WORKING PAPERS

Guidelines For Completing Employment Certificates

For issuing officers and their delegates

Department of Labor and Workforce Development
Division of Wage and Hour Compliance
www.nj.gov/labor

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* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

Introduction

Each year secretaries in school main offices and guidance departments process employment certificates enabling as many as 100,000 minors to be employed in New Jersey. Lawmakers have given school districts the responsibility for determining whether having a job is likely to impair a youngster's health or education. The selected quotes from the Child Labor Act define the significant role of [redacted] in fulfilling this mandate.

***Selected citations from the NEW JERSEY CHILD LABOR ACT N.J.S.A. 34:2-21.1 et seq.**

*"[redacted]" 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.

*...no minor under 18 years of age shall be employed...in any gainful employment until the person employing such minor shall procure...an employment certificate issued by the [redacted] of the school district in which the child resides....

*The [redacted] may refuse to grant a certificate, if in his judgement, the best interest of the minor would be served by such refusal....

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

The A300 Combined Certification Form (Year 2000 edition)

Processing employment certificate forms is an important job – one of many important jobs that you do. The goal of this manual and the new form design is to make the task simpler and more rewarding. Although the form is largely self-explanatory, please take the time to read through this manual so that you will know if you can find answers here to questions that might come up in the future.

The Employment Certificate form is provided to County Superintendents by the New Jersey Department of Education, which every spring solicits orders to establish the total number printed for the year. Please get a new supply of forms from the CountySuperintendent each year so that your carbon copies are fresh and clear. The legibility of the canary yellow copy sent to the Department of Labor and Workforce Development is critical to the review process. Folding, food stains, cross-outs and random marks may obscure essential entries and require that the form be returned to the issuing office for re-issue.

The A300 Combined Certification Form is a copy set. The completed white original is the employment certificate that the employer keeps on file while the minor is employed at the job title for which it was issued. The school retains the pink copy until the birth date is twenty-one years old. The yellow copy is sent, as soon as possible and with two copies of a standard transmittal form (MW-153-see ADDENDUM), to the Department of Labor and Workforce Development at Trenton:

State of New Jersey
Department of Labor and Workforce Development
Division of Wage and Hour Compliance
P.O.Box 389
Trenton, New Jersey 08625-0389

Whenever there is reason to believe that a certificate or permit was improperly issued, the yellow copy will be returned to the issuing officer with an explanation.

Issuing officers have the responsibility for issuing employment certificates according to prerequisites and contents defined in the Child Labor Law. If all the required entries have been made on the form, the issuing officer's job is done. It is up to the employer to be

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

aware of the provisions of the child labor law and to complete the Promise of Employment so the hours and duties set forth are in compliance. If the Department of Labor and Workforce Development indicates by returning the yellow copy to the issuing officer that the conditions of employment appear to be contrary to law, the school district may cancel the certificate. Most of the time the issuing officer will consult with the employer to change the existing certificate to bring it into compliance and return the yellow copy to the Department of Labor and Workforce Development for review. In some cases, the school district makes a judgement to recall or cancel the certificate. A sample letter that can be used for this purpose appears at the back of this manual. A copy of the notice to the employer should be sent to the Commissioner of Education and to the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development.

The issuing officer is not charged with enforcing the Child Labor Law. When difficulties or disputes arise because an employment certificate has been rejected, issuing officers should call on the Department of Labor and Workforce Development for help in defining the problem and reaching a lawful solution.

Phone number for child labor issues: (609)292-2305

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

The form is filled out in order from top to bottom with information provided by the minor, employer, physician, principal and issuing office. When providing a blank form to a minor, please indicate in the labeled space at the top if the job is part of a special school program such as cooperative vocational education (C.V.E.) or cooperative industrial education (C.I.E.)

Do not pre-sign, enter, or stamp any principal or issuing officer signatures or issue dates. Employers may end up with ***citations and fines*** if the minor short cuts the process and presents the employer with improperly issued working papers.

Section A-PERSONAL INFORMATION

The minor should provide information for filling in all the blanks in this section. The minor is then instructed to present the form to the employer for the Promise of Employment.

Section B- EMPLOYMENT INFORMATION

A New Jersey employment certificate is valid only for employment within the boundaries of New Jersey. Youngsters who will be working in New York, Pennsylvania, Delaware, or other states must find out from their prospective employers how to get appropriate working papers. In New York, for instance, a youngster may apply at any public high school in the state, even in the summer. **Minors** who reside in another state but work in New Jersey **must apply for New Jersey working papers in the school district where they will be working.** School districts may have special arrangements with other entities such as tourism offices, to accommodate special needs.

The employer or an authorized representative should complete the PROMISE OF EMPLOYMENT, not the minor.

The trade name (not corporate or franchise name) and the location where the minor will actually be working are required.

*Note if a minor is working at a gasoline station or garage the following statement must appear on the certificate front: **"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."**

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

The contact person should be someone who is available during normal business hours and has sufficient authority to answer questions about schedules, duties or wage rates from the school issuing office or the Department of Labor and Workforce Development.

The employer should enter the minor's job title or job description, avoiding such general terms as "helper", "laborer", "gofer" or "grunt". The reviewer decides based on the "job title" and "type of business or industry" whether the minor might be working at a prohibited occupation. If there are indications of a prohibited occupation the yellow copy will be returned for clarification of the minor's duties or for recall.

If hours entered appear to be contrary to law, the Department of Labor and Workforce Development will reject the certificate as improperly issued. Employers must be aware that 14 and 15 year olds should be permitted to work only three hours on a day that school is in session, including Fridays, and that 14 and 15 year olds generally should not be permitted to work after 7 p.m. Another common error is checking seven days a week to indicate that the minor might be working on any one of the seven days. However, the reviewer cannot be sure that the employer is aware that minors should not be permitted to work more than six days in a week, nor more than 40 hours.

If "vacation" certificate is checked, the reviewer will know that it is a summer vacation job when fourteen and fifteen-year-olds may be permitted to work 8 hours a day and 40 hours a week.

The wage rate or weekly or seasonal gross pay should be entered, even for occupations that do not require payment of the minimum wage. If tips will make up part of the wage, this should be indicated as well.

Employers should be aware of issues surrounding employment of minors where liquor is sold for consumption on the premises. The Department of Labor and Workforce Development will reject yellow copies if 14 or 15 year olds are employed where the entire premises are licensed.

The Promise of Employment should be signed by a person with sufficient authority to enforce the stated conditions.

***The only entry in Section B not** filled in by the employer is the* **SIGNATURE OF PARENT/GUARDIAN**.

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

\Section C-PHYSICIAN'S CERTIFICATION

The date the minor was actually examined is required in this space.

Either **A** or **B** should be circled.

If there are limitations, they must be noted in the space provided or on an attachment.

The name of the school district's medical inspector or of another physician licensed to practice medicine must be entered. The address is required <u>unless</u> the doctor is the school physician. The school nurse may sign in the doctor's behalf but the name of the medical inspector or the licensed physician who performed the examination must be included. If the examination was performed by a nurse practitioner or physician's assistant, the name of the physician in charge must be entered.

A record of a physical examination qualifying a minor for employment (even if it was a sports physical) is sufficient for issuing working papers throughout the minor's high school career. However, some schools have a policy requiring annual exams. The date of the physical exam and the doctor's name should be entered.

The school district is responsible for performing the physical examination without cost to either the minor or minor's parents. Parents who wish to have a child examined by a physician other than the one employed by the school district, may do so at their own expense.

A minor is not required to obtain a physical if the parents or guardian object (in writing) based on their religious beliefs and practices.

If there is evidence that the minor had previously been issued a valid employment certificate SECTION C need not be filled out. The date of the previously issued employment certificate must be entered at the bottom of the new certificate in the space provided. If the initial certificate displayed limitations, they should be entered on all subsequent certificates.

Section D-PROOF OF AGE

The Child Labor Law expresses a preference for *BIRTH CERTIFICATE* as proof of age. Passports and resident alien identification cards as well as baptismal certificates are also acceptable. The law gives the issuing officer discretion to accept other documentary evidence of age that has been in existence for at least one year. A Social Security card is not a proof of age. (Please refer to Child Labor Law Section 34:2-21.8 Issuance of certificates; prerequisites). Please make sure that the "circle" comes through on all the carbon copies.

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

Sending a photocopy of the birth certificate, etc., as proof of age, to the Department of Labor and Workforce Development, attached to the yellow copy of the employment certificate, is discouraged. However, some issuing officers continue to do so because it provides them with a useful checkpoint in their process. If a photocopy of the proof of age is sent to the Department of Labor and Workforce Development it will be discarded or filed not returned to the issuing officer.
If there is evidence that the minor had previously been issued a valid employment certificate Section D need not be filled in. The issue date of the previous employment certificate must be entered at the bottom of the new certificate in the space provided.

Section E-AGE CERTIFICATE

An age certificate is for minors between the ages of 18 and 21. It is not required by law but must be issued when the employer requests the minor to obtain it. It enables employers to hire with confidence such young people as are old enough to work longer hours or on jobs not permitted to the younger group. The issuing officer completes SECTIONS A, D, F and G. The distribution of the copies is noted on the back of the employment certificate form.

Section F-SCHOOL RECORD

Please note that the school that the minor attends completes this section.

It need not be completed if the employment occurs within the period from the last day of school in June until Labor Day. Look to see if "Vacation Employment Certificate" was checked in SECTION B.

Section G-ISSUING OFFICER CERTIFICATION

The "School District Address" is the location where the employment certificate was issued. The "School District Telephone #" is one where the person who processed the employment certificate can be reached during normal school hours.

The issuing officer or delegate, by signing, certifies that the papers required by law have been examined, approved and filed and that the minor has signed the certificate in her or his presence.

The DATE OF ISSUE is the last entry to be made. It signifies that the process is complete and, once the employer has the employment certificate on file, the minor can begin working. There should be no need to cross out, alter, whiteout or in any way amend this date. Since the employment certificate has been redesigned to insure the integrity of the ISSUE DATE, compliance officers making audits will view any alterations with skepticism.

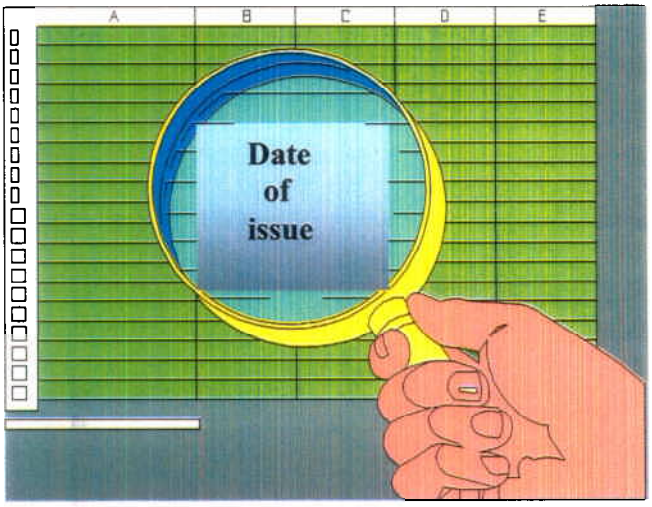
* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

The DATE OF ISSUE should not precede the minor's fourteenth birthday. Those who employ large numbers of minors during the summer months often seek working papers in advance to avoid bottlenecks when the season begins. Such employers may ask minors to get working papers while they are still thirteen. The issuing officer should enter the minor's age in SECTION A as 14 and make the DATE OF ISSUE coincide with the minor's fourteenth birthday. Both the employer and the minor should be aware that the minor must not begin working until the DATE OF ISSUE.

As noted in SECTION C and SECTION D above, enter a complete date if an employment certificate was previously issued.

Copy distribution and permitted hours appear on the back of the form. Please note that hours vary according to age and time of year.

ADDENDUM: Sample Recall Letter, Transmittal Form-MW153



* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

MICHAEL D. LAIRD
Principal

HAMILTON HIGH SCHOOL WEST
HAMILTON TOWNSHIP SCHOOL DISTRICT
2720 SOUTH CLINTON AVENUE
HAMILTON, NEW JERSEY 08610-5098
609-890-3605
FAX # 609-888-2407

Vice Principals
MICHAEL J. GILBERT
MICHAEL J. MIGLIORE
Acting Vice Principal
SHARON L. YOUNG

ATTN:

This is to advise you that the employment certificate for

issued on has been

rejected by the State Wage and Hour Division for the following

reason (s):

Please return the employment certificate to us as soon as

possible at the above address.

MW 153 (R 1 88)

FORWARD THIS FORM IN DUPLICATE

If more space is needed use blank paper

Division of Wage and Hour Compliance
New Jersey Department of Labor
PO Box 389
Trenton, New Jersey 08625-0389

Date: _____

County: _____

School District: _____

Enclosed find papers on which employment certificates and permits have been granted to minors indicated below

Please return all papers not needed to be filed with your department.

Signature of Issuing Officer

Kindly fill in the blank with your [illegible] and complete mailing address as this will be used in returning all papers to you.

(Rev. 3/11)

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

The A310 Combined Certification Form (Year 2000 edition)

For Agriculture, Newspaper Carrier, Street Trades or Theatrical Employment

The A310 form is completed from top to bottom the same as the A300 but there are several requirements that distinguish it from the general employment certificate. The forms are also available at the county superintendent's office. Some school districts are accustomed to processing agricultural or theatrical or newspaper carrier permits. Others are at a loss when a student or employer asks for one. It is prudent to keep one or two of the blank forms on hand, just in case the need arises.

When a student or parent requests a theatrical permit, the first question to ask is "Where will the child actually be working/performing." If the answer is anywhere outside the confines of your school district, you should not issue a permit. If the performance or filming is to take place in another state, that jurisdiction will issue the working papers. If the work takes place in another school district in New Jersey, the parent and /or the employer should file the application there.

The parent/guardian role is more significant in applying for an A310 permit. In all cases the parent signature either initiates the application or is an essential component.

Age requirements also differ. General employment certification has an age requirement of 14 year through 17 years of age.

- ***Agriculture*** *is (Age 12-15)*
- ***Street trades*** *(Age 14-15)*
- ***Newspaper carriers*** *(Age 11-15)*
- ***Newspaper carriers-New Jersey Publishers*** *(Age 11-17)*
- *There is no minimum age for a* ***theatrical*** *permit. However, minors between 16 and 18 years old must get regular (A300) working papers rather than theatrical permits.*

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

Agriculture permit: (AGE 12-15)

Section A: Complete all.

Section B: Check "FOR **AGRICULTURE"**
Fill in *"Hours", "Wages" and "Minor's Job Title"*

Section C: Complete all.

Section D: Complete school district information, signatures of issuing officer and minor, date of issue and "**AGRICULTURE:** VALID DATES"

Street trades permit: (AGE 14-15)

Section A: Complete all.

Section B: Check "FOR **STREET TRADES"**
Fill in "Hours", "Wages" and "Minor's Job Title-*e.g. Hawker, bootblack, etc."*

Section C: Complete all.

Section D: Complete through "SIGNATURE OF MINOR". "VALID DATES" are not required.

Newspaper Carrier permit: (AGE 11-15)

Section A: Complete all.

Section B: Check "FOR **NEWSPAPER CARRIERS"**
Fill in "Hours", "Wages" and "Minor's Job Title"

Section C: Complete all.

Section D: Complete through "SIGNATURE OF MINOR". "VALID DATES" are not required.

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

*Newspaper carrier permit-New Jersey Publisher:

(AGE 11-17)

Section A: Complete all

Section B: Check "FOR **NEWSPAPER CARRIER PERMIT-NEWJERSEY PUBLISHERS** "
A parent, by initialing "YES" attests that the minor is physically fit to perform the job.
The publisher's representative enters the "trade name" of the newspaper, the employer's name and address and signs as the publisher's authorized representative.

Section C: This section is completed and signed by the publisher's authorized representative who circles the appropriate proof of age.

Section D: For this permit, no entries are required in this section.

*There are provisions in the Child Labor Law empowering the publisher of any newspaper in the State to issue a newspaper carrier special permit. The process does not require any action by a school issuing officer. New Jersey publishers use either the A310 or an 8 1/2-inch by 5 1/2 inch Form A66M. The disposition of copies for both forms can be found on the reverse side of the A310. School issuing officers who have problems or questions regarding New Jersey Publisher newspaper carrier permits should seek the assistance of the Department of Labor and Workforce Development's Wage and Hour Division - phone numbers on page 4 of this publication

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

Theatrical Permit:

Theatrical Production Requirements for the Employment of Child Actors

As stipulated in the New Jersey Child Labor Law, N.J.S.A. 34:2-21.57 through N.J.S.A.34:2-21.64, inclusive, all minors working in Theatrical Productions in New Jersey, whether paid or unpaid, are required to provide their employer with a Theatrical Permit, up to age 16 years old, or an Employment Certificate, from age 16 to 18 years old. All of the attached documents must be completed and sent to this office prior to rehearsal, production or performance. The following required forms must be completed by the designated participants or interested parties.

Production Company must complete the following:

1. Theatrical Production Application – This application is used for providing the details of the minor's performance, including the location, dates, and times of the performance. For each minor, the production company must submit the script, call sheets, description of the performance, and dates and times of performance and rehearsal.

   This application must be obtained from the Division of Wage and Hour Compliance at (609) 292-2305.

Parent/Minor must complete the following:

1. Theatrical Permit for Minor, Form A-310 up to age 16. Employment Certificate A-300 is completed for minors 16 & 17 years old.
2. Child performer needs to visit New Jersey State School Issuing Officer in person. (N.J.S.A. 34:2-21.8)

   Residents --- Acquire Special Permit or Employment Certificate at School District where minor resides
   Out of State --- Acquire Special Permit or Employment Certificate at the School Districts where performance takes place. School District locations can be found at www.nj.gov/education.
3. Bring the following documentation to School Issuing Officer.
   a. Proof of Age
   b. Proof of recent physical
   c. Under age 8 –Visual Acuity Test
   d. Social Security Card
   e. Non-Citizen – Work Authorization Permit (Federal Form I-9)
   f. Parental Permission letter which shall contain information
      1) authorizing minor to work on production
      2) designating by name, the adult parent, guardian or company representative who will be responsible for the direct care of the minor and responsible for the supervision of the minor at all times on set or while the minor is living away from home as an incident of such employment.

g. Letter from School Principal stating that the parent and school have discussed "equivalent education" for the time the minor is required to attend school, and the parent is aware of school work which is required.

NOTE: If the school advises the parent that a tutor is necessary, then the production company must supply the tutor from the date required by the school principal.

4. Instruct the school issuing officer to contact the Department of Labor and Workforce Development at 609-292-2305.

Production Company must perform the following duties:

1. Maintain copies of all documentation listed under the above section "Parent/Minor."
2 Must forward all copies to the New Jersey Department of Labor and Workforce Development prior to production. This information can be faxed at 609-695-1174. However, it is preferred that all information be mailed prior to production or rehearsal in order to protect the confidential nature of the information.
3 Maintain a copy of each Theatrical Permit A-310 for each minor on the set throughout the entire production.
4 Maintain Time Records including In/Out times for each minor and payroll records for each minor.

Production Company must comply with the N.J. Child Labor Laws regarding the hours of performance:

1. A minor can be on the set for 8 hours per day.
   The 8 hours is composed of 5 hours of work, which includes all rehearsal time, and 3 hours of rest, meals and education if attendance at school is required.
2. A minor under 16 years old who attends school that day can only work 3 hours after school that day.
3. A minor in a stage performance can perform 2 shows per day but no more than 8 shows or productions per week.
4. A minor can only work a total of 24 hours in a week.
5. A minor can only work a total of 6 days in any week.
6. A minor can be on a set for a continuous 8 hours between 7 a.m. and 11:30 p.m.
   If the filming of a minor creates a safety hazard to the minor, a special waiver permission to work after the prescribed time must be requested in writing, addressed to the Director of the Division of Wage and Hour Compliance.
   Waivers are not granted for working more than 5 hours in any day.
7. A minor is not permitted to participate in any prohibited performance as described in N.J.S.A. 34:2-21.57c or in any indecent or immoral exhibition.

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.

Thank you for your cooperation. If you have any questions, please contact the Division of Wage & Hour Compliance at 609-292-2305, Fax. 609-695-1174 or e-mail at wagehour@dol.state.nj.us.

Mailing Address:
New Jersey Department of Labor and Workforce Development
Division of Wage and Hour Compliance
P.O. Box 389
Trenton, New Jersey 08625-0389

* For further information on child labor laws regarding hours and prohibited occupations, reference the blue book Child Labor Laws and Regulations.