

[First Reprint]

ASSEMBLY, No. 4804

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

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District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Senator VIN GOPAL

District 11 (Monmouth)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblyman Wimberly, Assemblywomen Carter, Murphy, Senators
Diegnan, A.M.Bucco, Testa and Turner**

SYNOPSIS

Modifies process for obtaining working certificates for minors.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on February 11, 2021, with amendments.



(Sponsorship Updated As Of: 6/3/2021)

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
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,
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

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

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

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

43 (4) A school record signed by the principal of the school which
44 the minor has last attended or by someone duly authorized by him,
45 giving the full name, date of birth, grade last completed, and
46 residence of the minor, provided, that in the case of a vacation

1 certificate issued for work before or after school hours, such record
2 shall also state that the child is a regular attendant at school, and in
3 the opinion of the principal may perform such work without
4 impairment of his progress in school, but such principal's statement
5 shall not be required for the issuance of a vacation certificate for
6 work during regular school vacations.

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

13 (2) Each public school district shall develop and implement
14 procedures¹ with respect to employment certificates issued during a
15 state of emergency or public health emergency¹ to satisfy the
16 statutory requirements without requiring in-person contact between
17 the school district issuing official and the minor, under the
18 following conditions:

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

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

31 (c) Following the video conference, the child shall transmit the
32 signed certificate, by electronic or other means as determined by the
33 school district, to the issuing officer, who shall make the requisite
34 copies and distribute the original and copies as required by this
35 section¹; and

36 (d) The school district shall be responsible for performing the
37 physical examination at no cost to a student's parents or guardians,
38 except that the parent or guardian may have the student examined at
39 their own expense by a physician of their own choosing. A school
40 physical, including a sports physical, while at a high school shall be
41 valid for the entire time that the student is enrolled at the high
42 school, unless the school district policy specifies more frequent
43 physicals¹.

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

1 c. As used in this section:

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

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

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

16

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

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

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

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

37 c. As used in this section:

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

45 “State of emergency” means a natural or human-made disaster or
46 emergency, including an epidemic or other health emergency, for

1 which a state of emergency has been declared by the President of
2 the United States, the Governor, a municipal emergency
3 management coordinator, or other public authority permitted by law
4 to declare a state of emergency.

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

6
7 ¹3. Section 3 of P.L.1962, c. 91 (C.34:2-21.59) is amended to
8 read as follows

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

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

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

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

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

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

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

45 b. A permit or certificate, as the case may be, may be issued by
46 the issuing officer or by the Commissioner of Labor in cases

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

13 c. During a state of emergency or public health emergency, any
14 aspect of the authorization requiring the personal appearance of the
15 minor or the minor's parent or guardian may be satisfied through
16 the use of audio-visual technology in a manner consistent with the
17 provisions of subsection b. of section 8 of P.L.1940, c.153 (C.34:2-
18 21.8).¹

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

20

21 ¹**[3.] 4.**¹ This act shall take effect immediately.