

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1573 Session of
1989

INTRODUCED BY DeLUCA, BRANDT, KASUNIC, LEVDANSKY, ROBBINS,
KOSINSKI, BILLOW, CHADWICK, HECKLER, BELARDI, GIGLIOTTI,
McNALLY, OLASZ, PETRONE, TRELLO, MARKOSEK, BELFANTI, DALEY
AND STUBAN, MAY 30, 1989

SENATOR MADIGAN, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
JUNE 27, 1989

AN ACT

1 Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as
2 amended, "An act to provide for the health, safety, and
3 welfare of minors: By forbidding their employment or work in
4 certain establishments and occupations, and under certain
5 specified ages; by restricting their hours of labor, and
6 regulating certain conditions of their employment; by
7 requiring employment certificates or transferable work
8 permits for certain minors, and prescribing the kinds
9 thereof, and the rules for the issuance, reissuance, filing,
10 return, and recording of the same; by providing that the
11 Industrial Board shall, under certain conditions, determine
12 and declare whether certain occupations are within the
13 prohibitions of this act; requiring certain abstracts and
14 notices to be posted; providing for the enforcement of this
15 act by the Secretary of Labor and Industry, the
16 representative of school districts, and police officers; and
17 defining the procedure in prosecutions thereunder, and
18 establishing certain presumptions in relation thereto;
19 providing for the issuance of special permits for minors
20 engaging in the entertainment and related fields; providing
21 penalties for the violation of the provisions thereof; and
22 repealing all acts or parts of acts inconsistent therewith,"
23 further providing for agricultural exemptions; PROVIDING FOR
24 CERTAIN MINORS EMPLOYED BY SUMMER RESIDENT CAMPS, CONFERENCES
25 AND RETREATS; and permitting persons 14 years of age or older
26 to engage in certain employment in bowling centers.

<—

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

~~Section 1. Section 1 of the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, amended December 21, 1988 (P.L.1908, No.192), 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] a 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 "farm," when used in this act, shall mean any real property, including structures, facilities and fixtures, used in the production of a farm product.~~

~~The term "farm product," when used in this act, shall mean any vegetable; fruit; nut; agricultural, horticultural, floricultural or silvicultural product; fur bearing animal; livestock or livestock product; poultry or poultry product; aquacultural product; wool; hide; dairy product; honey; and syrup.~~

~~The term "farmer," when used in this act, shall mean a person who is in the business of operating a farm as a commercial~~

1 ~~enterprise.~~

2 ~~The term "employed on a farm," when used in this act, shall~~
3 ~~mean performing any activity on the farm pursuant to, in~~
4 ~~furtherance of or incidental to, the planting, breeding,~~
5 ~~raising, growing, training, shearing, harvesting, herding,~~
6 ~~gathering, packaging, caging, crating or preparing for transport~~
7 ~~or marketing of any farm product, regardless of whether the~~
8 ~~person is employed by the farmer or by a person other than the~~
9 ~~farmer: Provided, That, if a minor is employed by a person other~~
10 ~~than the farmer, the provisions of section 7.4 apply.~~

11 SECTION 1. SECTION 4 OF THE ACT OF MAY 13, 1915 (P.L.286, <—
12 NO.177), KNOWN AS THE CHILD LABOR LAW, AMENDED DECEMBER 19, 1980
13 (P.L.1298, NO.233), IS AMENDED TO READ:

14 SECTION 4. NO MINOR UNDER EIGHTEEN YEARS OF AGE SHALL BE
15 EMPLOYED OR PERMITTED TO WORK IN, ABOUT, OR IN CONNECTION WITH
16 ANY ESTABLISHMENT, OR IN ANY OCCUPATION, FOR MORE THAN SIX
17 CONSECUTIVE DAYS IN ANY ONE WEEK, OR MORE THAN FORTY-FOUR HOURS
18 IN ANY ONE WEEK, OR MORE THAN EIGHT HOURS IN ANY ONE DAY:
19 PROVIDED, THAT MESSENGERS EMPLOYED BY TELEGRAPH COMPANIES AT
20 OFFICES WHERE ONLY ONE SUCH MINOR IS EMPLOYED AS A MESSENGER IN
21 WHICH CASE SUCH MINOR SHALL NOT BE EMPLOYED FOR MORE THAN SIX
22 CONSECUTIVE DAYS IN ANY ONE WEEK, OR MORE THAN FIFTY-ONE HOURS
23 IN ANY ONE WEEK, OR MORE THAN NINE HOURS IN ANY ONE DAY: AND
24 PROVIDED FURTHER, THAT NO MINOR UNDER EIGHTEEN YEARS OF AGE, WHO
25 IS ENROLLED IN REGULAR DAY SCHOOL AND WORKING OUTSIDE SCHOOL
26 HOURS, SHALL BE EMPLOYED OR PERMITTED TO WORK FOR MORE THAN
27 TWENTY-EIGHT HOURS DURING A SCHOOL WEEK.

28 NO MINOR UNDER SIXTEEN YEARS OF AGE SHALL BE EMPLOYED OR
29 PERMITTED TO WORK IN, ABOUT, OR IN CONNECTION WITH, ANY
30 ESTABLISHMENT OR IN ANY OCCUPATION BEFORE SEVEN O'CLOCK IN THE

1 MORNING OR AFTER SEVEN O'CLOCK IN THE EVENING OF ANY DAY EXCEPT
2 DURING SCHOOL VACATION PERIOD FROM JUNE TO LABOR DAY WHEN SUCH
3 MINOR MAY WORK BETWEEN THE HOURS OF SEVEN O'CLOCK IN THE MORNING
4 AND TEN O'CLOCK IN THE EVENING NOR SHALL SUCH A MINOR WHO IS
5 ENROLLED IN SCHOOL AND WORKING OUTSIDE SCHOOL HOURS BE EMPLOYED
6 OR PERMITTED TO WORK IN, ABOUT, OR IN CONNECTION WITH, ANY
7 ESTABLISHMENT OR IN ANY OCCUPATION MORE THAN FOUR HOURS ON A
8 SCHOOL DAY, OR MORE THAN EIGHT HOURS ON ANY OTHER DAY, OR MORE
9 THAN EIGHTEEN HOURS DURING A SCHOOL WEEK: PROVIDED, THAT,
10 STUDENTS FOURTEEN YEARS OF AGE AND OVER WHOSE EMPLOYMENT IS PART
11 OF A RECOGNIZED SCHOOL-WORK PROGRAM, SUPERVISED BY A RECOGNIZED
12 SCHOOL AUTHORITY, MAY BE EMPLOYED FOR HOURS WHICH, COMBINED WITH
13 THE HOURS SPENT IN SCHOOL, DO NOT EXCEED EIGHT A DAY: AND
14 FURTHER PROVIDED, THAT MINORS OVER THE AGE OF FOURTEEN MAY BE
15 EMPLOYED IN THE DISTRIBUTION, SALE, EXPOSING OR OFFERING FOR
16 SALE, OF ANY NEWSPAPER, MAGAZINE, PERIODICAL OR OTHER
17 PUBLICATION FOR NOT MORE THAN FIFTY-ONE HOURS IN ANY ONE WEEK,
18 OR MORE THAN NINE HOURS IN ANY ONE DAY, AND AFTER SIX O'CLOCK IN
19 THE MORNING AND BEFORE EIGHT O'CLOCK IN THE EVENING: AND FURTHER
20 PROVIDED, THAT A MINOR UNDER SIXTEEN YEARS OF AGE EMPLOYED ON A
21 FARM BY A PERSON OTHER THAN THE FARMER IN THE HATCHING, RAISING
22 OR HARVESTING OF POULTRY MAY BE EMPLOYED OR PERMITTED TO WORK
23 UNTIL 10 O'CLOCK IN THE EVENING AS LONG AS THE MINOR IS NOT
24 WORKING IN AN AGRICULTURAL OCCUPATION DECLARED HAZARDOUS BY THE
25 UNITED STATES SECRETARY OF LABOR.

26 NO MINOR UNDER EIGHTEEN YEARS OF AGE SHALL BE EMPLOYED OR
27 PERMITTED TO WORK FOR MORE THAN FIVE HOURS CONTINUOUSLY IN,
28 ABOUT, OR IN CONNECTION WITH, ANY ESTABLISHMENT WITHOUT AN
29 INTERVAL OF AT LEAST THIRTY MINUTES FOR A LUNCH PERIOD AND NO
30 PERIOD OF LESS THAN THIRTY MINUTES SHALL BE DEEMED TO INTERRUPT

1 A CONTINUOUS PERIOD OF WORK.

2 NO MINOR UNDER EIGHTEEN YEARS OF AGE SHALL BE EMPLOYED OR
3 PERMITTED TO WORK IN, ABOUT, OR IN CONNECTION WITH, ANY
4 ESTABLISHMENT BETWEEN THE HOURS OF TWELVE IN THE EVENING AND SIX
5 IN THE MORNING IF SUCH MINOR IS ENROLLED IN REGULAR DAY SCHOOL:
6 PROVIDED, THAT, MINORS SIXTEEN AND SEVENTEEN YEARS OF AGE MAY BE
7 EMPLOYED UNTIL, BUT NOT AFTER, ONE O'CLOCK IN THE MORNING ON
8 FRIDAYS AND SATURDAYS, AND ON DAYS PRECEDING A SCHOOL VACATION
9 OCCURRING DURING THE SCHOOL YEAR, EXCEPTING THE LAST DAY OF SUCH
10 VACATION PERIOD.

11 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A MINOR
12 WHO IS SIXTEEN OR SEVENTEEN YEARS OF AGE WHO IS EMPLOYED DURING
13 THE MONTHS OF JUNE, JULY, AUGUST OR SEPTEMBER BY A SUMMER
14 RESIDENT CAMP OR A CONFERENCE OR RETREAT OPERATED BY A RELIGIOUS
15 OR SCOUT ORGANIZATION SHALL RECEIVE ONE DAY OF REST (TWENTY-FOUR
16 CONSECUTIVE HOURS OF REST) DURING EVERY SEVEN-DAY PERIOD:
17 PROVIDED, THAT THIS PARAGRAPH SHALL NOT APPLY TO A MINOR
18 EMPLOYED PRIMARILY FOR GENERAL MAINTENANCE WORK OR FOOD SERVICE
19 ACTIVITIES.

20 Section 2. The second and third paragraphs of section 5 of
21 the act, amended September 22, 1972 (P.L.873, No.199) and
22 December 21, 1973 (P.L.438, No.155), are amended to read:

23 Section 5. * * *

24 No minor under eighteen years of age shall be employed or
25 permitted to work in the operation or management of hoisting
26 machines, in oiling or cleaning machinery, in motion; at switch-
27 tending, at gate-tending, at track-repairing; as a brakeman,
28 fireman, engineer, or motorman or conductor, upon a railroad or
29 railway; as a pilot, fireman, or engineer upon any boat or
30 vessel; in the manufacture of paints, colors or white lead in

1 any capacity; in preparing compositions in which dangerous leads
2 or acids are used; in the manufacture or use of dangerous or
3 poisonous dyes; in any dangerous occupation in or about any
4 mine; nor in or about any establishment wherein gunpowder,
5 nitroglycerine, dynamite, or other high or dangerous explosive
6 is manufactured or compounded: Provided, That minors age
7 fourteen and over may operate power lawn mowing equipment: And
8 provided further, That such minors may be employed in bowling
9 centers as snack bar attendants, porters, control desk clerks
10 and scorer attendants: And provided further, That such minors
11 may work where such chemicals, compounds, dyes and acids are
12 utilized in the course of experiments and testing procedures, in
13 such circumstances and under such conditions and safeguards as
14 may be specified by rule or regulation of the Department of
15 Labor and Industry.

16 No minor under eighteen years of age shall be employed or
17 permitted to work in, about, or in connection with, any
18 establishment where alcoholic liquors are distilled, rectified,
19 compounded, brewed, manufactured, bottled, sold, or dispensed;
20 [nor in a bowling alley;] nor in a pool or billiard room:
21 Provided, That male or female minors sixteen years of age and
22 over may be employed and permitted to work [in a bowling alley,
23 or] that part of a motel, restaurant, club or hotel in which
24 liquor or malt or brewed beverages are not served: And, provided
25 further, That minors sixteen years of age and over may be
26 employed to serve food, clear tables and perform other duties,
27 not to include the dispensing or serving of alcoholic beverages,
28 in any licensed establishment whose sales of food and
29 nonalcoholic beverages are equal to forty per cent or more of
30 the combined gross sales of both food and alcoholic beverages.

1 Before employing any minor sixteen years of age and over, any
2 establishment licensed by the Liquor Control Board shall furnish
3 to the school district official authorized to issue employment
4 certificates a certification that, for a period of not less than
5 ninety consecutive days during the twelve months immediately
6 preceding the date of application, the sales of food and
7 nonalcoholic beverages by the employer at the licensed premises
8 were equal to or exceeded forty per cent of the combined gross
9 sales of food, nonalcoholic and alcoholic beverages in
10 conformity with the requirements set forth in Regulation 141 of
11 the Liquor Control Board governing the sale of alcoholic
12 beverages on Sunday.

13 * * *

14 Section 3. The act is amended by adding a section to read:

15 Section 7.4. No minor under fourteen years of age may be
16 employed on a farm by a person other than the farmer. If a minor <—
17 under sixteen years of age is employed or permitted to work on a
18 farm by a person other than the farmer, the requirements of
19 sections 8, 17 and 17.1, pertaining to employment certificates
20 and transferable work permits, and of section 21, pertaining to
21 maintenance and availability of records for inspection, shall,
22 to the extent necessary for enforcement, be applicable to
23 employment under this section. No minor under sixteen years of
24 age may be employed or permitted to work on a farm by a person
25 other than the farmer:—

26 a. For more than eighteen hours in any school week; or,

27 b. For more than six hours in any school day; or,

28 c. Before seven o'clock in the morning or after ten o'clock
29 in the evening; or,

30 d. In any agricultural occupation declared hazardous by the

1 ~~United States Secretary of Labor.~~

2 Section 4. This act shall take effect immediately.