Your Child's Job

A Parent's Guide to Child Labor Laws

NEW JERSEY DEPARTMENT OF

LWD

LABOR AND WORKFORCE DEVELOPMENT

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to Keep New Jersey Working

Jon S. Corzine, Governor
David J. Socolow, Commissioner

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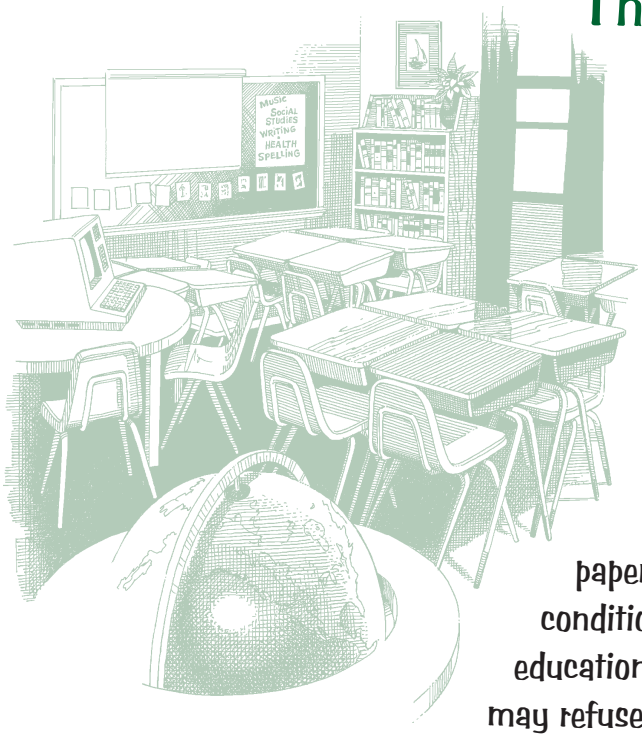
When your teenager gets a job, you may feel both pleased and concerned. On the one hand, you may be pleased to know your child will be learning new skills and self-confidence, and also earning money. Your daughter or son is growing up.

On the other hand, you may worry that the time spent on the job will affect schoolwork and result in low grades. You might be concerned about your child's safety, since teens are more likely than adults to be injured at work.

What can you do to make your teenager's job a positive experience for everyone involved? Child labor laws are designed to protect the health and education of workers under 18 years of age. You can help your child best by knowing what those protections are and how they are enforced.

This booklet details the roles of the school, the employer, and the parent in putting the New Jersey child labor laws to work for you. It explains what to do if an employer puts your child at risk. This information can help you to be one of the more important resources in your child's working life.

The School's Role

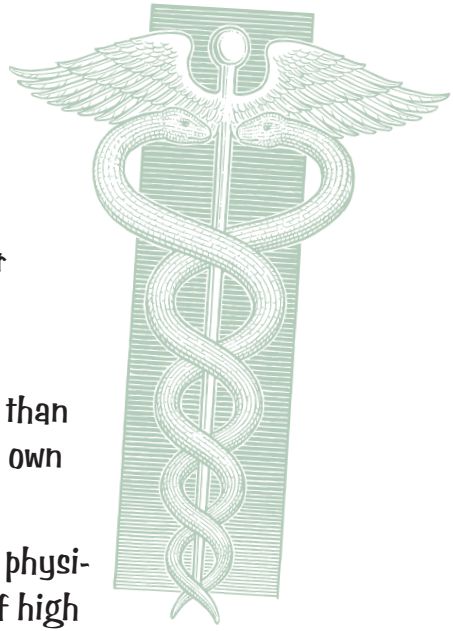


Children under 18 years old (minors) who work in New Jersey must have an employment certificate — also called "working papers." In New Jersey, your son or daughter can get working papers from their local school district. Doing seasonal work in a different part of the state? The young worker can get working papers in that town's school district.

A designated school official issues working papers only after being satisfied that the working conditions and hours will not interfere with a student's education or damage a student's health. The official may refuse to issue working papers if such refusal would be in the minor's best interest.

The high school principal signs a statement that "to the best of my knowledge the minor can do the work proposed without impairment of progress in school."

The Physical Exam



The school district is responsible for performing the physical examination at no cost to the minor or minor's parents.

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

If you prefer that your child be examined by a doctor other than the one employed by the school district, you may do so at your own expense.

Only one physical is required for working papers. A school physical performed during freshman year is good for all four years of high school (unless the school district policy specifies more frequent physicals).

The Employer's Role

The employer completes the Promise of Employment

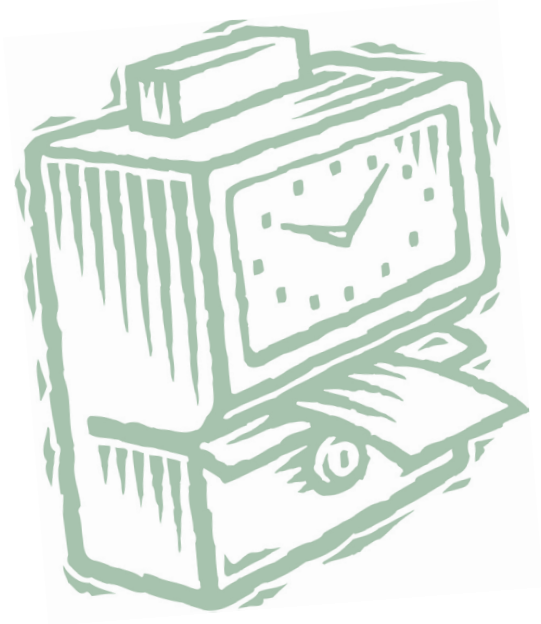
A prospective employer must take several important steps before hiring a young worker. After the employer and minor discuss the job and agree about duties, pay, and hours, the employer gives a verbal promise of employment. Your child then applies in person for working papers from the school district. Next, your child brings the working papers to the employer. In the employment section of the working papers, the employer fills out and signs the Promise of Employment. On the working papers form, the employer:

- notes the trade name and address of the location where the minor will actually work
- specifically describes the minor's job/title or the job duties
- approximates the hours and days the minor will work
- indicates if employment is regular (during school year) or vacation (summer)

- notes the rate of pay
- signs and dates the employer section.

The employer must comply with the New Jersey child labor law. An employer who violates the law risks substantial fines.

Employers sometimes urge minors to "fudge" their time cards to show only permitted hours. They might imply that the minor would be guilty of a child labor violation if their time card showed the true hours. Such employers are violating child labor laws and other wage and hour laws. On page 12 of this booklet we offer suggestions for dealing with this problem.



Employers must know the laws related to:

- keeping records of hours worked and wages paid
- posters (Employers are required to display certain posters detailing wage and hour laws.)
- minimum wage
- meal periods/rest periods
- the number of days or hours minors are permitted to work — when school is in session, or during the summer
- how late at night minors are permitted to work
- what occupations, machinery, or processes are prohibited.

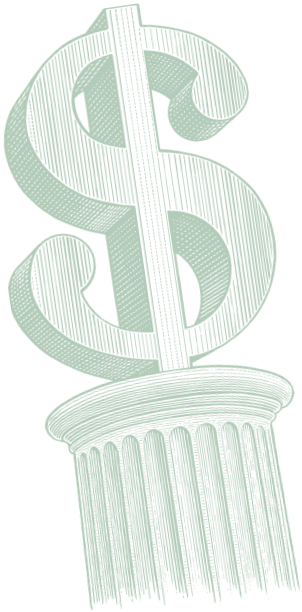
Several free publications provide this information (see back cover).

A minor is entitled to minimum wage in the following industries:

- retail/mercantile
- beauty culture
- laundry/cleaning/dyeing
- light manufacturing/apparel
- first processing of farm products
- hotel and motel
- food service (restaurant).

Certain workplaces are not required to pay minimum wage. Some examples are nursing homes, boardwalk and other seasonal amusements, summer camps, professional offices, and libraries. However, jobs related to food service in any of those places requires payment of minimum wage.

On October 1, 2005, the minimum wage in New Jersey was raised to $6.15 an hour. On October 1, 2006, the minimum wage increased to $7.15 an hour.



Here's a tip!

Where tips are part of the pay, the sum of cash wages plus tips earned in a week, and meal credits (where meals are provided), divided by hours worked during that same week, must amount to at least the minimum wage.

Stop! Don't touch that slicer!

Employers who permit minors to use or work near deli slicers, forklifts, or any of a long list of hazardous machinery or jobs violate child labor laws and risk a young worker's health and safety.

A responsible employer analyzes the tasks that young workers do, and rules out prohibited machinery and processes. Child labor laws require that employers display a poster that lists prohibited occupations. The poster must be displayed on the premises where any minor works.

Construction is a prohibited occupation

Minors may not:

- erect, alter, repair, renovate, demolish, or remove any building or structure;
- excavate, fill, or grade sites
- excavate, repair, or pave roads and highways
- or do any work within 30 feet of these operations.

The Parent's Role

The school plays a role in deciding whether your child can work, and the employer is responsible for complying with labor laws. You have the rights and responsibilities of the parent: oversight, nurture, and protection. You are the final and best word in decisions involving your child's job.

Your child may need your help to produce proof of age. If the school does not have a copy on file, you may be asked to provide a birth certificate, passport, baptismal certificate, or other identification documentation.

Sign on the dotted line ...

The working papers form has space for your signature, name, and address. Legal hours for minors are also specified on the back of the working papers. You may sometimes let your child work later than the time generally allowed by the child labor law. During the

summer when school is not in session, 14 and 15 year olds with written parental permission may work until 9:00 p.m. (the usual is 7:00 p.m.). Under similar circumstances, 16 and 17 year olds may work after 11 p.m. — and in certain jobs after 12 midnight. If you think your child is working too many hours, check the full text of the New Jersey child labor law. (See the back of this booklet for information on where to call for a copy.)

Nobody under 18 may work more than 8 hours in a day, or 40 hours in a week. Even if minors are paid for the overtime, it's still against the law!

If you want to help your child keep track of hours and wages, hang a calendar in a convenient place to record daily work times. Save pay slips and check the hours with the calendar.

Encourage your child to be aware of the laws that protect them.

What if an employer asks your child to work excessive hours or do prohibited work?

If you think the employer is careless or unaware of the law, try discussing your concerns with the employer to resolve the problem without making a formal complaint. Most employers would rather comply with the law than pay the fines for violating child labor laws.

If this approach does not solve the problem, you may file a formal complaint with the government agencies that enforce labor laws. (Phone numbers and addresses are listed on the back of this booklet.) If you file a complaint, you and your child may be asked to submit affidavits and other evidence of your claims.

The Government's Role

State and federal governments enact and enforce labor laws. The Division of Wage and Hour Compliance of the New Jersey Department of Labor and Workforce Development prepared this booklet. We enforce New Jersey laws and regulations concerning child labor, minimum wage, and wage payment.

We also teach people about the laws. We educate employers, school issuing officers, students, and parents by giving presentations and by publishing short, targeted guides. This guide is a brief compilation of information of interest to parents. You can request the full text of these laws and regulations from the state office listed at the back of this booklet.

Questions?

Direct any questions or requests for informational materials about New Jersey child labor laws to:

New Jersey Department of Labor and Workforce Development
Division of Wage and Hour Compliance
P.O. Box 389
Trenton, NJ 08625-0389
Phone (609) 292-2305
FAX (609) 695-1174

on the Web: *www.nj.gov/labor*
(point to Program Areas and click on Labor Standards)

Direct any questions concerning federal child labor laws to the U.S. DOL Wage & Hour office closest to you:

U.S. Department of Labor
Wage and Hour Division
200 Sheffield St., Suite 102
Mountainside, NJ 07092
(973) 645-2279
www.dol.gov

U.S. Department of Labor
Wage and Hour Division
3131 Princeton Pike
Bldg. 5, Rm. 216
Lawrenceville, NJ 08648
(609) 989-2247