
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2780

Session of
2002

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THOMAS, SAINATO AND WATERS, JUNE 28, 2002

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 2002

AN ACT

1 Regulating child labor; conferring powers and duties on the
2 Department of Labor and Industry and the Department of
3 Education; imposing penalties; and making a repeal.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Child Labor
12 Act.

13 Section 2. Legislative intent.

14 In the interest of ensuring that there is a clear set of
15 standards for employers to follow in the employment of children
16 under 18 years of age, the General Assembly recognizes that the
17 current law in this area must be updated and, in order to avoid
18 confusion, must be as consistent as possible with Federal
19 standards. This act is intended to update the Commonwealth's
20 laws regulating the employment of children under 18 years of
21 age, and it is intended to promulgate standards which are
22 consistent as possible with regulations promulgated pursuant to
23 the Fair Labor Standards Act which regulate the employment of
24 children under 18 years of age.

25 Section 3. Definitions.

26 The following words and phrases when used in this act shall
27 have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 ~~"Certified nurse practitioner." A certified school nurse~~
30 ~~who:~~

<—

1 ~~(1) is a graduate of a nurse practitioner program which~~
2 ~~has been approved by the Department of Health School Nurse~~
3 ~~Advisory Committee; or~~

4 ~~(2) has been approved by the State Board of Nursing.~~

5 "Department." The Department of Labor and Industry of the
6 Commonwealth.

7 "Employer." A person that employs a minor.

8 "Enforcement officer." Any of the following:

9 (1) The Secretary of Labor and Industry ~~or~~, a designee <—
10 who is an employee of the Department of Labor and Industry OR <—
11 AN ATTORNEY OF THE OFFICE OF GENERAL COUNSEL WHO IS ASSIGNED
12 TO THE DEPARTMENT.

13 (2) A chief school administrator.

14 (3) A home and school visitor.

15 (4) An attendance officer appointed under section 1342
16 of the act of March 10, 1949 (P.L.30, No.14), known as the
17 Public School Code of 1949.

18 (5) An issuing officer.

19 (6) A law enforcement officer.

20 "Establishment." A place within this Commonwealth where work
21 is done for compensation of any kind.

22 "Fair Labor Standards Act." The Fair Labor Standards Act of
23 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

24 ~~"Family physician." As defined in section 1401(6) of the act <—~~
25 ~~of March 10, 1949 (P.L.30, No.14), known as the Public School~~
26 ~~Code of 1949.~~

27 "Issuing officer." One of the following:

28 (1) A district superintendent or supervising principal
29 of a public school district or, if a public school district
30 does not have a district superintendent or supervising

principal, the secretary of the board of school directors of the district.

(2) An individual authorized in writing by the appropriate individual under paragraph (1) to issue a certificate or permit.

"Minor." An individual under 18 years of age. ~~The term does not include an individual who is 17 years of age and who:~~

~~(1) is a high school graduate; or~~

~~(2) is declared to have attained the individual's academic potential by the chief administrator of the school district where the individual resides.~~

"Person." The Commonwealth, any political subdivision or instrumentality or authority of a political subdivision, an individual, a partnership, a corporation, a nonprofit corporation or an unincorporated association.

"Regular school week." The five days beginning with Monday through Friday in which school is in session.

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

~~"Work permit." A transferable work permit entitling a minor to employment.~~

"Volunteer emergency service organization." A volunteer fire company, volunteer ambulance organization, volunteer rescue organization or a volunteer forest fighting organization.

"WORK PERMIT." A TRANSFERABLE WORK PERMIT ENTITLING A MINOR TO EMPLOYMENT.

"YOUTH PEDDLING." THE SELLING OF GOODS OR SERVICES BY MINORS TO CUSTOMERS AT RESIDENCES, PLACES OF BUSINESS OR PUBLIC PLACES, INCLUDING STREET CORNERS, ROADWAY MEDIANS, SPORTS AND PERFORMING ARTS FACILITIES AND PUBLIC TRANSPORTATION STATIONS. THE TERM

1 INCLUDES SALES FROM VEHICLES OR THE PLACEMENT OF ADVERTISEMENTS
2 OR LITERATURE OUTSIDE OF FIXED RETAIL LOCATIONS. THE TERM DOES
3 NOT INCLUDE ANY OF THE FOLLOWING:

4 (1) MINORS:

5 (I) WHO SELL PRODUCTS, GOODS OR SERVICES AS
6 VOLUNTEERS WITHOUT COMPENSATION ON BEHALF OF NONPROFIT
7 ORGANIZATIONS, INCLUDING ORGANIZATIONS THAT QUALIFY AS
8 NONPROFIT UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
9 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3));
10 AND

11 (II) MEET THE REGISTRATION REQUIREMENTS ESTABLISHED
12 BY REGULATIONS OF THE COMMONWEALTH.

13 (2) MINORS ENGAGED IN THE DELIVERY OF NEWSPAPERS TO
14 CONSUMERS AT RESIDENCES OR PLACE OF BUSINESS.

15 (3) MINORS EMPLOYED AT FIXED RETAIL LOCATIONS IN
16 COMPLIANCE WITH THE PROVISIONS OF THE FAIR LABOR STANDARDS
17 ACT.

18 (4) MINORS WHO:

19 (I) SELL PRODUCTS, GOODS OR SERVICES UNDER THE
20 IMMEDIATE SUPERVISION OF A PARENT OR LEGAL GUARDIAN; AND

21 (II) DO NOT RESIDE AWAY FROM THEIR HOME WHILE
22 ENGAGED IN THE SALES ACTIVITY.

23 Section 4. General limitations on employment of minors.

24 (a) Rest break.--No minor may be employed for more than five
25 hours continuously without an interval of at least 30 minutes
26 for a rest break. No period of less than 30 minutes shall be
27 deemed to interrupt a continuous period of work.

28 (B) CONSECUTIVE DAYS.--A MINOR MAY NOT BE EMPLOYED FOR MORE
29 THAN SIX CONSECUTIVE DAYS IN A SINGLE WEEK.

30 ~~(b)~~ (C) Establishments.--Minors may not be employed in the

1 following establishments:

2 (1) Billiard rooms.

3 (2) Except as set forth in section 6(a)(2) or 7(c),
4 establishments where alcoholic beverages are produced, sold
5 or dispensed.

6 (3) Establishments determined by the department, through
7 regulation, to be hazardous to minors or injurious to health
8 of morals of minors.

9 (D) PROHIBITED EMPLOYMENT.--UNLESS OTHERWISE PERMITTED BY <—
10 THIS ACT, A MINOR SHALL NOT BE EMPLOYED:

11 (1) IN ANY OCCUPATION DESIGNATED AS HAZARDOUS AND
12 OTHERWISE PROHIBITED UNDER THE FAIR LABOR STANDARDS ACT AND
13 REGULATIONS UNDER THAT ACT.

14 (2) IN ANY OCCUPATION DESIGNATED AS HAZARDOUS AND
15 OTHERWISE PROHIBITED BY THE SECRETARY IN REGULATIONS
16 PROMULGATED UNDER THIS ACT.

17 Section 5. Employment of minors under 14 years of age.

18 (a) General limitations.--Except as set forth in subsection
19 ~~(b), no minor under 14 years of age may be employed except to~~ <—
20 ~~the extent permitted under the Fair Labor Standards Act.~~ (B) OR <—
21 IN SECTION 8, NO MINOR UNDER 14 YEARS OF AGE MAY BE EMPLOYED.

22 (b) Exceptions.--Irrespective of the limitations set forth
23 in subsection (a), a minor under 14 years of age may be employed
24 as follows:

25 (1) A minor who is at least 12 years of age may be
26 employed as a caddy subject to the following limitations:

27 (i) The minor may not carry more than one golf bag
28 at a time.

29 (ii) Employment may not be for more than 18 holes of
30 golf in a single day.

(2) A minor who is at least 11 years of age may engage in the delivery of newspapers, periodicals or other publications to the homes of subscribers or in the street sale or delivery of the items to the consumer minors. Minors under this paragraph shall be subject to limitations set forth in section 6(c)(2). This paragraph shall not apply to the hauling of newspapers, periodicals or other publications to drop stations or distribution centers or other related activities.

Section 6. Employment of minors under 16 years of age.

(a) Permitted employment.--

(1) Minors who are under 16 years of age may be employed ~~to the extent permitted by the Fair Labor Standards Act.~~ IN OCCUPATIONS NOT PROHIBITED UNDER SECTION 4(D).

(2) Irrespective of the limitation in section ~~4(b)(2)~~ 4(C)(2), a minor under 16 years of age may be employed at a ski resort, golf course and amusement park, where alcoholic beverages are served as long as the minor is not permitted to handle or serve the beverages and is not employed in a room where the beverages are stored or served.

(3) A MINOR UNDER 16 YEARS OF AGE MAY NOT BE EMPLOYED IN OR PERMITTED TO CONDUCT YOUTH PEDDLING.

(b) Hours of employment.--Except as set forth in subsection (c), hours of employment for minors under 16 years of age shall be limited as follows:

(1) ~~The~~ SUBJECT TO REGULATIONS UNDER SECTION 12(A)(2), THE minor may not be employed before 7 a.m. or after 7 p.m., except that, during the school vacation period from June to Labor Day, a minor shall be permitted to be employed until 9 p.m.

1 (2) The minor may not be employed for more than three
2 hours on a school day nor more than eight hours on a day when
3 there is no school.

4 (3) The minor may not be employed for more than 18 hours
5 during a week school is in session.

6 (4) The minor may not be employed for more than 40 hours
7 a week when school is not in session.

8 (c) Exceptions.--The following exceptions apply to the
9 prohibitions of subsection (b):

10 (1) Poultry farm-minors who are at least 14 years of age
11 or older may be employed until 10 p.m. on a farm by a person
12 other than the farmer in the hatching, raising or harvesting
13 of poultry as long as the minor is not working in an
14 agricultural occupation declared hazardous by the United
15 States Secretary of Labor.

16 (2) Newspaper and periodical delivery minors who are at
17 least 14 years of age may be employed in the distribution and
18 sale of newspapers, magazines, periodicals or other
19 publications after 6 a.m. and before 8 p.m., or until 9 p.m.
20 as set forth in subsection (b)(1).

21 Section 7. Employment of minors 16 years of age or older.

22 (a) Permitted employment.--Minors who are at least 16 years
23 of age may be employed in occupations ~~to the extent permitted by~~ <—
24 ~~the Fair Labor Standards Act.~~

25 ~~(b) Hours of employment. Hours of employment for minors at~~
26 ~~least 16 years of age shall be limited as follows:~~

27 ~~(1) The minor may not be employed for more than six~~
28 ~~consecutive days in a single week.~~

29 ~~(2) The minor may not be employed for more than 48 hours~~
30 ~~in a single week.~~

1 ~~(3) The minor may not be employed for more than eight~~
2 ~~hours in a single day.~~

3 ~~(4) The minor may not be employed for more than 28 hours~~
4 ~~during a regular school week.~~

5 ~~(5) The minor may not be employed between the hours of~~
6 ~~12 midnight and 6 a.m. on a school day, except that the minor~~
7 ~~may be employed until 1 a.m. on an evening before a nonschool~~
8 ~~day.~~ NOT PROHIBITED UNDER SECTION 4(D). <—

9 (B) HOURS OF EMPLOYMENT.--

10 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), HOURS OF
11 EMPLOYMENT FOR MINORS AT LEAST 16 YEARS OF AGE SHALL BE
12 LIMITED AS FOLLOWS:

13 (I) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN SIX
14 CONSECUTIVE DAYS IN A SINGLE WEEK.

15 (II) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 48
16 HOURS IN A SINGLE WEEK.

17 (III) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN
18 EIGHT HOURS IN A SINGLE DAY.

19 (IV) THE MINOR MAY NOT BE EMPLOYED FOR MORE THAN 28
20 HOURS DURING A REGULAR SCHOOL WEEK.

21 (V) THE MINOR MAY NOT BE EMPLOYED BETWEEN THE HOURS
22 OF 12 MIDNIGHT AND 6 A.M. ON A SCHOOL DAY, EXCEPT THAT
23 THE MINOR MAY BE EMPLOYED UNTIL 1 A.M. ON AN EVENING
24 BEFORE A NONSCHOOL DAY.

25 (2) THIS SUBSECTION DOES NOT APPLY TO A MINOR WHO:

26 (I) IS A HIGH SCHOOL GRADUATE; OR

27 (II) IS EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE
28 REQUIREMENTS UNDER SECTION 1330(1) OF THE ACT OF MARCH
29 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE
30 OF 1949.

1 (c) Employment in motels, clubs and restaurants in which
2 liquor is present.--Irrespective of the general limitation
3 delineated in section ~~4(b)(2)~~ 4(C)(2), a minor who is at least <—
4 16 years of age may be employed as follows in a motel, club and
5 restaurant in which liquor is present:

6 (1) The minor may be employed in that part of the
7 establishment in which alcoholic beverages are not served.

8 (2) The minor may be employed to serve food, clear
9 tables and perform other duties in a licensed establishment
10 whose sales of food and nonalcoholic beverages are equal to
11 at least 40% of the combined gross sales of both food and
12 alcoholic beverages, if duties do not include the dispensing
13 or serving of alcoholic beverages. Before employing a minor
14 under this paragraph, an establishment licensed by the
15 Pennsylvania Liquor Control Board must furnish to the issuing
16 officer a certification that, for a period of not less than
17 90 days during the 12 months immediately preceding the date
18 of application, the establishment met the 40% threshold of
19 this paragraph in conformity with the regulations of the
20 board governing the sale of alcoholic beverages on Sunday.

21 (d) Employment of minors in religious or scout organization
22 summer camps or retreats.--A minor at least 16 years of age who
23 is employed during the months of June, July, August or September
24 by a summer resident camp or a conference or retreat operated by
25 a religious or scout organization shall receive 24 consecutive
26 hours of rest, during every seven-day period. This subsection
27 does not apply to a minor employed primarily for general
28 maintenance work or food service activities.

29 Section 8. Employment of minors as performers in theater or
30 film productions.

1 (a) Authorization.--A minor ~~who is at least seven years of~~ <—
2 ~~age~~ may be employed in a theatrical production, a musical
3 recital or concert, an entertainment act, modeling, radio,
4 television, motion picture making or a similar form or medium of
5 entertainment if all of the following apply:

6 (1) Except as set forth in subsection (b)(4), the minor
7 has an entertainment permit from the department.

8 (2) The performance is not hazardous to the minor's
9 safety or well-being. ~~This paragraph includes performing in~~ <—
10 ~~any of the following:~~

11 ~~(i) A boxing, sparring or wrestling match or~~
12 ~~exhibition.~~

13 ~~(ii) An acrobatic act.~~

14 (3) The minor does not perform after ~~11:30 p.m.~~ <—
15 MIDNIGHT. <—

16 (4) No alcoholic beverages are sold or dispensed ~~in the~~ <—
17 ~~place where the performance takes place.~~ DURING THE <—
18 PERFORMANCE.

19 (5) The minor does not appear in more than:

20 (i) ~~two~~ THREE performances in a single day; or <—

21 ~~(ii) eight performances in a single week.~~ (II) <—

22 EIGHT HOURS IN A SINGLE DAY.

23 (6) For rehearsals for performances, length of time and
24 hours of starting and finishing rehearsals added to
25 performance duties are not such as to be injurious or harmful
26 to the minor.

27 (b) Entertainment permits.--

28 (1) The department may issue an entertainment permit to
29 a minor ~~who is at least seven years of age~~ to be employed in <—
30 a theatrical production, a musical recital or concert, an

1 entertainment act, modeling, radio, television, motion
2 picture making or a similar form or medium of entertainment.
3 The entertainment permit shall insure compliance with
4 subsection (a)(2) through (5).

5 (2) The department may issue an entertainment permit to
6 a minor for temporary employment as part of the performing
7 cast in the production of ~~a motion picture~~ MOTION PICTURES OR <—
8 TELEVISION PROGRAMMING as follows:

9 (i) The department must determine that adequate
10 provision has been made for the minor's educational
11 instruction, supervision, health and welfare.

12 (ii) Unless the department determines that more
13 restrictive conditions are necessary, an entertainment
14 permit under this paragraph shall authorize a minor to
15 work as part of the performing cast for no more than 44
16 hours in a single week nor eight hours in a single day.
17 Time spent on the set or on location while on call shall
18 be excluded from any calculation of the maximum number of
19 hours under this subparagraph if the department
20 determines that adequate provision has been made for the
21 minor's education, supervision and welfare during such
22 intervals. The department may restrict the number of
23 hours which may be spent on call by the minor.

24 (iii) The department may waive restrictions
25 contained in this act and in any other act on the time of
26 day or night allowed for engaging in the employment
27 authorized by this paragraph if the department determines
28 that the waiver:

29 (A) is necessary to preserve the artistic
30 integrity of the motion picture; and

(B) will not impair the educational instruction,
supervision, health or welfare of the minor.

(iv) An entertainment permit under this paragraph
shall be valid for up to six months.

(v) An entertainment permit under this paragraph
shall state that the minor for whom the entertainment
permit is issued may not be allowed on a set during nor
otherwise watch the filming or rehearsal for filming of a
sexual act.

(3) Expected rehearsal time and the hours of starting
and finishing the rehearsal must be set forth in the
application for an entertainment permit. The entertainment
permit issued shall state what rehearsal time is permissible.

(4) ~~Application~~ THE APPLICATION must comply with all of <—
the following:

(i) Be made on a form signed by the employer of the
minor and the parent or guardian of the minor.

(ii) Contain the seal of a notary public and a
statement that the facts as set forth in the application
are correct.

(iii) State what provisions are in effect to provide
for:

(A) the minor's educational instruction,
supervision, health and welfare; and

(B) safeguarding and conservation for the minor
of the money derived from performance.

(5) No entertainment permit shall be issued for a
performance if there is no adequate provision for the matters
set forth in paragraph (4)(iii).

(6) An appeal of a decision by the department under this

subsection must be made to the ~~board. The board~~ SECRETARY. <—

THE SECRETARY shall hold a hearing on the appeal.

(7) An entertainment permit is not to be required for a minor who participates in a nonprofit, educational, theatrical production if all of the following apply:

(i) There is informed, written consent of the minor's parent or guardian.

(ii) Participation is:

(A) for a period of no more than 14 consecutive days; and

(B) not during school hours.

(iii) The minor receives no direct or indirect remuneration.

(c) Conflicts.--Nothing in this section shall be construed to supersede or repeal:

(1) any provision of this act unless an entertainment permit is issued; or

(2) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) or § 6312 (relating to sexual abuse of children).

Section 9. Minors serving in volunteer emergency service organizations.

(a) General rule.--A minor who is a member of a volunteer emergency service organization may participate in training and emergency service activities except as follows:

(1) A minor may not operate a truck, ambulance or other official fire vehicle.

(2) A minor may not operate an aerial ladder, aerial platform or hydraulic jack.

(3) A minor may not use rubber electrical gloves,

1 insulated wire gloves, insulated wire cutters, life nets or
2 acetylene cutting units.

3 (4) A minor may not operate the pump of a fire vehicle
4 while at the scene of a fire.

5 (5) A minor may not enter a burning structure.

6 (6) A minor may not engage in firefighting activities
7 unless all of the following apply:

8 (i) The minor is at least 16 years of age.

9 (ii) The minor has successfully completed a course
10 of training equal to the standards for basic firefighting
11 established by the Department of Education and the
12 Department of Conservation and Natural Resources.

13 (iii) The minor is under the direct supervision and
14 control of the fire chief, an experienced line officer or
15 a designated forest fire warden.

16 (b) Additional limitations for minors under 16 years of
17 age.--In addition to the limitations delineated in subsection

18 (a), the activities of minors under 16 years of age shall be
19 further limited as follows:

20 (1) A minor under 16 years of age shall only be
21 permitted to perform the following activities:

22 (i) Training.

23 (ii) First aid.

24 (iii) Cleanup service at the scene of a fire,
25 outside the structure and after the fire has been
26 declared by the fire official in charge to be under
27 control.

28 (iv) Assist a coffee wagon and food services.

29 (2) A minor under 16 years of age may not do any of the
30 following:

1 (i) Operate high pressure hose lines except during
2 training activities.

3 (ii) Ascend ladders except during training
4 activities.

5 (c) Other prohibited activities.--The department may
6 prohibit through regulation other activities that it deems
7 hazardous to the health of minors.

8 (d) Other provisions.--

9 (1) Except as set forth in this subsection, this section
10 does not supersede any other provision of this act or any
11 regulation promulgated under this act.

12 (2) A minor may continue serving in answer to a fire
13 call until excused by the individual acting as chief of the
14 fire company if the minor:

15 (i) is at least 16 years of age;

16 (ii) is a member of a volunteer fire company; and

17 (iii) answers a fire call while lawfully employed.

18 (3) A minor may perform the training or firefighting
19 activities permitted under this section between the hours of
20 7 p.m. and 10 p.m. before a school day if the minor:

21 (i) is at least 16 years of age;

22 (ii) is a member of a volunteer fire company; and

23 (iii) has the written consent of a parent or
24 guardian.

25 ~~(e) Regulations prohibited. No Commonwealth agency may~~ <—
26 ~~promulgate a regulation concerning minor volunteer firefighters.~~

27 Section 10. Duties of employer.

28 (a) Work permits and parental authorization.--

29 (1) Unless a minor has the items listed in paragraph

30 (2), a minor may not be employed or permitted to work:

1 (i) in, about or in connection with an
2 establishment; or

3 (ii) in an occupation.

4 (2) To be permitted to work under paragraph (1), a minor
5 must have all of the following:

6 (i) A work permit.

7 (ii) A written, notarized statement by the minor's
8 parent or guardian acknowledging understanding of the
9 duties and hours of employment and granting permission to
10 work.

11 (3) Before employing a minor, an employer shall do all
12 of the following:

13 (i) Verify work permit under paragraph (2)(i).

14 (ii) Receive the statement under paragraph (2)(ii).

15 (4) An employer shall keep the items under paragraph (2)
16 on file and accessible to an individual charged with
17 enforcement of this act.

18 (b) Notification.--The employer shall acknowledge to the
19 issuing official in writing the employment of a minor and shall
20 detail the normal duties and hours of employment within five
21 days after the beginning of employment and shall include the age
22 and permit number of the minor. On termination of employment of
23 a minor, the employer shall notify the issuing official within
24 five days of the final day of employment that the minor no
25 longer is employed by the employer.

26 (c) Posting requirement.--An employer shall post in a
27 conspicuous place in the establishment all of the following:

28 (1) A printed abstract of the sections of this act
29 relating to the hours of labor.

30 (2) A list of the minors employed in the establishment.

(3) A schedule of the hours of labor of the minors listed in subparagraph (ii). The schedule of hours of labor shall contain:

(i) the maximum number of hours each minor is required or permitted to work on each day of the week;

(ii) the weekly total for each minor; and

(iii) the daily hours for commencing and stopping work and for time allowed for meals.

~~(d) Records. An employer shall maintain a record of minors~~ <—

(D) RECORDS.-- <—

(1) AN EMPLOYER SHALL MAINTAIN A RECORD OF MINORS at the work site which contains, for each holder, a copy of the work permit, the original notarized permission statement required in subsection (a) and a copy of the letter sent to the issuing official announcing the employment of the minor.

(2) AN EMPLOYER SHALL MAINTAIN RECORDS FOR EMPLOYED MINORS IN COMPLIANCE WITH THE RECORDKEEPING REQUIREMENTS OF THE ACT OF JANUARY 17, 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968. <—

(3) AN EMPLOYER SHALL PROVIDE AN ENFORCEMENT OFFICER WITH ACCESS TO RECORDS KEPT UNDER THIS SUBSECTION.

(E) REVOCATION.--THE ISSUING OFFICER MAY REVOKE A PREVIOUSLY ISSUED WORK PERMIT IF IT IS THE ISSUING OFFICER'S JUDGMENT THAT A MINOR HAS NOT MAINTAINED ADEQUATE ACADEMIC ACHIEVEMENT DURING THE COURSE OF THE SCHOOL YEAR.

Section 11. Work permit.

(a) Form and content.--

(1) A work permit shall be issued on a wallet-sized form prescribed by the department. The certificate shall contain the following information related to the holder:

- 1 (i) Name.
- 2 (ii) Sex.
- 3 (iii) Date and place of birth.
- 4 (iv) Place of residence.
- 5 (v) Color of hair and eyes.
- 6 (vi) Any distinguishing physical characteristics or
- 7 physical limitation.

8 (2) The work permit shall certify that:

- 9 (i) the holder has personally appeared before the
- 10 issuing officer and has been examined;
- 11 (ii) all papers required by law have been examined,
- 12 approved and filed; and
- 13 (iii) all conditions and requirements for issuing a
- 14 permit have been fulfilled.

15 (3) The work permit shall be signed, in the presence of

16 the issuing officer, by the holder.

17 (4) The work permit shall bear a number, the date of

18 issuance and the signature of the issuing officer.

19 (b) Application.--

20 (1) Documentation.--

21 (i) Except as set forth in subparagraph (ii),

22 application for a work permit must be verified as

23 follows:

24 (A) The applicant's parent or guardian must sign

25 the application.

26 ~~(B) If the applicant does not have a parent or~~ <—

27 ~~guardian, the applicant's next friend, who must be at~~

28 ~~least 19 years of age, must sign the application.~~

29 ~~(C)~~ (B) In lieu of a signature under clause (A) <—

30 ~~or (B)~~, the applicant may execute a statement before <—

1 a notary public or other person authorized to
2 administer oaths attesting to the accuracy of the
3 facts set forth in the application on a form
4 prescribed by the department. The statement shall be
5 attached to the application.

6 (ii) Subparagraph (i) does not apply if the
7 applicant can demonstrate official proof of high school
8 graduation.

9 (2) Examination.--

10 (i) Except as set forth in paragraph (ii), a work
11 permit shall not be issued until the applicant has
12 personally appeared before and been examined by the
13 issuing officer.

14 (ii) Subparagraph (i) does not apply if the
15 applicant can demonstrate official proof of high school
16 graduation.

17 (3) Documentation.--The issuing officer shall not issue
18 a work permit until the issuing officer has received,
19 examined, approved and filed the following papers:

20 ~~(i) A certificate of physical fitness. The~~ <—
21 ~~certificate must state that the applicant has been~~
22 ~~thoroughly examined by the examining physician, certified~~
23 ~~nurse practitioner or certified registered nurse~~
24 ~~practitioner at the time of the application for an~~
25 ~~employment certificate or within the previous 365 days~~
26 ~~and is physically qualified for employment subject only~~
27 ~~to any limitations on duties as may be specified by the~~
28 ~~examiner on the work permit. If the examining physician,~~
29 ~~certified nurse practitioner or certified registered~~
30 ~~nurse practitioner deems it advisable, a certificate of~~

1 ~~physical fitness for a limited time may be issued. At the~~
2 ~~expiration of the limited time, the holder must submit to~~
3 ~~a new examination before being permitted to continue at~~
4 ~~work. Such physical examination must be performed by one~~
5 ~~of the following and, except for clause (C), shall be~~
6 ~~done at no cost to the minor:~~

7 ~~(A) In a school district of the first class,~~
8 ~~second class or third class, a physician, certified~~
9 ~~nurse practitioner or certified registered nurse~~
10 ~~practitioner employed by the board of school~~
11 ~~directors of the school district in which the~~
12 ~~applicant resides.~~

13 ~~(B) In a district of the fourth class, a~~
14 ~~physician, certified nurse practitioner or certified~~
15 ~~registered nurse practitioner appointed by the~~
16 ~~Department of Health; and the certificate of physical~~
17 ~~fitness provided for by this act must be signed by~~
18 ~~the physician, certified nurse practitioner or~~
19 ~~certified registered nurse practitioner.~~

20 ~~(C) A family physician if the physical~~
21 ~~examination is equal to or more comprehensive than~~
22 ~~the standard examination given by the school~~
23 ~~physician, certified nurse practitioner or certified~~
24 ~~registered nurse practitioner or family physician.~~

25 ~~(ii) (I) If proof of age is an official document or~~ <—
26 ~~record of the Commonwealth or government of another state~~
27 ~~or governmental subdivision of another state, it need not~~
28 ~~be filed if the issuing officer records the information~~
29 ~~necessary to enable the document or record to be located~~
30 ~~at the place where it is filed. If proof of age is other~~

1 than an official document or record of the Commonwealth
2 or government of another state or governmental
3 subdivision of another state, the following is the order
4 of preference for acceptable proof under this
5 subparagraph:

6 (A) An attested transcript of the birth
7 certificate, filed according to law with a register
8 of vital statistics or other officer charged with the
9 duty of recording birth.

10 (B) A certified baptismal certificate or
11 transcript of the record of baptism showing the date
12 of birth.

13 (C) A passport showing the age of immigrant.

14 (D) Any certified documentary record of age
15 other than a school record or an affidavit of age,
16 which appears to the satisfaction of the issuing
17 officer to be sufficient evidence of age.

18 (E) The signed statement of a physician,
19 approved by the board of school directors, stating
20 that, after examination, it is the opinion of the
21 physician that the applicant has attained the age
22 required by the law for the occupation in which the
23 minor expects to engage. The statement must be
24 accompanied by an affidavit signed by the applicant's
25 parent or guardian or, if there is no parent or
26 guardian, by the applicant's next friend and
27 certifying to the name, date and place of birth of
28 the applicant and that the individual signing the
29 statement is unable to produce any of the proofs of
30 age specified in clauses (A) through (D).

(II) (RESERVED).

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(d) Issuance.--If all application requirements are met, a work permit shall be issued by an issuing officer unless it is the issuing officer's judgment that the minor cannot maintain adequate academic achievement if permitted to work during the school year.

(E) REVOCATION.--AN ISSUING OFFICER MAY REVOKE A WORK PERMIT IF IT IS THE ISSUING OFFICER'S JUDGMENT THAT THE MINOR CANNOT MAINTAIN ADEQUATE ACADEMIC ACHIEVEMENT IF PERMITTED TO WORK DURING THE SCHOOL YEAR.

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Section 12. Administration.

(a) Duties of department.--The department has the following powers and duties:

(1) Prescribe the forms necessary to implement this act.

(2) Promulgate regulations TO ADMINISTER THIS ACT which are consistent as possible with the regulations promulgated under the Fair Labor Standards Act. REGULATIONS UNDER THIS PARAGRAPH MAY ESTABLISH A PROCEDURE FOR AN EMPLOYER THAT IS NOT SUBJECT TO THE FAIR LABOR STANDARDS ACT TO RECEIVE AN EXTENSION UNTIL 10 P.M. OF THE 9 P.M. TIME LIMITATION UNDER SECTION 6(B)(1). AN EXTENSION GRANTED UNDER THIS PROCEDURE SHALL SPECIFY THAT THE EXTENSION DOES NOT APPLY TO FEDERAL ENFORCEMENT OR ADMINISTRATION OF THE FAIR LABOR STANDARDS ACT.

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(3) Provide copies of this act and blank forms for compliance with its provisions to employers and prospective employers.

(B) SECRETARY.--FOR THE ENFORCEMENT OF THIS ACT, THE SECRETARY OR A DESIGNEE HAS INVESTIGATORY SUBPOENA POWER AND THE DUTY TO ISSUE A SUBPOENA UPON APPLICATION OF AN ATTORNEY OF THE

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1 OFFICE OF GENERAL COUNSEL ASSIGNED TO THE DEPARTMENT.
2 APPLICATION MAY BE MADE TO COMMONWEALTH COURT TO ENFORCE A
3 SUBPOENA. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXCUSE A
4 PERSON FROM PRODUCING DOCUMENTS AND RECORDS AS REQUESTED BY THE
5 DEPARTMENT UNDER ANY OTHER PROVISION OF LAW.

6 ~~(b)~~ (C) Duties of Department of Education.--The Department <—
7 of Education shall distribute to school districts all forms
8 necessary for the enforcement of this act.

9 ~~(e)~~ (D) Duties of school districts.--School districts shall <—
10 administer applications and issuance of work permits pursuant to
11 section 11 and may initiate enforcement actions under subsection
12 ~~(d)~~ (E). <—

13 ~~(d)~~ (E) Enforcement.--Enforcement officers may initiate <—
14 prosecution for violations of this act.

15 ~~(e)~~ (F) Suspected violations of age requirements.-- <—

16 (1) If an enforcement officer has reason to believe that
17 an individual working without a work permit is a minor or
18 that a minor with a work permit is working in violation of
19 the age restrictions set forth in this act, the officer may
20 demand that the person employing the individual within ten
21 days:

22 (i) furnish to the officer proof of age; or
23 (ii) cease to employ or permit the individual to
24 work.

25 (2) Proof of a demand under paragraph (1) and of failure
26 to comply with paragraph (1)(i) constitutes prima facie
27 evidence of the illegal employment of a minor.

28 (3) Compliance with paragraph (1)(ii) does not relieve a
29 person from liability under section 13.

30 Section 13. Penalties.

1 (a) Criminal.--

2 (1) A person may not do any of the following:

3 (i) ~~Violate~~ INTENTIONALLY VIOLATE this act. <—

4 (ii) Interfere with the functions of an enforcement
5 officer.

6 (iii) Compel or permit a minor to violate this act.

7 (IV) FAIL, AFTER NOTICE, TO PROVIDE RECORDS UNDER <—
8 SECTION 10(D)(3) OR 12(B).

9 (V) FALSIFY RECORDS UNDER THIS ACT.

10 (2) Except as set forth in paragraph (3), a person that
11 violates paragraph (1) commits a summary offense and shall,
12 upon conviction, be sentenced to pay a fine of not less than
13 \$100 nor more than \$500.

14 (3) A person that, after being sentenced under paragraph
15 (2), violates paragraph (1) commits a summary offense and
16 shall, upon conviction, be sentenced to pay a fine of not
17 less than \$500 nor more than \$1,500 or to imprisonment for
18 not more than ten days, or both.

19 (b) Administrative penalties.--The department may impose an
20 administrative penalty of not less than \$100 nor more than

21 \$1,000 for each violation of ~~the offenses delineated in~~ <—

22 ~~subsection (a)(1). A penalty under this subsection may not be~~
23 ~~imposed if a criminal action under subsection (a) was initiated.~~

24 THIS ACT. THIS SUBSECTION IS SUBJECT TO 2 PA.C.S. CH. 5 SUBCH. A <—

25 (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES)

26 AND CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH
27 AGENCY ACTION).

28 Section 14. Employment of minors in student-learner and
29 apprenticeship programs.

30 A minor may be employed in a work experience and career

1 exploration program, an apprenticeship program and a school-to-
2 work program, to the extent permitted by REGULATIONS PROMULGATED <—
3 UNDER THIS ACT AND NOT PROHIBITED BY the Fair Labor Standards
4 Act.

5 Section 15. Applicability.

6 (a) Domestic service.--This act shall not apply to the
7 employment of a minor in domestic service in or around private
8 homes.

9 (b) Agricultural employment.--Agricultural employment which
10 is exempt from coverage UNDER SECTION 13(C)(1) AND (2) of the <—
11 Fair Labor Standards Act (29 U.S.C. § 213(C)(1) AND (2)) shall <—
12 be exempt from coverage of this act.

13 Section 16. Repeal.

14 The act of May 13, 1915 (P.L.286, No.177), known as the Child
15 Labor Law, is repealed.

16 Section 17. Effective date.

17 This act shall take effect ~~January 1~~ JUNE 30, 2003. <—