

REFERENCE GUIDE

LABOR LAWS for YOUNG WORKERS

Your rights under the federal &
New Jersey Child Labor Laws

NEW JERSEY DEPARTMENT OF

LWD

LABOR AND WORKFORCE DEVELOPMENT
n j . g o v / l a b o r

Chris Christie, Governor

Kim Guadagno, Lt. Governor

Harold J. Wirths, Commissioner



*The United States Department of Labor and the
New Jersey Department of Labor and Workforce Development
enforce the federal and state child labor laws in New Jersey.
This booklet reflects both federal and state law for minors who work
in non-agricultural jobs. For more information, contact:*

**U.S. Department of Labor
Wage and Hour Division
200 Sheffield St., Suite 102
Mountainside, NJ 07092
908-317-8611**

**U.S. Department of Labor
Wage and Hour Division
3131 Princeton Pike
Bldg. 5, Rm. 216
Lawrenceville, NJ 08648
609-538-8310
www.dol.gov**

**NJ Department of Labor and Workforce Development
Division of Wage and Hour Compliance
P.O. Box 389
Trenton, NJ 08625-0389
609-292-2305
www.nj.gov/labor**

Child Labor Law Highlights

- If you are under 18, you must have working papers.
- Your employer must post your work schedule in an open area.
- Most jobs must pay at least the minimum wage, but there are some exceptions.
- There are restrictions in the times and hours you are allowed to work.
- Depending on your age, some kinds of work may be restricted.
- Nobody under age 18 may work in jobs that the law considers dangerous.

Why do we need child labor laws?

Federal and state child labor laws protect minors (anyone under 18 years old) from working too many hours, using unsafe machines, and doing dangerous activities. It is important to understand these laws are for your safety.

This summary of federal and state child labor laws is *only a guideline*. If you need more specific information, please refer to the official regulations, which you can get from the offices listed on the inside front cover of this booklet.

Congratulations! You've been offered a job. You're ready to join the work world! Now what?

Under 18? You need working papers.

After you and the employer agree on your job duties, pay, and hours, the employer gives you a verbal promise of employment.

If you're under 18 and have a paying job, you must have "working papers," also known as an employment certificate. You can get the employment certificate from the school district where you live. If you're not a resident of New Jersey, you can get working papers from the school district where the employer is located. You must apply in person.

The school official issues working papers only after being satisfied that the working conditions and hours will not interfere with your education or damage your health. The official may refuse to issue working papers if this job would not be in your best interest.

The Promise of Employment

Next, bring the working papers to the employer. The employer fills out and signs the Promise of Employment in the employment section of the working papers. Get your parent or guardian to sign the working papers, and bring them back to the school district.

Read your working papers carefully. They contain information that is important to you. Working papers are valid only for a limited time and under certain conditions.

Proof of Age

If you are between 18 and 21, an employer may ask for proof of your age. You can get an age certificate from your local school. If the school does not have a copy on file, you may be asked to show a birth certificate, passport, baptismal certificate, or other identification.

The Physical Exam

Only one physical exam 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 school district is responsible for performing the physical examination at no cost to you or your parents.

Hours of Work

Employers must post your work schedule

Employers who hire workers under 18 must post a schedule that shows workday start and ending times and any scheduled meal periods for each minor. This schedule must be openly posted in the place where you work.

There are limits to the times and hours you can work

Workers under 18 years old must get a 30-minute meal period after working five hours in a row.

If you're under 16, you may not work during the hours you're required to be in school.

Days and Times Minors May Work in General (non-agricultural) Jobs

	hours a day	hours a week	days a week	start	end
14-15 years old					
school weeks	3 hours (8 hours Sat. & Sun.)	18 hours	6 days	7 a.m.	7 p.m.
non-school weeks	8 hours†	40 hours	6 days	7 a.m.	7 p.m. (9 p.m.* last day of school until Labor Day)
16-17 years old					
school weeks	8 hours†	40 hours	6 days	6 a.m.	11 p.m. (midnight Fri. & Sat. & days not followed by a school day)
non-school weeks	8 hours†	40 hours	6 days	6 a.m.	11 p.m.* in general employment; 3 a.m.* in restaurant or seasonal amusements

* with written permission from parent or guardian

† minors who work for more than 5 hours in a row must be given a break of at least 30 minutes

Employers sometimes pressure minors to “fudge” their time cards to show only permitted hours. They might imply that you would be guilty of a child labor violation if your time card showed the true hours. Such dishonest employers are violating child labor laws and other wage and hour laws, and are subject to substantial fines. It’s a good idea to record your daily work times on a calendar. Check the hours on your pay stub against the hours you recorded on your calendar.

Wages

Minimum Wage

As of July 24, 2009, New Jersey’s minimum wage is \$7.25 an hour. Minors are 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 must pay the minimum wage.

Counting Tips

Where tips are part of your pay, the total of each week’s cash wages plus tips plus meal credits (where meals are provided), divided by hours worked during that same week, must equal at least the minimum wage.

Workers under 18 may not work...

...with or near the following machinery

- power-driven woodworking machinery, including lath mills, shingle mills, circular saws, band saws, and guillotine shears.

Exception: Apprentices working in a bona fide apprenticeship may operate such machines under competent instruction and supervision.

- grinding, abrasive, polishing or buffing machines.

Exception: Apprentices working in a bona fide apprenticeship may grind their own tools.

- power-driven, metal-forming, punching and shearing machines
- punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-quarter of an inch
- cutting machines with a guillotine action
- certain power-driven paper-products machines, including corrugating, crimping, embossing, and lace-paper machines
- calendar rolls or mixing rolls in rubber manufacturing
- power-driven bakery machines, including dough brakes, mixing machines, and cracker machinery
- meat slicers and their attachments
- certain agricultural machinery, including corn pickers, power hay balers, and power field choppers
- rim wheels
- centrifugal extractors or mangles in laundries or dry cleaning establishments
- steam boilers carrying more than 15 pounds of pressure
- compactors

...in these types or places of business

- mines or quarries
- log mills or sawmills
- ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place where metal is heated, melted, or heat-treated

- junk or scrap metal yards
- slaughtering, meatpacking, processing, or rendering plants
- pool halls and billiard rooms
- video stores where X-rated movies are rented or sold
- any place operated for immoral purposes
- any exhibition, practice, or theatrical production that is illegal, indecent, immoral, or dangerous to the life, limb, health, or morals of a minor, or that exploits any physically deformed or mentally deficient minor
- any business where alcoholic liquors are made or sold to drink on the premises

Exceptions:

- ◆ Workers who are at least 16 may work in public bowling alleys as pinsetters, lane attendants, or busboys.
- ◆ Workers who are at least 16 may work in restaurants, or in the offices or in the maintenance, pool, or beach areas of a hotel, motel, or guesthouse, but may not prepare, sell, or serve alcoholic beverages.
- ◆ Workers who are at least 14 may work as golf caddies and pool attendants.

...doing these duties or activities

- construction work on building and roads. Minors may not alter, repair, renovate, demolish, or remove any building or structure; may not excavate, fill, or grade sites; may not excavate, repair, or pave roads and highways; and may not do any work within 30 feet of these operations. However, minors are permitted to repair or paint fences, buildings, and structures that are not more than 12 feet in height.

Exception: Minors may do volunteer work in affordable housing.

- oiling, wiping, or cleaning machinery in motion, or helping with these tasks
- building or demolishing ships or heavy machinery
- driving motor vehicles and being a driver's helper
- manufacturing brick, tile, and similar products

- operating or repairing elevators or other hoisting apparatus such as forklifts.

Exception: workers over 16 may operate automatic push-button control elevators.

- transporting payrolls other than within the premises of the employee
- fueling aircraft, either commercial or private
- repairing or servicing single-piece or multi-piece rim wheels
- preparing, selling, or serving alcoholic beverages
- posing nude or without generally accepted attire, or do any work involving indecent or immoral exposure
- performing as a rope or wirewalker; or rider, gymnast, wrestler, boxer, contortionist, or acrobat; or as a rider of a horse or other animal unless you are trained to safely ride such animal or any vehicle other than that generally used by minors of the same age.

... with toxic or dangerous substances such as:

- paints, dyes or coloring agents, white lead, or red lead — manufacture or pack
- dangerous or poisonous acids or dyes
- harmful amounts of toxic or noxious dust (including silica), gases, vapors, or fumes
- radioactive substances or ionizing radiation
- corrosive material
- cancer-causing substances
- pesticides
- benzol or any benzol compound that is volatile or can penetrate the skin
- explosives or highly flammable substances — manufacturing, packaging, storing, transporting, or using. However, minors may fill the gas tanks of motor vehicles using a pump hose.

Additional restrictions for 14- and 15-year-olds

In addition to the restrictions listed for all minors on pages 5 through 7, 14- and 15-year-olds may not:

- do any hazardous job
- do any manufacturing job
- operate power lawn mowers
- do any job in construction except office and sales work, but only if they're not working at the actual construction site
- do any job in warehouses except office and sales work
- do any job in communications and public utilities except office and sales work
- do any job involving transporting people or property by rail, highway, air, water, pipeline, or other means; however, they may do office and sales work, as long as they're not working on the truck, train, boat, plane, etc.
- do any processing jobs or duties, such as filleting fish, dressing poultry, cracking nuts, or laundering as done by commercial laundries and dry cleaning (except those jobs permitted for 14- and 15-year-olds in retail, food services, and gas stations)
- do any duties in rooms or places where goods are manufactured, mined, or otherwise processed (except duties expressly permitted for 14- and 15-year-old workers in retail, food service, or gas stations)
- wash outside windows, when it involves working from windowsills
- do any work requiring ladders, scaffolds, or their substitutes
- cook (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking
- work in freezers and meat coolers or do any work preparing meats for sale. However, 14-year-olds may wrap, seal, label, weigh, price, and stock, when it is done in other areas.
- load or unload goods to and from trucks, railroad cars, or conveyors

You must be at least 16 to operate the following machines:

- standard domestic machines or appliances like those typically found in homes, such as toasters, coffee makers, non-powered knife, or refrigerator, when used in domestic or business establishments
- standard poultry feeders, egg washers, egg coolers, and milking machines used on farms
- standard passenger elevator
- cashiers or baggers who are at least 15 may operate a cash register conveyor belt in a supermarket or retail establishment

Jobs that 14- and 15-year-olds may do

Types of Business	Examples of the kinds of jobs that 14- and 15-year-olds may do
Offices	office work of all kinds, including using standard office machines
Wholesale/Retail Stores & Services	price marking or tagging; assembling or packing orders; cashiering, selling, or stock work in retail sales or service establishments; bagging orders in grocery stores; clean-up work, including using vacuum cleaners and floor waxers; display or window trimming; or work in art or advertising offices
Restaurants, Hotels	food service; busing dishes; cooking at soda fountains, lunch counters or cafeteria serving counters; kitchen work including the use of machines such as non-

	industrial dishwashers, blenders, cornpoppers, and dumbwaiters
Carwashes	car washing, cleaning, and polishing
Service Stations	Services station attendant, but not using pits, racks or lifting apparatus, and not inflating any tire mounted on a rim equipped with removable retaining ring
Theaters, Amusement Parks	ushering, sales, or services in theaters, recreation areas, or establishments, but not operating rides
Parks, Yards	outdoor maintenance work, such as brush clearing, removing litter, grounds-keeping, but not using power-driven mowers or cutters
Daycare Centers	childcare
Farms	agricultural work, such as picking or plant propagation, care of livestock
Entertainment Productions	acting or performing in a film or entertainment production

14- and 15-year-olds who work in retail, food service, and gasoline service stations are permitted to:

- do errand and delivery work by foot, bicycle, and public transport
- do cleanup work, including using vacuum cleaners and non-commercial floor waxers; and maintain grounds, but not use power-driven mowers or cutters
- clean vegetables and fruit; wrap, seal, label, weigh, price, and stock goods when done separate from areas where meat is prepared for sale, and not done in freezers or meat coolers

Penalties for employers

Employers who violate federal child labor laws may be fined up to \$10,000 for each minor.

Employers who violate New Jersey child labor laws may be fined as much as \$500 for the first violation, \$1,000 for the second violation, and \$2,500 for additional violations. Each day that any violation continues is considered a separate offense. If an employer knowingly violates the law, it is considered a crime of the fourth degree. If an employer violated the law unintentionally it is considered a disorderly persons offense, punishable by a fine of at least \$100 but not more than \$2,000 for the first violation, and at least \$200 but not more than \$4,000 for additional violations.

Special child labor provisions regarding age and hours of work pertain to:

- Children employed as actors in movies, in theater, or in radio or television productions.
- Children who deliver newspapers to consumers.

Exemptions

Some restrictions may not apply to work done by students in approved school programs (such as work-study, vocational school graduate permits, and junior achievement programs). The Department of Education limits the work that minors in these programs may do. Employers should check with the coordinator of each program to determine these prohibitions.

Apprentices and student learners may also be exempt from some hazardous occupation restrictions. Call the federal U.S.DOL office nearest you (see inside front cover) for more information.