

House Bill 366 (COMMITTEE SUBSTITUTE)

By: Representatives Strickland of the 111th, Hamilton of the 24th, Bryant of the 162nd, Pruett of the 149th, Stephens of the 164th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to
2 regulation of employment of minors, so as to change certain provisions related to the
3 employment of minors; to change certain provisions relating to the issuance of employment
4 certificates for minors; to change certain provisions related to identification cards required
5 for the employment of minors; to provide for gender neutrality; to amend Code Section
6 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is
7 not required, so as to provide that certain documents relating to the employment of minors
8 as actors or performers shall be exempt from such disclosure; to provide for related matters;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of
13 employment of minors, is amended by revising Code Section 39-2-11, relating to required
14 employment certificates and the requirements for issuance of such certificates, as follows:
15 "39-2-11.

16 (a) ~~No minor between the ages of 12 and 16 years~~ Minors who are at least 12 years of age
17 but less than 16 years of age shall ~~not~~ be employed by or permitted to work for any person,
18 firm, or corporation unless a an employment certificate, showing the true age of such minor
19 and that such minor is not less than 12 years of age and is physically fit to engage in the
20 employment sought to be obtained, ~~shall be~~ is issued in writing by an appropriate issuing
21 officer who shall be one of the following:

22 (1) If enrolled in a public school, the school superintendent or ~~by~~ some member of his
23 or her staff authorized by him ~~in writing~~ or her, in the county or city where the minor
24 resides; ~~or, if a student at~~

25 (2) If enrolled in a licensed private school, ~~by~~ the principal administrative officer thereof
26 ~~or by~~ some member of his or her staff authorized by him or her; or

27 ~~(3) If enrolled in a home study program, the person, parent, or guardian providing the~~
 28 ~~home study program, in writing. A certificate shall also be required for employment of~~
 29 ~~minors between the ages of 16 and 18.~~

30 ~~(b) The certificate provided for in subsection (a) of this Code section must show that the~~
 31 ~~minor is 16 years of age to qualify such minor to work between the hours of 9:00 P.M. and~~
 32 ~~6:00 A.M. and to be employed in any of the occupations covered by Code Section 39-2-2.~~

33 ~~(c)~~(b) No employment certificate shall be issued to any minor until ~~he~~ the minor shall have
 34 submitted to the issuing officer:

35 (1) A certified copy of a birth certificate or birth registration card; and

36 (2) A statement from the prospective employer describing the type of employment
 37 offered; and indicating that if he were furnished with a certificate from the school
 38 superintendent appropriate issuing officer as required by law, ~~he~~ in subsection (a) of this
 39 Code section, such prospective employer could employ the minor immediately ~~and~~
 40 ~~describing the type of employment offered.~~ It shall be understood that the prospective
 41 employer, by furnishing such statement, does not undertake to employ the minor for any
 42 specific period of time.

43 ~~(d) A like certificate, a copy of which shall be made a part of the minor's school file, shall~~
 44 ~~be issued in cases of all minors between the ages of 16 and 18. The certificate must show~~
 45 ~~that the minor is fully 16 years of age in order to qualify the minor to work between the~~
 46 ~~hours of 9:00 P.M. and 6:00 A.M. and to be employed in any of the occupations covered~~
 47 ~~by Code Section 39-2-2. In addition to the certificate, the superintendent of schools, or~~
 48 ~~some member of his staff authorized by him, shall issue an identification card to each~~
 49 ~~minor in this category of employment. The identification card will certify that the minor~~
 50 ~~is eligible for employment. The minor shall be exempt from future filings of employment~~
 51 ~~certificates unless his certificate is revoked by the Commissioner of Labor.~~

52 ~~(e)(1)(c)(1)~~ The employment certificate provided for in subsection (a) of this Code
 53 section shall be accompanied by a letter from the minor's school administrator appropriate
 54 issuing officer indicating that the minor is enrolled in a school or a home study program
 55 full-time and has an attendance record in good standing for the current academic year.
 56 The employer of a minor shall maintain a copy of such certificate and letter in the minor's
 57 employment file. Such letter shall be updated in January of each subsequent academic
 58 year during which the minor maintains his or her employment until such minor reaches
 59 the age of ~~18~~ 16 years ~~or receives a high school diploma, a general educational~~
 60 ~~development (GED) diploma, a special education diploma, or a certificate of high school~~
 61 ~~completion, or has terminated his or her secondary education and is enrolled in a~~
 62 ~~postsecondary school.~~ Any employer failing to comply with this subsection shall be

63 guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to
64 exceed \$1,000.00, up to 12 months' imprisonment, or both, for each violation.

65 (2) The State Board of Education shall promulgate rules and regulations to provide for
66 the issuance of a waiver or exemption from the provisions of this subsection to a minor,
67 upon such minor's petition, if there is clear and convincing evidence that the enforcement
68 of the provisions of this subsection upon such minor would create an undue hardship
69 upon the minor or the minor's family or if there is clear and convincing evidence that the
70 enforcement of the provisions of this subsection would act as a detriment to the health or
71 welfare of the minor."

72 SECTION 2.

73 Said chapter is further amended by revising Code Section 39-2-11.1, relating to employment
74 of minors 14 years of age or older during school vacation months for care of lawns, gardens,
75 and shrubbery, as follows:

76 "39-2-11.1.

77 Notwithstanding any other provision of this chapter or any rule or regulation of the
78 Commissioner of Labor adopted pursuant to the provisions of Code Section 39-2-2 to the
79 contrary, a minor 14 years of age or over may be employed during the months of vacation
80 from school in the care and maintenance of lawns, gardens, and shrubbery owned or leased
81 by the employer of such minor, including the operation of equipment in connection
82 therewith, provided that the minor is covered by an accident and sickness insurance plan
83 or a workers' compensation insurance policy or plan provided by the employer; ~~that;~~ the
84 minor presents the employer with the employment certificate required by Code Section
85 39-2-11.1; and that the minor is permitted by the employer to care for and maintain only
86 those lawns, gardens, and shrubbery owned or leased by the employer. The work
87 authorized by this Code section includes the care and maintenance of lawns, gardens, and
88 shrubbery on the grounds of mills or factories described in Code Section 39-2-1 and on the
89 grounds of any other factory, mill, or business where employment of the minor within the
90 factory, mill, or business might be prohibited by this chapter or by rules and regulations of
91 the Commissioner of Labor."

92 SECTION 3.

93 Said chapter is further amended by revising subsection (b) of Code Section 39-2-12, relating
94 to the contents of employment certificates, the furnishing of blank forms of employment
95 certificates and identification cards, and the filing of duplicate copies, as follows:

96 "(b) Blank forms of employment certificates ~~and identification cards~~ shall be ~~furnished~~
97 made available by the Commissioner of Labor to ~~the~~ school superintendents of public

98 schools in the respective cities and counties, to principal administrative officers of private
99 schools, and to persons, parents, or guardians providing home study programs."

100 **SECTION 4.**

101 Said chapter is further amended by revising Code Section 39-2-14, relating to revocation of
102 employment certificates by the Commissioner of Labor, as follows:

103 "39-2-14.

104 The Commissioner of Labor may at any time revoke any employment certificate if in his
105 or her judgment the employment certificate was improperly issued. The Commissioner
106 shall be authorized to investigate the true age of any minor employed, hear evidence, and
107 require the production of relevant books or documents. If the employment certificate of a
108 minor is revoked, the employer of the minor at the time of the revocation shall be notified
109 and the minor shall not be employed or permitted to work thereafter until a new and valid
110 employment certificate shall have been obtained."

111 **SECTION 5.**

112 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
113 disclosure is not required, is amended in subsection (a) by striking "or" at the end of
114 paragraph (47), by replacing the period at the end of paragraph (48) with "; or", and by
115 adding a new paragraph to read as follows:

116 "(49) Data, records, or information acquired by the Commissioner of Labor or the
117 Department of Labor as part of any investigation required pursuant to Code
118 Section 39-2-18, relating to minors employed as actors or performers."

119 **SECTION 6.**

120 All laws and parts of laws in conflict with this Act are repealed.