

## Requirements To Hire A Minor Are Not So Minor

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It is summertime and school is out. Time for warm temps, time at the beach and family vacations. But summer also means high school students (who are usually minors) are seeking out opportunities for employment. As an employer, hiring minors can be a win-win situation—you get extra help and the students get a chance to earn money and be part of a work environment. However, to make sure the experience is a positive one for you and the minor, all you have to do is follow the rules but to do that you have to know the rules.

While the following list is not exhaustive, it covers some of the basic rules and regulations applying to working minors that all employers should understand:

- The minor *must* have an employment certificate or special permit issued by the issuing officer of the school district in which the child resides. [https://www.nj.gov/labor/forms\\_pdfs/wagehour/A300.pdf](https://www.nj.gov/labor/forms_pdfs/wagehour/A300.pdf)
- Minors under 18 *cannot work more than* 6 consecutive days in a week, 8 hours in a day and 40 hours in a week within a 7 day period. Minors under 16 cannot work before 7 am or after 7pm. Exceptions, under certain circumstances, can be made with written permission from a parent or guardian. The requirements change during the school year.
- All minors are entitled to a 30 minute break after working for five hours.
- Employers must post and “keep conspicuously posted” in the workplace, where any minor under 18 is working, a printed abstract of the child labor laws (N.J.S.A. 34:2-21.1-21.64) and a list of prohibited occupations by the Department of Labor. [https://www.nj.gov/labor/forms\\_pdfs/lse/mw-129.pdf](https://www.nj.gov/labor/forms_pdfs/lse/mw-129.pdf)
- Employers must also post a schedule of hours containing the name of each minor under 18; the maximum number of hour s/he can work during each date of the week; the total hours per week; the time of beginning and stopping work each day; and the time for beginning and ending the daily meal break. The schedule must be on the form provided by the Department of Labor and remains the property of the Department. [https://www.nj.gov/labor/forms\\_pdfs/EmployerPosterPacket/MW-191.pdf](https://www.nj.gov/labor/forms_pdfs/EmployerPosterPacket/MW-191.pdf)
- For each employee under 19 years of age, employers must keep a record, in a form approved by the Department of Labor, which states, the name, date of birth and address for the minor employee; the number of hours worked by such person on each day of the week; the hours of beginning and ending such work; the hours of beginning and ending meal periods and the amount of wages paid. These records must be kept on file for at least one year after the entry of the record and are subject to inspection by the DOL, attendance officers and police officers.
- Most minors must be paid minimum wage, however, there are very specific exceptions to the rule. If you think your position may fall within an exception, it would be advisable to seek an opinion.

If you knowingly employ a minor and act in violation of the child labor laws, you are guilty of a fourth degree crime. If you commit an unknowing violation of the child labor laws it is a disorderly person’s offense. Each day the violation continues is a new and separate offense. In addition to criminal charges, if you violate child labor laws, you will be subject to civil penalties.

Additionally, employees under the age of 18, who are injured at work, are NOT subject to the exclusive remedy of workers’ compensation. When a minor is injured, he or she has the choice to either (1) accept workers’ compensation benefits; OR (2) pursue a tort remedy against the employer. Moreover, if the minor is also

employed in violation of child labor laws, the employer forfeits the defenses of contributory negligence and assumption of the risk.

So, before you hire your neighbor's child, make sure you think first about not only the rewards of hiring a minor, but also know the requirements and the risks.

**Attorney**

- Tracy Armstrong