New Jersey

Child Labor Law Abstract

Kind of Employment	Minimum Age	Hours of Work Not to Exceed[1, 3]	Prohibited Hours	Certificate or Permit Required[2]
Theatrical: Professional employment in a theatrical production, including stage, motion pictures, and television performances and rehearsals.	None, but 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[4] 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.)[5]	**Under 16** Before 7 a.m. After 11:30 p.m.[6]	**Under 16** Special Theatrical Permit
		16 & 17 years old[5, 6, 8] 8 hours daily 40 hours weekly 6 days a week	**16–17 years old** Before 6 a.m. After 11:30 p.m.[6]	**16–17 years old** Employment Certificate
Agriculture: No restrictions 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	10 hours daily 6 days a week	None	**12–15 years old only** Special Agricultural Permit
	16 years old During school hours	10 hours daily 6 days a week		
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	**11–13 years old** Before 6 a.m. After 7 p.m. **14–17 years old** Before 5:30 a.m. After 8 p.m.	**11–17 years old** NJ publishers may issue Special Newspaper Carrier Permit or local issuing officer may issue: Special Permit (11–15 years old) or Employment Certificate (16–17 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	When school is in session: 3 hours per day 18 hours per week. During school vacation: 8 hours per day 40 hours per week 6 days per week.	**14–15 years old** Before 7 a.m. After 7 p.m.	Special Street Trades Permit or Employment Certificate
	16 years old[9] During school hours	8 hours per day 40 hours per week 6 days per week During school vacation: 10 hours per day 50 hours per week 6 days per week.	**16–17 years old** Before 6 a.m. After 11 p.m.	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**	When school is in session: 3 hours per day 18 hours per week. When school is not in session: 8 hours per day 40 hours per week 6 days per week.	**14–15 years old** Before 7 a.m. After 7 p.m.[7]	Employment Certificate
	16 years old	8 hours per day 40 hours per week 6 days per week During summer vacation:[10] 10 hours per day 50 hours per week 6 days per week.	**16–17 years old** Before 6 a.m. After 11 p.m. Exceptions: 1. School vacation season. 2. Days not preceding a school day, with special written permission of parent or guardian.)	Employment Certificate
Restaurant and Seasonal	Same as for General Employment except that minors at least 16 years old may be employed after midnight during regular school vacation season, if work begins before 11 p.m. on the previous day, or on work date that do not begin on a school day, with special written permission from a parent or guardian. May not be employed after 3 a.m. or before 6 a.m. on a day before a school day.			
Public Bowling Alleys	Same as for General Employment except that minors at least 16 years old may be employed as pinsetters, lane attendants, or buspersons until 11:30 p.m. — but 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 of school hours **16 years old** During school hours	**No restrictions** Except minors under 16 are 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 the F.C.C.	**14 years old** Outside of school hours **16 years old** During school hours	**No restrictions**	**None**	Employment Certificate
Factory	**16 years old**	8 hours per day 40 hours per week 6 days per week During summer vacation: 10 hours per day 50 hours per week 6 days per week.	When school is in session: After 10 p.m. During school vacation season: Before 6 a.m. and After 10 p.m.	Employment Certificate

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 will be a crime of the fourth degree. Otherwise it will be a disorderly persons offense and the defendant will, upon conviction, be punished by a fine of at least $100 (up to $2,000) for an initial violation, and at least $200 (up to $4,000) for each subsequent violation.

Each day during which any violation of this act continues will constitute a separate and distinct offense, and the employment of any minor in violation of the act will, 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 up to $500 for a first violation, up to $1,000 for a second violation, and up to $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 will consider factors including the history of an employer's previous violations, the seriousness of the violation, the good faith of the employer, and the size of the employer's business.

No administrative penalty will 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 of receiving the notice.

If a hearing is requested, the commissioner will issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice will 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 preceding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

NOTES

[1] A minor who is at least 17 years old 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, **if** an employment certificate (or a certified copy) accompanies the minor's diploma.

[2] When schools in the minor's district are not in session, no certificate or permit is required for minors at least 14 years old employed at agricultural fairs, horse, dog, or farm shows that last no more than 10 days.

No certificate is 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 minors 16 or 17 years of age employed during 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 8 hours in any one day.

[6] In certain cases of **Theatrical** employment, the commissioner has the authority to change the hours of the day when a minor may work, but not the total number of hours.

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

[8] In **Theatrical** employment, during school vacation; 10 hrs. per day, 50 hrs. per week, 6 days per week.

[9] In **Street Trades**, during school vacation; 10 hrs. per day, 50 hrs. per week, 6 days per week.

[10] Summer Vacation: period beginning on last day of a minor's school year and ending on Labor Day.

Post this notice in a conspicuous place.
This notice is for ready reference only. For full text, consult N.J.S.A. 34:2-21.1 et seq. and N.J.A.C. 12:58 et seq.

General Information

Breaks

Minors under 18 years old must get a 30-minute meal break after 6 consecutive hours of work.

Working during school hours

Minors under 16 may not work during the hours they are required to attend school.

Employment certificate *(also called* ***working papers****)*
& age certificate

Minors who are gainfully employed must have an employment certificate. Some employers may also ask for an age certificate from minors between the ages of 18 and 21. This tells employers a minor is old enough to do certain types of work.

To get working papers or an age certificate, minors must apply in person to the issuing officer of the school district where they live.

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.

Required Records

Employers must keep certain records for all employees under age 18. Required records are:
• Name • address • date of birth • start and ending hours of daily work and meal periods • number of hours worked each day
• wages paid to each minor.

Required records for **Newspaper Carriers** are:
• Name • address • date of birth • date they began and stopped delivering newspapers • number of newspapers sold • general description of the route area served.

These records are not required to be kept for:
• those engaged in domestic service in private homes
• those engaged in agricultural pursuits
• minors 16–18 years old employed by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association during June, July, August or September.

Minimum Wage Requirements

The minimum wage rate does not apply 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.

NOTE: Employers subject to the Fair Labor Standards Act (FSLA) would be required to pay the federal minimum wage to minors not covered by a wage order.

Work Prohibited to Minors

Exemptions to some of these prohibitions apply:

> to work done by students under the supervision and instruction of officers or teachers

> to work done by minors who are at least 17 years old, doing work related to their major field of study, under the conditions of the special vocational school graduate permit

> to work done by minors in junior achievement programs.

The kind of work that students in these programs may do is limited by the Department of Education. Employers should check these prohibitions with the coordinator of each program.

No minor under 18 years of age may be employed, suffered, or permitted to work in, about, or in connection with the following:

Making or packing paints, colors, white lead, or red lead

Handling 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 that is volatile or can penetrate the skin

Making, transporting or using 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 filling the gasoline tanks of gasoline motor-driven vehicles by using a hose connected to 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.

PROHIBITED SUBSTANCES

• Carcinogenic substances • Corrosive material
• Pesticides • Toxic or hazardous substances
• Radioactive substances and ionizing radiation

PROHIBITED TYPES OF WORK

Demolishing buildings, ships, or heavy machinery

Fabricating or assembling ships

Fueling aircraft, either commercial or private

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

Operating or repairing elevators or other hoisting apparatus

Posing nude or without generally accepted attire

Servicing single-piece or multi-piece rimwheels

Serving beverages out of any bar service area, including outside bars at pools or other recreational facilities

Transporting payrolls other than within the employer's premises

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

"Construction work" means:
- erecting, alterating, repairing, renovating, demolishing or removing any building or structure
- excavating, filling and grading sites
- excavating, repairing or paving roads and highways, and
- any function performed within 30 feet of the above operations.

"Construction work" does *not* include the repair or painting of fences, buildings and structures up to 12 feet tall.

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

PROHIBITED MACHINES/EQUIPMENT

No minor under 16 years of age may 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:

Calendar rolls or mixing rolls in rubber manufacturing

Centrifugal extractors or mangles in laundries or dry cleaning establishments

Circular saws, band saws, guillotine shears

Compactors

Conveyors and related equipment

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

Corrugating, crimping or embossing machines

Cutting machines that have a guillotine action

Dough brakes or mixing machines in bakeries or cracker machinery

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

Paper lace machines

Power lawn mowers

Power woodworking and metal working tools

Power-driven woodworking machinery (operating or helping to operate); however, apprentices in a bona fide apprenticeship may operate such machines under competent instruction and supervision

Punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds 1/4 inch

Steam boilers with more than 15 pounds of pressure.

Power-driven machinery does *not* include:

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

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

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

Standard office type machines

Standard type passenger elevator (attended or unattended).

PROHIBITED PLACES

Any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or sold for consumption on the premises (however, minors at least 16 years old may work as pinsetters, lane attendants, or buspersons 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 may not prepare, sell or serve alcoholic beverages, or prepare photographs, or work 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. Minors at least 14 years of age may be employed as golf caddies and pool attendants).

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

Junk or scrap metal yards, which means any place where old iron, metal, paper, cordage, and other refuse is collected and deposited or both and sold or may be treated so as to be reused in some form or discarded or where automobiles or machines are demolished for the purpose of salvaging metal or parts

Mines or quarries

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place where metals are heated, melted or treated

Pool and billiard rooms

Video stores where X-rated movies are rented or sold.

PROHIBITIONS for ACTORS & 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.

OTHER PROHIBITED

Indecent or immoral exposure.

Enforced by: NJ Department of Labor and Workforce Development
Division of Wage and Hour Compliance, PO Box 389, Trenton NJ 08625-0389 • 609-292-2305

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