Student name: _____ **Date:** _____

MODULE 29
List the steps in obtaining an employment certificate.

Objectives:

A. Evaluate regulations concerning employment certificates.
B. List steps in obtaining a certificate.

MODULE 29: INFORMATION SHEET

TO THE STUDENT: Read and study this information sheet and then complete the student activities at the end of this module.

Obtaining an Employment Certificate

To ensure that employers adhere to Child Labor Laws, the employment of the minor is permitted by the parent or guardian and that the minor is physically capable of performing the duties of specific employment, the Pennsylvania Department of Labor and Industry, in coordination with the Department of Education, have in place regulations concerning Employment Certificates. Employers are required to have on file Employment Certificates for the minors they employ.

Prior to applying for a certificate, a promise of employment from an employer must first be secured by the minor. The minor will then determine who the issuing officer is within the school district they reside and obtain an application for an employment certificate, which may be known as "working papers."

Generally, an applicant who is age 16 up to age 18 and participating in a bonafide Cooperative Education Program will apply for a transferable work permit classified for general employment. The transferable work permit allows the student to work any day during the year to a maximum of 8 hours a day and 44 hours per week. (Other child labor laws also apply—see *Excerpt of the Child Labor Law* on page 4.)

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When the minor receives the application (see *Application* on page 7) from the issuing office, subsection A must be completed and signed by the issuing officer. Subsection A contains the minor's date of birth and type of evidence of age accepted. There's also space provided in the upper right hand corner for the date of application, Certificate/Permit Number, and the date of issuance. One of the following proofs of age must be submitted and preference is in the order given.

a. A birth record from the Vital Statistics Division. None of the options below will be accepted unless it's impossible to obtain a record of birth from the Vital Statistics Division.

b. A Baptismal Certificate or Transcript of the record of Baptism. The certificate must include date of birth.

c. A passport showing the age of the minor.

d. Any other documentary record of age, other than a school record.

e. An Affidavit of parent or guardian accompanied by a physician's statement of opinion as to the age of the minor.

Subsection B is to be completed by the parent, guardian or legal custodian. This section indicates the type of certificate/permit requested and includes the signature of the responsible adult and the adult's address. Application for the certificate must be made by the parent, guardian or legal custodian of the minor. The person responsible for the minor may appear in person and sign the work permit or may execute a statement (see *Attestation Document* page 8) before a notary public and attach form to the application.

Subsection C is to be completed by the employer. This section is a promise of employment and should identify the kind of industry and type of work in which the minor will be engaged. Also displayed and filled by the employer are the specific hours per day the student minor is anticipated to work. These hours must be consistent with current labor law.

Subsection D to be completed by a qualified physician or practitioner certifying that the minor is physically qualified for employment at the time of application or within the previous three hundred sixty-five days.

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The completed application is taken back to the issuing office where the issuing officer will complete the transferable work permit. (See *Transferable Work Permit* on page 9.)

The face side contains:

a. Class of certification
b. Number and date of issue
c. Name, address and signature of the minor
d. Physical characteristics of the minor
e. Signature of the issuing officer and official title
f. Name and address of school district

The back side of the permit contains:

a. Employer instructions
b. Note to the minor
c. Classes of certification
d. Note to the issuing officer

The original wallet size copy of the Transferable Work Permit will remain in the possession of the minor. The minor can use this card for multiple employers, if necessary. A new card need not be issued for each employer, although each employer will retain a copy for their records and follow the child labor law regulations noted on the back side of the transferable work permit.

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EXCERPT-CHILD LABOR LAW
ACT OF 1915, P.L. 286, NO. 177

Section 8

a. Before any minor under the age of 18 becomes employed, the employer shall receive from the minor and keep on file an employment certificate.
b. Any minor 16 years of age can receive a transferable work permit instead of an employment certificate, and the permit is valid until the minor's 18th birthday.

Section 9

Employment certificates and transferable work permits shall be obtained from the school district in which the minor resides, and will be issued by the superintendent or supervising principal of the district.

Section 10

Application for the Certificate must be made by the parent or guardian of the minor and the minor must appear personally before the issuing officer.

Section 11

Employment certificates are of two classes: General Employment and Vacation Employment. General Employment certificates entitle a minor 16 to 18 years of age to work the entire year. Vacation Employment certificates allow a minor 14 to 18 years of age to work any day except at such times and days when the minor is required to attend school.

Section 12

The official authorized to issue an employment certificate shall not issue the certificate unless the following papers are completed and filed:

a. A statement signed by the employer stating the minor will be employed, the type of employment involved, and the hours of employment.
b. A certificate of physical fitness.
c. Proof of age.

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Section 14

The certificate of physical fitness required shall be provided by the examining physician or certified practitioners stating the minor has been thoroughly examined at the time of application or within the previous three hundred sixty five days and is physically qualified for employment.

Section 15

One of the following proofs of age must be submitted:

a. Birth certificate
b. Baptismal certificate showing date of birth
c. Passport showing age of minor
d. Only if none of the above are obtainable, any other certified documentary record of age acceptable to the issuing officer
e. Only if none of the above are obtainable, then a signed statement by a physician who is approved by the Board of School Directors stating that, after the examination, the minor has attained the age required by law for the occupation anticipated. A statement signed by the parent or guardian certifying the name, date and place of birth of the minor, and the unavailability of any other proofs of age.

Section 17

a. All employers shall require a minor to have a valid employment certificate or transferable work permit. The transferable work permit shall remain in the custody of the minor.
b. Within five days of receiving an employment certificate, the employer shall notify the issuing officer in writing of its receipt. Within five days of termination of employment, the employer will return the certificate to the issuing officer by mail or to the minor on demand.

Section 17.1

a. Employers employing minors having transferable work permits shall also, within five days of employment, provide the issuing officer with the following information in writing:
    1. The permit number
    2. The name and age of the minor employed.
    3. The number of hours per day and week the minor will work.
    4. The type of employment.

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b. A record of minors with transferable work permits at the work site will be maintained by the employer which contains for each minor:
   1. Name of the school district issuing the permit.
   2. Minor's birthdate.
   3. Date of permit issue.
   4. Permit number
   5. Occupation of the minor
   6. A photocopy of the transferable work permit
c. Within five days of termination of employment of a minor with transferable work permit, the employer will notify the issuing officer in writing.
d. School districts shall maintain the records required in subsection A for two years.

Section 18

a. All forms used for issuing employment certificates shall be supplied by the Secretary of Education.
b. All transferable work permits shall be issued on wallet-sized forms supplied by the Secretary of Education.

References:
"Child Labor Law", Act of 1915, P.L. 286, No. 177, amended Dec. 21, 1998, P.L. 1242, No. 158.
Child Labor Law, Bureau of Labor Law Compliance, Department of Labor & Industry. 6/01.

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APPLICATION FOR EMPLOYMENT CERTIFICATE OR TRANSFERABLE WORK PERMIT

Date of Application _____

Certificate/Permit Number _____

Date Issued _____

PDE—4565 (10/91)

A. To be completed by issuing officer

Name of Minor	Sex _____ Color of Hair _____ Color of Eyes _____	Signature of Issuing Officer
Any Distinguishing Physical Characteristics:		School District - Name and Address
Place of Residence		

Date of Birth			Evidence of age accepted and filed. Evidence shall be required in the order designated. Cross out all but the one accepted.
Month	Day	Year	a. Transcript of birth certificate; b. Baptismal certificate or transcript; c. Passport; d. Other documentary evidence; e. Affidavit of parent or guardian accompanied by physician's statement of opinion as to the age of the minor

B. To be completed by parent, guardian or legal custodian in presence of issuing officer

I, the parent, guardian or legal custodian of the above-named minor, request the issuance of an employment certificate as indicated below:

Mark only one

_____ General Employment Certificate

_____ Vacation Employment Certificate

_____ Transferable Work Permit (in lieu of General Employment Certificate)

_____ Transferable Work Permit (in lieu of Vacation Employment Certificate)

Signature of Parent, Guardian or Legal Custodian	Name and Address of Parent, Guardian or Legal Custodian

Commonwealth of Pennsylvania - Department of Education

C. To be completed by prospective employer

The undersigned expects to employ the minor as _____ (type of work) in the industry of _____ (kind of industry).

The minor will work during such times and in accordance with the maximum hours permissable by law as established by Section 4 and 12 of the Child Labor Law, Act of May 13, 1915, P.L. 286; No. 177, as amended.

* Hours of employment-Ages 14 and 15

Maximum 3 hours on school days
Maximum 18 hours per week
Maximum 8 hours on nonschool days
Maximum 40 hours per nonschool week

Summer Vacation

Maximum 8 hours per day
Maximum 40 hours per week

Night Work

School term-may not work after 7 p.m. or before 7 a.m.
Exception - Summer Vacation until 9 p.m. but not before 7 a.m.

*Federal Law

Hours of employment - Ages 16 and 17

Maximum 8 hours on any given day.
Maximum 28 hours (Mon.-Fri.). Plus an additional 8 hours on Saturday and an additional 8 hours on Sunday.
Maximum 44 hours per week.

Summer Vacation: Maximum 8 hours per day, 44 hours per week.

Night Work

School Term: May not work after midnight Sunday thru Thursday or before 6 a.m. any day.
Exception: Preceding non-school day 1 a.m.
No limits during summer.

Employer: Within the limitations as identified in "Hours of Employment," please fill in the following:

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
___hrs.	___hrs.	___hrs.	___hrs.	___hrs.	___hrs.	___hrs.

Maximum hours: per day _____ per week _____

Name, address and telephone number of employer:

_____

_____

_____ Zip _____

Signature of Owner or Manager:

_____

D. To be completed by examining physician, certified nurse practitioner or certified registered nurse practitioner employed by the board of school directors, by the minor's family physician or by a physician designated by the prospective employer.

I hereby certify that the minor named on this form has been thoroughly examined and:

_____ is physically qualified for the employment specified in the statement of the prospective employer.

_____ is physically qualified for the period of _____, after which time a new examination is required.

_____ is physically qualified with the following limitations: _____

Signature of Examiner:	Address of Examiner:

Attestation Document

This form may be used as stated in the following excerpt of the Child Labor Law, as amended: Section 10 ". . . . In lieu of the personal appearance of the parent, guardian, legal custodian, or next friend of the minor, such person may execute a statement before a Notary Public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application . . ."

The application referred to in the above law is the Application For Employment Certificate or Transferable Work Permit, Form PDE 4565.

When this form is used in lieu of personal appearance, the completed form shall be attached to the application form PDE-4565 and transmitted to the responsible Work Permit Issuing Officer of the public school district in which the minor, so named on the application, resides.

I attest that the information contained on the Application For Employment or Transferable Work Permit, Form PDE-4565 made out in the name of _____ is true and accurate.
(Minor's Name)

Signature of Notary Public or other person authorized to administer oaths

_____
Signature Date

Signature of parent, guardian legal custodian or next of friend

_____
Signature Date

Application for the employment certificate must be made by the parent, guardian, or legal custodian of the minor for whom such employment certificate or Transferable Work Permit is requested.

In lieu of the personal appearance of the person responsible for the minor, such person may execute a statement before a Notary Public or other person authorized to administer oaths attesting to the accuracy of facts contained on the application PDE-4565. The PDE-4565A is the official form to be used for said purpose and shall be attached to the application PDE-4565.