

As Reported by the Senate Workforce and Higher Education Committee

135th General Assembly

Regular Session

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Sub. S. B. No. 30

Senator Schaffer

Cosponsors: Senators Cirino, Wilson

A BILL

To amend sections 3331.02 and 4109.07 of the 1
Revised Code to allow a person under sixteen 2
years of age to be employed after 7 p.m. during 3
the school year and to require a parent or 4
guardian to sign a work hour notification form 5
for a minor to receive an age and schooling 6
certificate. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3331.02 and 4109.07 of the 8
Revised Code be amended to read as follows: 9

Sec. 3331.02. (A) The superintendent of schools or the 10
chief administrative officer, as appropriate pursuant to section 11
3331.01 of the Revised Code, shall not issue an age and 12
schooling certificate until the superintendent or chief 13
administrative officer has received, examined, approved, and 14
filed the following papers duly executed: 15

(1) The written pledge or promise of the person, 16
partnership, or corporation to legally employ the child, and for 17
this purpose work performed by a minor, directly and exclusively 18

for the benefit of such minor's parent, in the farm home or on 19
the farm of such parent is legal employment, irrespective of any 20
contract of employment, or the absence thereof, to permit the 21
child to attend school as provided in section 3321.08 of the 22
Revised Code, and give notice of the nonuse of an age and 23
schooling certificate within five days from the date of the 24
child's withdrawal or dismissal from the service of that person, 25
partnership, or corporation, giving the reasons for such 26
withdrawal or dismissal; 27

(2) The child's school record or notification. As used in 28
this division, a "school record" means documents properly filled 29
out and signed by the person in charge of the school which the 30
child last attended, giving the recorded age of the child, the 31
child's address, standing in studies, rating in conduct, and 32
attendance in days during the school year of the child's last 33
attendance; "notification" means the information submitted to 34
the superintendent by the parent of a child excused from 35
attendance at school pursuant to division (A) (2) of section 36
3321.04 of the Revised Code, as the notification is required by 37
rules adopted by the department of education. 38

(3) Evidence of the age of the child as follows: 39

(a) A certified copy of an original birth record or a 40
certification of birth, issued in accordance with Chapter 3705. 41
of the Revised Code, or by an officer charged with the duty of 42
recording births in another state or country, shall be 43
conclusive evidence of the age of the child; 44

(b) In the absence of such birth record or certification 45
of birth, a passport, or duly attested transcript thereof, 46
showing the date and place of birth of the child, filed with a 47
register of passports at a port of entry of the United States; 48

or an attested transcript of the certificate of birth or baptism 49
or other religious record, showing the date and place of birth 50
of the child, shall be conclusive evidence of the age of the 51
child; 52

(c) In case none of the above proofs of age can be 53
produced, other documentary evidence, except the affidavit of 54
the parent, guardian, or custodian, satisfactory to the 55
superintendent or chief administrative officer may be accepted 56
in lieu thereof; 57

(d) In case no documentary proof of age can be procured, 58
the superintendent or chief administrative officer may receive 59
and file an application signed by the parent, guardian, or 60
custodian of the child that a medical certificate be secured to 61
establish the sufficiency of the age of the child, which 62
application shall state the alleged age of the child, the place 63
and date of birth, the child's present residence, and such 64
further facts as may be of assistance in determining the age of 65
the child, and shall certify that the person signing the 66
application is unable to obtain any of the documentary proofs 67
specified in divisions (A) (3) (a), (b), and (c) of this section; 68
and if the superintendent or chief administrative officer is 69
satisfied that a reasonable effort to procure such documentary 70
proof has been without success such application shall be granted 71
and the certificate of the school physician or if there be none, 72
of a physician, a physician assistant, a clinical nurse 73
specialist, or a certified nurse practitioner employed by the 74
board of education, that said physician, physician assistant, 75
clinical nurse specialist, or certified nurse practitioner is 76
satisfied that the child is above the age required for an age 77
and schooling certificate as stated in section 3331.01 of the 78
Revised Code, shall be accepted as sufficient evidence of age. 79

(4) A certificate, including an athletic certificate of examination, from a physician licensed pursuant to Chapter 4731. of the Revised Code, a physician assistant, a clinical nurse specialist, or a certified nurse practitioner, or from the district health commissioner, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age; but a certificate with "limited" written, printed, marked, or stamped thereon may be furnished by such physician, physician assistant, clinical nurse specialist, or certified nurse practitioner and accepted by the superintendent or chief administrative officer in issuing a "limited" age and schooling certificate provided in section 3331.06 of the Revised Code, showing that the child is physically fit to be employed in some particular occupation not prohibited by law for a boy or girl of such child's age, as the case may be, even if the child's complete physical ability to engage in such occupation cannot be vouched for.

(5) A minor work hour notification form described in division (D) of this section that is signed by the child's parent or legal guardian.

(B) (1) Except as provided in division (B) (2) of this section, a physical fitness certificate described in division (A) (4) of this section is valid for purposes of that division while the child remains employed in job duties of a similar nature as the job duties for which the child last was issued an age and schooling certificate. The superintendent or chief administrative officer who issues an age and schooling certificate shall determine whether job duties are similar for purposes of this division.

(2) A "limited" physical fitness certificate described in 110
division (A)(4) of this section is valid for one year. 111

(C) The superintendent of schools or the chief 112
administrative officer shall require a child who resides out of 113
this state to file all the information required under division 114
(A) of this section. The superintendent of schools or the chief 115
administrative officer shall evaluate the information filed and 116
determine whether to issue the age and schooling certificate 117
using the same standards as those the superintendent or officer 118
uses for in-state children. 119

(D) The director of commerce shall create, and make 120
available to the public, a minor work hour notification form 121
that provides notice of the hours a minor may work in accordance 122
with section 4109.07 of the Revised Code. The director shall 123
include on the form a space for a child's parent or legal 124
guardian to provide a signature. By signing the form, the parent 125
or guardian acknowledges that the parent or guardian has 126
received notice of the information on the form. 127

Sec. 4109.07. (A) No person under sixteen years of age 128
shall be employed: 129

(1) During school hours except where specifically 130
permitted by this chapter; 131

(2) Before seven a.m.; 132

(3) After nine p.m. from the first day of June to the 133
first day of September or during any school holiday of five 134
school days or more duration, ~~or after;~~ 135

(4) After seven p.m. at any other time, except the person 136
may be employed between seven p.m. and nine p.m. if the person 137
has approval to do so from the person's parent or legal 138

<u>guardian;</u>	139
(4) <u>(5)</u> For more than three hours a day in any school day;	140
(5) <u>(6)</u> For more than eighteen hours in any week while school is in session;	141 142
(6) <u>(7)</u> For more than eight hours in any day which is not a school day;	143 144
(7) <u>(8)</u> For more than forty hours in any week that school is not in session.	145 146
(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.	147 148 149 150 151 152 153
(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor.	154 155 156 157
(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed:	158 159 160
(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night;	161 162 163
(2) After eleven p.m. on any night preceding a day that school is in session.	164 165

(E) As used in this section, "school" refers to either a 166
school the child actually attends or a school he is required to 167
attend pursuant to Chapter 3321. of the Revised Code. 168

Section 2. That existing sections 3331.02 and 4109.07 of 169
the Revised Code are hereby repealed. 170