

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**AN 2021-03 –NOTICE TO THE INDUSTRY REGARDING MINOR’S EMPLOYMENT
PERMITS AND BLANKET EMPLOYMENT PERMITS**

The Division of Alcoholic Beverage Control (the “Division”) is issuing this Advisory Notice to clarify existing law and regulations with respect to the employment of minors on a licensed premises. The Division’s regulations governing employment of minors can be found at N.J.A.C. 13:2-14.1 to -14.4. Under these regulations, no licensee shall employ a person under the age of 18 years to prepare, sell, serve, or solicit the sale of any alcoholic beverages. *See* N.J.A.C. 13:2-14.1.

However, a person under the **age of 18 years** may work in or upon a licensed premises (*not* preparing, selling, serving, or soliciting the sale of alcoholic beverages), provided they obtain a “minors” employment permit from the Director of the Division within 10 days from the commencement of employment. While this permit is generally required for persons under 18 working on a licensed premises, it is not required under **the following circumstances**:

1. Such person is working for a retail licensee operating in conjunction with a bona fide hotel¹ or public restaurant², or
2. Such person is working for a licensee that holds a blanket employment permit³ issued by the Director. [*See* N.J.A.C. 13:2-14.2(a).]

The Division interprets the exceptions in N.J.A.C. 13:2-14.2(a) to apply to the holders of Special Concessionaire Permittees (“SCPs”), who are operating in conjunction with a bona fide hotel or public restaurant. As set forth above, minors working at bona fide hotels or public restaurants operated by SCPs do not have to apply for individual minors permits. In addition, individual

¹ A bona fide hotel is a hotel or motel with 100 or more guest sleeping rooms. A holder of a hotel/motel license required by law to reduce the number of guest sleeping rooms may continue to hold the license if the hotel/motel has at least 75 sleeping rooms, has been in operation for at least 120 years in the same building, and is listed in the National Register of Historic Places. *See* N.J.S.A. 33:1-12.20.

² A restaurant is defined as an “establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining facilities equipped for the preparing, cooking and serving of food for its customers and in which no other business except such as is incidental to such establishment, is conducted.” *See* N.J.S.A. 33:1-1(t).

³ A blanket employment permit may be issued to a licensee to authorize the employment of persons disqualified by reason of age (e.g., under 18 years old) as caddies, pinsetters, temporary or seasonal employees, upon a showing of good cause. Additionally, the Division will continue its practice of issuing blanket employment permits to a licensee that is required to obtain minor employment permits. Persons covered under a licensee’s blanket employment permit need not hold or apply for individual employment permits. *See* N.J.A.C. 13:2-14.4(a).

minors employment permits are not required if a Special Concessionaire Permittee obtains a blanket employment permit for their staff under 18 years old.

The regulations establish additional exceptions to the above-referenced general rule. Specifically, workers under the age of 16 are not eligible for individual minors employment permits and licensees are not eligible for blanket employment permits unless:

1. The workers are employed as caddies, pinsetters or temporary or seasonal employees and the Director makes a determination to issue said permits upon a showing of good cause; and
2. The workers are employed by plenary or limited retail distribution licensees⁴. However, under no circumstance may a worker at a distribution licensee be under 15 years of age. *See* N.J.A.C. 13:1-14.3.

If either exception in N.J.A.C. 13:2-14.3 applies, the minor must apply for and obtain a minors employment permit or the employer must apply for and obtain a blanket employment permit.

While the Division has authorized minors employment permits and blanket employment permits under appropriate circumstances, all licensees are advised that they must follow all applicable child labor laws established by the New Jersey Department of Labor prior to employing minors.

Any questions concerning this Advisory Notice should be directed to DAG Jillian Mahoney at 609-376-9639.

Date: February 10, 2021



JAMES B. GRAZIANO
DIRECTOR

⁴ Minors employed by a plenary or limited retail distribution licensee are permitted to stock shelves and rotate stock, however they are not permitted to “check out” or “ring up” a customer that is purchasing alcohol. If a customer is not purchasing alcohol, the minor may “check out” or “ring up” the customer.