

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES

EMPLOYMENT OF MINORS, INFORMATION

All minors may not work during the hours when they are required to attend school. The limitations on the working hours of minors depend upon age, the type of work, and whether the minor is enrolled in school. New York State has one of the most stringent child labor laws in the country, which limits the number of hours that minors under 18 year of age may work when school is in session. It requires that 16 and 17 year-olds may not work past 10 p.m. on the night before a school day without written permission from a parent and a certificate of satisfactory academic standing from their school.

In addition to the limitations on the number of hours minors may work in a day or a week, the law prohibits them from working before or after certain hours, depending on their age and occupation.

1. School Attendance

Full-time school is compulsory for minors under 16 years old. A community can require minors who are not employed to attend school until they reach age 17 or graduate. High school graduates, regardless of age, are not required to continue attending school. However, they must provide an employer with a Full-time Employment Certificate until they reach their 18th birthday. Minors may not work during the hours when they are required to attend school.

The school attendance requirement **applies to all minors** providing legally-exempt child care, including babysitters.

2. Minimum Age For Employment

- Minors not yet 14 may not be employed at any time, neither after school nor during vacation.
- Minors 14 and 15 years old may work after school hours and during school vacations.
- Minors 16 and 17 years of age, who are enrolled in school, may work after school hours and during school vacations.
- Minors 16 and 17 years of age, if not enrolled in school, may work full time throughout the year.

The minimum age requirement **applies to all minors** providing legally-exempt child care, including babysitters.

3. Department of Labor Exceptions for “Babysitters”

The Office of Children and Family Services (OCFS) regulations allow for minors age 14 years of age or older, who meet the requirements set forth in Article 4 of the New York State (NYS) Labor Law (LL) for the employment of minors, to become enrolled informal child care providers. NYS LL specifies types of employment, including *babysitting*, which are exempt from the requirements for employment of minors pertaining to employment certificates/permits and work hours. Babysitting conducted by a minor is defined in New York State Labor Law, Article 4, section 131 *“staying with and at the home of a younger child or children with or without the presence at such home of such child’s or children’s parents or guardians.”* OCFS recognizes that legally-exempt “in-home” child care providers defined in 18 NYCRR § 415 are babysitters. Minors providing legally-exempt family child care are *not* babysitters.

4. Hours of Work-Vary by Age

A. Minors age 14-15

When school is in session, generally from September to June, minors 14 and 15 years-old may not work in any occupation except farm labor and selling or distributing newspapers for:

- more than 3 hours on any school day,
- more than 8 hours on a Saturday, Sunday or holiday,
- more than 18 hours in any week, and
- more than 6 days in any week.

Note: *Babysitters are not subject to the above limits on hourly, daily and weekly employment.*

However, if a 14 or 15 year-old minor is employed as part of any type of supervised work study or work experience program that is approved by the Commissioner of Education, they may work 3 hours on a school day and 23 hours a week, instead of 3 hours a day and 18 hours a week.

NIGHT RESTRICTIONS FOR MINORS AGE 14-15

Minors under 16 may not work between 7 p.m. and 7 a.m. in most jobs, after Labor Day to June 20th and between 9 p.m. and 7 a.m. from June 21st to Labor Day.

B. Minors age 16-17 Enrolled in School

When school is in session, minors 16 and 17 years-old enrolled in a day school, other than a part-time or continuation school, may not work in any occupation (except farm work and selling or distributing newspapers):

- more than 4 hours on any day preceding a school day (M, T, W, Th.),
- more than 8 hours on Friday, Saturday, Sunday, or Holiday,
- more than 28 hours in any week,
- more than 6 days in any week.

Note: Babysitters are not subject to the above limits on hourly, daily and weekly employment.

However, students enrolled in a cooperative work experience program approved by the Department of Education may be employed up to a maximum of 6 hours on a day preceding a school day other than a Sunday or a holiday if these hours are in conjunction with the program. Any hours worked in such program shall be included when calculating the number of hours worked for the 4 hour maximum.

When school is not in session, and during vacations (school must be closed for the entire calendar week), minors under 18 generally may not work more than 8 hours a day, 6 days a week; minors 14 and 15 may not work more than 40 hours a week and 16 and 17 year-olds may not work more than 48 hours a week.

When a minor is employed in two or more establishments in the same day or week, the total time of employment may not exceed the daily or weekly allowance for a single establishment.

NIGHT RESTRICTIONS FOR MINORS AGE 16-17

Minors 16 and 17 years old may not work between midnight and 6 a.m. when school is not in session (vacation). They may work after 10 p.m. up to midnight during the school year only with the written consent of a parent and a certificate of good academic standing from their school. Parental Consent Forms may be obtained by an employer from the Division of Labor Standards office in your area. The Certificate of Satisfactory Academic Standing is issued by the school the minor attends.

C. Minors age 16-17 Not Enrolled in School

Minors 16 and 17 years old that are not enrolled in a daytime school when school is in session may not work in any occupation (except farm work and selling or distributing newspapers):

- more than 8 hours a day
- more than 6 days per week
- more than 48 hours total per week

NIGHT RESTRICTIONS FOR MINORS AGE 16-17 NOT ENROLLED IN SCHOOL

Minors 16 and 17 years old may not work between midnight and 6 a.m.

5. Employment Certificates and Permits-

An employment certificate or permit is required for minors under 18 before they may begin work. High school graduates, minors who work for their parents, and minors who do industrial homework are included in this group.

Exception: *Babysitters are not required to have an employment certificate or permit.*

A. Types of Employment Certificates and Permits

- A Student Non-factory Employment Certificate (AT-18, blue paper)-
Is issued to a minor 14 or 15 years old for permitted work in any trade, business, or service, but not for work in a factory workroom or for work involving use of dangerous materials or chemical processes.
- A Student General Employment Certificate (AT-19, green paper)-
Is issued to a minor 16 or 17 years old who is enrolled in school. It is valid for work in a factory or any other trade, business, or service, but not valid for hazardous employment such as operating certain power-driven machines, construction work, or for work as a helper on a motor vehicle.
- A Full-Time Employment Certificate (AT-20, salmon paper)-
Is issued to a minor 16 or 17 years old who is not enrolled in school, or is leaving school for full-time employment. It is valid for work in a factory or any other trade, business, or service but not valid for hazardous employment such as operating certain power-driven machines, construction work, or for work as a helper on a motor vehicle.

B. Obtaining Employment Certificates and Permits

Minors can obtain employment certificates or permits from the school they attend or from the superintendent of schools in that area. The paperwork required includes:

- Written permission from a parent to work. (There are exceptions for minors considered to be emancipated by school authorities. An emancipated minor does not need their parents' permission to work. All other requirements pertaining to minors such as hours of employment, do apply).
- Proof of age, either a birth certificate or some other document at least two years old that satisfies the officer issuing the certificate.
- A certificate of physical fitness to assure that the young person is in sound health and that the work will not impair his/her physical condition. School medical doctors or physicians designated by the Department of Health give physical examinations. Otherwise minors may obtain a certificate of physical fitness from their own doctor. Minors from neighboring states who seek work in New York can use a certificate issued by a physician in their home state. Physicians who find that a youth age 14 to 18 is not physically fit for some occupations but may engage safely in other types of work, can issue a certificate of limited physical fitness.

For youths to obtain a full-time employment certificate, their parent or guardian must appear in person before the school authorities to give consent. (High school graduates can use written consent.) In addition, youths must provide proof of age, a certificate of physical fitness, and a schooling record. In New York City and Buffalo, a 16-year-old minor who is leaving school must have a pledge of employment signed by the prospective employer that shows the number of work-hours per day, days per week, and the nature of work to be done.

Note: *This excerpt of the rules governing the employment of minors has been taken from the New York State Department of Labor's Web site and New York State Labor Law.*