

CHAPTER 58 CHILD LABOR

Authority

N.J.S.A. 34:1-20; 34:1A-3(e); and 34:2-21.1 et seq., specifically,
34:2-21.57, 34:2-21.64; and 34:11-56a19.

Source and Effective Date

R.2006 d.90, effective January 26, 2006.
See: 37 N.J.R. 4173(a), 38 N.J.R. 1191(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 58, Child Labor,
expires on July 25, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 58, Child Labor Law, was adopted and became effective prior
to September 1, 1969.

Chapter 58, Child Labor Law, was repealed and Chapter 58, Child
Labor, was adopted as new rules by R.1980 d.432, effective November
1, 1980. See: 12 N.J.R. 538(d), 12 N.J.R. 666(e).

Pursuant to Executive Order No. 66(1978), Chapter 58, Child Labor,
was readopted as R.1985 d.522, effective September 26, 1985. See: 17
N.J.R. 2009(b), 17 N.J.R. 2561(a).

Pursuant to Executive Order No. 66(1978), Chapter 58, Child Labor,
was readopted as R.1990 d.522, effective September 26, 1990. See: 22
N.J.R. 2241(a), 22 N.J.R. 3383(a).

Subchapter 5, Violations and Administrative Penalties, was adopted as
R.1991 d.612, effective December 16, 1991. See: 23 N.J.R. 2944(a), 23
N.J.R. 3811(a).

Pursuant to Executive Order No. 66(1978), Chapter 58, Child Labor,
was readopted as R.1995 d.549, effective September 22, 1995. See: 27
N.J.R. 2873(a), 27 N.J.R. 3962(b).

Pursuant to Executive Order No. 66(1978), Chapter 58, Child Labor,
was readopted as R.2000 d.425, effective September 22, 2000. See: 32
N.J.R. 2646(a), 32 N.J.R. 3856(a).

Chapter 58, Child Labor, was readopted as R.2006 d.90, effective
January 26, 2006. See: Source and Effective Date. See, also, section
annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 58, Child Labor,
was scheduled to expire on July 25, 2011. See: 43 N.J.R. 556(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 12:58-1.1 Purpose; scope
- 12:58-1.2 Apprentice and student learner in cooperative vocational education program
- 12:58-1.3 School to Work program

SUBCHAPTER 2. DEFINITIONS

- 12:58-2.1 Definitions

SUBCHAPTER 3. OCCUPATIONS PROHIBITED TO MINORS UNDER 16 YEARS OF AGE

- 12:58-3.1 Scope
- 12:58-3.2 Power driven machinery
- 12:58-3.3 Conveyors and related equipment

SUBCHAPTER 4. OCCUPATIONS PROHIBITED TO MINORS UNDER 18 YEARS OF AGE

- 12:58-4.1 Scope
- 12:58-4.2 Construction work
- 12:58-4.3 Agricultural machinery
- 12:58-4.4 Junk or scrap metal yard
- 12:58-4.5 Disorderly house
- 12:58-4.6 Highly inflammable substances
- 12:58-4.7 Radioactive substances and ionizing radiation
- 12:58-4.8 Carcinogenic substances
- 12:58-4.9 Toxic and hazardous substances
- 12:58-4.10 Compactors
- 12:58-4.11 Circular saws, band saws, and guillotine shears
- 12:58-4.12 Slaughtering and meat packing establishments; rendering plants; wholesale, retail or service establishments
- 12:58-4.13 Corrosive materials
- 12:58-4.14 Indecent or immoral exposure
- 12:58-4.15 Pesticides
- 12:58-4.16 Rim wheels
- 12:58-4.17 Bar service areas

SUBCHAPTER 5. VIOLATIONS AND ADMINISTRATIVE PENALTIES

- 12:58-5.1 Purpose; scope
- 12:58-5.2 Violations of the Act
- 12:58-5.3 Administrative penalties
- 12:58-5.4 Hearings

APPENDIX A. AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

SUBCHAPTER 1. GENERAL PROVISIONS

12:58-1.1 Purpose; scope

(a) The purpose of this chapter is to define and clarify certain sections of the child labor statutes.

(b) This chapter shall apply to the employment of minors subject to the child labor statutes, except as provided in N.J.A.C. 12:58-1.4.

Amended by R.1990 d.522, effective November 5, 1990.

See: 22 N.J.R. 2241(a), 22 N.J.R. 3383(a).

Recodified from N.J.A.C. 12:58-1.2.

Subsection (b) recodified from N.J.A.C. 12:58-1.3, "Scope."

Deleted former N.J.A.C. 12:58-1.1, "Title and citation."

12:58-1.2 Apprentice and student learner in cooperative vocational education program

(a) This chapter shall not apply to apprentices and student learners that are in a cooperative vocational education program.

(b) "Apprentice" means a person:

1. Employed in a craft recognized as an apprenticeable trade;

2. Whose work in particularly hazardous occupations is incidental to the training;

3. Whose work is intermittent and of short duration and under the direct and close supervision of a craftsman; and

4. Registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau or is registered by a State agency as employed in accordance with the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal and State standards.

(c) "Cooperative vocational education program" means a program of vocational education approved by the State Department of Education for persons who, through written cooperative arrangements between the school and the employer, receives instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences are planned and supervised by the school and employer so that each contributes to the education and employability of the student.

(d) "Student learner" means a person:

1. Enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school;

2. Between the ages of 16 years and 18 years of age;

3. Employed under a written agreement which provides that:

i. Work in a particularly hazardous occupation is incidental to the minor's training;

ii. Work is intermittent and of short duration, and under the direct and close supervision of a qualified and experienced person; and

iii. Safety instruction is given by the school and correlated by the employer with on-the-job training.

4. For whom an individualized training plan of organized and progressive training to be "performed on-the-job" and related school instruction has been developed. Each training plan will contain:

i. Tasks to be performed by the student learner on the job;

ii. A progression of in-school learning experiences that relate to the on-the-job training; and

iii. An outline that identifies safety instruction and occupational competencies to be learned at the training site and in school;

5. For whom training site supervision must be conducted by the school coordinator at intervals not to exceed once every two weeks, to ensure that the student learner is free from exploitation and that a safe training environment is maintained;

6. Who may perform certain permitted hazardous occupations only at those sites registered with the Department of Education/Vocational Division prior to the placement of student learners and on whose employment certificate will be placed the registration number of the site to identify the student as a cooperative education student learner; and

7. For whom training site experiences may not exceed five hours on any day that school is in session nor may the combination of school and work exceed eight hours on any day that school is in session.

Recodified from N.J.A.C. 12:58-1.4 by R.1990 d.522, effective November 5, 1990.

See: 22 N.J.R. 2241(a), 22 N.J.R. 3383(a).

Amended by R.1993 d.183, effective May 3, 1993.

See: 25 N.J.R. 889(a), 25 N.J.R. 1881(a).

Revised (d).

12:58-1.3 School to Work program

Requirements for the School to Work program are found at N.J.A.C. 12:56-18.

New Rule, R.1995 d.549, effective October 16, 1995.

See: 27 N.J.R. 2873(a), 27 N.J.R. 3962(b).

SUBCHAPTER 2. DEFINITIONS

12:58-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Child labor statutes" means N.J.S.A. 34:2-21.1 et seq. and N.J.S.A. 34:2-21.57 et seq.

"Combustible liquid" means any liquid with a flash point from 100 to 200 degrees Fahrenheit as measured by tests or any liquid mixture with 99 percent or more combustible components.

"Commissioner" means the Commissioner of the Department of Labor and Workforce Development or his or her designee.

"Corrosive material" means any liquid or solid that causes destruction of human skin tissue or a liquid that has a severe corrosion rate on steel or aluminum.

"Explosive" means any chemical compound, mixture, or device the primary or common purpose of which is to function by explosion, e.g., with substantially instantaneous release of gas or heat unless such compound, mixture or device is otherwise specifically classified.