

[First Reprint]

**SENATE, No. 3115**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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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, 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 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 nature  
15 of the occupation in which he intends to employ such minor, the wage  
16 to be paid such minor, and the number of hours per day and days per  
17 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 proofs  
20 of age and shall be required in the order herein designated, as follows:

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

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

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

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

**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:

<sup>1</sup>Senate SLA committee amendments adopted February 11, 2021.

1 of the minor and also with a certificate signed by the physician or  
2 advanced practice nurse authorized to sign the statements of physical  
3 fitness required by this section, specifying what in his opinion is the  
4 physical age of the minor. Such certificates shall show the height and  
5 weight of the minor and other facts concerning his physical  
6 development which were revealed by such examination and upon  
7 which the opinion of the physician or advanced practice nurse is based  
8 as to the physical age of the minor. If the school or school-census  
9 record of age is not obtainable, the sworn statement of the minor's  
10 parent or guardian, certifying to the name, date and place of birth of  
11 the minor, together with a physician's or advanced practice nurse's  
12 certificate of age as hereinbefore specified, may be accepted as  
13 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 in  
17 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 the  
20 evidence of age required by the preceding paragraph or paragraphs  
21 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 physician  
24 licensed to practice medicine and surgery, or advanced practice nurse,  
25 setting forth that such minor has been thoroughly examined by such  
26 medical inspector, or such other physician licensed to practice  
27 medicine and surgery, or advanced practice nurse, that he either is  
28 physically fit for employment in occupations permitted for persons  
29 under 18 years of age, or is physically fit to be employed under certain  
30 limitations, specified in the statement. If the statement of physical  
31 fitness is limited, the employment certificate issued thereon shall state  
32 clearly the limitations upon its use, and shall be valid only when used  
33 under the limitations so stated. The method of making such  
34 examinations shall be prescribed jointly by the Commissioner of  
35 Education and the State Department of Health **[and Senior Services]**;  
36 provided, however, no minor shall be required to submit to a physical  
37 examination, whose parent or guardian objects thereto in writing on  
38 the grounds such examination is contrary to his religious beliefs and  
39 practices.

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

1 issuance of a vacation certificate for work during regular school  
2 vacations.

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

9 (2) Each public school district shall develop and implement  
10 procedures<sup>1</sup> with respect to employment certificates issued during a  
11 state of emergency or public health emergency<sup>1</sup> to satisfy the statutory  
12 requirements without requiring in-person contact between the school  
13 district issuing official and the minor, under the following conditions:

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

20 (b) The video conference shall be live and must allow for  
21 interaction between the child and the school district issuing officer,  
22 and when applicable, the parent or guardian. During the video  
23 conference, the child shall verify his or her identity, authenticate the  
24 documents submitted, and sign the application, in a way that is visible  
25 and audible to the school district issuing officer; <sup>1</sup>[and]<sup>1</sup>

26 (c) Following the video conference, the child shall transmit the  
27 signed certificate, by electronic or other means as determined by the  
28 school district, to the issuing officer, who shall make the requisite  
29 copies and distribute the original and copies as required by this  
30 section<sup>1</sup>; and

31 (d) The school district shall be responsible for performing the  
32 physical examination at no cost to a student's parents or guardians,  
33 except that the parent or guardian may have the student examined at  
34 their own expense by a physician of their own choosing. A school  
35 physical, including a sports physical, performed while at a high school  
36 shall be valid for the entire time that the student is enrolled at the high  
37 school, unless the school district policy specifies more frequent  
38 physicals<sup>1</sup>.

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

42 c. As used in this section:

43 "Public health emergency" means an occurrence or imminent  
44 threat of an illness or health condition, caused by bioterrorism,  
45 epidemic or pandemic disease, or a novel and highly fatal infectious  
46 agent or biological toxin, that poses a substantial risk of a significant  
47 number of human fatalities or incidents or permanent or long-term

1 disability, and which has been declared a public health emergency by  
2 the Governor.

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

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

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

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

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

28 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  
30 if 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  
36 significant number of human fatalities or incidents or permanent or  
37 long-term disability, and which has been declared a public health  
38 emergency by 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  
42 the United States, the Governor, a municipal emergency  
43 management coordinator, or other public authority permitted by law  
44 to declare a state of emergency.

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

1       <sup>1</sup>3. Section 3 of P.L.1962, c. 91 (C.34:2-21.59) is amended to  
2 read as follows

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

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

11       (b) The place of employment is approved by the Department of  
12 Labor and the period for which the permit is desired is not in excess of  
13 3 months;

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

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

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

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

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

1 employer. The commissioner shall set forth the terms of any  
2 alteration or amendment in the permit or certificate.

3 c. During a state of emergency or public health emergency, any  
4 aspect of the authorization requiring the personal appearance of the  
5 minor or the minor's parent or guardian may be satisfied through the  
6 use of audio-visual technology in a manner consistent with the  
7 provisions of subsection b. of section 8 of P.L.1940, c.153 (C.34:2-  
8 21.8).<sup>1</sup>

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

10

11 <sup>1</sup>**[3.]** 4.<sup>1</sup> This act shall take effect immediately.