

No. 1984-152

AN ACT

SB 582

Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as amended, "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," providing for transferable work permits.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title of the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, amended August 23, 1961 (P.L.1107, No.494), is amended to read:

AN ACT

To provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates *or transferable work permits* for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith.

Section 2. Section 1 of the act, amended March 1, 1974 (P.L.123, No.30), is amended to read:

Section 1. Be it enacted, &c., That wherever the term "establishment" is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, to whomever payable: Provided, That this act shall not apply to children employed on the farm, or in domestic service in private homes.

The term "person," when used in this act, shall be construed to include any individual, firm, partnership, unincorporated association, corporation, or municipality.

The term "week," when used in this act, shall mean seven consecutive days which may begin on any day of a week.

The term "minor," when used in this act, shall mean any person under eighteen years of age. Wherever the singular is used in this act the plural shall be included, and wherever the masculine gender is used the feminine and neuter shall be included.

The term "transferable work permit," when used in this act, shall mean a certificate issued to minors at least sixteen years of age permitting that minor to work during the entire period and which shall be transferable from one employer to another throughout the period for which the individual is considered a minor.

Section 3. Section 8 of the act, amended July 19, 1935 (P.L.1335, No.418), is amended to read:

Section 8. Before any minor under eighteen years of age shall be employed, permitted or suffered to work in, about, or in connection with, any establishment, or in any occupation, the person employing such minor shall procure and keep on file, and accessible to any attendance officer, deputy factory inspector, or other authorized inspector or officer charged with the enforcement of this act, an employment certificate *or transferable work permit* as hereinafter provided, issued for said minor.

Any minor who has reached the age of sixteen may receive a transferable work permit instead of an employment certificate from the appropriate issuing official. All transferable work permits shall be valid for the entire period the minor is eligible for work and is under the age of eighteen.

Section 4. Section 9 of the act is amended to read:

Section 9. Employment certificates *or transferable work permits* shall be issued only by the following officials, for children residing within their respective public school districts: In public school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no district superintendent or supervising principal, by the secretary of the board of school directors of that district: Provided, That any district superintendent, supervising principal, or secretary of the board of school directors, hereby authorized to issue such certificates *or transferable work permits*, may authorize and deputize, in writing, any other school official to act in his stead for the purpose of issuing such certificates *or transferable work permits*. All employment certificates *or transferable work permits* shall be forwarded by mail, by the issuing officer, to the prospective employer of the minor for whom the employment certificate *or transferable work permit* is issued.

Section 5. Section 10 of the act, amended March 1, 1974 (P.L.123, No.30), is amended to read:

Section 10. Application for the employment certificate *or transferable work permit* must be made, in person, by the parent, guardian, or legal custodian of the minor for whom such employment certificate *or transferable work permit* is requested; or, if said minor have no parent, guardian, or legal custodian, then by the next friend, who must be over eighteen years of age. A properly countersigned application shall be acceptable in lieu of personal application of parent, guardian or custodian for minors who have graduated from accredited senior high schools and show official proof of such graduation. No employment certificate *or transferable work permit* shall be issued until the said minor has personally appeared before, and been examined by, the officer issuing the certificate *or transferable work permit*, except that where the applicant is a graduate of a high school, no personal appearance of the parent, guardian or legal custodian or next friend of the minor shall be required upon official proof of such graduation.

Section 6. Section 11 of the act, amended October 4, 1978 (P.L.938, No.182), is amended to read:

Section 11. Employment certificates shall be of two classes: general employment certificates and vacation employment certificates. General employment certificates shall entitle a minor, sixteen to eighteen years of age, to work during the entire year. Vacation employment certificates shall entitle a minor, twelve to fourteen years of age to work as a caddy and a minor, fourteen to eighteen years of age to work, as herein provided, on any day, except at such times, on such days as such minor is required to attend school, under the provisions of the laws now in force or hereafter enacted: Provided, however, That any minor over sixteen years of age employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication, shall not be required to procure an employment certificate *or transferable work permit* under this act.

Section 7. Section 12 of the act, amended July 19, 1935 (P.L.1335, No.418) and August 23, 1961 (P.L.1107, No.494), is amended to read:

Section 12. The official authorized to issue a general or a vacation employment certificate *or transferable work permit* shall not issue such certificate *or transferable work permit* until he has received, examined, approved, and filed the following papers, namely:—

- a. A statement signed by the prospective employer, or by some one duly authorized on his behalf, stating that he expects to give such minor present employment, and setting forth the character of the same, and the number of hours per day and per week which said minor will be employed;
- b. A certificate of physical fitness, as hereinafter provided;
- c. Proof of age as hereinafter provided, except that when such proof of age is an official document or record of the Commonwealth or government of another state or governmental subdivision thereof, it need not be filed if the officer issuing the certificate *or transferable work permit* shall record such information as may be necessary to enable the document or record to be located at the place where it is filed. When proof of age is other than an offi-

cial document or record of the Commonwealth or government of another state or governmental subdivision thereof, a photostatic copy thereof may be filed in lieu of the original: Provided, however, That such photostatic copy shall be certified to by the officer issuing the employment certificate *or transferable work permit*.

Section 8. Section 14 of the act, amended December 7, 1979 (P.L.483, No.101), is amended to read:

Section 14. The certificate of physical fitness required by this act shall state that the minor has been thoroughly examined by the said examining physician, certified nurse practitioner, or certified registered nurse practitioner at the time of the application for an employment certificate *or transferable work permit*, and is physically qualified for the employment specified in the statement of the prospective employer. In any case where the said physician, certified nurse practitioner, or certified registered nurse practitioner shall deem it advisable, he may issue a certificate of physical fitness for a limited time; at the expiration of which time the holder shall again appear, and submit to a new examination before being permitted to continue at work. Except as hereinafter provided, in a school district of the first, second, or third class the physical examination of a minor provided for by this act shall be made by a physician, certified nurse practitioner, or certified registered nurse practitioner employed by the board of school directors of the school district in which such minor resides, and in a district of the fourth class by a physician, certified nurse practitioner, or certified registered nurse practitioner appointed by the State Department of Health and the certificate of physical fitness provided for by this act shall be signed by said physician, certified nurse practitioner, or certified registered nurse practitioner, and no fee or other compensation for such service shall be required to be paid by such minor or by his parent or guardian: Provided, however, That any minor may, at his own expense, have the physical examination provided for by this act made and the certificate of physical fitness signed by his family physician, as defined in section 1401 of the Public School Code of 1949, and its amendments. Any physical examination required by this act to be accomplished as a condition of employment which would be equal to or more comprehensive than the standard examination given by the school physician, certified nurse practitioner, or certified registered nurse practitioner or family physician will be deemed to meet the requirements of this section, and the certificate of physical fitness may be signed by the physician designated by the prospective employer to perform such examination. For the purposes of this section, "certified nurse practitioner" shall mean a certified school nurse who is a graduate of a nurse practitioner program which has been approved by the Department of Health School Nurse Advisory Committee, or a certified registered nurse practitioner who has been approved by the State Board of Nurse Examiners of the Department of State.

Section 9. The act is amended by adding a section to read:

Section 17.1. (a) Any employer receiving a transferable work permit from a minor he employs, shall, within five days of receipt of such permit, provide the school district issuing that permit with the following information:

- (1) The name and age of the minor employe hired.*
- (2) The number of hours per day and week such minor employe will be employed.*
- (3) The character of the employment.*
- (b) In addition, upon termination of the employment of such minor, the transferable work permit shall be returned to the minor for whom it was issued and, further, the employer shall, within five days, notify the issuing school district of the fact employment has been terminated.*

Section 10. Section 18 of the act is amended to read:

Section 18. *(a) All employment certificates shall be issued on forms supplied by the [State Superintendent of Public Instruction] Secretary of Education, and shall contain the name and address of the prospective employer, and the nature of the occupation in which said minor is expected to engage; and no certificate shall be valid excepting in the hands of the employer so named, and for the occupations so designated; and shall state the name, sex, date, and place of birth, place of residence, color of hair and eyes, and any distinguishing physical characteristics of the minor for whom it shall be issued. It shall certify that the minor named has personally appeared before the issuing officer, and has been examined; and that all the papers required by law have been duly examined, approved and filed; and that all the conditions and requirements for issuing an employment certificate have been fulfilled. Every certificate shall be signed, in the presence of the issuing officer, by the minor for whom it shall be issued. The certificate shall bear a number, shall show the date of its issue, and shall be signed by the issuing officer. Vacation employment certificates shall be of a color different from the general employment certificates, and shall bear across their face the legend "Vacation Employment Certificate."*

(b) All transferable work permits shall be issued on forms supplied by the Secretary of Education and shall state the name, sex, date and place of birth, place of residence, color of hair and eyes, and any distinguishing physical characteristics of the minor for whom it shall be issued. It shall certify that the minor named has personally appeared before the issuing officer and has been examined; and that all the papers required by law have been duly examined, approved and filed; and that all the conditions and requirements for issuing a transferable work permit have been fulfilled. Every transferable work permit shall be signed, in the presence of the issuing officer, by the minor for whom it shall be issued. The transferable work permit shall bear a number, shall show the date of its issue and shall be signed by the issuing officer. Transferable work permits shall be of a color different from general and vacation employment certificates and shall bear across their face the legend "Transferable Work Permit."

Section 11. Section 21 of the act, amended October 4, 1978 (P.L.938, No.182), is amended to read:

Section 21. It shall be the duty of every person who shall employ any minor, under the age of eighteen years, to post and keep posted, in a conspicuous place in every establishment wherein said minor is employed, permitted or suffered to work, a printed abstract of the sections of this act relating to

the hours of labor, and a list or lists of all minors employed under the age of eighteen years and a schedule of the hours of labor of such minors. The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work, the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week, the hours for commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule, but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule: Provided, however, That in the case of messengers employed by telegraph companies, such schedule may be varied in accordance with business on hand so long as a minor is not employed a greater number of hours per day or per week than permitted by this act. Such copies of the abstracts of this act and blanks for compliance with its provisions shall be prepared by the Department of Labor and Industry, and be furnished by it on application of such employer. Every person employing minors under eighteen years of age shall furnish the employment certificates *or transferable work permits* and lists provided for in this act, for inspection, to attendance officers, factory inspectors, or other authorized inspectors or officers charged with the enforcement of this act.

Section 12. Section 22 of the act, amended July 19, 1935 (P.L.1335, No.418), is amended to read:

Section 22. Whenever any minor shall be employed or permitted to work in any establishment or at any occupation, who, in the judgment of any officer charged with the enforcement of this act, is under the legal age for such work, or is working at a time forbidden by law for such minor; or whenever any minor shall be employed or permitted to work in, or in connection with, any establishment, who, in the judgment of any officer charged with the enforcement of this act, is under eighteen years of age, and for whom the person employing or permitting such minor to work shall not have on file an employment certificate *or transferable work permit*; such officer may demand from the person employing or permitting such minor to work that he shall either furnish to such officer, within ten days, evidence of age, as defined in section fifteen of this act, that such minor is in fact of legal age for the work in which he is engaged, or over, or eighteen years of age or over, as the case shall be, or shall cease to employ or permit such minor to work as aforesaid: Provided, That such person, by thus ceasing to employ or permit such minor to work, shall not be relieved from any of the fines or penalties provided in this act for the employment or work of a minor contrary to law. In case such person shall fail to furnish to said officer, within ten days after the making of such demand, the required evidence of age, and shall thereafter employ such minor or permit him to work as aforesaid, proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such minor, in any prosecution brought therefor.

Section 13. This act shall take effect in 60 days.

APPROVED—The 27th day of September, A. D. 1984.

DICK THORNBURGH