

# ASSEMBLY, No. 4804

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblyman Wimberly, Assemblywomen Carter and Murphy**

**SYNOPSIS**

Modifies process for obtaining working certificates for minors.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/29/2020)**

A4804 DOWNEY, HOUGHTALING

2

1 AN ACT concerning working certificates for minors and amending  
2 P.L.1940, c.153.

3

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

6

7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to read  
8 as follows:

9 8. **【The】** a. Except as provided in subsection b. of this section,  
10 the issuing officer shall issue such certificates only upon the  
11 application in person of the minor desiring employment, and after  
12 having approved and filed the following papers:

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

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

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

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

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

42 (d) In the case none of the aforesaid proofs of age shall be  
43 obtainable and only in such case, the issuing officer may accept the  
44 school record or the school-census record of the age of the minor  
45 together with the sworn statement of a parent or guardian as to the

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 age of the minor and also with a certificate signed by the physician  
2 or advanced practice nurse authorized to sign the statements of  
3 physical fitness required by this section, specifying what in his  
4 opinion is the physical age of the minor. Such certificates shall show  
5 the height and weight of the minor and other facts concerning his  
6 physical development which were revealed by such examination and  
7 upon which the opinion of the physician or advanced practice nurse  
8 is based as to the physical age of the minor. If the school or school-  
9 census record of age is not obtainable, the sworn statement of the  
10 minor's parent or guardian, certifying to the name, date and place of  
11 birth of the minor, together with a physician's or advanced practice  
12 nurse's certificate of age as hereinbefore specified, may be accepted  
13 as evidence of age. The issuing officer shall administer said sworn  
14 statement.

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

22 (3) A statement of physical fitness, signed by a medical inspector  
23 employed by the applicable board of education, or any other  
24 physician licensed to practice medicine and surgery, or advanced  
25 practice nurse, setting forth that such minor has been thoroughly  
26 examined by such medical inspector, or such other physician licensed  
27 to practice medicine and surgery, or advanced practice nurse, that he  
28 either is physically fit for employment in occupations permitted for  
29 persons under 18 years of age, or is physically fit to be employed  
30 under certain limitations, specified in the statement. If the statement  
31 of physical fitness is limited, the employment certificate issued  
32 thereon shall state clearly the limitations upon its use, and shall be  
33 valid only when used under the limitations so stated. The method of  
34 making such examinations shall be prescribed jointly by the  
35 Commissioner of Education and the State Department of Health [and  
36 Senior Services]; provided, however, no minor shall be required to  
37 submit to a physical examination, whose parent or guardian objects  
38 thereto in writing on the grounds such examination is contrary to his  
39 religious beliefs and practices.

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

1       **b.** (1) During a state of emergency or public health emergency,  
2 requiring the personal appearance of the minor, and, under certain  
3 circumstances, the minor's parent or guardian, before the school  
4 district issuing officer in order to apply for or sign employment  
5 certificates may be satisfied through the use of audio-visual  
6 technology.

7       (2) Each public school district shall develop and implement  
8 procedures to satisfy the statutory requirements without requiring in-  
9 person contact between the school district issuing official and the  
10 minor, under the following conditions:

11       (a) During the application process, the child and the school  
12 district issuing officer may transmit a single copy of all required  
13 documentation by way of electronic transmission, fax, or any other  
14 means of transfer of documents developed by the school district that  
15 avoids in-person contact, is secure, and maintains the confidentiality  
16 of the documents;

17       (b) The video conference shall be live and must allow for  
18 interaction between the child and the school district issuing officer,  
19 and when applicable, the parent or guardian. During the video  
20 conference, the child shall verify his or her identity, authenticate the  
21 documents submitted, and sign the application, in a way that is visible  
22 and audible to the school district issuing officer; and

23       (c) Following the video conference, the child shall transmit the  
24 signed certificate, by electronic or other means as determined by the  
25 school district, to the issuing officer, who shall make the requisite  
26 copies and distribute the original and copies as required by this  
27 section.

28       (3) If the state of emergency does not apply to the entire State, a  
29 minor shall be regarded as a covered minor under this section only if  
30 the minor resides in the area subject to the state of emergency.

31       **c.** As used in this section:

32       "Public health emergency" means an occurrence or imminent  
33 threat of an illness or health condition, caused by bioterrorism,  
34 epidemic or pandemic disease, or a novel and highly fatal infectious  
35 agent or biological toxin, that poses a substantial risk of a significant  
36 number of human fatalities or incidents or permanent or long-term  
37 disability, and which has been declared a public health emergency by  
38 the Governor.

39       "State of emergency" means a natural or human-made disaster or  
40 emergency, including an epidemic or other health emergency, for  
41 which a state of emergency has been declared by the President of the  
42 United States, the Governor, a municipal emergency management  
43 coordinator, or other public authority permitted by law to declare a  
44 state of emergency.

45 (cf: P.L.2004, c.168, s.1)

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47       2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to  
48 read as follows:

1       10. a. An employment certificate shall state the name, sex, color,  
2 date and place of birth, residence, color of hair and eyes, height,  
3 weight, any distinguishing facial marks of the child--the employer's  
4 name, address and type of business, the occupation of the child, the  
5 kind of proof of age submitted, the grade completed, physician's  
6 approval and the name and address of parent. **【Every】** Except as  
7 provided in subsection b. of this section, every such certificate shall  
8 be signed in the presence of the issuing officer by the child in whose  
9 name it is issued.

10       b. During a state of emergency or public health emergency,  
11 requiring the personal appearance of the minor, and, under certain  
12 circumstances, the minor's parent or guardian, before the school  
13 district issuing officer in order to apply for or sign employment  
14 certificates may be satisfied through the use of audio-visual  
15 technology.

16       If the state of emergency does not apply to the entire State, a minor  
17 shall be regarded as a covered minor under this section only if the  
18 minor resides in the area subject to the state of emergency.

19       c. As used in this section:

20       "Public health emergency" means an occurrence or imminent  
21 threat of an illness or health condition, caused by bioterrorism,  
22 epidemic or pandemic disease, or a novel and highly fatal infectious  
23 agent or biological toxin, that poses a substantial risk of a significant  
24 number of human fatalities or incidents or permanent or long-term  
25 disability, and which has been declared a public health emergency by  
26 the Governor.

27       "State of emergency" means a natural or human-made disaster or  
28 emergency, including an epidemic or other health emergency, for  
29 which a state of emergency has been declared by the President of the  
30 United States, the Governor, a municipal emergency management  
31 coordinator, or other public authority permitted by law to declare a  
32 state of emergency.

33 (cf: P.L.1940, c.153, s.10)

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35       3. This act shall take effect immediately.

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#### STATEMENT

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40       This bill provides that in a state of emergency or public health  
41 emergency, the requirement for physical presence for a minor to  
42 obtain working papers is waived. Instead, the requirement may be  
43 fulfilled through the use of audio-visual technology. The school  
44 district shall develop a process for documentation to be transferred  
45 electronically, and for a live video conference to be conducted. If the  
46 state of emergency does not apply to the entire State, a minor shall  
47 be regarded as covered only if the minor resides in the area subject  
48 to the state of emergency.