



STATE OF NEW JERSEY  
DEPARTMENT OF LABOR AND INDUSTRY

Raymond F. Male, *Commissioner*

*Division of Labor. Wage  
and Hour Bureau.*

**CHILD LABOR LAW  
and  
REGULATIONS**

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Administered by:

**WAGE AND HOUR BUREAU  
Department of Labor and Industry  
Trenton, New Jersey**

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## CHILD LABOR LAWS

### PREAMBLE

WHEREAS, The employment of minors in occupations or pursuits wherein they are subject to exploitation is contrary to public policy; and

WHEREAS, Such employment as will impede the progress of minors, prove a detriment to their health, or interfere with their education should be abolished in the State of New Jersey; and

WHEREAS, The work of minors in occasional and nonrecurrent occupations when not required to attend school is not thus detrimental, nor will it, when properly supervised by parent or guardian, constitute such exploitation; therefore,

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

### 34:2-21.1 DEFINITIONS

As used in this act:

(a) "Employment certificate" means a certificate granted by the issuing officer authorizing the employment of a child as permitted under this act.

(b) "Age certificate" means a certificate issued for a person between the ages of eighteen and twenty-one years.

(c) "Issuing officer" means any superintendent of schools, supervising principal, or teacher in a school district who is designated by the board of education in the district to issue certificates or permits in accordance with the provisions of this act.

(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 section fifteen (g) of the Agricultural Marketing Act, 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) "Newspaperboy" means any male 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.

#### 34:2-21.2 MINORS UNDER 16 NOT TO BE EMPLOYED; EXCEPTIONS; NONRESIDENTS

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. 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 vacation in connection with the minor's own home and directly for his parent 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.

#### 34:2-21.3 MINORS UNDER 18, HOURS OF LABOR

Except as provided in section fifteen 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 eighteen 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 forty hours in any one week, or more than eight hours in any one day, nor shall any minor under sixteen years of age be so employed, permitted, or suffered to work before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor between sixteen and eighteen years of age be so employed, permitted or suffered to work before six o'clock in the morning or

after ten o'clock in the evening of any day; *provided*, that minors between fourteen and eighteen years of age may be employed in a concert or a theatrical performance up to eleven post meridiem; *and provided, further*, that male minors between sixteen and eighteen years of age may be employed in any public bowling alley up to eleven-thirty post meridiem; *and provided, further*, that male minors not less than sixteen years of age and who are attending school may be employed as pin-setters only in public bowling alleys up to eleven-thirty post meridiem during any regular school vacation season, but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal as the case may be, which permit must state that the boy has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal may be so employed without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the boy has had a physical examination and his health is not being injured by said work; *and provided, further*, that male minors between sixteen and eighteen years of age may be employed until eleven post meridiem during the regular school vacation seasons 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. The combined hours of work and hours in school of children under sixteen employed outside school hours shall not exceed a total of eight per day.

#### 34:2-21.4 LUNCH PERIOD FOR MINORS UNDER 18

No minor under eighteen years of age shall be employed or permitted to work for more than five 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.

#### 34:2-21.5 POSTING OF LAW, LIST OF PROHIBITED OCCUPATIONS AND SCHEDULE OF HOURS OF LABOR; PERMITTING MINORS TO BEGIN LATER OR STOP EARLIER THAN TIME STATED IN SCHEDULE.

Every employer shall post and keep conspicuously posted in the establishment wherein any minor under eighteen is employed, permitted or suffered to work a printed abstract of this act and a list of the occupations prohibited to such minors, to be furnished by the Department of Labor, and a schedule of hours of labor which shall contain the name of each minor under eighteen, the maximum number of hours he shall be required or permitted to work during each day of the week, the total hours per week, the time of commencing and stopping work each day, and the time for the beginning and ending of the daily meal period. An employer may permit

such minor to begin work after the time for beginning, and stop before the time for ending work stated in the schedule; but he shall not otherwise employ or permit him to work except as stated in the schedule. This schedule shall be on a form provided by the Department of Labor and shall remain the property of that department. Nothing in this section shall apply to the employment of minors in agricultural pursuits or in domestic service in private homes, or as newspaperboys as provided in this act.

#### 34:2-21.6 RECORD OF EMPLOYMENT OF MINORS UNDER 19

Every employer shall keep a record, in a form approved by the Department of Labor, which shall state the name, date of birth and address of each person under nineteen years of age employed, the number of hours worked by said person on each day of the week, the hours of beginning and ending such work, the hours of beginning and ending meal periods, the amount of wages paid, and such other information as the department shall by regulation require. Such record shall be kept on file for at least one year after the entry of the record and shall be open to the inspection of the Department of Labor, of attendance officers and of police officers. Nothing in this section shall apply to the employment of minors in agricultural pursuits, or in domestic service in private homes, or as newspaperboys as provided in this act.

#### 34:2-21.7 EMPLOYMENT CERTIFICATE OR SPECIAL PERMIT FROM ISSUING OFFICER OF SCHOOL DISTRICT

Except as permitted under section fifteen, no minor under eighteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, unless and until the person employing such minor shall procure and keep on file an employment certificate or special permit for such minor, issued by the issuing officer of the school district in which the child resides, or of the district in which the child has obtained a promise of employment if the child is a nonresident of the State; *provided*, that no certificate or special permit shall be required for any child sixteen years of age or over employed in agricultural pursuits. Such certificate or special permit shall be issued in triplicate in such form and in accordance with such instructions as may be prescribed by the Commissioner of Education. The Commissioner of Education shall supply to the issuing officers all blank forms to be used in connection with the issuance of such certificates, and special permits as provided for in section fifteen.

Employment certificates shall be of two kinds, regular certificates permitting employment during school hours, and vacation certificates permitting employment during the school vacation and during the school term at such times as the public schools are not in session.

The original copy of the employment certificate shall be mailed by the issuing officer to the prospective employer of the minor for whom it is issued; a duplicate copy shall be mailed to the Department of Labor in

Trenton as provided in section twelve, and a triplicate copy shall be kept in the files of the issuing officer. The issuing officer may refuse to grant a certificate, if in his judgment, the best interests of the minor would be served by such refusal and he shall keep a record of such refusals, and the reasons therefor.

#### 34:2-21.8 ISSUANCE OF CERTIFICATES; PREREQUISITES

The issuing officer shall issue such certificates only upon the application in person of the minor desiring employment, and after having approved and filed the following papers:

(1) A promise of employment signed by the prospective employer or by someone duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, the wage to be paid such minor, and the number of hours per day and days per week which said minor shall be employed.

(2) Evidence of age showing that the minor is of the age required by this act, which evidence shall consist of one of the following proofs of age and shall be required in the order herein designated, as follows:

(a) A birth certificate or certified transcript thereof or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A baptismal certificate or attested transcript thereof showing the date and place of birth, and date and place of baptism of the minor, or

(c) Other documentary evidence of age satisfactory to the issuing officer, such as a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or a passport, showing the age of the minor, or a certificate of arrival in the United States, issued by the United States Immigration Office, showing the age of the minor, or a life insurance policy, provided that such other documentary evidence has been in existence at least one year prior to the time it is offered as evidence, and provided further that a school record of age or an affidavit of a parent or guardian or other written statement of age shall not be accepted, except as specified in paragraph (d) of this section.

(d) In the case none of the aforesaid proofs of age shall be obtainable and only in such case, the issuing officer may accept the school record or the school-census record of the age of the minor together with the sworn statement of a parent or guardian as to the age of the minor and also with a certificate signed by the physician authorized to sign the statements of physical fitness required by this section, specifying what in his opinion is the physical age of the minor. Such certificates shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and

upon which the opinion of the physician is based as to the physical age of the minor. If the school or school-census record of age is not obtainable, the sworn statement of the minor's parent or guardian, certifying to the name, date and place of birth of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age. The issuing officer shall administer said sworn statement.

The issuing officer shall, in issuing a certificate for a minor, require the evidence of age specified in paragraph (a) of this section in preference to that specified in paragraphs (b), (c) and (d) of this section and shall not accept the evidence of age permitted by any subsequent paragraph unless he shall receive and file evidence that the evidence of age required by the preceding paragraph or paragraphs cannot be obtained.

(3) A statement of physical fitness, signed by a medical inspector employed by the applicable Board of Education, setting forth that such minor has been thoroughly examined by such medical inspector that he either is physically fit for employment in occupations permitted for persons under eighteen 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 examination shall be prescribed jointly by the Commissioner of Education and the State Department of Health.

(4) A school record signed by the principal of the school which the minor has last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, and residence of the minor; *provided*, that in the case of a vacation certificate issued for work before or after school hours, such record shall also state that the child is a regular attendant at school, and in the opinion of the principal may perform such work without impairment of his progress in school, but such principal's statement shall not be required for the issuance of a vacation certificate for work during regular school vacations.

#### 34:2-21.9 AGE CERTIFICATES TO PERSONS BETWEEN 18 AND 21; CONTENTS; RETENTION BY EMPLOYER DURING EMPLOYMENT

Upon request, it shall be the duty of the issuing officer to issue to any young person between the ages of eighteen and twenty-one years residing in his district and applying in person, who expresses a desire to enter employment, an age certificate upon presentation of the same proof of age as is required for the issuance of employment certificates under this act. A young person between the said ages nonresident of the State may apply to the issuing authority of any district where such person states he intends

to seek employment. The age certificate shall state the color, name, sex, date and place of birth, residence, color of hair and eyes, height, and distinguishing facial marks, if any, and the kind of proof of age submitted. All copies thereof shall be signed in person by the applicant in the presence of the said issuing officer in whose name it is issued.

Any employer before employing a minor may require him to produce an age certificate and sign his name for comparison with the signature on the certificate. If in his judgment the signature and characteristics of the child correspond with the signature and description in the certificate, the employer, on employing the child, may require and retain the certificate during the minor's employment and shall return it to the minor upon the termination of his employment.

#### 34:2-21.10 EMPLOYMENT CERTIFICATE; CONTENTS

An employment certificate shall state the name, sex, color, date and place of birth, residence, color of hair and eyes, height, weight, any distinguishing facial marks of the child—the employer's name, address and type of business, the occupation of the child, the kind of proof of age submitted, the grade completed, physician's approval and the name and address of parent. Every such certificate shall be signed in the presence of the issuing officer by the child in whose name it is issued.

#### 34:2-21.11 CERTIFICATE OR PERMIT AS CONCLUSIVE EVIDENCE OF AGE

An employment or age certificate or special permit issued in accordance with this act shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of a minor under the child-labor or workmen's compensation law or any other labor law of the State, as to any act occurring subsequent to its issuance.

#### 34:2-21.12 FILING OF DUPLICATE CERTIFICATES OR PERMITS; CANCELLATION; RETURN OF ORIGINAL PAPERS; DESTRUCTION OF CERTIFICATES AND PERMITS WHEN MINORS BECOME 21

Every issuing officer issuing an employment or an age certificate or special permit, shall send immediately to the Department of Labor at Trenton, a duplicate of the certificate or permit and the original papers upon which the certificate or special permit was granted. The department shall examine and promptly return to the issuing officer the said original papers and shall keep on file the duplicate of said certificate or permit. Whenever there is reason to believe that an employment or an age certificate or special permit was improperly issued, the Commissioner of Labor shall notify the Commissioner of Education and the board of education of the school district in which the certificate was issued. The board of education of the school district may cancel any employment or any age certificate or special permit issued by it, and shall cancel the same when

directed so to do by the Commissioner of Education. Whenever any employment certificate has been cancelled, the board of education cancelling the same shall immediately notify the Commissioner of Education, the Commissioner of Labor and the person by whom the child is employed, of its action, and such employer shall immediately upon receiving notice forward the certificate to the board of education.

All birth certificates, baptismal certificates, passports, insurance policies or other original papers submitted in proof of age shall be returned to the minor upon request after they have been returned to the issuing officer by the Department of Labor and after the issuing officer has transcribed for his files information pertinent to the issuance of the certificates. The Commissioner of Labor and the issuing officer may destroy all employment and age certificates and special permits or copies thereof when the birth dates set forth in such certificates and special permits are more than twenty-one years before the date of destruction.

**34:2-21.13 EMPLOYMENT OF CHILDREN WHO ARE NONRESIDENTS OF SCHOOL DISTRICT; DUPLICATE OF CERTIFICATE**

If a child within the ages for compulsory school attendance is employed in a school district other than that in which he lives, the issuing officer of the district in which the child lives shall immediately send a duplicate of the certificate, properly filled out and the address of the employer to the superintendent of schools of the county in which the child resides who shall thereupon send said duplicate to the superintendent of schools of the county in which the child is employed.

**34:2-21.14 RETURN OF CERTIFICATE AFTER EMPLOYMENT TERMINATES; NEW CERTIFICATES; CERTIFICATE VALID ONLY FOR ONE EMPLOYER AND ONE OCCUPATION; EMPLOYER TO KEEP CERTIFICATE ACCESSIBLE; PRIMA FACIE EVIDENCE**

Every employer receiving an employment certificate shall within two days after termination of the employment return said certificate to the person issuing it. A new employment certificate shall not be issued for any minor except upon the presentation of a new promise of employment. An employment certificate shall be valid only for the employer for whom issued and for the occupation designated in the promise of employment. Said employer shall, during the period of the minor's employment, keep such certificate on file at the place of employment and accessible to any issuing officer and to any attendance officer, inspector, or other person authorized to enforce this act. The failure of any employer to produce for inspection such employment certificate, or the presence of any minor under eighteen years of age in his place of work at any time other than that specified in the posted schedule of hours required by this act, shall be prima

facie evidence of the unlawful employment of the minor. The presence of any minor under eighteen years of age in any place of employment shall be prima facie evidence of the employment of such minor, except that the presence on any farm or place of agricultural pursuit of any such minor shall not constitute such prima facie evidence.

#### 34:2-21.15 STREET TRADE; AGRICULTURAL PURSUITS; AGES WHEN PERMITTED; SPECIAL PERMITS

Except as hereinafter provided as to newspaperboys, no boy under 14 years of age and no girl under 18 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 child under 12 years of age may be employed in agricultural pursuits.

Except as hereinafter provided as to newspaperboys, whenever a child under 16 years of age desires to work during such times as the schools of the district in which he resides are not in session in any street trade or in agricultural pursuits, the parent, guardian or other person having the custody and control of the child may file with the issuing officer in the school district in which the child resides an application for a special permit authorizing such work. Such application shall show the exact character of the work the child 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 child's health or standing in school, the issuing officer shall, upon presentation to him of the same proof of age as is required for the issuance of an employment certificate, issue a special permit, allowing the child 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 newspaperboys, to be otherwise subject to the maximum hours of labor provisions set for minors under 16 years of age in section 3 of this act; provided, that nothing in this act shall prevent newspaperboys as defined in this act, between 12 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 newspaperboys 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 newspaperboy 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 newspaperboy and the hours in school shall exceed a total of 40 hours per week and not more than

8 hours in any one day; and provided, further, that children engaged in agricultural pursuits may be employed no more than 10 hours per day.

Such special permit 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 Commissioner of Education may require.

Any such special permit for work in agriculture shall be issued for a period not to exceed 6 months and shall show its date of expiration. Any person employing a minor under 16 years of age in agriculture shall obtain such a certificate from the minor and keep it on file during the period of the minor's employment and shall return it to the minor to whom it is issued upon termination of his employment.

Upon application by the parent, guardian or other person having custody and control of a newspaperboy as defined in this act, between the ages of 12 and 18 years of age, to the publisher of any newspaper in this State and upon receiving satisfactory proof of age and a signed statement of physical fitness, such publisher may issue to such newspaperboy a special permit on a form prescribed and approved by the Commissioner of Education, whereby he shall be permitted to deliver, solicit, sell and collect for newspapers outside of his school hours on residential routes, and on Sundays and during school vacations and no other employment certificate shall be required.

Such special permit shall show the name, address and date of birth of the newspaperboy for whom it is issued, and such other information as the Commissioner of Education may require.

The publisher shall forthwith mail 3 copies of such special permit to the issuing officer as defined in section 1 of this act, one of which copies shall be forwarded to the Commissioner of Education and one copy to the Commissioner of Labor and Industry in such manner as may be provided by regulation of said commissioners. A copy of such special permit shall also be furnished by the publisher to the parent, guardian or other person having custody and control of the newspaperboy and the publisher shall retain at all times a file copy thereof.

The special permit shall remain in full force and effect unless and until the publisher has knowledge of or is notified by the issuing officer or the Commissioner of Labor and Industry that the newspaperboy is not physically fit or that in the opinion of the issuing officer or the Commissioner of Labor and Industry, engaging in the occupation as a newspaperboy will be harmful to his education. In such case, the said special permit shall be suspended unless and until the issuing officer shall revoke said notification. In the event of such notification and suspension, however, if either the parent, guardian or other person having custody and control of the newspaperboy or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have

authority to affirm, reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

The publisher shall keep a record of the name, address and birth date of each newspaperboy to whom such special permit is issued; the date said newspaperboy commenced and ceased delivering newspapers published by said publisher together with a record of the number of newspapers sold to each newspaperboy and a general description of the area of the route served by each newspaperboy. Such records shall be kept on file by said publisher for a period of 2 years after the newspaperboy has ceased delivering newspapers published by said publisher.

The special permit shall remain in full force and effect unless and until the publisher is notified by the issuing officer or the Commissioner of Labor and Industry that the newspaperboy is not physically fit or that the newspaperboy's school record is such that engaging in the occupation of a newspaperboy will be harmful to his education. In such case, however, if either the parent, guardian or other person having custody and control of the newspaperboy or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have authority to reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

34:2-21.16 FEES OR EXPENSES NOT TO BE PAID BY CHILD, PARENT OR GUARDIAN

No fees or expenses incurred in obtaining any certificates under this act shall be charged to or paid by any child, parent, guardian or other person having custody or control of such a child for any service had under this act.

34:2-21.17 PROHIBITED EMPLOYMENTS FOR MINORS UNDER 16 AND UNDER 18; INAPPLICABLE TO WORK IN SCHOOLS

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

No minor under 18 years of age shall be employed, permitted or suffered 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;
- 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  $\frac{1}{4}$  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 15 pounds;

construction work of any kind;

fabrication or assembly of ships;

operation or repair of elevators or other hoisting apparatus;

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

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this section shall not apply to minors 16 years of age or over, employed as pin-setters only in public bowling alleys as provided in section 3 hereof. No girl under the age of 18 years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm or corporation engaged in the business of transmitting or delivering goods or messages.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by

the Commissioner of Labor to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.\*

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools.

#### 34:2-21.18 ENFORCEMENT OF ACT; INSPECTION OF PLACES AND CERTIFICATES

It shall be the duty of the Department of Labor and its inspectors and agents, acting under the Commissioner of Labor, to enforce the provisions of this act, to make complaints against persons violating its provisions, and to prosecute violations of the same. The Commissioner of Labor and any inspector or other authorized person acting under him, attendance officers and other persons employed by law to compel the attendance of children at school, and officers and agents of any duly incorporated society for the protection of children from cruelty and neglect, shall have authority to enter and inspect at any time any place or establishment covered by this act, and to have access to employment or age certificates or special permits kept on file by the employers and such other records as may aid in the enforcement of this act.

L. 1964, c. 288, § 6 provided: "Notwithstanding anything in this act contained, the Department of Labor and Industry and its inspectors and agents acting under the Commissioner of Labor and Industry shall have the full power and authority to enforce the provisions of this act as provided by the act to which this act is an amendment."

#### 34:2-21.19 PUNISHMENT FOR VIOLATIONS

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, 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 a misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment of not less than ten nor more than ninety days, or by both such fine and imprisonment. 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.

\* See Rules and Regulations for additional prohibited occupations and definitions of construction work.

34:2-21.20 PARTIAL INVALIDITY

If any provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

34:2-21.22 EFFECTIVE DATE

This act shall take effect September first, one thousand nine hundred and forty.

34:2-21.22a NEWSPAPERBOYS; EFFECT OF ACT UPON RIGHTS UNDER WORKMEN'S COMPENSATION ACT

Nothing in this act shall be construed to affect adversely any right or rights of newspaperboys under the provisions of chapter 15 of Title 34 of the Revised Statutes of New Jersey.

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\* Amendments concerning newspaperboys incorporated in this pamphlet effective February 15, 1965.

## **THEATRICAL EMPLOYMENT**

34:2-21.57

As used in this act:

- a. "Professional employment" means employment for pay as an actor or performer in a theatrical production.
- b. "Theatrical production" means and includes stage, motion pictures and television performances and rehearsals therefor.
- c. "Prohibited performance" means and includes appearances 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, or appearance in any illegal, indecent or immoral exhibition or practice, or in any practice or exhibition dangerous to the life, limb, health or morals of a minor or a performance upon any premises licensed for the sale and consumption of alcoholic beverages, or appearance or exhibition of any physically deformed or mentally deficient minor.

### **34:2-21.58 THEATRICAL PRODUCTIONS; EMPLOYMENT OF MINORS BETWEEN 8 AND 16.**

Notwithstanding any provision of the child labor laws of this State, the professional employment of minors between the ages of 8 and 16 years in theatrical productions is authorized upon compliance with the conditions in this act set forth.

### **34:2-21.59 PERMIT; GROUNDS FOR ISSUANCE**

Upon application of an employer, bearing the endorsed approval of a parent or guardian of the minor the issuing officer as defined in the act hereby supplemented may issue a permit authorizing employment of the minor in a theatrical production if it finds that:

(a) The minor is in good health as certified by a currently issued statement of a licensed physician based upon a physical examination;

(b) The place of employment is approved by the Department of Labor and Industry and the period for which the permit is desired is not in excess of 3 months;

(c) If the minor is not attending public school and the application is for a period other than during the school summer vacation period, that he is receiving equivalent instruction approved by the Department of Education or by the State or county of his residence if he be a nonresident of New Jersey;

(d) The proposed employment will not exceed 2 performances a day or a total of 8 performances in any week; that the employment will not be for more than 6 days in any week, 5 hours in any day or a total of 24 hours, including rehearsal time, in any week and that the minor will not be employed before 7:00 a. m. or after 11:30 o'clock p. m. and that school and theatrical performance time shall not exceed 8 hours in any 1 day;

(e) The employment does not involve a type of prohibited performance as hereinafter defined;

(f) The minor will be under the direct care and supervision of an adult who is a parent, guardian or a representative of the employer, named in the application, at all times during his employment or while living away from home when required as an incident of such employment.

#### 34:2-21.60 REFUSAL TO GRANT PERMIT; GROUNDS; RECORD

The issuing officer may refuse to grant a certificate if, in his judgment the best interests of the minor would be served by such refusal and he shall keep a record of such refusals, and the reasons thereof.

#### 34:2-21.61 RENEWAL OF PERMITS; INSPECTION

Permits may be renewed upon application. A separate permit shall be required for each employee. The employer shall have the permit available for inspection at all times at the place of employment.

#### 34:2-21.62 DELIVERY OF COPY OF APPLICATION TO DEPARTMENT OF LABOR AND INDUSTRY

The Department of Education shall deliver a copy of each application to the Department of Labor and Industry.

#### 34:2-21.63 VIOLATION; PENALTY

Whoever obtains any permit under this act upon any knowingly false statement made in applying therefor, or employs or permits or suffers any minor to be employed or to work in violation of this act or of the terms of any permit issued under this act, or obstructs the Departments of Labor and Industry and Education, 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 a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by imprisonment of not less than 10 or more than 90 days, or by both such

fine and imprisonment. 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.

#### 34:2-21.64 FORMS AND REGULATIONS

The Department of Education shall prescribe forms and regulations concerning applications for and issuance of permits and the Department of Labor and Industry may issue regulations concerning the administration and enforcement of this act.

## RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF LABOR AND INDUSTRY

FOREWORD: Pursuant to the provisions of Revised Statutes 34:1-20, the Commissioner of Labor and Industry is empowered to "make and publish rules and regulations not inconsistent with law as he shall deem necessary to enforce the provisions of this title."

It is deemed necessary, in order to enforce the provisions of Title 34 of the Revised Statutes of New Jersey, to define and clarify that portion of the Child Labor Act prohibiting employment in, about, or in connection with power-driven machinery.

The specific section of the Child Labor Act which these rules and regulations are designed to define and clarify is the first sentence of P. L. 1940, c. 153, p. 343, Section 17 as amended, otherwise identified as Section 34:2-21.17, Revised Statutes of New Jersey, which reads: "No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery."

### **The Rules and Regulations herein promulgated are as follows:**

#### CHILD LABOR REGULATION NO. 1 FOR MINORS UNDER 16 JUNE 9, 1958

The words "... power-driven machinery ..." as used in the section of the act herein defined shall not include—

- (1) Standard office type machines.
- (2) 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 metal-working tools and power-driven meat slicing and meat grinding machines, *shall not* be considered standard domestic type machines or appliances;
- (3) The following agricultural machines, when used on a farm: standard types of poultry feeders, egg graders, egg washers, egg coolers and milking machines;

#### CHILD LABOR REGULATION NO. 2 FOR MINORS UNDER 16 JUNE 9, 1958

The words "No minor under 16 shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery" as contained in the section of the act herein defined shall not include 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.

**CHILD LABOR REGULATION NO. 3 FOR MINORS UNDER 16  
OCTOBER 29, 1958**

The term "power-driven machinery," as contained in the first sentence of Section 34:2-21.17 Revised Statutes of New Jersey, does not include 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.

**CHILD LABOR REGULATION NO. 4 FOR MINORS UNDER 18  
OCTOBER 29, 1958**

The specific section of the Child Labor Act which this rule and regulation is designed to *define and clarify* is the provision of Section 34:2-21.17, Revised Statutes of New Jersey, which provides that "No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with . . . construction work of any kind."

The term "construction work," as used in Section 34:2-21.17, Revised Statutes of New Jersey, 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.

**ADDITIONAL PROHIBITED OCCUPATIONS FOR MINORS  
UNDER 18 YEARS OF AGE  
NOVEMBER 20, 1958**

I, the Commissioner of Labor and Industry of the State of New Jersey, under the authority given me by Section 34:2-21.17 of the Revised Statutes of New Jersey after public hearing duly held on November 7, 1958 do hereby declare occupations as listed below to be prohibited for minors under 18 years of age:

1. Work in, on, or directly in connection with the following agricultural machinery: corn pickers, power-driven hay balers or power field choppers.
2. Employment in, about, or in connection with a junk or scrap metal yard. The term "junk or scrap metal yard," as herein used, means the 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.
3. Employment in, about, or in connection with any place or condition operated or maintained for immoral purposes or a disorderly house.
4. Employment in, about, or in connection with any demolition of buildings, ships or heavy machinery.

#### INTERPRETATION—SERVICE STATION EMPLOYMENT MARCH 10, 1958

The Commissioner of Labor and Industry has reviewed the interpretation of Section 34:2-21.17, Revised Statutes of New Jersey, commonly known as the New Jersey Child Labor Law, particularly with relation to that part of said law which reads: "the manufacture, transportation, or use of explosives or highly inflammable substances" and as a result of such review is of the opinion that the definition of the words as quoted 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.

In announcing this opinion, the Commissioner said: "It is to be understood that any employment certificate authorizing employment of a minor under 18 years of age in any gasoline service station or garage will be disapproved by the Department of Labor and Industry if such certificate does not include the following warning which may be stamped upon the face of the certificate: 'this certificate does not in any way affect any prohibition contained in the Child Labor Law concerning power-driven or hazardous machinery or hazardous occupations'."

The Commissioner explained that the reason for this administrative interpretation and statement with relation to the issuing of employment certificates authorizing employment in gasoline service stations and garages is that there had been a previous opinion and ruling which had interpreted the words "the manufacture, transportation or use of highly inflammable substances" to prohibit a minor under 18 years of age from being employed, permitted or suffered to work in, about or in connection with the filling of gasoline motor driven vehicles.