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NEW JERSEY
Employment Laws

Department of Labor and Workforce Development
Child Labor Law Abstract

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For full text, consult N.J.S.A. 34:2-21.1 et seq. and N.J.A.C. 12:58 et seq.

New Jersey Child Labor Law Abstract

34:2-21.1 to 34:2-21.64 N.J.S.A. and Rules and Regulations

Kind of Employment	Minimum Age	Hours of Work Not to Exceed [1][2][3]	Prohibited Hours	Certificate or Permit Required [20]
Theatrical: Professional employment in a theatrical production, including stage, motion pictures, and television performances and rehearsals.	**None:** Minors under 16 must be accompanied at all times by an adult who is a parent, guardian, or representative of employer.	**Under 16:** No more than 2 shows or productions[21] daily or 8 weekly, 5 hours daily, 24 hours weekly, 6 days a week. (Includes rehearsal time. Combined hours of school and work not to exceed 8 hours daily.)[22] **16 &17 years old:** 8 hours daily[22] 40 hours weekly 6 days a week	**Under 16** Before 7 a.m. After 11:30 p.m.[16]	**Under 16** Special Theatrical Permit
			16 &17 years old Before 6 a.m. After 11:30 p.m.[16]	**16 &17 years old** Employment Certificate
Agriculture: No restriction on work performed outside school hours in connection with minor's own home and directly for the minor's parent or legal guardian.	**12 years old** Outside school hours **16 years old** During school hours	10 hours daily 6 days a week 10 hours daily 6 days a week	**None**	**12 thru 15 years** *old only* Special Agricultural Permit
Newspaper Carriers: Minors who deliver, solicit, sell and collect for newspapers outside of school hours on residential routes.	**11 years old**	Combined hours of school and work not to exceed 8 hours daily, 40 hours weekly, 7 days.	**11 thru 13 years old** Before 6 a.m. After 7 p.m. **14 thru 17 years old** Before 5:30 a.m. After 8 p.m.	**11 thru 17 years old** N.J. publishers may issue Special Newspaper Carrier Permit or local issuing officer may issue: Special Permit (11 thru15 years old) or Employment Certificate (16 and 17 years old).
Street Trades: Minors who sell, offer for sale, solicit for, collect for, display, or distribute 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.	**14 years old** Outside school hours **16 years old** During school hours	3 hours per day, 18 hours per week when school is in session. During school vacation, 8 hours per day, 40 hours per week, 6 days per week. 8 hours per day, 40 hours per week, 6 days per week.	**14 & 15 years old** Before 7 a.m. After 7 p.m. **16 & 17 years old** Before 6 a.m. After 11 p.m.	Special Street Trades Permit or Employment Certificate Employment Certificate
General Employment: Includes mercantile establishments, golf caddying, private bowling alleys, offices, gas stations, garages, and other places or means of gainful occupations unless otherwise specified.	**14 years old** **16 years old**	3 hours per day, 18 hours per week when school is in session. During school vacation, 8 hours per day, 40 hours per week, 6 days per week. 8 hours per day, 40 hours per week, 6 days per week.	**14 & 15 years old** Before 7 a.m. After 7 p.m.[23] **16 & 17 years old** Before 6 a.m. After 11 p.m. (Exception: 1. School vacation season. 2. Days not preceding a school day with written permission of parent or guardian.)	Employment Certificate Employment Certificate
Restaurant and Seasonal	Same as for General Employment except that minors at least 16 years of age may be employed **after midnight** during regular school vacation season providing work began before 11 p.m. of the previous day, or on work days which do not begin on a school day, with special written permission from parent or guardian. May not be employed after 3 a.m. or before 6 a.m. of a day before a school day.			
Public Bowling Alleys	Same as for General Employment except that minors who are at least 16 years of age may be employed as pinsetters, lane attendants, or busboys until 11:30 p.m. but if it is during the school term the minor must have a **special permit.**			
Domestic Services in Private Homes: No restriction on work performed outside school hours in connection with minor's own home and directly for the minor's parent or legal guardian.	**14 years old** Outside school hours **16 years old** During school hours	**No Restrictions** (Except minors under 16 limited to 3 hours per day, 18 hours per week, when school is in session.)	**None**	Employment Certificate
Messengers for Communications Companies Under Supervision and Control of F.C.C.	**14 years old** Outside school hours **16 years old** During school hours	**No Restrictions**	**None**	Employment Certificate
Factory	**16 years old**	8 hours daily 40 hours weekly 6 days a week	Before 6 a.m. After 10 p.m. during school vacation season. After 11 p.m. when school is in session.	Employment Certificate

[1] A minor who is at least 17 years of age and a graduate of a vocational school approved by the Commissioner of Education may 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, provided an employment certificate is issued and accompanied by the minor's diploma or a certified copy thereof.

[2] No certificate or permit required for minors at least 14 years of age employed when schools in the minor's district are not in session at agricultural fairs, horse, dog, or farm shows the duration of which do not exceed 10 days. No certificate required for minors 15 and older during school vacation for first 14 days of employment in food service, restaurant, retail operations, or seasonal amusement occupations.

[3] Does not apply to employment of a minor 16 or 17 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] Where the professional employment is reasonably separable into discrete shows or productions.

[5] In **Theatrical** employment the combined time spent on a set or on call and performance time shall not exceed a total of eight hours in any one day.

[6] In certain cases of **Theatrical** employment the commissioner has the authority to amend the hours of the day during which a minor may work but not the total hours.

[7] In **General Employment** 14- and 15-year-old minors may work until 9 p.m. with written permission of parent or guardian during period of time beginning on last day of minor's school year and ending on Labor Day.

Punishment for Violations of Child Labor Law

Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, or of any order or ruling issued under the provisions of this act, or obstructs the Department of Labor and Workforce Development, its officers or agents, or any other person authorized to inspect places of employment under this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall be guilty of an offense. If a defendant acts knowingly, an offense under this section shall be a crime of the fourth degree. Otherwise it shall be a disorderly persons offense and the defendant shall, upon conviction for a violation, be punished by a fine of not less than $100 nor more than $2,000 for an initial violation and not less than $200 nor more than $4,000 for each subsequent violation. Each day during which any violation of this act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the act shall, with respect to each minor so employed, constitute a separate and distinct offense.

As an alternative to or in addition to any other sanctions provided by law for violations of P.L. 1940, c.153 (C.34:2-21.1 et seq.), when the Commissioner of Labor and Workforce Development finds that an individual has violated that act, the commissioner is authorized to assess and collect administrative penalties of not more than $500 for a first violation, not more than $1,000 for a second violation, and not more than $2,500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer, and the size of the employer's business. No administrative penalty shall be leveled pursuant to this section unless the Commissioner of Labor and Workforce Development provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

General Information

Minors under 18 years of age must receive a 30-minute meal period after 5 consecutive hours of work.

Minors under 16 years of age may not be employed during the hours they are required to attend school.

Minors who are gainfully employed must have an employment certificate-also called "working papers." These are secured from the issuing officer of the school district where a minor resides. A minor must apply in person.

Read working papers carefully. They contain information that is important to you. Papers are valid only for the period of time and conditions stated thereon.

An age certificate may be required by an employer of a minor who is between the ages of 18 and 21. This certificate is obtained from the issuing officer and protects the employer against the possibility of age misrepresentation.

Records Requirements

For all minors under the age of 18, except those engaged in domestic service in private homes, and in agricultural pursuits, and for those minors between 16 and 18 years of age employed 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.

Name, address, date of birth, hours of beginning and ending daily work periods and meal periods, number of hours worked each day, and wages paid to each minor.

For **Newspaper Carriers:** Name, address, date of birth, date he or she commenced and ceased delivering newspapers, number of newspapers sold, and a general description of the area of the route served.

Minimum Wage Requirements:
The minimum wage rate shall not be applicable to minors under 18 years of age except as provided in N.J.A.C. 12:56-11, 12:56-13, 12:56-14 and N.J.A.C. 12:57, Wage Orders for Minors.

Prohibited Occupations

Exemptions to some of these prohibitions apply to work done by pupils in public or private schools under supervision and instruction of officers or teachers, or to a minor who is at least 17 years of age employed in the type of work in which the minor majored under the conditions of the special vocational school graduate permit or to minors in junior achievement programs. The Department of Education, however, does limit the prohibited occupations which minors in these programs may perform. Employers should check with the coordinator of each program to determine these prohibitions.

No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with power driven machinery.

Power-driven machinery includes, but is not limited to the following:

Conveyors and related equipment,

Power lawn mowers,

Power woodworking and metal working tools.

Power-driven machinery shall not include:

Cash register conveyor belt in a supermarket or retail establishment for minors at least 15 years of age working as cashiers or baggers,

Standard office type machines,

Standard domestic type machines or appliances when used in domestic or business establishments,

Agricultural machines when used on farms such as standard type poultry feeders, egg washers, egg coolers, and milking machines,

An attended or unattended standard type passenger elevator.

No minor under 18 years of age shall be employed, suffered, or permitted to work in, about, or in connection with the following:
The manufacture or packing of paints, colors, white lead, or red lead,

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes,

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin,

The manufacture, transportation or use of explosives or highly inflammable substances.

The wording "the manufacture, transportation or use of explosives or highly inflammable substances" as used in the prohibited occupations section of the Child Labor Act does not include the filling of the gasoline tanks of gasoline motor-driven vehicles by use of a hose which is a part of the type of automatic or manual-powered pumping equipment commonly used for that purpose in gasoline service stations.

This interpretation does not in any way affect any prohibition contained in the Child Labor Law concerning power-driven or hazardous machinery or hazardous occupations.

Oiling, wiping, or cleaning machinery in motion or assisting therein.

Operation or helping in the operation of power-driven woodworking machinery, provided that apprentices operating under conditions of a bona fide apprenticeship may operate such machines under competent instruction and supervision.

Grinding, abrasive, polishing or buffing machines, provided that apprentices operating under conditions of a bona fide apprenticeship may grind their own tools.

Punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch.

Cutting machines having a guillotine action.

Corrugating, crimping or embossing machines.

Paper lace machines.

Dough brakes or mixing machines in bakeries or cracker machinery.

Calendar rolls or mixing rolls in rubber manufacturing.

Centrifugal extractors or mangles in laundries or dry cleaning establishments.

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting or heat treatment of metals is carried on.

Mines or quarries.

Steam boilers carrying a pressure in excess of fifteen pounds.

Construction work (exemptions include minors doing volunteer work in affordable housing).

Construction work shall mean the erection, alteration, repair, renovation, demolition or removal of any building or structure; the excavation, filling and grading of sites; the excavation, repair or paving of roads and highways; and any function performed within 30 feet of the above operations. Construction work shall not mean the repair or painting of fences, buildings and structures not exceeding twelve feet in height.

Fabrication or assembly of ships.

Operation or repair of elevators or other hoisting apparatus.

Any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or sold for consumption on the premises (**except** minors at least 16 years of age may be employed as pinsetters, lane attendants, or busboys in **public bowling alleys**, and in restaurants or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guest house, but not in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed; and minors at least 14 years of age may be employed as golf caddies and pool attendants).

Pool and billiard rooms.

The transportation of payrolls other than within the premises of the employer.

Corn pickers, power hay balers, power field choppers, including work in or on same.

A junk or scrap metal yard, which is defined as any place where old iron, metal, paper, cordage, and other refuse may be collected and deposited or both and sold or may be treated so as to be again used in some form or discarded or where automobiles or machines are demolished for the purpose of salvaging of metal or parts.

Any place or condition operated or maintained for immoral purposes or a disorderly house.

The fueling of aircraft, either commercial or private.

Demolition of buildings, ships, or heavy machinery.

Corrosive material.

Compactors.

Carcinogenic substances.

Circular saws, band saws, guillotine shears.

Indecent or immoral exposure.

Posing nude or without generally accepted attire.

Work in video stores where X-rated movies are rented or sold.

Pesticides.

Radioactive substances and ionizing radiation.

Toxic or hazardous substances.

Most occupations in slaughtering, meat packing, processing, or rendering, including the operations of slicing machines used in delicatessens and restaurants for cutting or slicing any food product.

The service of single-piece or multi-piece rimwheels.

The service of beverages out of any bar service area, including, but not limited to, outside bars at pools or other recreational facilities.

Prohibitions: Actors and Performers

Appearing as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal unless the minor is trained to safely ride such horse or animal or rider of any vehicle other than that generally used by a minor of the same age.

Appearing in any illegal, indecent, or immoral exhibition, practice, or theatrical production.

Any practice, exhibition or theatrical production dangerous to the life, limb, health or morals of a minor.

Appearance or exhibition of any physically deformed or mentally deficient minor.

Additional copies of this poster or any other required posters may be obtained by contacting the New Jersey Department of Labor and Workforce Development, Office of Constituent Relations, PO Box 110, Trenton, New Jersey 08625-0110; (609) 777-3200

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