

CHAPTER 63

AN ACT concerning working hours for minors, amending and supplementing P.L.1940, c.153 (C.34:2-21.1 et seq.), and repealing sections 7 through 14 of P.L.1940, c.153.

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

1. Section 1 of P.L.1940, c.153 (C.34:2-21.1) is amended to read as follows:

C.34:2-21.1 Definitions.

1. (a) (Deleted by amendment, P.L.2022, c.63.)
 - (b) (Deleted by amendment, P.L.2022, c.63.)
 - (c) (Deleted by amendment, P.L.2022, c.63.)
 - (d) "School district" means any geographical area having authority over the public schools within that area.
 - (e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in subsection (g) of section 15 of the Agricultural Marketing Act, 46 Stat. 11 (12 U.S.C. s. 141 et seq.), as amended), the planting, transplanting and care of trees and shrubs and plants, the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, provided that such practices shall be performed in connection with the handling of agricultural or horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer.
 - (f) "Newspaper carrier" means any minor between 12 and 18 years of age who engages in the occupation of delivering, soliciting, selling and collecting for, newspapers outside of school hours on residential routes.
 - (g) "Restaurant" means any establishment or business primarily engaged in the preparation and serving of meals or refreshments, both food and drink, and shall include but not be limited to the following: dining establishments, catering establishments, industrial caterers, and drive-in restaurants.
 - (h) "Theatrical production" means and includes stage, motion picture and television performances and rehearsals therefor.
 - (i) "Seasonal amusement" means any exclusively recreational or amusement establishment or business which does not operate more than seven months in any calendar year or which has received during any consecutive six months of the preceding calendar year average receipts equal to or less than 33 1/3% percent of its average receipts for the other six months of that year. "Seasonal amusement" includes, but is not limited to, amusement rides and amusement device ticket sales, and operations of games. However, "seasonal amusement" does not include retail, eating or drinking concessions, camps, beach and swimming facilities, movie theatres, theatrical productions, athletic events, professional entertainment, pool and billiard parlors, circuses and outdoor shows, sport activities or centers, country club athletic facilities, bowling alleys, race tracks and like facilities which are not part of a diversified amusement enterprise.
- "Commissioner" means the Commissioner of Labor and Workforce Development.
- "Department" means the Department of Labor and Workforce Development.
- "Caregiver" means a person over 18 years of age who is the biological parent, adoptive parent, foster parent, resource family parent, step-parent, parent-in-law or legal guardian,

having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or who became the parent of the child pursuant to a valid written agreement between the parent and a gestational carrier.

2. Section 2 of P.L.1940, c.153 (C.34:2-21.2) is amended to read as follows:

C.34:2-21.2 Minors under 16 not to be employed; exceptions; nonresidents.

2. No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation at any time; provided, that minors between 14 and 16 years of age may be employed, permitted or suffered to work outside school hours and during school vacations but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law; and provided, further, that minors under 16 years of age may engage in professional employment in theatrical productions upon the obtaining of a permit therefor and may engage outside school hours and during school vacations in agricultural pursuits or in street trades and as newspaperboys as defined in this act, in accordance with the provisions of section 15 of this act. Minors may also engage in employment in domestic service performed outside of school hours or during school vacations, in a residence other than the minor's own home. Nothing in this act shall be construed to apply to the work of a minor engaged in domestic service or agricultural pursuits performed outside of school hours or during school vacations in connection with the minor's own home and directly for his parents or legal guardian.

Except as to the employment of a minor for whom a theatrical employment permit has been issued, no minor under 16 years of age not a resident of this State shall be employed, permitted or suffered to work in any occupation or service whatsoever at any time during which the law of the state of his residence required his attendance at school, or at any time during the hours when the public schools in the district in which employment in such occupation or services may be available are in session.

3. Section 3 of P.L.1940, c.153 (C.34:2-21.3) is amended to read as follows:

C.34:2-21.3 Limitations on minors' working hours.

3. a. Except as provided in section 15 of P.L.1940, c.153 (C.34:2-21.15) and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. of any day, except that during the school year, a minor who is at least 14 or 15 years of age may work during non-school hours, for no more than three hours on a school day and no more than 18 hours in a school week, and up to eight hours on a non-school day during a school week, and except a minor who is 14 or 15 years of age may work in a restaurant, supermarket or other retail establishment, or in any occupation not prohibited by the provisions of this act, P.L.1940, c.153 (C.34:2-21.1 et seq.) or by regulations promulgated by the commissioner pursuant to this act, P.L.1940, c.153 (C.34:2-21.1 et seq.), up to 40 hours in a week during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p.m. of any day, and except a minor who is 14 or 15 years of age may be employed as a little league umpire for little leagues chartered by Little League Baseball, Incorporated, until 9 p.m. of any

day; nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a.m. or after 11 p.m. of any day; provided that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular vacation season, and on days which do not precede a regularly scheduled school day; provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p.m. and following 12:01 a.m. of the next day, if that employment is a continuation of a workday which began before 11 p.m., either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, except that in no case shall minors between 16 and 18 years of age be employed after 3 a.m. or before 6 a.m. on a day which precedes a regularly scheduled school day; provided, further, that minors may be employed in a concert or a theatrical performance up to 11:30 p.m.; and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters, lane attendants, or busboys in public bowling alleys up to 11:30 p.m.; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session and shall not exceed in any one week when school is in session the maximum number of hours permitted for that period under the federal "Fair Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and regulations promulgated pursuant to that federal act.

b. Notwithstanding the provisions of subsection a. of this section, a minor between 16 and 18 years of age may work up to 50 hours in one week and up to 10 hours in one day during the period beginning on the last day of the minor's school year and ending on Labor Day. This subsection shall take effect immediately upon the date of enactment.

c. This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is primarily general maintenance work or food service activities.

4. Section 4 of P.L.1940, c.153 (C.34:2-21.4) is amended to read as follows:

C.34:2-21.4 Lunch period for minors under 18.

4. No minor under eighteen years of age shall be employed or permitted to work for more than six hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

5. Section 15 of P.L.1940, c.153 (C.34:2-21.15) is amended to read as follows:

C.34:2-21.15 Street trade; agricultural pursuits; ages when permitted; special permits; newspaper carriers.

15. Except as hereinafter provided as to newspaper carriers, no minor under 14 years of age may engage in any street trade, which term, for the purpose of this section shall include the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or in blacking shoes on any street or other public place or from house to house. No minor under 12 years of age may be employed in agricultural pursuits.

Whenever a minor has graduated from vocational school, approved by the Commissioner of Education and is 17 years of age, the minor's diploma or certified copy thereof and an employment certificate provided by the Department of Labor and Workforce Development shall be deemed authorization to engage in those pursuits in which the minor majored in said vocational school during those hours permitted for persons 18 years of age and over.

Except as hereinafter provided as to newspaper carriers, whenever a minor under 16 years of age desires to work during such times as the schools of the district in which the minor resides are not in session in any street trade or in agricultural pursuits, the minor may register with the Department of Labor and Workforce Development an application for authorization to work. Such registration shall show the exact character of the work the minor is to do, and the hours and wages and special conditions under which said work is to be performed.

If upon investigation it is found that the facts set forth in the application are true and that the work will not interfere with the minor's health or standing in school, the Department of Labor and Workforce Development shall issue authorization allowing the minor to work at such times as the public schools in the district are not in session, but such work except in agricultural pursuits, and as newspaper carriers, to be otherwise subject to the maximum hours of labor provisions set for minors under 16 years of age in section 3 of P.L.1940, c.153 (C.34:2-21.3); provided, that nothing in P.L.1940, c.153 (C.34:2-21.1 et seq.) shall prevent newspaper carriers as defined in P.L.1940, c.153 (C.34:2-21.1 et seq.), between 11 and 14 years of age, from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 6:00 o'clock in the morning and 7:00 o'clock in the evening of any day; and newspaper carriers 14 years of age and older from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 5:30 o'clock in the morning and 8:00 o'clock in the evening of any day; and provided further that no newspaper carrier under the age of 18 years shall be permitted to engage in such occupation beyond the period of time wherein the combined hours devoted to said occupation as a newspaper carrier and the hours in school shall exceed a total of 40 hours per week and not more than 8 hours in any 1 day; and provided, further, that minors engaged in agricultural pursuits may be employed no more than 10 hours per day.

Such authorization shall show the name, address, and date of birth of the minor for whom it is issued, the kind of proof of age submitted, the nature of the occupation in which the minor is to engage, and such other information as the Department of Labor and Workforce Development may require.

Any authorization for work in agriculture shall be issued and active until the minor is 18 years of age.

Upon application by the minor who desires to work as a newspaper carrier as defined in P.L.1940, c.153 (C.34:2-21.1 et seq.), who is between the ages of 11 and 18 years of age, to the publisher of any newspaper in this State and upon receiving authorization from the Department of Labor and Workforce Development, such publisher may employ such newspaper carrier to deliver, solicit, sell and collect for newspapers outside of the newspaper carrier's school hours on residential routes, and on Sundays and during school vacations.

The authorization shall show the name, address and date of birth of the newspaper carrier for whom it is issued, and such other information as the Department of Labor and Workforce Development may require.

The authorization shall remain in full force and effect unless and until the minor is 18 years of age.

The publisher shall keep a record of the name, address and birth date of each newspaper carrier who is a minor. Such records shall be kept on file by said publisher for a period of two

years after the newspaper carrier has ceased delivering newspapers published by said publisher.

C.34:2-21.1a Database created, maintained, employment of minors; employer registration, required; rules, regulations.

6. a. The department shall create and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under P.L.2022, c.63 (C.34:2-21.1a et al.).

b. The database shall include the name and email address of each employer registered under P.L.2022, c.63 (C.34:2-21.1a et al.).

c. Any minor under the age of 18 years who desires to work, including, but not limited to, work as a news carrier or work in agriculture, shall complete a one-time registration on the database, but all information pertaining to the minor shall be confidential and shall not be accessible by the public. If the minor desires to work for a different employer or for an employer in addition to the employer for which the minor first registered, the minor shall update the minor's registration. The minor shall be required to submit documentation, in the form and manner prescribed by the department, sufficient to adequately identify the minor, including, but not limited to, the social security number of the minor, and confirm the age of the minor, as well as identify the caregiver of the minor. The minor shall provide contact information, including email, if available, for the minor's caregiver, as appropriate. The registration shall provide any physical limitations of which employers should be aware. Upon submission of documentation sufficient to meet the requirements of P.L.2022, c.63 (C.34:2-21.1a et al.), and the requirements of P.L.1940, c.153 (C.34:2-21.1 et seq.), the department shall maintain an employment certificate for the minor granting authorization for the minor to work in the occupation or field for which the minor has expressed an interest and provided documentation. Except as provided by subsection e. of this section, a minor shall not commence work with an employer unless that employer has received confirmation from the department that the minor has authorization to work.

d. Each employer that hires, employs, or permits any minor under the age of 18 to work in a gainful occupation as permitted by P.L.1940, c.153 (C.34:2-21.1 et seq.), shall register with the department, in the form and manner prescribed by the department, the following information:

(1) The name of the employer;

(2) The email address of the employer;

(3) Any location of the employer's business operations, including any location at which a minor will be working;

(4) The number and names of minors whom the employer has hired, employed, or permitted to work in a gainful occupation, or for seasonal employment, whom the employer expects to hire; and

(5) A certified statement from the employer that the employer is employing minors in only those positions permitted by law to ensure the health, safety and well-being of minors.

An employer shall be required to update the employer's registration as to any minor employee who is changing a position from the position for which the minor employee was originally hired to perform to a new position.

e. Within three days of an employer's or a minor's registration, the department shall cross-check names submitted by employers with minors who are registered on the database and, upon authorization by the minor's caregiver in accordance with subsection f. of this section, send an electronic confirmation to employers of the minor's authorization to work. If an employer does not receive confirmation from the department within one week of the employer's submission,

employment of the minor may commence unless and until the employer receives notification from the department that the minor has not received authorization to work.

f. Notwithstanding the provisions of any law to the contrary, and except as provided in this subsection, the department shall not approve a minor's registration to work pursuant to subsection c. of this section without a caregiver's authorization for the minor to work as specified by the minor in the minor's registration. The department shall provide notification to a caregiver of a minor who has registered with the database for the caregiver to provide an authorization or rejection of the minor's registration to work. The department shall send the notice by email, to the extent possible, and by certified mail if email is not available, regarding this authorization or rejection within three days of the minor's registration. The caregiver shall submit an authorization or rejection electronically through the registration system established pursuant to this section. If a caregiver does not submit an authorization or rejection within two weeks of the department's notification, then the department shall approve a minor's registration for work unless and until a caregiver submits a rejection through the registration system. If a minor updates the minor's registration to indicate a change in or addition of an employer, the department shall notify the caregiver by email, to the extent possible, and by certified mail if email is not available, of the change in registration. The caregiver shall submit an updated authorization or rejection electronically through the registration system established pursuant to this section. If a caregiver does not submit an authorization or rejection of the change within two weeks of the department's notification, then the department shall approve the minor's updated registration for work unless and until a caregiver submits a rejection through the registration system.

g. The Employment of Minors Advisory Council is established to consult with and provide recommendations to the department for the creation and administration of the database. The council shall consist of five members:

(1) One representative from the Department of Labor and Workforce Development to be appointed by the Governor;

(2) One representative from the Department of Education to be appointed by the Governor;

(3) Two members who are employers or who represent the interest of employers that employ a significant number of minors, one who shall be appointed by the Senate President and one who shall be appointed by the Speaker of the General Assembly; and

(4) One public member to represent the interests of caregivers of minors, to be appointed by the Senate President and the Speaker of the General Assembly.

Any vacancies occurring in the membership shall be filled in the same manner as the original appointments. The council shall hold at least two meetings per year to review the implementation and operations of the database.

h. The department, in consultation with the Employment of Minors Advisory Council and the Department of Education, shall promulgate rules and regulations necessary for the implementation of this act, P.L.2022, c.63 (C.34:2-21.1a et al.), including, but not limited to, developing a schedule for the registration of employers and minors in accordance with this act, P.L.2022, c.63 (C.34:2-21.1a et al.).

Repealer.

7. The following sections are repealed:

Sections 7 through 14 of P.L.1940, c.153 (C.34:2-21.7 through 34:2-21.14).

8. There is appropriated from the General Fund to the Department of Labor and Workforce Development \$1,000,000 to effectuate the purposes of this act.

9. This act shall take effect on June 1, 2023, except as to subsection b. of section 3 and as to section 4 of this act, which shall take effect immediately, and except that the commissioner may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 5, 2022.