

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1439 Session of
1993

INTRODUCED BY COWELL, ROBINSON, BATTISTO, HALUSKA, SCHULER,
MUNDY, STISH, COLAIZZO, MELIO, BLAUM, CAPPABIANCA, KUKOVICH,
SCRIMENTI, MAYERNIK, GIGLIOTTI, LEVDANSKY, NYCE, FAJT,
MIHALICH, PISTELLA, TRELLO, CLARK, MICHLOVIC, JOSEPHS,
LAUGHLIN, STEELMAN, DeLUCA, ROONEY, BELARDI AND ROEBUCK,
APRIL 27, 1993

REFERRED TO COMMITTEE ON EDUCATION, APRIL 27, 1993

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 the minimum age of employment, hours of
24 employment and employment certificates for minors.

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

27 Section 1. Section 2 of the act of May 13, 1915 (P.L.286,

No.177), known as the Child Labor Law, amended October 4, 1978
(P.L.938, No.182), is amended to read:

Section 2. No minor under [sixteen] fourteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation except that a minor between the ages of twelve and fourteen years may be employed as a caddy. A minor between the ages of twelve and fourteen may be employed as a caddy subject to the limitation that he or she carry not more than one golf bag at a time and for not more than eighteen holes of golf in any one day [and except that a]. A minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance or be detrimental to the student's grades and academic progress as determined by the school superintendent: Provided, however, That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment.

Section 2. Section 4 of the act, amended October 4, 1989 (P.L.584, No.62), is amended to read:

Section 4. (a) No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, [That messengers employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: And

1 provided further,] That no minor under eighteen years of age,
2 who is enrolled in regular day school and working outside school
3 hours, shall be employed or permitted to work for more than
4 twenty-eight hours during a school week. A school week is any
5 week in which school is held on any day and extends from Monday
6 through the following Sunday.

7 **(b)** No minor under sixteen years of age shall be employed or
8 permitted to work in, about, or in connection with, any
9 establishment or in any occupation before seven o'clock in the
10 morning or after seven o'clock in the evening of any day except
11 during school summer vacation period from June to Labor Day when
12 such minor may work between the hours of seven o'clock in the
13 morning and ten o'clock in the evening nor shall such a minor
14 who is enrolled in school and working outside school hours be
15 employed or permitted to work in, about, or in connection with,
16 any establishment or in any occupation more than [four] three
17 hours on a school day, or more than eight hours on any other
18 day, or more than eighteen hours during a school week: Provided,
19 That, students fourteen years of age and over whose employment
20 is part of a recognized school-work program, supervised by a
21 recognized school authority, may be employed for hours which,
22 combined with the hours spent in school, do not exceed eight a
23 day: And further provided, That minors over the age of fourteen
24 may be employed in the distribution, sale, exposing or offering
25 for sale, of any newspaper, magazine, periodical or other
26 publication for not more than [fifty-one] forty-four hours in
27 any one week, or more than [nine] eight hours in any one day,
28 and after six o'clock in the morning and before eight o'clock in
29 the evening: And further provided, That a minor under sixteen
30 years of age employed on a farm by a person other than the

1 farmer in the hatching, raising or harvesting of poultry may be
2 employed or permitted to work until 10 o'clock in the evening as
3 long as the minor is not working in an agricultural occupation
4 declared hazardous by the United States Secretary of Labor.

5 (c) No minor under eighteen years of age shall be employed
6 or permitted to work for more than five hours continuously in,
7 about, or in connection with, any establishment without an
8 interval of at least thirty minutes for a lunch period and no
9 period of less than thirty minutes shall be deemed to interrupt
10 a continuous period of work.

11 (d) No minor under eighteen years of age shall be employed
12 or permitted to work in, about, or in connection with, any
13 establishment between the hours of [twelve] ten in the evening
14 and six in the morning if such minor is enrolled in regular day
15 school: Provided, That, minors sixteen and seventeen years of
16 age may be employed until, but not after, [one o'clock in the
17 morning] eleven o'clock in the evening on Fridays and Saturdays,
18 and on days preceding a school vacation occurring during the
19 school year, excepting the last day of such vacation period: And
20 further provided, That minors sixteen and seventeen years of age
21 who are employed on a family farm may be employed with no
22 restriction as to hours during the school week: And further
23 provided, That minors sixteen and seventeen years of age who are
24 employed in a business owned or operated by their family with
25 ten or fewer employees may be employed with no restriction as to
26 hours during the school week.

27 (e) Notwithstanding any other provision of this section, a
28 minor who is sixteen or seventeen years of age who is employed
29 during the months of June, July, August or September by a summer
30 resident camp or a conference or retreat operated by a religious

1 or scout organization shall receive one day of rest (twenty-four
2 consecutive hours of rest) during every seven-day period:
3 Provided, That this paragraph shall not apply to a minor
4 employed primarily for general maintenance work or food service
5 activities.

6 Section 3. Section 7.2 of the act, added April 25, 1968
7 (P.L.99, No.49), is amended to read:

8 Section 7.2. Any minor of the age of seventeen years who is
9 a high school graduate or who is declared [to have attained his
10 academic potential by the chief administrator of the school
11 district wherein he resides] legally excused from school shall,
12 for the purposes of this act, be deemed to be a minor of the age
13 of eighteen years.

14 Section 4. Section 9 of the act, amended December 21, 1988
15 (P.L.1908, No.192), is amended to read:

16 Section 9. Employment certificates shall be issued [only by
17 the following officials,] for [children] minors residing within
18 their respective public school districts[: In public school
19 districts having a district superintendent or supervising
20 principal, by such superintendent or supervising principal; in
21 school districts having no district superintendent or
22 supervising principal, by the secretary of the board of school
23 directors of that district] by the public school district
24 superintendent: Provided, That any district superintendent[,
25 supervising principal, or secretary of the board of school
26 directors, hereby authorized to issue such certificates or
27 transferable work permits,] may authorize and deputize, in
28 writing, any other school official to act in his stead for the
29 purpose of issuing such certificates, and further, the
30 superintendent or designated work permit issuing officer may

1 deny employment certificates to minors with poor academic
2 standings and rescind issued employment certificates wherein
3 employment appears to be a detriment to academic progress as
4 determined by the superintendent or designated employment
5 certificate issuing officer. Each school district will devise a
6 process of appeal for employment certificate denials and
7 nullifications.

8 Section 5. Section 21 of the act, amended September 27, 1984
9 (P.L.714, No.152), is amended to read:

10 Section 21. It shall be the duty of every person who shall
11 employ any minor, under the age of eighteen years, to post and
12 keep posted, in a conspicuous place in every establishment
13 wherein said minor is employed[,] or permitted [or suffered] to
14 work, a printed abstract of the sections of this act relating to
15 the hours of labor[, and a list or lists of all minors employed
16 under the age of eighteen years and a schedule of the hours of
17 labor of such minors] and prohibited occupations. [The schedule
18 of] A written record of the hours of labor herein required shall
19 contain the name of the minor employed or permitted to work, the
20 maximum number of hours such minor shall be required or
21 permitted to work on each day of the week with the total for the
22 week, the hours for commencing and stopping work, and the hours
23 when the time allowed for meals shall begin and end for each day
24 of the week. [Such minor may begin work after the time for
25 beginning and stop before the time for ending work stated in
26 such schedule, but he shall not otherwise be employed or
27 permitted to work in or in connection with any establishment
28 except as stated in such schedule: Provided, however, That in
29 the case of messengers employed by telegraph companies, such
30 schedule may be varied in accordance with business on hand so

1 long as a minor is not employed a greater number of hours per
2 day or per week than permitted by this act.] Such copies of the
3 abstracts of this act [and blanks for compliance with its
4 provisions] shall be prepared by the Department of Labor and
5 Industry, and be furnished [by it on application of such
6 employer] upon request. Every person employing minors under
7 eighteen years of age shall furnish the employment certificates
8 or transferable work permits and lists provided for in this act,
9 for inspection, to attendance officers, [factory inspectors,] or
10 other authorized inspectors or officers charged with the
11 enforcement of this act.

12 Section 6. Section 24 of the act, amended August 23, 1961
13 (P.L.1107, No.494), is amended to read:

14 Section 24. It shall be the duty of the Secretary of Labor
15 and Industry, the chief school administrators, home and school
16 visitors, attendance officers, and secretaries of boards of
17 school directors of the various school districts or joint school
18 systems, and the police of the various cities, boroughs, and
19 townships of this Commonwealth, to enforce the provisions of
20 this act. Prosecutions for violations of this act may be
21 instituted by any duly authorized representative of the
22 Department of Labor and Industry, chief school administrator,
23 home school visitor, attendance officer, secretary of a board of
24 school directors, or police officer, upon oath or affirmation.
25 All prosecutions for violations of this act shall be in the form
26 of summary criminal proceedings, instituted before a magistrate,
27 alderman, or justice of the peace within the county wherein the
28 offense was committed. Upon conviction, after a hearing, the
29 sentences provided in this act shall be imposed. All fines
30 collected under this act shall be paid into the State Treasury,

1 for the use of the Commonwealth. The Secretary of Education
2 shall develop standards by which the provisions of this act are
3 implemented for children of school age to insure that employment
4 is not detrimental to the student's grades, academic progress,
5 attendance or remaining in school. The standards shall provide
6 for the voiding of work permits, transferable work permits or
7 special permits when the chief school officer believes these are
8 warranted.

9 Section 7. This act shall take effect immediately.