

**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)

40  
41 3. This act shall take effect immediately.

#### 42 43 44 STATEMENT

45  
46 This bill provides that in a state of emergency or public health  
47 emergency, the requirement for physical presence for a minor to

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.