardian as to the
8 age of the minor and also with a certificate signed by the physician
9 or advanced practice nurse authorized to sign the statements of
10 physical fitness required by this section, specifying what in his
11 opinion is the physical age of the minor. Such certificates shall
12 show the height and weight of the minor and other facts concerning
13 his physical development which were revealed by such examination
14 and upon which the opinion of the physician or advanced practice
15 nurse is based as to the physical age of the minor. If the school or
16 school-census record of age is not obtainable, the sworn statement
17 of the minor's parent or guardian, certifying to the name, date and
18 place of birth of the minor, together with a physician's or advanced
19 practice nurse's certificate of age as hereinbefore specified, may be
20 accepted as evidence of age. The issuing officer shall administer
21 said sworn statement.

22 The issuing officer shall, in issuing a certificate for a minor,
23 require the evidence of age specified in paragraph (a) of this section
24 in preference to that specified in paragraphs (b), (c) and (d) of this
25 section and shall not accept the evidence of age permitted by any
26 subsequent paragraph unless he shall receive and file evidence that
27 the evidence of age required by the preceding paragraph or
28 paragraphs cannot be obtained.

29 (3) A statement of physical fitness, signed by a medical
30 inspector employed by the applicable board of education, or any
31 other physician licensed to practice medicine and surgery, or
32 advanced practice nurse, setting forth that such minor has been
33 thoroughly examined by such medical inspector, or such other
34 physician licensed to practice medicine and surgery, or advanced
35 practice nurse, that he either is physically fit for employment in
36 occupations permitted for persons under 18 years of age, or is
37 physically fit to be employed under certain limitations, specified in
38 the statement. If the statement of physical fitness is limited, the
39 employment certificate issued thereon shall state clearly the
40 limitations upon its use, and shall be valid only when used under
41 the limitations so stated. The method of making such examinations
42 shall be prescribed jointly by the Commissioner of Education and
43 the State Department of Health **【and Senior Services】**; provided,
44 however, no minor shall be required to submit to a physical
45 examination, whose parent or guardian objects thereto in writing on

1 the grounds such examination is contrary to his religious beliefs and
2 practices.

3 (4) A school record signed by the principal of the school which
4 the minor has last attended or by someone duly authorized by him,
5 giving the full name, date of birth, grade last completed, and
6 residence of the minor, provided, that in the case of a vacation
7 certificate issued for work before or after school hours, such record
8 shall also state that the child is a regular attendant at school, and in
9 the opinion of the principal may perform such work without
10 impairment of his progress in school, but such principal's statement
11 shall not be required for the issuance of a vacation certificate for
12 work during regular school vacations.

13 b. (1) During a state of emergency or public health emergency,
14 requiring the personal appearance of the minor, and, under certain
15 circumstances, the minor's parent or guardian, before the school
16 district issuing officer in order to apply for or sign employment
17 certificates may be satisfied through the use of audio-visual
18 technology.

19 (2) Each public school district shall develop and implement
20 procedures¹ with respect to employment certificates issued during a
21 state of emergency or public health emergency¹ to satisfy the
22 statutory requirements without requiring in-person contact between
23 the school district issuing official and the minor, under the
24 following conditions:

25 (a) During the application process, the child and the school
26 district issuing officer may transmit a single copy of all required
27 documentation by way of electronic transmission, fax, or any other
28 means of transfer of documents developed by the school district that
29 avoids in-person contact, is secure, and maintains the
30 confidentiality of the documents;

31 (b) The video conference shall be live and must allow for
32 interaction between the child and the school district issuing officer,
33 and when applicable, the parent or guardian. During the video
34 conference, the child shall verify his or her identity, authenticate the
35 documents submitted, and sign the application, in a way that is
36 visible and audible to the school district issuing officer; ¹[and]¹

37 (c) Following the video conference, the child shall transmit the
38 signed certificate, by electronic or other means as determined by the
39 school district, to the issuing officer, who shall make the requisite
40 copies and distribute the original and copies as required by this
41 section¹; and

42 (d) The school district shall be responsible for performing the
43 physical examination at no cost to a student's parents or guardians,
44 except that the parent or guardian may have the student examined at
45 their own expense by a physician of their own choosing. A school
46 physical, including a sports physical, while at a high school shall be

1 valid for the entire time that the student is enrolled at the high
2 school, unless the school district policy specifies more frequent
3 physicals¹.

4 (3) If the state of emergency does not apply to the entire State, a
5 minor shall be regarded as a covered minor under this section only
6 if the minor resides in the area subject to the state of emergency.

7 c. As used in this section:

8 “Public health emergency” means an occurrence or imminent
9 threat of an illness or health condition, caused by bioterrorism,
10 epidemic or pandemic disease, or a novel and highly fatal infectious
11 agent or biological toxin, that poses a substantial risk of a
12 significant number of human fatalities or incidents or permanent or
13 long-term disability, and which has been declared a public health
14 emergency by the Governor.

15 “State of emergency” means a natural or human-made disaster or
16 emergency, including an epidemic or other health emergency, for
17 which a state of emergency has been declared by the President of
18 the United States, the Governor, a municipal emergency
19 management coordinator, or other public authority permitted by law
20 to declare a state of emergency.

21 (cf: P.L.2004, c.168, s.1)

22

23 2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to
24 read as follows:

25 10. a. An employment certificate shall state the name, sex,
26 color, date and place of birth, residence, color of hair and eyes,
27 height, weight, any distinguishing facial marks of the child--the
28 employer's name, address and type of business, the occupation of
29 the child, the kind of proof of age submitted, the grade completed,
30 physician's approval and the name and address of parent. **【Every】**
31 Except as provided in subsection b. of this section, every such
32 certificate shall be signed in the presence of the issuing officer by
33 the child in whose name it is issued.

34 b. During a state of emergency or public health emergency,
35 requiring the personal appearance of the minor, and, under certain
36 circumstances, the minor’s parent or guardian, before the school
37 district issuing officer in order to apply for or sign employment
38 certificates may be satisfied through the use of audio-visual
39 technology.

40 If the state of emergency does not apply to the entire State, a
41 minor shall be regarded as a covered minor under this section only
42 if the minor resides in the area subject to the state of emergency.

43 c. As used in this section:

44 “Public health emergency” means an occurrence or imminent
45 threat of an illness or health condition, caused by bioterrorism,
46 epidemic or pandemic disease, or a novel and highly fatal infectious

1 agent or biological toxin, that poses a substantial risk of a
2 significant number of human fatalities or incidents or permanent or
3 long-term disability, and which has been declared a public health
4 emergency by the Governor.

5 "State of emergency" means a natural or human-made disaster or
6 emergency, including an epidemic or other health emergency, for
7 which a state of emergency has been declared by the President of
8 the United States, the Governor, a municipal emergency
9 management coordinator, or other public authority permitted by law
10 to declare a state of emergency.

11 (cf: P.L.1940, c.153, s.10)

12

13 ¹3. Section 3 of P.L.1962, c. 91 (C.34:2-21.59) is amended to
14 read as follows

15 a. Upon application of an employer, bearing the endorsed
16 approval of a parent or guardian of the minor a permit authorizing
17 employment of the minor in a theatrical production may be
18 issued if:

19 (a) The minor is in good health and will not likely be
20 endangered by the working conditions of the prospective
21 employment as certified by a currently issued statement of a
22 licensed physician based upon a physical examination which, for
23 minors under 8 years of age, includes a visual acuity screening if
24 practicable;

25 (b) The place of employment is approved by the Department of
26 Labor and the period for which the permit is desired is not in excess
27 of 3 months;

28 (c) The minor is not attending public school and the application
29 is for a period other than during the school summer vacation period,
30 that he is receiving equivalent instruction approved by the
31 Department of Education or by the state or county of his residence
32 if he be a nonresident of New Jersey;

33 (d) The proposed employment will not exceed two shows or
34 productions in a day or a total of eight shows or productions in any
35 week where the professional employment is reasonably separable
36 into discrete shows or productions; that the employment will not
37 be for more than 6 days in any week, 5 hours in any day or a total
38 of 24 hours, including rehearsal time, in any week and that the
39 minor will not be employed before 7:00 a.m. or after 11:30 p.m. and
40 that school and theatrical performance time shall not exceed 8
41 hours in any 1 day and that the combined time spent on a set or on
42 call and performance time shall not exceed a total of eight hours in
43 any one day;

44 (e) The employment does not involve a type of prohibited
45 performance as hereinafter defined; and

1 (f) The minor will be under the direct care and supervision of an
2 adult who is a parent, guardian or a representative of the employer,
3 named in the application, at all times during his employment or
4 while living away from home when required as an incident of such
5 employment.

6 b. A permit or certificate, as the case may be, may be issued by
7 the issuing officer or by the Commissioner of Labor in cases
8 involving a significant contribution to the development of the
9 motion picture industry in the State as determined by the Motion
10 Picture and Television Development Commission. In such cases,
11 the commissioner shall also have the authority to alter or amend the
12 hours of the day but not the total hours in the day during which a
13 minor may work as set forth in paragraph (d), subsection a. of this
14 section, if such alteration or amendment will not foreseeably impair
15 the educational instruction, supervision, health and welfare of the
16 minor, and such an alteration or amendment is necessary for good
17 reasons shown by the employer. The commissioner shall set forth
18 the terms of any alteration or amendment in the permit or
19 certificate.

20 c. During a state of emergency or public health emergency, any
21 aspect of the authorization requiring the personal appearance of the
22 minor or the minor's parent or guardian may be satisfied through
23 the use of audio-visual technology in a manner consistent with the
24 provisions of subsection b. of section 8 of P.L.1940, c.153 (C.34:2-
25 21.8).¹

26 (cf: P.L.1981, c.331, s.5)

27

28 ¹**[3.] 4.**¹ This act shall take effect immediately.

29

30

31

32

33

Modifies process for obtaining working certificates for minors.

CHAPTER 162

AN ACT concerning working certificates for minors and amending P.L.1940, c.153.

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

1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read as follows:

C.34:2-21.8 Issuance of certificates; prerequisites.

8. a. Except as provided in subsection b. of this section, the issuing officer shall issue such certificates only upon the application in person of the minor desiring employment, and after having approved and filed the following papers:

(1) A promise of employment signed by the prospective employer or by someone duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, the wage to be paid such minor, and the number of hours per day and days per week which said minor shall be employed.

(2) Evidence of age showing that the minor is of the age required by this act, which evidence shall consist of one of the following proofs of age and shall be required in the order herein designated, as follows:

(a) A birth certificate or certified transcript thereof or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A baptismal certificate or attested transcript thereof showing the date and place of birth, and date and place of baptism of the minor, or

(c) Other documentary evidence of age satisfactory to the issuing officer, such as a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or a passport, showing the age of the minor, or a certificate of arrival in the United States, issued by U.S. Citizenship and Immigration Services, showing the age of the minor, or a life insurance policy, provided that such other documentary evidence has been in existence at least one year prior to the time it is offered as evidence, and provided further that a school record of age or an affidavit of a parent or guardian or other written statement of age shall not be accepted, except as specified in paragraph (d) of this section.

(d) In the case none of the aforesaid proofs of age shall be obtainable and only in such case, the issuing officer may accept the school record or the school-census record of the age of the minor together with the sworn statement of a parent or guardian as to the age of the minor and also with a certificate signed by the physician or advanced practice nurse authorized to sign the statements of physical fitness required by this section, specifying what in his opinion is the physical age of the minor. Such certificates shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician or advanced practice nurse is based as to the physical age of the minor. If the school or school-census record of age is not obtainable, the sworn statement of the minor's parent or guardian, certifying to the name, date and place of birth of the minor, together with a physician's or advanced practice nurse's certificate of age as hereinbefore specified, may be accepted as evidence of age. The issuing officer shall administer said sworn statement.

The issuing officer shall, in issuing a certificate for a minor, require the evidence of age specified in paragraph (a) of this section in preference to that specified in paragraphs (b), (c)

and (d) of this section and shall not accept the evidence of age permitted by any subsequent paragraph unless he shall receive and file evidence that the evidence of age required by the preceding paragraph or paragraphs cannot be obtained.

(3) A statement of physical fitness, signed by a medical inspector employed by the applicable board of education, or any other physician licensed to practice medicine and surgery, or advanced practice nurse, setting forth that such minor has been thoroughly examined by such medical inspector, or such other physician licensed to practice medicine and surgery, or advanced practice nurse, that he either is physically fit for employment in occupations permitted for persons under 18 years of age, or is physically fit to be employed under certain limitations, specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. The method of making such examinations shall be prescribed jointly by the Commissioner of Education and the State Department of Health; provided, however, no minor shall be required to submit to a physical examination, whose parent or guardian objects thereto in writing on the grounds such examination is contrary to his religious beliefs and practices.

(4) A school record signed by the principal of the school which the minor has last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, and residence of the minor, provided, that in the case of a vacation certificate issued for work before or after school hours, such record shall also state that the child is a regular attendant at school, and in the opinion of the principal may perform such work without impairment of his progress in school, but such principal's statement shall not be required for the issuance of a vacation certificate for work during regular school vacations.

b. (1) During a state of emergency or public health emergency, requiring the personal appearance of the minor, and, under certain circumstances, the minor's parent or guardian, before the school district issuing officer in order to apply for or sign employment certificates may be satisfied through the use of audio-visual technology.

(2) Each public school district shall develop and implement procedures with respect to employment certificates issued during a state of emergency or public health emergency to satisfy the statutory requirements without requiring in-person contact between the school district issuing official and the minor, under the following conditions:

(a) During the application process, the child and the school district issuing officer may transmit a single copy of all required documentation by way of electronic transmission, fax, or any other means of transfer of documents developed by the school district that avoids in-person contact, is secure, and maintains the confidentiality of the documents;

(b) The video conference shall be live and must allow for interaction between the child and the school district issuing officer, and when applicable, the parent or guardian. During the video conference, the child shall verify his or her identity, authenticate the documents submitted, and sign the application, in a way that is visible and audible to the school district issuing officer;

(c) Following the video conference, the child shall transmit the signed certificate, by electronic or other means as determined by the school district, to the issuing officer, who shall make the requisite copies and distribute the original and copies as required by this section; and

(d) The school district shall be responsible for performing the physical examination at no cost to a student's parents or guardians, except that the parent or guardian may have the student examined at their own expense by a physician of their own choosing. A school

physical, including a sports physical, while at a high school shall be valid for the entire time that the student is enrolled at the high school, unless the school district policy specifies more frequent physicals.

(3) If the state of emergency does not apply to the entire State, a minor shall be regarded as a covered minor under this section only if the minor resides in the area subject to the state of emergency.

c. As used in this section:

“Public health emergency” means an occurrence or imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or a novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability, and which has been declared a public health emergency by the Governor.

“State of emergency” means a natural or human-made disaster or emergency, including an epidemic or other health emergency, for which a state of emergency has been declared by the President of the United States, the Governor, a municipal emergency management coordinator, or other public authority permitted by law to declare a state of emergency.

2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to read as follows:

C.34:2-21.10 Employment certificate; contents.

10. a. An employment certificate shall state the name, sex, color, date and place of birth, residence, color of hair and eyes, height, weight, any distinguishing facial marks of the child-the employer's name, address and type of business, the occupation of the child, the kind of proof of age submitted, the grade completed, physician's approval and the name and address of parent. Except as provided in subsection b. of this section, every such certificate shall be signed in the presence of the issuing officer by the child in whose name it is issued.

b. During a state of emergency or public health emergency, requiring the personal appearance of the minor, and, under certain circumstances, the minor's parent or guardian, before the school district issuing officer in order to apply for or sign employment certificates may be satisfied through the use of audio-visual technology.

If the state of emergency does not apply to the entire State, a minor shall be regarded as a covered minor under this section only if the minor resides in the area subject to the state of emergency.

c. As used in this section:

“Public health emergency” means an occurrence or imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or a novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability, and which has been declared a public health emergency by the Governor.

“State of emergency” means a natural or human-made disaster or emergency, including an epidemic or other health emergency, for which a state of emergency has been declared by the President of the United States, the Governor, a municipal emergency management coordinator, or other public authority permitted by law to declare a state of emergency.

3. Section 3 of P.L.1962, c.91 (C.34:2-21.59) is amended to read as follows

C.34:2-21.59 Permit; grounds for issuance.

3. a. Upon application of an employer, bearing the endorsed approval of a parent or guardian of the minor a permit authorizing employment of the minor in a theatrical production may be issued if:

(a) The minor is in good health and will not likely be endangered by the working conditions of the prospective employment as certified by a currently issued statement of a licensed physician based upon a physical examination which, for minors under 8 years of age, includes a visual acuity screening if practicable;

(b) The place of employment is approved by the Department of Labor and the period for which the permit is desired is not in excess of 3 months;

(c) The minor is not attending public school and the application is for a period other than during the school summer vacation period, that he is receiving equivalent instruction approved by the Department of Education or by the state or county of his residence if he is a nonresident of New Jersey;

(d) The proposed employment will not exceed two shows or productions in a day or a total of eight shows or productions in any week where the professional employment is reasonably separable into discrete shows or productions; that the employment will not be for more than 6 days in any week, 5 hours in any day or a total of 24 hours, including rehearsal time, in any week and that the minor will not be employed before 7:00 a.m. or after 11:30 p.m. and that school and theatrical performance time shall not exceed 8 hours in any 1 day and that the combined time spent on a set or on call and performance time shall not exceed a total of eight hours in any one day;

(e) The employment does not involve a type of prohibited performance as hereinafter defined; and

(f) The minor will be under the direct care and supervision of an adult who is a parent, guardian or a representative of the employer, named in the application, at all times during his employment or while living away from home when required as an incident of such employment.

b. A permit or certificate, as the case may be, may be issued by the issuing officer or by the Commissioner of Labor in cases involving a significant contribution to the development of the motion picture industry in the State as determined by the Motion Picture and Television Development Commission. In such cases, the commissioner shall also have the authority to alter or amend the hours of the day but not the total hours in the day during which a minor may work as set forth in paragraph (d), subsection a. of this section, if such alteration or amendment will not foreseeably impair the educational instruction, supervision, health and welfare of the minor, and such an alteration or amendment is necessary for good reasons shown by the employer. The commissioner shall set forth the terms of any alteration or amendment in the permit or certificate.

c. During a state of emergency or public health emergency, any aspect of the authorization requiring the personal appearance of the minor or the minor's parent or guardian may be satisfied through the use of audio-visual technology in a manner consistent with the provisions of subsection b. of section 8 of P.L.1940, c.153 (C.34:2-21.8).

4. This act shall take effect immediately.

Approved July 7, 2021.

ASSEMBLY, No. 4804

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblyman Wimberly, Assemblywomen Carter and Murphy

SYNOPSIS

Modifies process for obtaining working certificates for minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2020)

A4804 DOWNEY, HOUGHTALING

2

1 AN ACT concerning working certificates for minors and amending
2 P.L.1940, c.153.

3

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

6

7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read
8 as follows:

9 8. **【The】** a. Except as provided in subsection b. of this section,
10 the issuing officer shall issue such certificates only upon the
11 application in person of the minor desiring employment, and after
12 having approved and filed the following papers:

13 (1) A promise of employment signed by the prospective employer
14 or by someone duly authorized by him, setting forth the specific
15 nature of the occupation in which he intends to employ such minor,
16 the wage to be paid such minor, and the number of hours per day and
17 days per week which said minor shall be employed.

18 (2) Evidence of age showing that the minor is of the age required
19 by this act, which evidence shall consist of one of the following
20 proofs of age and shall be required in the order herein designated, as
21 follows:

22 (a) A birth certificate or certified transcript thereof or a signed
23 statement of the recorded date and place of birth issued by a registrar
24 of vital statistics or other officer charged with the duty of recording
25 births, or

26 (b) A baptismal certificate or attested transcript thereof showing
27 the date and place of birth, and date and place of baptism of the
28 minor, or

29 (c) Other documentary evidence of age satisfactory to the issuing
30 officer, such as a bona fide contemporary record of the date and place
31 of the minor's birth kept in the Bible in which the records of the births
32 in the family of the minor are preserved, or a passport, showing the
33 age of the minor, or a certificate of arrival in the United States, issued
34 by **【the Office of Immigration and Naturalization Services】** U.S.
35 Citizenship and Immigration Services, showing the age of the minor,
36 or a life insurance policy, provided that such other documentary
37 evidence has been in existence at least one year prior to the time it is
38 offered as evidence, and provided further that a school record of age
39 or an affidavit of a parent or guardian or other written statement of
40 age shall not be accepted, except as specified in paragraph (d) of this
41 section.

42 (d) In the case none of the aforesaid proofs of age shall be
43 obtainable and only in such case, the issuing officer may accept the
44 school record or the school-census record of the age of the minor
45 together with the sworn statement of a parent or guardian as to the

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 age of the minor and also with a certificate signed by the physician
2 or advanced practice nurse authorized to sign the statements of
3 physical fitness required by this section, specifying what in his
4 opinion is the physical age of the minor. Such certificates shall show
5 the height and weight of the minor and other facts concerning his
6 physical development which were revealed by such examination and
7 upon which the opinion of the physician or advanced practice nurse
8 is based as to the physical age of the minor. If the school or school-
9 census record of age is not obtainable, the sworn statement of the
10 minor's parent or guardian, certifying to the name, date and place of
11 birth of the minor, together with a physician's or advanced practice
12 nurse's certificate of age as hereinbefore specified, may be accepted
13 as evidence of age. The issuing officer shall administer said sworn
14 statement.

15 The issuing officer shall, in issuing a certificate for a minor,
16 require the evidence of age specified in paragraph (a) of this section
17 in preference to that specified in paragraphs (b), (c) and (d) of this
18 section and shall not accept the evidence of age permitted by any
19 subsequent paragraph unless he shall receive and file evidence that
20 the evidence of age required by the preceding paragraph or
21 paragraphs cannot be obtained.

22 (3) A statement of physical fitness, signed by a medical inspector
23 employed by the applicable board of education, or any other
24 physician licensed to practice medicine and surgery, or advanced
25 practice nurse, setting forth that such minor has been thoroughly
26 examined by such medical inspector, or such other physician licensed
27 to practice medicine and surgery, or advanced practice nurse, that he
28 either is physically fit for employment in occupations permitted for
29 persons under 18 years of age, or is physically fit to be employed
30 under certain limitations, specified in the statement. If the statement
31 of physical fitness is limited, the employment certificate issued
32 thereon shall state clearly the limitations upon its use, and shall be
33 valid only when used under the limitations so stated. The method of
34 making such examinations shall be prescribed jointly by the
35 Commissioner of Education and the State Department of Health [and
36 Senior Services]; provided, however, no minor shall be required to
37 submit to a physical examination, whose parent or guardian objects
38 thereto in writing on the grounds such examination is contrary to his
39 religious beliefs and practices.

40 (4) A school record signed by the principal of the school which
41 the minor has last attended or by someone duly authorized by him,
42 giving the full name, date of birth, grade last completed, and
43 residence of the minor, provided, that in the case of a vacation
44 certificate issued for work before or after school hours, such record
45 shall also state that the child is a regular attendant at school, and in
46 the opinion of the principal may perform such work without
47 impairment of his progress in school, but such principal's statement
48 shall not be required for the issuance of a vacation certificate for
49 work during regular school vacations.

1 b. (1) During a state of emergency or public health emergency,
2 requiring the personal appearance of the minor, and, under certain
3 circumstances, the minor's parent or guardian, before the school
4 district issuing officer in order to apply for or sign employment
5 certificates may be satisfied through the use of audio-visual
6 technology.

7 (2) Each public school district shall develop and implement
8 procedures to satisfy the statutory requirements without requiring in-
9 person contact between the school district issuing official and the
10 minor, under the following conditions:

11 (a) During the application process, the child and the school
12 district issuing officer may transmit a single copy of all required
13 documentation by way of electronic transmission, fax, or any other
14 means of transfer of documents developed by the school district that
15 avoids in-person contact, is secure, and maintains the confidentiality
16 of the documents;

17 (b) The video conference shall be live and must allow for
18 interaction between the child and the school district issuing officer,
19 and when applicable, the parent or guardian. During the video
20 conference, the child shall verify his or her identity, authenticate the
21 documents submitted, and sign the application, in a way that is visible
22 and audible to the school district issuing officer; and

23 (c) Following the video conference, the child shall transmit the
24 signed certificate, by electronic or other means as determined by the
25 school district, to the issuing officer, who shall make the requisite
26 copies and distribute the original and copies as required by this
27 section.

28 (3) If the state of emergency does not apply to the entire State, a
29 minor shall be regarded as a covered minor under this section only if
30 the minor resides in the area subject to the state of emergency.

31 c. As used in this section:

32 "Public health emergency" means an occurrence or imminent
33 threat of an illness or health condition, caused by bioterrorism,
34 epidemic or pandemic disease, or a novel and highly fatal infectious
35 agent or biological toxin, that poses a substantial risk of a significant
36 number of human fatalities or incidents or permanent or long-term
37 disability, and which has been declared a public health emergency by
38 the Governor.

39 "State of emergency" means a natural or human-made disaster or
40 emergency, including an epidemic or other health emergency, for
41 which a state of emergency has been declared by the President of the
42 United States, the Governor, a municipal emergency management
43 coordinator, or other public authority permitted by law to declare a
44 state of emergency.

45 (cf: P.L.2004, c.168, s.1)

46
47 2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to
48 read as follows:

1 10. a. An employment certificate shall state the name, sex, color,
2 date and place of birth, residence, color of hair and eyes, height,
3 weight, any distinguishing facial marks of the child--the employer's
4 name, address and type of business, the occupation of the child, the
5 kind of proof of age submitted, the grade completed, physician's
6 approval and the name and address of parent. **【Every】** Except as
7 provided in subsection b. of this section, every such certificate shall
8 be signed in the presence of the issuing officer by the child in whose
9 name it is issued.

10 b. During a state of emergency or public health emergency,
11 requiring the personal appearance of the minor, and, under certain
12 circumstances, the minor's parent or guardian, before the school
13 district issuing officer in order to apply for or sign employment
14 certificates may be satisfied through the use of audio-visual
15 technology.

16 If the state of emergency does not apply to the entire State, a minor
17 shall be regarded as a covered minor under this section only if the
18 minor resides in the area subject to the state of emergency.

19 c. As used in this section:

20 "Public health emergency" means an occurrence or imminent
21 threat of an illness or health condition, caused by bioterrorism,
22 epidemic or pandemic disease, or a novel and highly fatal infectious
23 agent or biological toxin, that poses a substantial risk of a significant
24 number of human fatalities or incidents or permanent or long-term
25 disability, and which has been declared a public health emergency by
26 the Governor.

27 "State of emergency" means a natural or human-made disaster or
28 emergency, including an epidemic or other health emergency, for
29 which a state of emergency has been declared by the President of the
30 United States, the Governor, a municipal emergency management
31 coordinator, or other public authority permitted by law to declare a
32 state of emergency.

33 (cf: P.L.1940, c.153, s.10)

34

35 3. This act shall take effect immediately.

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STATEMENT

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40 This bill provides that in a state of emergency or public health
41 emergency, the requirement for physical presence for a minor to
42 obtain working papers is waived. Instead, the requirement may be
43 fulfilled through the use of audio-visual technology. The school
44 district shall develop a process for documentation to be transferred
45 electronically, and for a live video conference to be conducted. If the
46 state of emergency does not apply to the entire State, a minor shall
47 be regarded as covered only if the minor resides in the area subject
48 to the state of emergency.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4804

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2020

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 4804.

This bill would establish a process to enable minors to obtain working papers during a state of emergency or public health emergency without requiring the minor to be physically present before the issuing officer. Under the bill, the current requirement for a minor to be physically present would be relaxed during a declared emergency by allowing for the use of audio-visual technology. The bill would require a school district to develop a process for documentation to be transferred electronically, and for a live video conference to be conducted. Under the bill, if a state of emergency does not apply to the entire State, a minor would be covered by the bill's provisions if the minor resides in the area that is subject to the state of emergency.

SENATE LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4804

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

The Senate Labor Committee reports favorably, with committee amendments, Assembly Bill No. 4804.

This bill provides that in a state of emergency or public health emergency, the requirement for physical presence for a minor to obtain working papers is waived. Instead, the requirement may be fulfilled through the use of audio-visual technology. The school district shall develop a process for documentation to be transferred electronically, and for a live video conference to be conducted. If the state of emergency does not apply to the entire State, a minor shall be regarded as covered only if the minor resides in the area subject to the state of emergency.

The amendments adopted by the committee:

1. Provide that all changes made by the bill apply only during the emergencies;
2. Prohibit a school district from charging for physical for the working papers;
3. Provide that a physical performed while at a high school is valid for the entire time that the student is enrolled at the school, unless school district policy specifies more frequent physicals.
4. Extend the provisions of the bill to apply to working papers for theatrical employment.

SENATE, No. 3115

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senators Diegnan, A.M.Bucco and Testa

SYNOPSIS

Modifies process for obtaining working certificates for minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/2021)

1 AN ACT concerning working certificates for minors and amending
2 P.L.1940, c.153.

3

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

6

7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to
8 read as follows:

9 8. **【The】** a. Except as provided in subsection b. of this section,
10 the issuing officer shall issue such certificates only upon the
11 application in person of the minor desiring employment, and after
12 having approved and filed the following papers:

13 (1) A promise of employment signed by the prospective
14 employer or by someone duly authorized by him, setting forth the
15 specific nature of the occupation in which he intends to employ
16 such minor, the wage to be paid such minor, and the number of
17 hours per day and days per week which said minor shall be
18 employed.

19 (2) Evidence of age showing that the minor is of the age
20 required by this act, which evidence shall consist of one of the
21 following proofs of age and shall be required in the order herein
22 designated, as follows:

23 (a) A birth certificate or certified transcript thereof or a signed
24 statement of the recorded date and place of birth issued by a
25 registrar of vital statistics or other officer charged with the duty of
26 recording births, or

27 (b) A baptismal certificate or attested transcript thereof showing
28 the date and place of birth, and date and place of baptism of the
29 minor, or

30 (c) Other documentary evidence of age satisfactory to the
31 issuing officer, such as a bona fide contemporary record of the date
32 and place of the minor's birth kept in the Bible in which the records
33 of the births in the family of the minor are preserved, or a passport,
34 showing the age of the minor, or a certificate of arrival in the
35 United States, issued by **【the Office of Immigration and**
36 **Naturalization Services】** U.S. Citizenship and Immigration
37 Services, showing the age of the minor, or a life insurance policy,
38 provided that such other documentary evidence has been in
39 existence at least one year prior to the time it is offered as evidence,
40 and provided further that a school record of age or an affidavit of a
41 parent or guardian or other written statement of age shall not be
42 accepted, except as specified in paragraph (d) of this section.

43 (d) In the case none of the aforesaid proofs of age shall be
44 obtainable and only in such case, the issuing officer may accept the
45 school record or the school-census record of the age of the minor

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 together with the sworn statement of a parent or guardian as to the
2 age of the minor and also with a certificate signed by the physician
3 or advanced practice nurse authorized to sign the statements of
4 physical fitness required by this section, specifying what in his
5 opinion is the physical age of the minor. Such certificates shall
6 show the height and weight of the minor and other facts concerning
7 his physical development which were revealed by such examination
8 and upon which the opinion of the physician or advanced practice
9 nurse is based as to the physical age of the minor. If the school or
10 school-census record of age is not obtainable, the sworn statement
11 of the minor's parent or guardian, certifying to the name, date and
12 place of birth of the minor, together with a physician's or advanced
13 practice nurse's certificate of age as hereinbefore specified, may be
14 accepted as evidence of age. The issuing officer shall administer
15 said sworn statement.

16 The issuing officer shall, in issuing a certificate for a minor,
17 require the evidence of age specified in paragraph (a) of this section
18 in preference to that specified in paragraphs (b), (c) and (d) of this
19 section and shall not accept the evidence of age permitted by any
20 subsequent paragraph unless he shall receive and file evidence that
21 the evidence of age required by the preceding paragraph or
22 paragraphs cannot be obtained.

23 (3) A statement of physical fitness, signed by a medical
24 inspector employed by the applicable board of education, or any
25 other physician licensed to practice medicine and surgery, or
26 advanced practice nurse, setting forth that such minor has been
27 thoroughly examined by such medical inspector, or such other
28 physician licensed to practice medicine and surgery, or advanced
29 practice nurse, that he either is physically fit for employment in
30 occupations permitted for persons under 18 years of age, or is
31 physically fit to be employed under certain limitations, specified in
32 the statement. If the statement of physical fitness is limited, the
33 employment certificate issued thereon shall state clearly the
34 limitations upon its use, and shall be valid only when used under
35 the limitations so stated. The method of making such examinations
36 shall be prescribed jointly by the Commissioner of Education and
37 the State Department of Health **【and Senior Services】**; provided,
38 however, no minor shall be required to submit to a physical
39 examination, whose parent or guardian objects thereto in writing on
40 the grounds such examination is contrary to his religious beliefs and
41 practices.

42 (4) A school record signed by the principal of the school which
43 the minor has last attended or by someone duly authorized by him,
44 giving the full name, date of birth, grade last completed, and
45 residence of the minor, provided, that in the case of a vacation
46 certificate issued for work before or after school hours, such record
47 shall also state that the child is a regular attendant at school, and in

1 the opinion of the principal may perform such work without
2 impairment of his progress in school, but such principal's statement
3 shall not be required for the issuance of a vacation certificate for
4 work during regular school vacations.

5 b. (1) During a state of emergency or public health emergency,
6 requiring the personal appearance of the minor, and, under certain
7 circumstances, the minor's parent or guardian, before the school
8 district issuing officer in order to apply for or sign employment
9 certificates may be satisfied through the use of audio-visual
10 technology.

11 (2) Each public school district shall develop and implement
12 procedures to satisfy the statutory requirements without requiring
13 in-person contact between the school district issuing official and the
14 minor, under the following conditions:

15 (a) During the application process, the child and the school
16 district issuing officer may transmit a single copy of all required
17 documentation by way of electronic transmission, fax, or any other
18 means of transfer of documents developed by the school district that
19 avoids in-person contact, is secure, and maintains the
20 confidentiality of the documents;

21 (b) The video conference shall be live and must allow for
22 interaction between the child and the school district issuing officer,
23 and when applicable, the parent or guardian. During the video
24 conference, the child shall verify his or her identity, authenticate the
25 documents submitted, and sign the application, in a way that is
26 visible and audible to the school district issuing officer; and

27 (c) Following the video conference, the child shall transmit the
28 signed certificate, by electronic or other means as determined by the
29 school district, to the issuing officer, who shall make the requisite
30 copies and distribute the original and copies as required by this
31 section.

32 (3) If the state of emergency does not apply to the entire State, a
33 minor shall be regarded as a covered minor under this section only
34 if the minor resides in the area subject to the state of emergency.

35 c. As used in this section:

36 "Public health emergency" means an occurrence or imminent
37 threat of an illness or health condition, caused by bioterrorism,
38 epidemic or pandemic disease, or a novel and highly fatal infectious
39 agent or biological toxin, that poses a substantial risk of a
40 significant number of human fatalities or incidents or permanent or
41 long-term disability, and which has been declared a public health
42 emergency by the Governor.

43 "State of emergency" means a natural or human-made disaster or
44 emergency, including an epidemic or other health emergency, for
45 which a state of emergency has been declared by the President of
46 the United States, the Governor, a municipal emergency

1 management coordinator, or other public authority permitted by law
2 to declare a state of emergency.

3 (cf: P.L.2004, c.168, s.1)

4

5 2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to
6 read as follows:

7 10. a. An employment certificate shall state the name, sex,
8 color, date and place of birth, residence, color of hair and eyes,
9 height, weight, any distinguishing facial marks of the child--the
10 employer's name, address and type of business, the occupation of
11 the child, the kind of proof of age submitted, the grade completed,
12 physician's approval and the name and address of parent. **【Every】**
13 Except as provided in subsection b. of this section, every such
14 certificate shall be signed in the presence of the issuing officer by
15 the child in whose name it is issued.

16 b. During a state of emergency or public health emergency,
17 requiring the personal appearance of the minor, and, under certain
18 circumstances, the minor's parent or guardian, before the school
19 district issuing officer in order to apply for or sign employment
20 certificates may be satisfied through the use of audio-visual
21 technology.

22 If the state of emergency does not apply to the entire State, a
23 minor shall be regarded as a covered minor under this section only
24 if the minor resides in the area subject to the state of emergency.

25 c. As used in this section:

26 "Public health emergency" means an occurrence or imminent
27 threat of an illness or health condition, caused by bioterrorism,
28 epidemic or pandemic disease, or a novel and highly fatal infectious
29 agent or biological toxin, that poses a substantial risk of a
30 significant number of human fatalities or incidents or permanent or
31 long-term disability, and which has been declared a public health
32 emergency by the Governor.

33 "State of emergency" means a natural or human-made disaster or
34 emergency, including an epidemic or other health emergency, for
35 which a state of emergency has been declared by the President of
36 the United States, the Governor, a municipal emergency
37 management coordinator, or other public authority permitted by law
38 to declare a state of emergency.

39 (cf: P.L.1940, c.153, s.10)

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41 3. This act shall take effect immediately.

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STATEMENT

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46 This bill provides that in a state of emergency or public health
47 emergency, the requirement for physical presence for a minor to

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1 obtain working papers is waived. Instead, the requirement may be
2 fulfilled through the use of audio-visual technology. The school
3 district shall develop a process for documentation to be transferred
4 electronically, and for a live video conference to be conducted. If
5 the state of emergency does not apply to the entire State, a minor
6 shall be regarded as covered only if the minor resides in the area
7 subject to the state of emergency.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3115

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

The Senate Labor Committee reports favorably, with committee amendments, Senate Bill No. 3115.

This bill provides that in a state of emergency or public health emergency, the requirement for physical presence for a minor to obtain working papers is waived. Instead, the requirement may be fulfilled through the use of audio-visual technology. The school district shall develop a process for documentation to be transferred electronically, and for a live video conference to be conducted. If the state of emergency does not apply to the entire State, a minor shall be regarded as covered only if the minor resides in the area subject to the state of emergency.

The amendments adopted by the committee:

1. Provide that all changes made by the bill apply only during the emergencies;
2. Prohibit a school district from charging for physical for the working papers;
3. Provide that a physical performed while at a high school is valid for the entire time that the student is enrolled at the school, unless school district policy specifies more frequent physicals.
4. Extend the provisions of the bill to apply to working papers for theatrical employment.

Governor Murphy Takes Action on Legislation

07/7/2021

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

A-850 wGR/S-2864 (Chiaravalloti, Karabinchak, Reynolds-Jackson/Oroho, Singleton) – Establishes “Broadband Access Study Commission”

A-4804/S-3115 (Downey, Houghtaling, Speight/Gopal, Pou) – Modifies process for obtaining working certificates for minors

A-5825/S-3487 (Coughlin/Sweeney) – Changes effective date of Garden State Health Plan; exempts certain charter and renaissance schools from certain healthcare plan requirements; requires certain negotiations over certain health care costs