

CHAPTER 61, LAWS OF N.J. 1968

Effective June 13, 1968

This act amends the Child Labor Law as follows:

Adds to definitions in Section 34:2-21.1 item (g)

"Restaurant means any establishment or business primarily engaged in the preparation and servicing 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."

Adds to hours requirements in Section 34:2-21.3 "Minors between 16 and 18 years of age may be employed in any restaurant until 12 o'clock midnight unless such minors are regularly attending school in which case such minors may be employed until 12 o'clock midnight during any regular school vacation season and on such days which do not precede a regularly scheduled school day, but no such minor employed in any occupation in a restaurant shall be paid at a wage rate less than that provided pursuant to law for such occupation."

Adds to prohibited occupations Section 34:2-21.17

"Nothing in this section shall be construed to prevent the employment of minors between 16 and 18 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparing or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed."

Wage and Hour Bureau
Post Office Box V
Trenton, N. J. 08625

On June 13, 1968 an amendment to the Child Labor Law extended the time that minors between 16 and 18 years of age may work in restaurants, including dining establishments, catering establishments, industrial caterers, and drive-in restaurants from 10 p.m. until 12 Midnight except that minors attending school on days preceding a school day may only work until 10 p.m. Minors are still prohibited from working more than 8 hours per day and 40 hours per week.

The 16 to 18 year olds may also work on restaurant premises licensed for the sale and consumption of alcoholic liquors provided they do not engage in the preparation, sale or serving of alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed.

The amendment provides that minors employed in any occupation in restaurants shall be paid at wage rates pursuant to law for such occupations which places these minors under the provisions of the N. J. Wage and Hour Law providing \$1.40 an hour rate.

Restaurants include those operated by hotels and motels and other establishments, but minors may only work the above hours and under above conditions on the restaurant premises of these establishments.

Wage and Hour Bureau
Post Office Box V
Trenton, New Jersey 08625

CHAPTER 314, LAWS OF NEW JERSEY 1968

Effective September 26, 1968

This act amends the Child Labor Law as follows:

Section 34:2-21.8, (3) now reads: A statement of physical fitness, signed by a medical inspector employed by the applicable board of education, or any other physician licensed to practice medicine and surgery, setting forth that such minor has been thoroughly examined by such medical inspector, or such other physician licensed to practice medicine and surgery, that he either is physically fit for employment in occupations permitted for persons under 18 years of age, or is physically fit to be employed under certain limitations, specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. The method of making such examinations shall be prescribed jointly by the Commissioner of Education and the State Department of Health; provided, however, no minor shall be required to submit to a physical examination, whose parent or guardian objects thereto in writing on the grounds such examination is contrary to his religious beliefs and practices.

Any licensed physician may furnish physical fitness statements for employment. Persons who object on religious grounds are exempt from the physical examination requirement.

THIS NOTICE IS TO BE POSTED IN A CONSPICUOUS PLACE

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	PROHIBITED HOURS	CERTIFICATE OR PERMIT REQUIRED
A. FACTORY	16	16-18, must not exceed 8 hours a day, 40 hours a week, 6 days in any one week.	16-18, after 10 p.m. or before 6 a.m.; Females before 7 a.m.	EMPLOYMENT CERTIFICATE
B. (1) MERCANTILE ESTABLISHMENTS, RESTAURANTS, GOLF CADDYING, OFFICES AND OTHER PLACES OR MEANS OF GAINFUL OCCUPATIONS EXCEPT AS SPECIFIED BELOW.	16 for employment during the hours school is in session; 14 for employment during the hours school is not in session.	Not more than 8 hours a day, 40 hours a week, 6 days in any week; Under 16 the combined hours of work and school must not exceed 8 per day.	14-16, after 6 p.m. and before 7 a.m.; 16-18, after 10 p.m. and before 6 a.m. Male minors during school vacation may work until 11 p.m.	EMPLOYMENT CERTIFICATE
(2) PUBLIC BOWLING ALLEYS	16 for employment during the hours school is in session; 14 for employment during the hours school is not in session.	Not more than 8 hours a day, 40 hours a week, 6 days in any week; Under 16 the combined hours of work and school must not exceed 8 per day.	14-16, after 6 p.m. and before 7 a.m.; 16-18 minors who attend school 10 p.m. to 6 a.m.; (Male pinsetters with special permit may work until 11:30 p.m.;) Male minors not attending school 11:30 p.m. to 6 a.m.	EMPLOYMENT CERTIFICATE OR SPECIAL PERMIT DEPENDING UPON OCCUPATION.
NOTE: IN PRIVATE BOWLING ALLEYS B-1 ABOVE APPLIES.				
C. AGRICULTURE (No restriction on work performed outside school hours in connection with minor's own home and directly for his parent or legal guardian.)	16 for employment during hours school is in session; 12 when school is not in session.	Not more than 10 hours a day, 6 days a week.	NONE	PERMIT (After 16 years of age no requirement.)
D. DOMESTIC SERVICES IN PRIVATE HOMES (No restriction on work performed outside school hours in connection with minor's own home and directly for his parent or legal guardian.)	16 for employment during the hours school is in session; 14 for employment during the hours school is not in session.	NO RESTRICTION (Except minors under 16, the combined hours of work and school must not exceed 8 per day.)	NONE	EMPLOYMENT CERTIFICATE
E. (1) ACTORS AND PERFORMERS under 16 years of age in motion pictures, television, on stage and rehearsals therefore.	8 years of age and must be accompanied by parent or legal guardian or representative of the employer when away from home.	Not more than 2 performances a day, 8 performances a week, not more than 5 hours a day, 24 hours a week nor more than 6 days a week. Performance and school time not to exceed 8 hours a day.	11:30 p.m. to 7 a.m.	PERMIT
(2) CONCERT & THEATRICAL PERFORMERS OR ACTORS AND PERFORMERS IN THEATRICAL PRODUCTIONS.		After attaining 16 years of age, and under 18 years of age, not more than 8 hours a day, 40 hours a week, nor more than 6 consecutive days.	11:00 p.m. to 6 a.m.	EMPLOYMENT CERTIFICATE
F. MESSENGERS FOR COMMUNICATIONS COMPANIES UNDER SUPERVISION AND CONTROL OF F. C. C.	BOYS: 16 for employment during the hours school is in session; 14 when school is not in session. GIRLS: MUST BE 18. This includes delivery of goods and messages for ANY employer.	NO RESTRICTION	NONE	EMPLOYMENT CERTIFICATE
G. (1) STREET TRADES—DEFINED AS SELLING, OFFERING FOR SALE, SOLICITING FOR, COLLECTING FOR, DISPLAYING OR DISTRIBUTING ANY ARTICLES, GOODS, MERCHANDISE, COMMERCIAL SERVICE, POSTERS, CIRCULARS, NEWSPAPERS, MAGAZINES, BLACKING OF SHOES.	BOYS—16 for employment during the hours school is in session; 14 when school is not in session. GIRLS—MUST BE 18 YEARS OF AGE.	Not more than 8 hours a day, 40 hours a week, nor more than 6 consecutive days; MINORS UNDER 16 combined hours of work and school not to exceed 8 hours a day.	14-16, after 6 p.m. and before 7 a.m. (EXCEPT when selling or delivering magazines and newspapers, 6 p.m. and 5:30 a.m.) 16-18, after 10 p.m. and before 6 a.m. (EXCEPT during regular school vacation after 11 p.m.)	PERMIT REQUIRED UNDER 16 YEARS OF AGE.
(2) NEWSPAPERS & MAGAZINES—delivery, soliciting collecting for over neighborhood residential routes ONLY.	16 for employment when school is in session; 12 when school is not in session. GIRLS MUST BE 18.	12-16, not more than 8 hours a day, 40 hours a week, 6 days a week. Combined hours of work and school not to exceed 8 per day. 16-18, not more than 8 hours a day, 40 hours a week, 6 days a week.	12-14, after 6 p.m. and before 7 a.m. 14-16, after 6 p.m., and before 5:30 a.m. 16-18, after 10 p.m. and before 6 a.m. (EXCEPT during regular school vacation 11 p.m.)	EMPLOYMENT CERTIFICATE REQUIRED FOR MINORS 16 TO 18 YEARS OF AGE.

GENERAL INFORMATION

READ "WORKING PAPERS" CAREFULLY. THEY CONTAIN INFORMATION THAT IS IMPORTANT TO YOU. PAPERS VALID ONLY FOR PERIOD OF TIME AND CONDITIONS STATED THEREON.

ALL MINORS UNDER 18 YEARS OF AGE MUST RECEIVE A THIRTY-MINUTE MEAL PERIOD AFTER NOT MORE THAN FIVE CONSECUTIVE HOURS OF WORK.

MINORS UNDER THE AGE OF 16 MAY NOT BE EMPLOYED DURING THE HOURS THEY ARE REQUIRED TO ATTEND SCHOOL.

"WORKING PAPERS" ARE ISSUED BY THE PERSON APPOINTED TO DO SO BY THE LOCAL BOARD OF EDUCATION. MINOR MUST APPLY IN PERSON.

AN AGE CERTIFICATE MAY BE REQUIRED BY AN EMPLOYER FROM 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 REQUIRED

FOR ALL MINORS UNDER THE AGE OF 19, EXCEPT THOSE ENGAGED IN DOMESTIC SERVICES IN PRIVATE HOMES AND IN AGRICULTURAL PURSUITS:

NAME, ADDRESS, DATE OF BIRTH, HOURS OF BEGINNING AND ENDING DAILY WORK PERIODS AND MEAL PERIODS, NUMBER OF HOURS WORKED EACH DAY, WAGES PAID TO EACH MINOR.

A COPY OF THIS ABSTRACT AND A SCHEDULE OF HOURS MUST BE POSTED IN THE ESTABLISHMENT WHERE ANY MINOR UNDER THE AGE OF 18 IS EMPLOYED.

THE ABSTRACT AND SCHEDULE OF HOURS AND ANY INFORMATION CONCERNING THE CHILD LABOR LAW MAY BE SECURED FROM THE:

WAGE AND HOUR BUREAU
DEPARTMENT OF LABOR AND INDUSTRY,
JOHN FITCH PLAZA
POST OFFICE BOX V
TRENTON, NEW JERSEY

PROHIBITED OCCUPATIONS

WORK PERFORMED BY PUPILS IN PUBLIC AND PRIVATE SCHOOLS UNDER SUPERVISION AND INSTRUCTION OF OFFICERS OR TEACHERS OF THE SCHOOL IS ENTIRELY EXEMPTED FROM THIS LIST.

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 SHALL NOT INCLUDE:

Standard office type machines.

Standard domestic type machines or appliances when used in domestic or business establishments. (Power tools, including but not limited to power lawn mowers, power woodworking and metalworking tools and power-driven meat slicing and meat grinding machines, shall not be considered standard domestic type machines or appliances.)

Standard types of poultry feeders, egg graders, egg washers, egg coolers and milking machines when used on a farm.

Work in, about, or in connection with an unattended standard type of passenger elevator or riding as a passenger on a standard type of passenger elevator operated by a duly authorized operator.

Stationary machines operated by electrical, steam or mechanical power, which are so completely guarded as to adequately and thoroughly protect any and all persons working about or in connection with them.

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 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 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

Calender 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 of any kind

Construction work means work which involves the skilled craftsmen, including laborers and helpers who work in the building or construction industry in the fabricating of any building, road or structure or performance of any other operation, including, but without limitation, excavation which has a permanent site or location, and the laying of conduit, wiring or piping in any such excavation and the filling of such excavation. It shall also include any function or work performed within thirty feet of any part of the construction work. The term "construction" shall not include the building, painting, or repairing of fences or small outbuildings having a height of not more than twelve feet when the building, painting or repairing of such fences or small outbuildings is not in any way connected or related to any other construction work.

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 only in PUBLIC bowling alleys)

Pool and billiard rooms

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

Distribution or delivery of goods or messages by females

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

A junk or scrap metal yard (which is defined as "the place where old iron, metal, paper, cordage, and other refuse may be collected or 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

Demolition of buildings, ships, or heavy machinery

PROHIBITIONS—ACTORS & PERFORMERS

Appearing as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal or rider of any vehicle other than that normally used as a toy

Appearing in any illegal, indecent, or immoral exhibition or practice

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

Performance upon any premises licensed for the sale and consumption of alcoholic beverages

Appearance or exhibition of any physically deformed or mentally deficient minor

NJ/KAB
L1/C5
1968
Copy 2