

Category: **STUDENTS**

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Subject: EMPLOYMENT CERTIFICATES

Page: 1 of 1

## **SUMMARY OF CHANGES**

This regulation supersedes Chancellor's A-250 dated November 20, 2008.

### Changes:

- References to intermediate schools have been changed to middle schools. (p.1, Abstract; p. 2, Section III; p.3, Section IV).
- District Family Advocates and Borough Family Advocates are authorized to issue all types of employment certificates and permits when schools are closed, and in certain other limited circumstances. (p. 2, Section III; p. 3, Section IV(C)).

## ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-250 dated November 20, 2008 and outlines the procedures for the issuance of Employment Certificates for students in New York City. State law mandates the issuance of employment certificates for students eligible to receive them. Only designated staff members in schools (public and non-public) have the legal authority to issue employment certificates. All public high schools and middle schools are required to issue employment certificates to students attending their schools who request such certificates. All public high schools are also required to issue employment certificates to students who attend non-public schools. All public schools are required to issue employment certificates until the last day of school in each school year. High schools and middle schools that are open for instruction during the summer are required to issue employment certificates during the summer.

### **I. EMPLOYMENT CERTIFICATION REQUIREMENTS**

- A. All minors under 18 years of age (including college students, high school graduates, married, and volunteer workers) must obtain employment certificates in order to work (exceptions noted below). However, employment certification is not required for a minor 16 years of age or over who attends a recognized institution of higher learning and is employed by a non-profit college or university. Minors 14 years of age or over are not required to have employment certification to work as caddies, babysitters or to engage in casual employment consisting of yard work and household chores in and about a residence or the premises of a non-profit, non-commercial organization, not involving the use of power driven machinery. Minors 16 years of age working in agriculture are not required to have an employment certificate. Employment certificates are not required after a student reaches his/her 18<sup>th</sup> birthday.
- B. Employment certification is a legal procedure mandated under the New York State Education and Labor Laws. School staff assigned the responsibility for employment certification act on behalf of the Chancellor.

### **II. EMPLOYMENT CERTIFICATION PROCEDURES**

- A. Each principal or designee of a junior high school or high school must implement a schedule of certification service that will:
  - 1. Alert the student body to where and when employment certification services will be available.
  - 2. Administer employment certification service through the last day of the official school calendar and during summer school (if they are open for summer school).
- B. Minor students have the right to be issued appropriate employment certificates. School authorities may not deny them without lawful reason. Except as set forth below, an employment certificate expires two years from the date of issuance.
- C. Applicants for employment certification (other than applicants for child models under 12 years of age) must apply in person to sign the certificate and/or permit.
- D. The minimum age for general employment is 14 years of age. Students may not be certified for general employment prior to reaching their 14<sup>th</sup> birthday.
- E. All employment certificates must be numbered. Each category of certificate shall have two separate series of consecutive numbers, one for boys and one for girls, beginning with the first issuance of that type of certificate in September of each school year.
- F. Employment certification records must be kept in a central file at the school until the minor's 21<sup>st</sup> birthday. They must be accessible for presentation if subpoenaed. They must be forwarded in the student's cumulative record folder when a school transfer is effected.

- G. Schools should advise students that if they intend to take positions in upstate communities they should obtain employment certificates prior to leaving New York City. Employment certificates can be obtained outside New York City if required documents are available.
- H. Child Performer Permits may only be obtained through the New York State Department of Labor, Division of Labor Standards, Permit and Certificate Program. Information may be obtained from the Department of Labor website at [www.labor.state.ny.us](http://www.labor.state.ny.us).
- I. State law regulates permitted working hours for minors under 18 years of age (see Attachment No. 1 – “Permitted Working Hours for Minors” and Attachment No. 4 “Explanation of Exceptions”). Hours can be extended under certain conditions during the school year when schools are open, and must be approved by the certifying officer at the student’s school. (See Attachment No. 2 – Sample of Satisfactory Academic Standing).

### III. **OBTAINING AN EMPLOYMENT CERTIFICATION**

To obtain an employment certificate, the student must submit an “Application for Employment Certificate” form (Form AT-17), see Attachment No. 3) to the issuing official. This form may be downloaded at:

<http://schools.nyc.gov/StudentSupport/StudentAttendance/WorkingPapers/default.htm>.

The “Application for Employment Certificate” form and all types of employment certificates and permits may be obtained from the student’s public high school, junior high school or middle school. When public schools are closed, employment certificates may be obtained from the District Family Advocate or Borough Family Advocate.

The “Application for Employment Certificate” (Form AT-17) contains the following six parts:

#### **Part I – Parental Consent**

Completed by applicant and parent/guardian. The parent or guardian must sign the application.

For *Full-Time* employment (first certificate only), the parent or guardian must appear at the certification center to sign the application unless the minor is a high school graduate and presents documentation.

For *Part-Time* employment and all other employment certification, the parent or guardian must sign the application, but need not appear in person.

#### **Part II – Evidence of Age**

The following original documents are acceptable as proof of age provided that the minor’s date of birth appears on the document: birth certificate (with official seal), duly certified record of baptism, passport (current or expired), citizenship papers, driver’s license or any other proof of age on school records which has been in existence for two years or more.

#### **Part III – Certificate of Physical Fitness**

The applicant must present a doctor’s note signed in *ink* by a health care provider, Department of Health or private physician stating that he/she is in good health to work. If the doctor’s note indicates limitations, the issuing official shall provide the applicant with a “Limited Employment Certificate” and specify the occupation, employer and expiration date directly on the employment certificate.

#### **Part IV – Pledge of Employment**

This section must be completed by the prospective employer only under the following conditions: the applicant is 16 or 17 years of age seeking full-time employment and has not graduated from high school; or if the applicant is being issued a “Limited Employment Certificate.”

#### **Part V – Schooling Record**

This section must be completed by the student’s school if he/she is dropping out of school and is over 16 years of age and obtaining a full-time employment certificate.

#### **Part VI – Employment Certification**

This part of the application records the pertinent information concerning the issuance of the employment certificate. This includes the official number of the certificate issued, the date of issuance, the issuing center and address, and the signature of the issuing officer.

- A. An applicant for a full-time employment certificate who is 16 or 17 years of age and wishes to withdraw from school prior to graduation must have parental consent and participate in a Planning Interview. The Planning Interview is conducted at the school by a guidance counselor, assistant principal, principal or other designee of the principal. The purpose of the Planning Interview is to reinforce the importance of a high school diploma, discuss the possibility of remaining in school and to provide information about alternative educational programs and the student's right to attend school until age 21.
- B. If a minor is currently employed on a part-time basis by more than one employer, each employer must retain an original employment certificate on file during the minor's period of employment. An application (Form AT-17), with Part I (Parental Consent) completed and signed must be presented to the issuing office for each additional employment certificate.
- C. A lost or mutilated employment certificate may be replaced when the student presents another application (AT-17). Only Part I of the subsequent application (Parental Consent) need be completed if the original certification documents (previously completed application and certificate of physical fitness within the year) are on file in the office issuing the replacement certificate.

#### IV. **CERTIFICATION SITES**

All public high schools, junior high schools, and middle schools upon request must issue employment certificates to students who attend their schools. All public high schools must issue employment certificates upon request to students who attend non-public schools.

- A. Public Schools - Designated school staff issue employment certificates to:
  1. All students 14 through 17 years of age who are on their registers.
  2. All former students 16 through 17 years of age who have been discharged from a high school register within one year of the current date and are not admitted to another New York City public school.
  3. All students 11 through 17 years of age who are requesting newspaper carrier permits.
  4. All high schools are required to issue employment certificates to non-public school students whose schools do not issue employment certificates. Non-public school students must present documentation of current school registration.
- B. Non-Public Schools - Designated school staff at authorized private and parochial schools can issue employment certificates and are encouraged to do so in order to accommodate their students. Non-public schools are authorized to issue employment certificates upon the successful completion of training conducted by the New York City Department of Education. Training is conducted upon request. Employment certificates may be issued by non-public schools as follows:
  1. All students 14 through 17 years of age who are on their registers.
  2. All students 11 through 17 years of age who are on their registers and who are requesting newspaper carrier permits.
- C. District Family Advocates and Borough Family Advocates are available to issue all types of employment certificates and permits to:
  1. Students seeking part-time employment certificates when schools are closed.
  2. Minors under 18 years of age requesting special occupation permits (child models, newspaper carriers, street trades, and farm workers.)
  3. Non-public school students under 18 years of age, if the school does not issue certificates.

4. Out-of-state minors under 18 years of age.

**V. TYPES OF EMPLOYMENT CERTIFICATES AND EMPLOYMENT PERMITS**

- A. Full-Time Employment Certificates - Issued to a minor 16 or 17 years of age who has obtained a "pledge of employment" for full-time employment, declares an intention to leave day school and has had an exit interview, or is a high school graduate.
- B. Student General Employment Certificate - Issued to a minor 16 or 17 years of age who is enrolled in a day school but wishes to work after school hours, during vacation periods, or both.
- C. Student Non-Factory Employment Certificate - Issued to a minor 14 or 15 years of age who is enrolled in a day school but wishes to work after school hours, during vacation periods, or both.
- D. Limited Employment Certificate - Issued to a minor 14 through 17 years of age with a medical limitation to work, according to the particular type of certificate indicated (Full-Time, Student General or Non-Factory). A limited employment certificate is valid for a six-month period. However, if the examining physician indicates upon the certificate of limited physical fitness that the physical disability of the minor is of a permanent nature, the certificate shall not expire at the end of six months, but shall remain valid as long as the nature and type of work set forth in the pledge of employment remains the same.
- E. Child Model Permit - Issued to a minor from infancy to 17 years of age, upon submission of an original doctor's note, school record (if school age), and evidence of age.
- F. Street Trades Permit - Issued to a minor 14 through 17 years of age to engage in the occupation of selling newspapers or periodicals (purchased from supplier) on the street or in other public places. It also includes a self-employed minor 14 years of age who works in the capacity of shining shoes on the streets or in other public places (Form AT-22).
- G. Farm Work Permit – Special - Issued to a minor over 12 years of age to engage in the occupation of hand-harvesting of berries, fruits and vegetables (Form AT-25).
- H. Farm Work Permit - Issued to a minor 14 or 15 years of age to engage in the occupation of farm work (Form AT-222).
- I. Newspaper Carrier Permit - Issued to a minor (employed on a salary basis) through 17 years of age to engage in the occupation of delivering newspapers, or other printed materials, to customers at their homes or places of business. A certificate of physical fitness is not required for the issuance of a newspaper carrier permit if the applicant has documentation that he/she is qualified.

**VI. REVOCATION**

A certificate or permit may be revoked if school officials determine that the employment is affecting the student's required school attendance, progress in school, health, and welfare. Also, certificates and permits may be revoked if school officials discover that the issuance of the certificate or permit was based on false information. In these circumstances, school officials must provide due notice prior to revoking the certificate or permit.

**VII. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

<u>Telephone:</u>	<i>Office of School and Youth Development</i> N.Y.C. Department of Education 52 Chambers Street New York, NY 10007	<u>Fax:</u>
212 -374- 6095		212- 374 -5751

**PERMITTED WORKING HOURS FOR MINORS**

The following chart is a summary of the permitted working hours' provisions of the New York State Labor Law relating to minors under 18 years of age.

Age	Industry/Occupation	Maximum Daily Hours	Maximum Weekly Hours	Maximum Days Per Week	Permitted Hours
<b>Minors – When School is in Session</b>					
14 and 15	All occupations except farm work, newspaper carrier, and street trades.	3 hours on school days; 8 hours on other days	18 hours <sup>1</sup>	6	7 AM to 7 PM
16 and 17	All occupations except farm work, newspaper carrier, and street trades.	4 hours on days preceding school days (Mon., Tues., Wed., Thurs.) <sup>2</sup> ; 8 hours on Fri., Sat., Sun., and holidays <sup>4</sup>	28 hours <sup>4</sup>	6 <sup>4</sup>	6 AM to 10 PM <sup>3</sup>
<b>Minors – When School is NOT in Session</b>					
14 and 15	All occupations except farm work, newspaper carrier, and street trades.	8 hours	40 hours	6	7 AM to 9 PM June 21 to Labor Day
16 and 17	All occupations except farm work, newspaper carrier, and street trades.	8 hours <sup>4</sup>	48 hours <sup>4</sup>	6 <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Minors – NOT Attending School</b>					
16 and 17	All occupations except farm work, newspaper carrier, and street trades.	8 hours <sup>4</sup>	48 hours <sup>4</sup>	6 hours <sup>4</sup>	6 AM to Midnight <sup>4</sup>
<b>Farm Work</b>					
12 and 13	Hand harvest of berries, fruits, and vegetables.	4 hours	—	—	7 AM to 7 PM June 21 to Labor Day; 9 AM to 4 PM day after Labor Day to June 20
14 and Older	Any farm work.	—	—	—	—
<b>Newspaper Carriers</b>					
11 to 18	Delivers or sells and delivers newspapers, shopping papers, or periodicals to homes or business places.	4 hours on school days; 5 hours on other days	—	—	5 AM to 7 PM or 30 minutes prior to sunset, whichever is later
<b>Street Trades</b>					
14 to 18	Self-employed work in public places selling newspapers or work as a shoe shiner.	4 hours on school days; 5 hours on other days	—	—	6 AM to 7 PM

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- <sup>1</sup> Students 14 and 15 enrolled in an approved work study program may work 3 hours on a school day, 23 hours in any one week when school is in session.
  - <sup>2</sup> Students 16 and 17 enrolled in an approved Cooperative Education Program may work up to 6 hours on a day preceding a school day other than Sunday or a holiday when school is in session as long as the hours are in conjunction with the program.
  - <sup>3</sup> May work 6 AM to 10 PM or until midnight with written parental and educational authorities' consent on day preceding a school day and until midnight on day preceding a non-school day with written parental consent.
  - <sup>4</sup> This provision does not apply to minors employed in resort hotels or restaurants in resort areas.

**SAMPLE OF SATISFACTORY ACADEMIC STANDING**

*PLEASE INSERT SCHOOL LETTERHEAD  
WHICH INCLUDES ADDRESS*

**CERTIFICATE OF ACADEMIC STANDING**

\_\_\_\_\_, \_\_\_\_\_ years of age, is a  
(minor's name)  
student at \_\_\_\_\_ and maintains a  
satisfactory academic standing as determined by the  
\_\_\_\_\_ school/school district. This certificate  
enables \_\_\_\_\_ to work between 10:00 p.m. and  
(minor's name)  
12:00 a.m. on evenings followed by a school day with the written permission of parent/  
guardian.

Certifying Officer: \_\_\_\_\_

Title: \_\_\_\_\_

Public School District: \_\_\_\_\_

School Address: \_\_\_\_\_

School Phone: \_\_\_\_\_

Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_



AT-17  
 Rev. 9/91

THE UNIVERSITY OF THE STATE OF NEW YORK  
 THE STATE EDUCATION DEPARTMENT  
 ALBANY, NEW YORK 12234

**APPLICATION FOR EMPLOYMENT CERTIFICATE**

See reverse side of this form for information concerning employment of minors.

All signatures must be handwritten in ink, and applicant must appear in person before the certifying official.

**PART I - Parental Consent** - (To be completed by applicant and parent or guardian)

Parent or guardian must appear at the school or issuing center to sign the application for the first certificate for full-time employment, unless the minor is a graduate of a four-year high school and presents evidence thereof. For all other certificates, the parent or guardian must sign the application, but need not appear in person to do so.

Date.....

I, ..... Age .....  
(Applicant) (Social Security Number)

Home address ..... apply for a certificate as checked below:  
(Full Home Address including Zip Code)

- Nonfactory Employment Certificate - Valid for lawful employment of a minor 14 or 15 years of age enrolled in day school when attendance is not required.
- Student General Employment Certificate - Valid for lawful employment of a minor 16 or 17 years of age enrolled in day school when attendance is not required.
- Full-Time Employment Certificate - Valid for lawful employment of a minor 16 or 17 years of age who is not attending day school.

I hereby consent to the required medical examination and employment certification as indicated above.

.....  
Signature of Parent or Guardian

**PART II - Evidence of Age** - (To be completed by issuing official only)

..... - Check evidence of age accepted - Document # (if any) .....  
(Date of Birth)

Birth Certificate    State Issued Photo    I.D. Driver's License    Schooling Record    Other.....  
(Specify)

**PART III - Certificate of Physical Fitness**

Applicant shall present a Certificate of Physical Fitness from a school or private physician. Said examination must have been given within 12 months prior to issuance of the employment certificate.

If the Certificate of Physical Fitness is limited, the issuing official shall issue a Limited Employment Certificate (valid for a period not to exceed 6 months unless the limitation noted by the physician is permanent, then the certificate will remain valid until the minor changes jobs. Enter the limitation on the employment certificate.

**PART IV - Pledge of Employment** - (To be completed by prospective employer)

Part IV must be completed only for: (a) a minor with a medical limitation; and (b) for a minor 16 years of age who is leaving school, and resides in a district (New York City and Buffalo) which require a minor 16 years of age who is not employed to attend school, according to Section 3205 of the Education Law.

The undersigned will employ ..... residing at .....  
(Applicant)

as ..... at .....  
(Description of Applicant's Work) (Job Location)

for ..... days per week ..... hours per day, beginning ..... a.m. .... p.m.

..... Factory ending..... a.m. .... p.m.  
(Name of Firm)

..... Nonfactory .....  
(Address of Firm)

..... Starting date .....  
(Telephone Number) (Signature of Employer)

**PART V - Schooling Record** - (To be completed by school official)

Part V must be completed only for a minor 16 years of age who is leaving school, and resides in a district (New York City and Buffalo) which require a minor 16 years of age to attend school, according to Section 3205 of the Education Law.

I certify that the records of .....  
(Name of School) (Address)

show that ..... whose date of birth is .....  
(Name of Applicant)

is in grade .....  
(Signature of Principal or Designee)

**PART VI - Employment Certification** - (To be completed by issuing official only)

Certificate Number ..... Date issued .....

.....  
(School or Issuing Center) (Address) (Signature of Issuing Official)

THIS APPLICATION DOES NOT AUTHORIZE EMPLOYMENT

## GENERAL INFORMATION

An employment certificate (Student Nonfactory, Student General, or Full Time), may be used for an unlimited number of successive job placements in lawful employment permitted by the particular type of certificate.

A Nonfactory Employment Certificate is valid for 2 years from the date of issuance or until the student turns 16 years old, with the exception of a Limited Employment Certificate. A Limited Employment Certificate is valid for a maximum of 6 months unless the limitation noted by the physician is permanent then the certificate will remain valid until the minor changes job. It may be accepted only by the employer indicated on the certificate.

**A new Certificate of Physical Fitness is required when applying for a different type of employment certificate, if more than 12 months have elapsed since the previous physical for employment.**

An employer shall retain the certificate on file for the duration of the minor's employment. Upon termination of employment, or expiration of the employment certificate's period of validity, the certificate shall be returned to the minor. A certificate may be revoked by school district authorities for cause.

A minor employed as a Newspaper Carrier, Street Trades Worker, Farm worker, or Child Model, must obtain the special Occupational Permit required.

A minor 14 years of age and over may be employed as a caddy, babysitter, or in casual employment consisting of yard work and household chores when not required to attend school. Employment certification for such employment is not mandatory.

An employer of a minor in an occupation which does not require employment certification should request a Certificate of Age.

## PROHIBITED EMPLOYMENT

Minors 14 and 15 years may not be employed in, or in connection with a factory (except in delivery and clerical employment in an enclosed office thereof), or in certain hazardous occupations such as: construction work; helper on a motor vehicle; operation of washing, grinding, cutting, slicing, pressing or mixing machinery in any establishment; painting or exterior cleaning in connection with the maintenance of a building or structure; and other listed in Section 133 of the New York State Labor Law.

Minors 16 and 17 years of age may not be employed in certain hazardous occupations such as: construction worker; helper on a motor vehicle, the operation of various kinds of power-driver machinery; and others listed in Section 133 of the New York State Labor Law.

## HOURS OF EMPLOYMENT

Minors may not be employed during the hours they are required to attend school.

Minors 14 and 15 years of age may not be employed in any occupation (except farm work and delivering, or selling and delivering newspapers):

**When school is in session:**

- more than 3 hours on any school day, more than 8 hours on a nonschool day, more than 6 days in any week, for a maximum of 18 hours per week, or maximum of 23 hours per week if enrolled in a supervised work study program approved by the Commissioner.
- After 7 p.m. or before 7 a.m.

**When school is not in session:**

- more than 8 hours on any day, 6 days in any week, for a maximum of 40 hours per week.
- After 9 p.m. or before 7 a.m.

This certificate is not valid for work associated with newspaper carrier, agriculture or modeling.

Minors 16 and 17 year of age may not be employed: -

**When school is in session:**

- more than 4 hours on days preceding school days; more than 8 hours on days not preceding school days (Friday, Saturday, Sunday and holidays), 6 days in any week for a maximum of 28 hours per week.

- Between 10 p.m. and 12 midnight on days followed by school day without written consent of parent or guardian and a certificate of satisfactory academic standing from the minor's school (to be validated at the end of each marking period).
- Between 10 p.m. and 12 midnight on days not followed by school day without written consent of parent or guardian.

**When school is not in session:**

- more than 8 hours on any day, 6 days in any week, for a maximum of 48 hours per week.

**EDUCATION LAW, SECTION 3233**

"Any person who knowingly makes a false statement in or in relation to any application made for an employment certificate or permit as to any matter by this chapter to appear in any affidavit, record, transcript, certificate or permit therein provided for, is guilty of a misdemeanor."

25-2760.52.2(250 Pkgs) 2/94

**EXPLANATION OF EXCEPTIONS**

1. An employment certificate or permit is not required for work as a caddy on a golf course. However, the caddy must be at least 14 years old.
2. An employment certificate is not required for a babysitter. However, the babysitter must be at least 14 years old.
3. A farm work permit is not required for minors 16 and 17 years of age to work on a farm.
4. Minors 14 and 15 years of age must have an employment certificate to work on a farm stand or a farmers' market stand if more than 5% of the goods sold are not produced on the owner's farm. If less than 5% of the goods sold are not grown on the owner's farm, a farm work permit is required. A permit also is required for minors 12 and 13 years of age employed in the hand harvest of berries, fruits, and vegetables. A farm work permit is not required for a minor 12 to 16 years of age to work at a farm stand or a farmers' market stand owned or leased by their parent, guardian, grandparent, aunt, or uncle.
5. An employment certificate or permit is not required for minors 12 years of age or older working for their parents either on the home farm or at other outdoor work not connected with a business.
6. An employment certificate is not required for a college student 16 or 17 years of age employed by a non-profit college or university or fraternity, sorority, student association, or faculty association.
7. An employment certificate is not required for a minor 14 or 15 years of age to engage in casual employment consisting of yard work and household chores in and about a residence or the premises of a non-profit, non-commercial organization, if it does not involve the use of power-driven machinery. Minors 16 or 17 years of age do not need employment certificates for casual work even if it involves power-driven machinery ordinarily used in connection with yard work or household chores. For lawn and garden work, therefore, the requirement for an employment certificate depends on the minor's age, whether power-driven machinery is used, and whether the employment is casual (without regularity, occasional, without foresight, plan, or method).