

“Article 4: Employment of Minors”

New York Consolidated Laws, Labor Law - LAB § 130. Employment of minors under fourteen years of age

1. No minor under fourteen years of age shall be employed in or in connection with any trade, business, or service, except as otherwise provided in this section.
2. Exceptions: Nothing in this section shall be construed to prohibit the employment of:
 - a. A minor under fourteen years of age as a child performer in compliance with [section 35.01 of the arts and cultural affairs law](#) and article four-A of this chapter.
 - b. A minor under fourteen years of age as a child model in compliance with [section 35.05 of the arts and cultural affairs law](#) .
 - c. A minor eleven years of age as a newspaper carrier in compliance with [section thirty-two hundred twenty-eight of the education law](#) .
 - d. A minor twelve or thirteen years of age by his parents or guardians, either on the home farm or at other outdoor work not connected with or for any trade, business, or service, when attendance upon instruction is not required by the education law.
 - e. A minor over twelve years of age who presents a farm work permit, in assisting in the hand work harvest of berries, fruits and vegetables, for a period of four hours in any work day when attendance upon instruction is not required by the education law between the hours of nine o'clock in the forenoon and four o'clock in the afternoon between the first day after Labor Day through and the twentieth day of June, and seven o'clock in the forenoon and seven o'clock in the evening between the twenty-first day of June and Labor day of the same calendar year, and the minor is accompanied by a parent or has presented the written consent of a parent or party with whom he or she resides to the employer.
 - f. A minor pursuant to [section seven hundred fifty-eight-a](#) or [353.6 of the family court act](#) .
 - g. A minor twelve or thirteen years of age who assists a parent, aunt, uncle, grandparent or guardian in the sale of produce of a farm that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian, at a farm stand or farmer's market stand that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian, at times when school is not in session and the minor is accompanied by the parent or guardian or has presented the written consent of the parent or guardian.
 - h. A minor twelve or thirteen years of age as a bridge caddie at a bridge tournament when attendance upon instruction is not required by the education law.

New York Consolidated Laws, Labor Law - LAB § 131. Employment of minors fourteen or fifteen years of age

1. No minor fourteen or fifteen years of age shall be employed in or in connection with any trade, business, or service when attendance upon instruction is required by the education law.
2. When attendance upon instruction is not required by the education law, a minor fourteen or fifteen years of age may be employed if he presents an employment certificate or permit issued in accordance with the education law; provided, however, that no minor fourteen or fifteen years of age shall be employed in or in connection with a factory.
3. Exceptions:
 - a. When attendance upon instruction is not required by the education law, a minor fourteen or fifteen years of age may be employed without an employment certificate or permit in the following occupations:
 - (1) Caddy service on a golf course;
 - (2) Service as a baby sitter 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;
 - (3) 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;
 - (4) Assisting a parent, aunt, uncle, grandparent or guardian in the sale of produce of a farm that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian, at a farm stand or farmer's market stand that is owned or leased by the minor's parent, aunt, uncle, grandparent or guardian, at times when school is not in session and the minor is accompanied by the parent or guardian or has presented the written consent of the parent or guardian.
 - (5) Caddie service at a bridge tournament;
 - (6) Work for his parents or guardians either on the home farm or at other outdoor work not connected with or for any trade, business, or service.
 - b. Nothing in this section shall be construed to prohibit the employment of a minor fourteen or fifteen years of age as a child performer in compliance with [section 35.01 of the arts and cultural affairs law](#) and article four-A of this chapter.
 - c. Nothing in this section shall be construed to apply to the employment of a minor fourteen or fifteen years of age as a child model in compliance with [section 35.05 of the arts and cultural affairs law](#) .
 - d. Nothing in this section, or the hours of work requirements of this chapter, shall apply to a newspaper carrier in compliance with [section thirty-two hundred twenty-eight of the education law](#) . The picking up of newspapers at a newspaper plant shall not be construed to be employment in or in connection with a factory if there is provided a place for the picking up of

such newspapers, which place does not contain any dangerous machinery or equipment and does not afford access to space in which any such dangerous machinery or equipment is located.

e. Nothing in this section shall prohibit the employment of a minor fifteen years old who is found to be incapable of profiting from further instruction available and who presents a special employment certificate issued in accordance with the education law. Such employment certificate shall not be valid for work in or in connection with a factory.

f. A minor fourteen or fifteen years of age may be employed in farm service, when attendance upon instruction is not required by the education law, provided such minor presents a farm work permit issued in accordance with the education law. Such permit shall be valid only when signed by the employer and it shall not be valid for work in or in connection with a factory.

g. Nothing in this section shall prohibit the employment of a minor fourteen or fifteen years of age during the school lunch period in a school cafeteria at the school which the minor attends if the minor presents an employment certificate issued in accordance with the education law.

4. Employment in delivery and clerical employments:

a. Nothing contained in this article shall be deemed to prohibit the employment of a minor fourteen or fifteen years of age for whom a student non-factory employment certificate has been issued in accordance with the provisions of the education law, in delivery and clerical employments:

(1) in an office of a factory, provided that such office is enclosed and separate from the place where manufacturing is carried on, and provided that the minor is not engaged in any manufacturing operation or process; or

(2) in or in connection with dry cleaning stores, tailor shops, shoe repair shops and similar service stores which clean, press, alter, repair or dye articles or goods belonging to the ultimate consumer, provided that such employment does not involve the use of dangerous machinery or equipment, or chemical processes.

b. The commissioner may promulgate rules and regulations which he deems necessary to carry out the provisions of this subdivision.

5. Nothing in this section shall be construed to permit the employment of a minor fourteen or fifteen years of age in any occupation prohibited by [section one hundred thirty-three](#) of this chapter.

6. Nothing in this section shall prevent the rendering of services for the public good by a minor of fourteen or fifteen years pursuant to [section seven hundred fifty-eight-a](#) or [353.6 of the family court act](#) .

New York Consolidated Laws, Labor Law - LAB § 132. Employment of minor sixteen or seventeen years of age

1. No minor sixteen or seventeen years of age shall be employed in or in connection with any trade, business, or service when attendance upon instruction is required by the education law or in violation of the employment certificating provisions of the education law.
2. A minor sixteen or seventeen years of age may be employed if he presents an employment certificate or permit issued in accordance with the education law.
3. Exceptions:
 - a. When attendance upon instruction is not required by the education law, a minor sixteen or seventeen years of age may be employed without an employment certificate or permit in the following occupations:
 - (1) Work on a farm;
 - (2) Caddy service on a golf course;
 - (3) Service as a baby sitter 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;
 - (4) 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 other than power-driven machinery ordinarily used in such yard work or household chores;
 - (5) Caddie service at a bridge tournament;
 - (6) Work for his parents or guardians at outdoor work not connected with or for any trade, business, or service.
 - b. Nothing in this section, or the hours of work requirements of this chapter, shall apply to a newspaper carrier in compliance with [section thirty-two hundred twenty-eight of the education law](#) .
 - c. Nothing in this section shall prohibit the employment of a minor sixteen or seventeen years of age during the school lunch period in a school cafeteria at the school which the minor attends if the minor presents an employment certificate issued in accordance with the education law.
 - d. Nothing in this section shall be construed to apply to the employment of a minor sixteen or seventeen years of age as a child model in compliance with [section 35.05 of the arts and cultural affairs law](#) .
 - e. Notwithstanding any other provision of this chapter, an employment certificate or permit shall not be required for a student sixteen years of age or over who is in attendance at a recognized institution of higher learning and who is employed by a non-profit college or university or by a college or university fraternity, sorority, student association or faculty association.

- f. Nothing in this section shall be construed to prohibit the employment of a minor seventeen years of age as an election inspector or poll clerk pursuant to [section 3-400 of the election law](#) , or to require an employment certificate or permit therefor.
4. Nothing in this section shall be construed to permit the employment of a minor sixteen or seventeen years of age in any occupation prohibited by [section one hundred thirty-three](#) of this chapter.
5. Nothing contained in this section shall prevent the rendering of services for the public good by a minor of sixteen or seventeen years pursuant to [section seven hundred fifty-eight-a](#) or [353.6 of the family court act](#) .

New York Consolidated Laws, Labor Law - LAB § 133. Prohibited employments of minors

1. Minors under sixteen. No minor under sixteen years of age shall be employed in or assist in:
- a. painting or exterior cleaning in connection with the maintenance of a building or structure;
 - b. any occupation in or in connection with a factory, except as provided in [subdivision four of section one hundred thirty-one](#) of this chapter;
 - c. the operation of washing, grinding, cutting, slicing, pressing or mixing machinery;
 - d. any employment in institutions in the department of mental hygiene, provided, however, that for the purposes of this paragraph, participation in recreation and leisure activities, social skills development, companionship and/or entertainment as part of an organized volunteer program approved by the commissioner of mental hygiene, shall not constitute employment or assistance in employment and may be performed by youthful volunteers at least fourteen years of age. Nothing contained in this paragraph shall be construed to permit services prohibited in subdivisions one and two hereof.
2. Minors of any age. No minor of any age shall be employed in or assist in:
- a. the care or operation of a freight or passenger elevator, except that a minor over sixteen may operate automatic push button control elevators;
 - b. or in connection with the manufacturing, packaging, or storing of explosives;
 - c. operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured;

- d. penal or correctional institutions, if such employment relates to the custody or care of prisoners or inmates;
 - e. adjusting belts to machinery or cleaning, oiling or wiping machinery;
 - f. packing paints, dry colors, or red or white leads;
 - g. preparing any composition in which dangerous or poisonous acids are used;
 - h. operating steam boilers subject to [section two hundred four](#) of this chapter;
 - i. any occupation at construction work, including wrecking, demolition, roofing or excavating operations and the painting or exterior cleaning of a building structure from an elevated surface;
 - j. any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust;
 - k. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill or cooperage-stock mill;
 - l. any occupation in or in connection with a mine or quarry;
 - m. any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery, and paper products machines;
 - n. any occupation involved in the operation of circular saws, bandsaws and guillotine shears;
 - o. any occupation in or about a slaughter and meat-packing establishment, or rendering plant;
 - p. any occupation involved in the operation of power-driven hoisting apparatus;
 - q. any occupation involved in the manufacture of brick, tile and kindred products;
 - r. as a helper on a motor vehicle;
 - s. as a dancer or performer in any portion of a facility open to the public wherein performers appear and dance or otherwise perform unclothed, under circumstances in which such employment would be harmful to such person in the manner defined in [subdivision six of section 235.20 of the penal law](#) .
3. a. The provisions of subdivision two of this section shall not apply to (1) an apprentice who is individually registered in an apprenticeship program which is duly registered with the commissioner in conformity with the provisions of article twenty-three of this chapter; or
- (2) a student-learner who is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority, or in a course of study in a substantially similar program conducted by a private school; or
- (3) a trainee in an on-the-job training program approved by the commissioner; or

(4) a minor who is employed in the occupation in which he has completed training as a student-learner as provided in subparagraph (2) of this subdivision or as a trainee as provided in subparagraph (3) of this subdivision; or

(5) a minor who is employed in the occupation in which he has completed a work training program of a non-profit organization or a training program which is publicly funded in whole or in part, and as part of such program received safety instruction and training in the use of machinery, provided that such safety program has been approved by the commissioner. As used in this paragraph the term “non-profit organization” means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

b. An employment certificate required by [subdivision two of section one hundred thirty-two](#) of this article shall for the purposes of [section fourteen-a of the workmen's compensation law](#) be deemed to authorize employment under subparagraphs (3), (4) and (5) of this subdivision.

4. In addition to the cases provided for in this section, the commissioner, when it is found upon investigation that any particular trade, process of manufacture, occupation, or method of carrying on the same, is dangerous or injurious to the health of minors, may adopt rules prohibiting or regulating the employment of such minors therein. In addition to the adoption of such rules, the commissioner may also adopt such other rules and regulations as are determined necessary to carry out the purposes of this section.

5. In addition to the rulemaking authority set forth in subdivision four of this section, when it is found upon investigation that employment on a farm is dangerous or injurious to the health of minors, the commissioner may adopt rules prohibiting or regulating the employment of such minors therein, which rules shall be in accordance with and consistent with those promulgated by the United States secretary of labor in this regard.

6. *Repealed by [L.1991, c. 642, § 3, eff. Sept. 1, 1991](#).*

New York Consolidated Laws, Labor Law - LAB § 134. Placement of minors by employment agencies

No employment agency shall place a minor in any employment, or shall procure or attempt to procure for a minor, any employment, unless such employment is authorized or permitted by the provisions of this article. The term “employment agency” as used in this section means and includes any person, firm or corporation, as owner, agent, manager, employee, officer of a corporation, contractor, sub-contractor, or in any other capacity, placing in employment or procuring or attempting to procure employment for a minor, or for giving information as to where or of whom such employment may be procured.

New York Consolidated Laws, Labor Law - LAB § 135. Duties of employers

1. The employer of any minor required to have an employment certificate:
 - a. Shall, before employment begins, file at the place of the minor's employment such certificate so that it may be readily accessible to any person authorized by law to examine such document;
 - b. Shall, upon the termination of the minor's employment, return the employment certificate to the minor;
 - c.
 - (i) Shall, if the employer is engaged in a business of assigning employees for temporary services at another establishment, and the employer compensates the employee for such services rendered, keep on file in his or her office the employment certificate and shall cause to be delivered to each establishment where the child will perform his or her services a true copy of such employment certificate. Such delivery shall be deemed compliance with this section and [sections one hundred thirty-one](#) and [one hundred thirty-two](#) of this article. The owner of each establishment to which the child is assigned shall keep on file in his or her office such copy of the employment certificate, which shall be deemed compliance with this section, and shall return such copy to the employer at the conclusion of the child's assignment. Such employer shall note on the original employment certificate the existence of each copy.
 - (ii) As used in this subdivision, the term "establishment" includes a factory, mercantile establishment, business office, restaurant, hotel, and any other trade, business or service.
2. The employer of any person claiming to be between eighteen and twenty-five years of age who does not present an employment certificate duly issued for him or her must require from such person, and furnish upon demand to the commissioner or his or her authorized representative, proof of the age of such person in the form of a driver's license or other documentation issued by the government of the United States or of any state located therein, or a certificate of age issued to such person by an employment certifying official. Such proof of age or a legible photocopy thereof, or an employment certificate, previously issued for such person and on file in the place of his or her employment, shall be conclusive evidence that the person has reached the age certified to therein.

New York Consolidated Laws, Labor Law - LAB § 136. Employment of minors fourteen to eighteen years of age under physical disability

No employer shall employ a child whose employment certificate or permit states that the occupation in which the child may engage is limited because of his physical disability, for more than six months from the date of issuance of said certificate or permit, nor in any other occupation than that to which the employment of the child is limited by the terms of the certificate or permit.

New York Consolidated Laws, Labor Law - LAB § 137. Duty of commissioner to transmit information

The commissioner shall transmit to the local superintendent of schools, on or before the tenth day of each month, on blanks furnished by the state education department, the names and home addresses of all children under eighteen years of age found illegally employed during the preceding month in the district subject to such superintendent.

New York Consolidated Laws, Labor Law - LAB § 138. Employment of persons apparently under eighteen years of age

1. If any person apparently under eighteen years of age is employed without the certificate on file as required by law, in or in connection with any employment to which the provisions of this article apply, the commissioner may require the employer to cease employing the person or file, within ten days after demand, evidence in the form required by the education law for the issuance of such certificate that the person is over the age for which the certificate is required.
2. If the employer fails to furnish such evidence within ten days after demand, and thereafter employs the person, proof of the service of the demand and of the failure to furnish such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such person is under the age for which such certificate is required and is unlawfully employed.

New York Consolidated Laws, Labor Law - LAB § 139. Physical examination of employed minors; cancellation of employment certificate

1. A medical inspector of the department of labor shall require any minor sixteen or seventeen years of age employed in or in connection with any trade, business, or service, to submit to a physical examination by him if in his judgment such minor is physically unfit for the work at which he is employed. The result shall be recorded on a form filed with the commissioner.
2. If such minor fails to submit to such examination or if on examination the inspector finds the minor physically unfit to be so employed, he shall so report to the commissioner with his reasons therefor and the commissioner, if he approves the report, shall then cause the employment certificate issued in accordance with the education law to be taken from the office of the employer and shall return the same to the superintendent of schools recommending its cancellation.

New York Consolidated Laws, Labor Law - LAB § 140. Enforcement of violations relating to child performers, child models, street trades, and newspaper carriers

The commissioner is hereby authorized and empowered to prosecute violations of [section 35.01 of the arts and cultural affairs law](#) , relating to child performers, [section 35.05 of the arts and](#)

[cultural affairs law](#) , relating to child models, [section thirty-two hundred twenty-seven of the education law](#) , relating to street trades, and [section thirty-two hundred twenty-eight of the education law](#) , relating to newspaper carriers.

New York Consolidated Laws, Labor Law - LAB § 141. Civil penalties

1. If the commissioner finds that an employer has violated any provision of this article or of a rule or regulation promulgated thereunder, the commissioner may by an order which shall describe particularly the nature of the violation, assess the employer a civil penalty of not more than one thousand dollars for the first such violation, not more than two thousand dollars for a second violation and not more than three thousand dollars for a third or subsequent violation. Such penalty shall be paid to the commissioner for deposit in the treasury of the state. In assessing the amount of the penalty, the commissioner shall give due consideration to the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record-keeping or other requirements, provided, however, that where such violation involves illegal employment during which a minor is seriously injured or dies, such penalty shall be treble the maximum penalty allowable under the law for such violation. For the purposes of this subdivision, a minor shall be deemed to be seriously injured if such injury results in a permanent partial or permanent total disability as determined by the workers' compensation board.
2. Any order issued under subdivision one of this section shall be deemed a final order of the commissioner and not subject to review by any court or agency unless the employer files a petition with the industrial board of appeals for a review of the order, pursuant to [section one hundred one](#) of this chapter.
3. Provided that no proceeding for administrative or judicial review as provided in this chapter shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county where the employer resides or has a place of business the order of the commissioner or the decision of the industrial board of appeals containing the amount of the civil penalty. The filing of such order or decision shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order or decision may be enforced by and in the name of the commissioner in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.
4. The civil penalty provided for in this section shall be in addition to and may be imposed concurrently with any other remedy or penalty provided for in this chapter.

New York Consolidated Laws, Labor Law - LAB § 142. Hours of work for minors fourteen and fifteen years of age

1. When school is in session. When school is in session, no minor fourteen or fifteen years of age shall be employed:

- a. More than three hours on any school day;
- b. More than eight hours on any day when school is not in session;
- c. More than eighteen hours a week;
- d. More than six days a week; or
- e. After seven o'clock in the evening or before seven o'clock in the morning.

2. When school is not in session. When school is not in session, no minor fourteen or fifteen years of age shall be employed:

- a. More than eight hours a day;
- b. More than six days a week;
- c. More than forty hours a week; or
- d. After seven o'clock in the evening or before seven o'clock in the morning, except (i) between the twenty-first day of June and Labor day of the same calendar year, when no such minor shall be employed after nine o'clock in the evening or before seven o'clock in the morning; or (ii) where such minor is employed as a junior counselor or counselor-in-training at a camp for children during the months of June, July and August.

3. Notwithstanding the provisions of subdivision one of this section, a minor fourteen or fifteen years of age, who is enrolled when school is in session in a supervised work study program approved by the commissioner of education, when such program is in session, may not be employed:

- a. More than three hours on any school day;
- b. More than eight hours on any day when school is not in session;
- c. More than twenty-three hours a week;
- d. More than six days a week; or
- e. After seven o'clock in the evening or before seven o'clock in the morning.

4. This section shall not apply to a newspaper carrier as defined in [section thirty-two hundred twenty-eight of the education law](#) whose hours of work are governed by such section, a farm laborer, a child performer whose employment is governed by [section 35.01 of the arts and cultural affairs law](#) and article four-A of this chapter, a child model whose employment is governed by [section 35.05 of the arts and cultural affairs law](#) , a bridge caddie at a bridge tournament or a baby sitter as defined in [section one hundred thirty-one](#) of this chapter.

New York Consolidated Laws, Labor Law - LAB § 143. Hours of work for minors sixteen and seventeen years of age

1. When school is in session, no minor sixteen or seventeen years of age enrolled in a daytime school, other than a part-time or continuation school, shall be employed:
 - a. (i) More than four hours on any day preceding a school day, other than on a Sunday or holiday; (ii) except that students enrolled in a cooperative work experience program approved by the department of education may be employed for no more than six hours on any day preceding a school day, other than on a Sunday or holiday, if such hours of employment occur solely pursuant to such program. Any hours worked by students in such programs shall be included when calculating the number of hours worked for purposes of subparagraph (i) of this paragraph;
 - b. More than eight hours on a Friday, Saturday, Sunday or holiday;
 - c. More than twenty-eight hours a week;
 - d. More than six days a week;
 - e. After ten o'clock at night on any day preceding a school day, or after midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the minor's parent or guardian and a certificate which shall be provided to the employer at the end of each marking period by the minor's school which shall assert that such minor is in satisfactory academic standing according to the standards in such school district;
 - f. After ten o'clock at night on any day preceding a non-school day or, if the employer receives and maintains the written consent of the minor's parent or guardian, after midnight; or
 - g. Before six o'clock in the morning.
2. When school is not in session, no minor sixteen or seventeen years of age shall be employed:
 - a. More than eight hours a day, except that for the purpose of making one or more shorter work days or a holiday in a week, such persons may be employed up to ten hours on any one day of the week, and nine hours on any of four other days, but not in excess of forty-eight hours in any such week;
 - b. More than forty-eight hours a week;
 - c. More than six days a week; or
 - d. After twelve midnight or before six o'clock in the morning.
3. A minor sixteen or seventeen years of age who is not enrolled in a daytime school when school is in session shall be covered under subdivision two of this section.
4. This section shall not apply to a newspaper carrier as defined in [section thirty-two hundred twenty-eight of the education law](#) whose hours of work are governed by such section, a farm laborer, a child performer whose employment is governed by [section 35.01 of the arts and](#)

[cultural affairs law](#) and article four-A of this chapter, a child model whose employment is governed by [section 35.05 of the arts and cultural affairs law](#) , a bridge caddie at a bridge tournament or a baby sitter as defined in [section one hundred thirty-one](#) of this chapter or a seventeen year old minor employed as a counselor, junior counselor or counselor-in-training at a camp for children during the months of June, July and August.

5. a. The provisions of paragraphs b, c and d of subdivision one and paragraphs a, b and c of subdivision two of this section shall not apply to (i) employment solely as a singer or performer in a hotel or restaurant; (ii) employment in a resort or seasonal hotel or restaurant in a rural community and in a city and village having a population of less than fifteen thousand inhabitants, excluding that portion of the population of a third class city residing outside of its corporation tax district where such city embraces the entire area of a former township. As used in this subdivision, the term “resort” applies to such hotel or restaurant which operates for not more than four calendar months and fifteen days in each year, and the term “seasonal” applies to such hotel or restaurant in which the number of employees is increased by at least one hundred percent from the slack to the busiest season; (iii) employment in or in connection with a beauty parlor in cities and villages having a population of less than fifteen thousand; (iv) employment in or in connection with a mercantile establishment during the following periods: (A) from the eighteenth day of December to the following twenty-fourth day of December, inclusive; or (B) for any seven consecutive days during the period from the fourth day of December to the following twenty-third day of December, inclusive, selected by an employer by filing written notice with the commissioner on or before the first day of December designating the days selected. An employer may make such selection for the employer's establishment, or if there is more than one establishment, for any one or more of such establishments; and (C) for two additional periods each year, for the purpose of taking inventory, each period not to be more than one week's duration. Each period shall not exceed a total of six hours if the minor is employed on an eight-hour-day basis, or five hours if employed ten hours on one day and nine hours on any of four other days of the week, in addition to the hours permitted in this section;

b. The provisions of paragraph d of subdivision one and paragraph c of subdivision two of this section shall not apply to (i) employment as a writer or reporter in a newspaper office or (ii) employment by a duly recognized florist on the day before Easter Sunday, on Easter Sunday morning, and on the twenty-third day of December of each year;

c. The provisions of paragraph e of subdivision one and paragraph d of subdivision two of this section shall not apply to those employments listed in subparagraphs (i) and (ii) of paragraph a of this subdivision and subparagraphs (i) and (ii) of paragraph b of this subdivision nor to employment by a duly licensed airline in the maintenance of aircraft through a work study or job trainee program, under recognized state or local educational authority, or through a course of study in a substantially similar program conducted by a private school or through a training program which is publicly funded in whole or in part nor to employment as a junior counselor, counselor in training or counselor at a camp for children during the months of June, July and August.

6. The provisions of this section shall not apply to the employment of a minor seventeen years of age as an election inspector or poll clerk pursuant to [section 3-400 of the election law](#) .

New York Consolidated Laws, Labor Law - LAB § 144. Posting of hours

1. The employer shall make a schedule for all minors employed by the employer, setting forth the hours of beginning and stopping and the time allowed for meals, which shall be kept conspicuously posted in each establishment where such persons are employed.

A change in the schedule of hours worked by minors pursuant to the provisions of this chapter shall be allowed provided that the posted schedule reflects the change. Nothing herein shall be construed so as to affect the limitations on hours worked by such minors as set forth elsewhere in this chapter.

2. The presence of any person subject to this article at any hours other than those stated in the above notice, or the failure to post such notice, shall constitute prima facie evidence of a violation of this article.

3. Where a person is employed in two or more establishments on the same day or week, the total time of employment shall not exceed that allowed per day or week in a single establishment.

4. Exception. If the commissioner finds that because of the nature of the work in a factory it is practically impossible to fix the hours of work weekly in advance, he may upon an application stating facts showing the necessity therefor, grant a permit dispensing with the poster required by this section. In every factory operating under such a permit, a time book shall be kept in a form approved by the commissioner showing the name and addresses of all employees subject to this subdivision and the hours worked by each of them on each day. No person shall knowingly make or suffer to be made a false entry in any such time book. Such time book shall be kept for a period of six years and shall be available upon request of the commissioner at the place of employment. The permit shall be posted conspicuously in the factory, and the commissioner may revoke the permit for failure to comply with the provisions of this subdivision.

New York Consolidated Laws, Labor Law - LAB § 145. Criminal penalties

Any person who knowingly violates any provision of this article and any officer or agent of a corporation who knowingly permits the corporation to violate any such provisions shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than sixty days or by both such fine and imprisonment for a first offense, or by a fine of not more than five thousand dollars or imprisonment for not more than one year, or by both such fine and imprisonment for a second or subsequent offense.

Article 4-A. Employment and Education of Child Performers

New York Consolidated Laws, Labor Law - LAB § 150. Definitions

For the purpose of this article:

1. “Artistic or creative services” shall include, but are not limited to, services as an actor, actress, dancer, musician, comedian, singer, stunt-person, voice-over artist, runway or print model, or other performer or entertainer, or as a songwriter, musical producer or arranger, writer, director, producer, production executive, choreographer, composer, conductor, or designer.
2. “Child performer” shall mean any child under the age of eighteen who (a) resides in the state of New York and who agrees to render artistic or creative services; or
(b) agrees to render artistic or creative services in the state of New York.
3. “Child performer's employer” shall mean a person or entity which employs a child performer to furnish artistic or creative services for a fee either directly or through a third-party provider (loan-out company) or an agency or service that provides artistic or creative services (casting agency).
4. “Child performer trust account” shall mean an account established for the benefit of a child performer in accordance with part seven of article seven of the estates, powers and trusts law.
5. “Gross earnings” shall mean the total compensation prior to taxes, deductions, or commissions payable to a child performer pursuant to a contract or in the case of a third-party individual or personal services corporation (loan-out company), the total compensation paid to the third-party for the services of the child performer. However, where the child performer is employed as a musician, singer, songwriter, musical producer, or arranger it means the total compensation under the contract including advances but excluding deductions to offset those advances or other expenses incurred by the employer pursuant to the contract.
6. “Permit” shall refer to the documentation issued by the department to a child performer pursuant to this article.
7. “Certificate of eligibility” shall refer to the documentation issued by the department to an employer of a child performer pursuant to this article.
8. “Employment schedule” shall mean the time that a child performer is required to be present at the actual place of employment, excluding travel.

New York Consolidated Laws, Labor Law - LAB § 151. Employment requirements

1. (a) Notwithstanding the provisions of [section 35.01 of the arts and cultural affairs law](#) , a child performer may be employed, used or exhibited in any of the exhibitions, rehearsals or

performances set forth in [subdivision one of section 35.01 of the arts and cultural affairs law](#) if a child performer permit has been issued in accordance with the provisions of this section.

(b) A child performer shall be required to have an employment permit. Employment permits for child performers shall be valid for one year from the date of issuance.

(c) An application for a child performer permit shall be made on a form prescribed by the department and shall contain such matters as the department may deem to be necessary, including the following:

(i) the true and stage name and the age of the child, and the name and address of his parent or guardian;

(ii) the written consent of the parent or guardian;

(iii) the evidence provided by the child performer each semester to the department demonstrating that such child is maintaining satisfactory academic performance as determined by the child performer's school of enrollment pursuant to state law.

(d) At the time a child performer applies for an employment permit, the commissioner shall inform the child performer of the child performer trust requirements. The commissioner shall provide a notice in bold twelve point type to read as follows: "New York state law requires fifteen percent of a child performer's earnings to be placed in trust in accordance with part 7 of article 7 of the estates, powers and trusts law. the child performer's parents or guardian must establish the child performer trust account to comply with this requirement. the child's parents or guardian must provide the child performer's employer with the information necessary to transfer these monies to the account. failure to comply with this requirement will prevent the department of labor from renewing the child's permit to work as a child performer."

(e) No permit shall allow a child to participate in an exhibition, rehearsal or performance which is harmful to the welfare, development or proper education of such child. A permit may be revoked by the department for good cause.

2. Prior to employment of a child performer, every person, or agent or officer of any entity employing a child performer shall receive a certificate of eligibility to employ a child performer from the department. Each application for initial registration shall be accompanied by a fee determined by the commissioner in an amount sufficient in the aggregate to defray the department's costs of administering the registration program, provided, that such fee shall not exceed three hundred fifty dollars for initial registration or two hundred dollars for registration renewal. Companies that operate theaters of four hundred ninety-nine seats or fewer shall pay no more than two hundred dollars for an initial and renewal certificates. An employers' certificate of eligibility shall be renewed every three years.

3. Every person, or agent or officer, employing child performers, either directly or indirectly through third persons, shall keep on file all permits and certificates, either to work or to employ, issued under this article or pursuant to the education law. The files shall be open at all times to the inspection of the school attendance and probation officers, the state board of education, and

the department. No such authority shall be denied entrance to such place of employment of child performers. If such authority is denied entrance to such place of employment, or if any violations of laws relating to the employment of child performers are found to exist, such authority shall report the violation to the department. Such report shall be made within forty-eight hours and shall be in writing, setting forth the fact that he or she has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

4. (a) The work permit of a child performer in the entertainment industry shall not be renewed, nor shall a subsequent work permit be issued, unless the parent or guardian demonstrates to the department that a child performer trust account in accordance with part seven of article seven of the estates, powers and trusts law has been established for the benefit of the child performer.

(b) The limitation set forth in paragraph (a) of this subdivision shall not apply to the issuance of an employer's certificate of eligibility or to a child performer covered by an employer's certificate of eligibility who subsequently seeks to obtain an initial individual permit to work.

5. Failure to produce any permit or certificate either to work or to employ is prima facie evidence of the illegal employment of any child performer whose permit or certificate is not produced. Proof that any person was the manager or superintendent of any place of employment subject to the provisions of this article at the time any child performer is alleged to have been employed therein in violation thereof, is prima facie evidence that the person employed or permitted the child performer to work. The sworn statement of the commissioner, or his or her deputy or agents, as to the age of any child performer affected by this article is prima facie evidence of the age of such child.

New York Consolidated Laws, Labor Law - LAB § 152. Educational requirement

1. A child performer shall fulfill educational requirements as set forth in part one of article sixty-five of the education law. If a child performer is unable to meet such educational requirements due to his or her employment schedule, the employer shall be required to comply with subdivision two of this section.

2. (a) Any person, or agent or officer employing, either directly or indirectly through a third person, a child performer certified pursuant to this article shall provide a teacher, who is either certified or has credentials recognized by the state of New York, to such child performer to fulfill educational requirements pursuant to the education law. Such child performer shall not be declared absent from school while working pursuant to the permit requirement in accordance with this article. The requirements of this section shall only be applicable when the child performer is not receiving educational instruction due to his or her employment schedule.

(b) A child performer receiving educational instruction pursuant to this subdivision, and such child's parents or guardians, shall work with the certified teacher provided to the child performer and the child's school of enrollment to fulfill such educational requirements.

3. No minor having a permit to work issued by the department and no minor under eighteen years of age, who is otherwise required by law to be enrolled and attend school, shall be without educational instruction and unemployed for a period longer than ten consecutive days while the school of enrollment is in session.

New York Consolidated Laws, Labor Law - LAB § 153. Enforcement of violations; civil penalties

If the commissioner finds that a child performer's employer has violated any provision of this article or of a rule or regulation promulgated thereunder, the commissioner may by an order which shall describe particularly the nature of the violation, assess such employer a civil penalty of not more than one thousand dollars for the first violation, not more than two thousand dollars for a second violation and not more than three thousand dollars for a third or subsequent violation. Such penalty shall be paid to the commissioner and placed into the child performer's protection fund established in [section ninety-nine-j of the state finance law](#) and administered by the department. Monies accredited to the child performer's protection fund shall be utilized for the purpose of this article. The department shall promulgate rules and regulations for the administration of the child performer's protection fund.

New York Consolidated Laws, Labor Law - LAB § 154. Child performer advisory board to prevent eating disorders

1. The commissioner, in consultation with the commissioner of health and the commissioner of mental health, shall establish a child performer advisory board for the purpose of recommending guidelines for the employment of child performers and models under the age of eighteen and preventing eating disorders such as anorexia nervosa and bulimia nervosa amongst such persons. The advisory board shall consist of at least sixteen but no more than twenty members appointed by the commissioner, and shall include: representatives of professional organizations or unions representing child performers or models; employers representing child performers or models; physicians, nutritionists and mental health professionals with demonstrated expertise in treating patients with eating disorders; at least one representative from each of the comprehensive care centers for eating disorders established pursuant to article twenty-seven-J of the public health law; advocacy organizations working to prevent and treat eating disorders; and other members deemed necessary by the commissioner. In addition, the commissioner of health and the commissioner of mental health, or their designees, shall serve on the advisory board. The members of the advisory board shall receive no compensation for their services but shall be reimbursed their actual and necessary expenses incurred in the performance of their duties.

2. The advisory board is authorized to develop recommendations to the commissioner establishing guidelines relating to the employment of child performers and models under the age of eighteen for purposes of preventing and accessing treatment for eating disorders such as anorexia nervosa and bulimia nervosa amongst such child performers and models. When developing such guidelines, the advisory board shall consider (a) body mass index standards or weight and height standards, (b) employment restrictions for persons diagnosed with or

suspected of having an eating disorder, (c) requiring medical or mental health screenings, by medical or mental health professionals with demonstrated expertise in the diagnosis and treatment of eating disorders, for persons suspected of having an eating disorder, and (d) requiring referrals for treatment of eating disorders.

3. The advisory board shall further develop recommendations for educational and informational materials for such child performers and models, their parents and/or guardians and their employers regarding awareness and recognition of eating disorders, and referral and treatment information of eating disorders such as anorexia nervosa and bulimia nervosa.

4. The commissioner shall consider the recommendations developed by the advisory board, which include employment guidelines and the development of educational and informational materials pursuant to this section, when adopting, promulgating, amending and rescinding the rules and regulations necessary to carry out the provisions of this section. The advisory board shall report to the commissioner regarding its recommendations, including the guidelines, programs and findings developed pursuant to this section.

New York Consolidated Laws, Labor Law - LAB § 154-a. Regulations

The commissioner shall promulgate such rules and regulations as shall be necessary and proper to effectuate the purposes and provisions of this article, including but not limited to the promulgation of regulations determining the hours and conditions of work necessary to safeguard the health, education, morals and general welfare of child performers.