

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 402

REPRESENTATIVES Collier, Schaffer, Lendrum, Hollister, Seitz, Calvert,
Webster, Setzer, Schmidt, Gilb, Hagan, White, Sullivan, Husted, Reidelbach,
Willamowski, D. Miller, Patton, Carmichael, Flowers, Schneider

A B I L L

To amend sections 3331.01, 3331.02, 3331.06, 3331.07, 1
3331.08, 3331.09, 3331.11, 3331.12, 3331.13, 2
3331.14, 4109.02, 4109.03, 4109.06, 4109.08, and 3
4109.09, to repeal sections 3331.05 and 3331.15 of 4
the Revised Code, and to amend the version of 5
section 4109.08 of the Revised Code that is 6
scheduled to take effect January 1, 2002, to 7
continue the provisions of this act on and after 8
that effective date, to require the electronic 9
filing of age and schooling certificates and, for 10
nonpublic schools, require the chief administrative 11
officer of a nonpublic school to issue age and 12
schooling certificates instead of the 13
superintendent of the school district, and to make 14
other changes relative to age and schooling 15
certificates. 16

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

Section 1. That sections 3331.01, 3331.02, 3331.06, 3331.07, 17
3331.08, 3331.09, 3331.11, 3331.12, 3331.13, 3331.14, 4109.02, 18
4109.03, 4109.06, 4109.08, and 4109.09 of the Revised Code be 19

amended to read as follows:

20

Sec. 3331.01. (A) As used in this chapter, the
"superintendent":

21

22

(1) Superintendent or "superintendent of schools" of a
school district ~~or an educational service center~~ means the person
employed as the superintendent or that person's designee.

23

24

25

(2) "Chief administrative officer" means the chief
administrative officer of a nonpublic or community school or that
person's designee.

26

27

28

~~An (B)(1) Except as provided in division (B)(2) of this~~
~~section, an~~ age and schooling certificate may be issued only by
the superintendent of the city, local, joint vocational, or
exempted village school district ~~or educational service center~~ in
which the child in whose name such certificate is issued resides
or by the chief administrative officer of the nonpublic or
community school the child attends, and only upon satisfactory
proof that the child to whom the certificate is issued is at least
sixteen years of age ~~and has satisfactorily completed a vocational~~
~~education or special education program adequate to prepare~~
~~students for an occupation.~~

29

30

31

32

33

34

35

36

37

38

39

(2) A child who is instructed at home shall apply for an age
and schooling certificate to the superintendent who granted the
excuse from attendance pursuant to division (A)(2) of section
3321.04 of the Revised Code. Residents of other states who work in
Ohio ~~must qualify with~~ shall apply to the proper school authority
~~in superintendent of the school district or educational service~~
~~center service area~~ in which the establishment place of employment
is located, as a condition of employment or service.

40

41

42

43

44

45

46

47

(C) Any such age and schooling certificate may be issued only
upon satisfactory proof that the employment contemplated by the

48

49

child is not prohibited by any law regulating the employment of 50
such children; ~~and the employer of any minor for whom such age and~~ 51
~~schooling certificate has been issued shall keep such age and~~ 52
~~schooling certificate on file.~~ Section 4113.08 of the Revised Code 53
does not apply to such employer in respect to such child while 54
engaged in an employment legal for a child of the age stated 55
therein. 56

(D) Age and schooling certificate forms shall be ~~formulated~~ 57
~~approved~~ by the state board of education, ~~and except in cases~~ 58
~~otherwise specified by sections 3331.04 and 3331.05 of the Revised~~ 59
~~Code must be printed on white paper, including forms submitted~~ 60
~~electronically.~~ Except as otherwise provided in this section, 61
every such application for an age and schooling certificate must 62
be signed in the presence of the officer issuing it by the child 63
in whose name it is issued. 64

(E) A child ~~who resides in a local school district~~ shall 65
apply for an age and schooling certificate with the appropriate 66
~~superintendent of the local school district~~ or chief 67
administrative officer and shall furnish the superintendent or 68
chief administrative officer all information required by this 69
chapter in support of the issuance of a certificate. ~~The local~~ 70
~~superintendent shall forward all such information to the~~ 71
~~educational service center superintendent.~~ If upon receiving, 72
~~examining, approving, and filing such information the educational~~ 73
~~service center superintendent issues a certificate, such~~ 74
~~superintendent shall deliver it to the local superintendent.~~ No 75
certificate issued in this manner shall be valid until signed in 76
the presence of the local superintendent by the child in whose 77
name it is issued. ~~During any time the offices of the local school~~ 78
~~district close during regular business hours, a child who resides~~ 79
~~in the local district may apply directly to the educational~~ 80
~~service center superintendent who may issue an age and schooling~~ 81

~~certificate directly to the child. The educational service center
superintendent shall inform the local superintendent of each
certificate issued in this manner.~~

(F) On and after January 1, 2002, each superintendent who
issues an age and schooling certificate shall file electronically
the certificate with the director of commerce in accordance with
rules adopted by the director of administrative services pursuant
to section 1306.21 of the Revised Code. On and after January 1,
2002, only electronically filed certificates are valid to satisfy
the requirements of Chapter 4109. of the Revised Code.

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

(A)(1) The written pledge or promise of the person,
partnership, or corporation to legally employ the child, and for
this purpose work performed by a minor, directly and exclusively
for the benefit of such minor's parent, in the farm home or on the
farm of such parent is legal employment, irrespective of any
contract of employment, or the absence thereof, to permit him the
child to attend school as provided in section 3321.08 of the
Revised Code, and to return to the superintendent the age and
schooling certificate of the child or give notice of the nonuse
thereof of an age and schooling certificate within two five days
from the date of the child's withdrawal or dismissal from the
service of that person, partnership, or corporation, giving the
reasons for such withdrawal or dismissal;

(B)(2) The school record of the child, properly filled out
and signed by the person in charge of the school which the child

last attended; giving the recorded age of the child, ~~his~~ the 113
child's address, standing in studies, rating in conduct, and 114
attendance in days during the school year of ~~his~~ the child's last 115
attendance, and if that was not a full year, during the preceding 116
school year; 117

~~(c)~~(3) Evidence of the age of the child as follows: 118

~~(1)~~(a) A certified copy of an original birth record or a 119
certification of birth, issued in accordance with Chapter 3705. of 120
the Revised Code, or by an officer charged with the duty of 121
recording births in another state or country, shall be conclusive 122
evidence of the age of the child; 123

~~(2)~~(b) In the absence of such birth record or certification 124
of birth, a passport, or duly attested transcript thereof, showing 125
the date and place of birth of the child, filed with a register of 126
passports at a port of entry of the United States; or an attested 127
transcript of the certificate of birth or baptism or other 128
religious record, showing the date and place of birth of the 129
child, shall be conclusive evidence of the age of the child; 130

~~(3)~~(c) In case none of the above proofs of age can be 131
produced, other documentary evidence, except the affidavit of the 132
parent, guardian, or custodian, satisfactory to the superintendent 133
or chief administrative officer may be accepted in lieu thereof; 134

~~(4)~~(d) In case no documentary proof of age can be procured, 135
the superintendent or chief administrative officer may receive and 136
file an application signed by the parent, guardian, or custodian 137
of the child that a physician's certificate be secured to 138
establish the sufficiency of the age of the child, which 139
application shall state the alleged age of the child, the place 140
and date of birth, ~~his~~ the child's present residence, and such 141
further facts as may be of assistance in determining the age of 142
the child, and shall certify that the person signing the 143
application is unable to obtain any of the documentary proofs 144

specified in divisions ~~(C)(1)(A)(3)(a)~~, ~~(2)(b)~~, and ~~(3)(c)~~ of 145
this section; and if the superintendent or chief administrative 146
officer is satisfied that a reasonable effort to procure such 147
documentary proof has been without success such application shall 148
be granted and the certificate of the school physician or if there 149
be none, of a physician employed by the board of education, that 150
said physician is satisfied that the child is above the age 151
required for an age and schooling certificate as stated in section 152
3331.01 of the Revised Code, shall be accepted as sufficient 153
evidence of age; 154

~~(D)(4)~~ A certificate, including an athletic certificate of 155
examination, from the school a physician licensed pursuant to 156
Chapter 4731. of the Revised Code or physician designated by him 157
assistant licensed pursuant to Chapter 4730. of the Revised Code, 158
or if there is no school physician from the district health 159
commission, or physician designated by him commissioner, showing 160
after a thorough examination that the child is physically fit to 161
be employed in such occupations as are not prohibited by law for a 162
boy or girl, as the case may be, under eighteen years of age; but 163
a certificate with "limited" written, printed, marked, or stamped 164
diagonally across its face thereon may be furnished by such 165
physician or physician assistant and accepted by the 166
superintendent or chief administrative officer in issuing a 167
"limited" age and schooling certificate provided in section 168
3331.06 of the Revised Code, showing that the child is physically 169
fit to be employed in some particular occupation not prohibited by 170
law for a boy or girl of such child's age, as the case may be, 171
even if the child's complete physical ability to engage in such 172
occupation cannot be vouched for. 173

(B)(1) Except as provided in division (B)(2) of this section, 174
a physical fitness certificate described in division (A)(4) of 175
this section is valid for purposes of that division while the 176

child remains employed in job duties of a similar nature as the 177
job duties for which the child last was issued an age and 178
schooling certificate. The superintendent or chief administrative 179
officer who issues an age and schooling certificate shall 180
determine whether job duties are similar for purposes of this 181
division. 182

(2) A "limited" physical fitness certificate described in 183
division (A)(4) of this section is valid for one year. 184

(C) The superintendent of schools or the chief administrative 185
officer shall require a child who resides out of this state to 186
file all the information required under division (A) of this 187
section. The superintendent of schools or the chief administrative 188
officer shall evaluate the information filed and determine whether 189
to issue the age and schooling certificate using the same 190
standards as those the superintendent or officer uses for in-state 191
children. 192

Sec. 3331.06. The age and schooling certificate provided in 193
sections 3331.01 to ~~3331.05, inclusive,~~ 3331.04 of the Revised 194
Code, shall be issued only with the word "limited" printed, 195
marked, or stamped ~~diagonally across its face thereon~~ if the 196
certificate of the physician provided in section 3331.02 or 197
3331.07 of the Revised Code, is a limited certificate, and in that 198
case the particular employment to which it is limited shall be 199
stated in the certificate, and the certificate cannot serve as the 200
legal age and schooling certificate for employment in another 201
occupation. 202

Sec. 3331.07. When an age and schooling certificate, ~~returned~~ 203
~~according to section 3331.02 of the Revised Code,~~ is reissued, the 204
pledge of the new employer ~~and~~ shall be secured and filed. A 205
physical fitness certificate from ~~the school~~ a physician or other 206

~~person in his stead~~ physician assistant as described in division 207
(A)(4) of section 3331.02 of the Revised Code shall also be 208
secured and filed if the physical fitness certificate used in the 209
issuing of the previously issued age and schooling certificate is 210
no longer valid, as determined pursuant to division (B) of section 211
3331.02 of the Revised Code. 212

Sec. 3331.08. In case a superintendent of schools refuses to 213
excuse a child from attendance at school for one of the reasons 214
stated in section 3321.04 of the Revised Code, or a superintendent 215
or a chief administrative officer refuses upon request to grant an 216
age and schooling certificate as provided in section 3331.01 of 217
the Revised Code, an appeal may be taken from such decision to the 218
juvenile judge of the county, upon the giving of bond, within ten 219
days thereafter, to the approval of such judge, to pay the costs 220
of appeal. ~~His~~ The juvenile judge's decision in the matter shall 221
be final. 222

Sec. 3331.09. The superintendent of schools or chief 223
administrative officer issuing an age and schooling certificate 224
may revoke such certificate on account of noncompliance with 225
stipulations, physical condition of the child, or other sufficient 226
cause. ~~The superintendent, or other issuing authority of the~~ 227
~~district in which the child is employed may revoke the age and~~ 228
~~schooling certificate of such child for failure to attend~~ 229
part-time schools or classes as required by sections 3321.08 and 230
3321.10 of the Revised Code. 231

Sec. 3331.11. Records shall be ~~kept on file in~~ available from 232
the office issuing the age and schooling certificate: 233

(A) Giving all the facts contained in every age and school 234
certificate issued; 235

(B) The names and addresses of the children to whom 236

certificates have been refused, together with the names of the 237
schools and grades which such children should attend and the 238
reasons for the refusal; 239

(C) All certificates ~~returned or~~ no longer used, as provided 240
in ~~sections~~ section 3331.02 and 3331.05 of the Revised Code, with 241
the reasons therefor, and the subsequent assignment of the child 242
to a school; 243

(D) The conditions on which any certificates were issued; 244

(E) The pledge given in connection with the certificate; 245

(F) The special facts connected with the issuing of 246
nonstandard or limited certificates. The superintendent of public 247
instruction may prescribe methods for the filing, including 248
electronic filing, of all such facts, records, and papers, for the 249
purpose of effective reference. These records are not required in 250
cases of certificates denied to those determined immediately at 251
the time of inquiry to be of insufficient age. 252

~~No age and schooling certificate shall be valid for 253
employment in any other school district than that in which it is 254
issued, unless it is countersigned by the certificate-issuing 255
authority of the district in which the child is employed, which 256
issuing authority shall give its countersignature upon 257
presentation of such certificate. 258~~

Sec. 3331.12. When any officer charged with the enforcement 259
of child labor laws discovers any child who in his the officer's 260
judgment is under fourteen years of age employed by a person who 261
is not the parent or guardian of such child, the officer may cause 262
such child to discontinue employment until satisfactory proof of 263
lawful age is furnished. ~~Any child over fourteen years of age 264
employed during hours when the public school to which he is 265
assigned is not in session in occupations not prohibited to him by 266~~

~~Chapter 4109. of the Revised Code, may upon application receive 267
from the certificate-issuing authority of the school district in 268
which he lives a part-time and vacation certificate under the 269
conditions provided for such certificates. 270~~

Sec. 3331.13. Whenever the school record of a child as 271
specified in section 3331.02 of the Revised Code, is required for 272
the purpose of determining ~~his~~ the child's eligibility to an age 273
and schooling certificate, such record shall be furnished by the 274
superintendent, principal, teacher, or other official in charge of 275
the public, private, ~~or~~ parochial, or home school attended by the 276
child within two days after a request for the same is made by the 277
parent, guardian, or custodian of the child. 278

Sec. 3331.14. The parent or guardian of a child of compulsory 279
school age shall secure and keep on file the proper age and 280
schooling certificate of ~~his~~ the parent's or guardian's child or 281
ward if such child or ward is employed by ~~him and shall return~~ 282
~~such certificate as provided in section 3331.02 of the Revised~~ 283
~~Code, but a~~ the parent or guardian need not secure and keep on 284
file a special or vacation certificate of his child or ward if 285
~~such child or ward is to be employed by him personally when school~~ 286
~~is not in session.~~ 287

Sec. 4109.02. (A) Except as provided in division (B) of this 288
section or in section 4109.06 of the Revised Code, no minor of 289
compulsory school age shall be employed by any employer unless the 290
minor presents to the employer a proper age and schooling 291
certificate as a condition of employment. ~~The employer shall keep~~ 292
~~the certificate on file in the establishment where the minor is~~ 293
~~employed or in the office of the business or in the residence in~~ 294
~~or about which the minor is employed for inspection by any~~ 295
~~enforcement official.~~ 296

A valid certificate constitutes conclusive evidence of the age of the minor and of the employer's right to employ the minor in occupations not denied by law to minors of that age under section 4109.06 of the Revised Code or rules adopted under that section.

(B) The following minors aged sixteen or seventeen are not required to provide an age and schooling certificate as a condition of employment:

(1) Those who are to be employed during summer vacation months after the last day of the school term in the spring and before the first day of the school term in the fall, in nonagricultural and nonhazardous employment as defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, and similar state statutes, or in other employment not prohibited to minors age sixteen or seventeen by law;

(2) Unless required by the superintendent of schools of the school district where the minor resides or by the chief administrative officer of the nonpublic or community school the child attends, those who are to be employed not more than two months before the last day of the school term in the spring and not more than two months after the first day of the school term in the fall by a seasonal amusement or recreational establishment, on the condition that the following are satisfied:

(a) For the period prior to Memorial day and after Labor day while school is in session, they are to be employed only for hours that occur between the end of the school day on Friday and eleven p.m. on Sunday.

(b) For the period from Memorial day until the last day of the school term in the spring and from the first day of the school term in the fall until Labor day, they are to be employed only for hours that occur between the end of the school day and nine p.m.

on Monday through Thursday and only for hours that occur between 328
the end of the school day on Friday and eleven p.m. on Sunday. 329

(C) To be hired for the type of employment described in 330
division (B) of this section, minors shall provide the employer 331
with the following: 332

(1) Evidence of proof of age in the same manner as proof of 333
age is provided the superintendent of schools or chief 334
administrative officer under division ~~(C)~~(A)(3) of section 3331.02 335
of the Revised Code; 336

(2) A statement signed by the minor's parent or guardian 337
consenting to the proposed employment. For the purposes of this 338
section, in the absence of a parent or guardian, a person over 339
eighteen years of age with whom the minor resides may sign the 340
statement. 341

(3) An age and schooling certificate if one is required under 342
division (B)(2) of this section by the superintendent of schools 343
of the school district where the minor resides or by the chief 344
administrative officer of the nonpublic or community school the 345
child attends. 346

~~The employer shall retain a copy of the proof of age and the~~ 347
~~statement of consent with the employment records of the minor.~~ 348

(D) As used in this section: 349

(1) "Labor day" and "Memorial day" have the same meanings as 350
provided for those days in section 1.14 of the Revised Code. 351

(2) "Seasonal amusement or recreational establishment" means 352
both of the following: 353

(a) An amusement or recreational establishment that does not 354
operate for more than seven months in any calendar year; 355

(b) An amusement or recreational establishment whose average 356
receipts for any six months during the preceding calendar year 357

were not more than thirty-three and one-third per cent of its 358
average receipts for the other six months of that calendar year. 359

Sec. 4109.03. No employer shall employ a minor before 360
~~exacting from such minor~~ thoroughly reviewing the minor's age and 361
schooling certificate, required by law, or fail to ~~keep such~~ 362
~~certificate on file, or fail to return~~ give notice to the 363
superintendent of schools or ~~his authorized representative~~ chief 364
administrative officer who issued such certificate ~~or give notice~~ 365
of the nonuse ~~thereof~~ of the certificate within five working days 366
from such minor's withdrawal or dismissal from ~~his~~ the employer's 367
service, or continue to employ a minor after ~~his~~ the minor's age 368
and schooling certificate is void, or refuse to permit an 369
enforcement official ~~to examine such certificate,~~ to observe the 370
conditions under which minors are employed, or to make reasonable 371
inquiry of minors or persons supposed by such official to be under 372
eighteen in regard to matters pertaining to their age, employment, 373
or schooling. 374

Sec. 4109.06. (A) This chapter does not apply to: 375

(1) Minors who are students working on any properly guarded 376
machines in the manual training department of any school when the 377
work is performed under the personal supervision of an instructor; 378

(2) Students participating in a vocational program approved 379
by the Ohio department of education; 380

(3) A minor participating in a play, pageant, or concert 381
produced by an outdoor historical drama corporation, a 382
professional traveling theatrical production, a professional 383
concert tour, or a personal appearance tour as a professional 384
motion picture star, or as an actor or performer in motion 385
pictures or in radio or television productions in accordance with 386
the rules adopted pursuant to division (A) of section 4109.05 of 387

the Revised Code;	388
(4) The participation without remuneration of a minor with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or religious institution;	389 390 391 392 393
(5) To minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;	394 395 396
(6) Minors engaged in the delivery of newspapers to the consumer;	397 398
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	399 400 401
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	402 403
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	404 405
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code.	406 407 408 409 410 411
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to:	412 413
(1) Minors who work in a sheltered workshop operated by a county board of mental retardation;	414 415
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses	416 417

incurred by the minor or except for meals provided to the minor;

418

(3) Minors employed in agricultural employment and who do not
reside in agricultural labor camps.

419

420

(C) Division (D) of section 4109.07 of the Revised Code does
not apply to minors who have their employment hours established as
follows:

421

422

423

(1) A minor adjudicated to be an unruly child or delinquent
child who, as a result of the adjudication is placed on probation
may either file a petition in the juvenile court in whose
jurisdiction the minor resides, or apply to the superintendent of
the school district or to the chief administrative officer who
issued the minor's age and schooling certificate pursuant to
section 3331.01 of the Revised Code alleging the restrictions on
the hours of employment described in division (D) of section
4109.07 of the Revised Code will cause a substantial hardship or
are not in the minor's best interests. Upon receipt of a petition
or application, the court or, the superintendent, or the chief
administrative officer, as appropriate, shall consult with the
person required to supervise the minor on probation. If after such
consultation the court or, the superintendent, or the chief
administrative officer finds the minor has failed to show the
restrictions will result in a substantial hardship or that the
restrictions are not in the minor's best interests, the court or,
the superintendent, or the chief administrative officer shall
uphold the restrictions. If after such consultation the court or,
the superintendent, or the chief administrative officer finds the
minor has shown the restricted hours will cause a substantial
hardship or are not in the minor's best interests, the court or,
the superintendent, or the chief administrative officer shall
establish differing hours of employment for the minor and notify
the minor and the minor's employer of such hours, which shall be
binding in lieu of the restrictions on the hours of employment

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

described in division (D) of section 4109.07 of the Revised Code. 450

(2) Any minor to whom division (C)(1) of this section does 451
not apply may either file a petition in the juvenile court in 452
whose jurisdiction the person resides, or apply to the 453
superintendent of the school district or to the chief 454
administrative officer who issued the minor's age and schooling 455
certificate pursuant to section 3331.01 of the Revised Code 456
alleging the restrictions on the hours of employment described in 457
division (D) of section 4109.07 of the Revised Code will cause a 458
substantial hardship or are not in the minor's best interests. 459

If, as a result of a petition or application, the court or, 460
the superintendent, or the chief administrative officer, as 461
appropriate, finds the minor has failed to show such restrictions 462
will result in a substantial hardship or that the restrictions are 463
not in the minor's best interests, the court or, the 464
superintendent, or the chief administrative officer shall uphold 465
the restrictions. If the court or, superintendent, or chief 466
administrative officer finds the minor has shown the restricted 467
hours will cause a substantial hardship or are not in the minor's 468
best interests, the court or, superintendent, or chief 469
administrative officer shall establish the hours of employment for 470
the minor and shall notify the minor and the minor's employer of 471
such hours. 472

(D) As used in this section, "certificate of high school 473
equivalence" means a statement issued by the state board of 474
education or an equivalent agency of another state that the holder 475
thereof has achieved the equivalent of a high school education as 476
measured by scores obtained on the tests of general educational 477
development published by the American council on education. 478

Sec. 4109.08. (A) No minor shall be employed unless the 479
employer keeps on the premises a complete list of all minors 480

employed by the employer at a particular establishment and a 481
printed abstract to be furnished by the director of commerce 482
summarizing the provisions of this chapter. 483

The list and abstract shall be posted in plain view in a 484
conspicuous place which is frequented by the largest number of 485
minor employees, and to which all minor employees have access. 486

(B) An enforcement official may require any employer, in or 487
about whose establishment an employee apparently under eighteen 488
years of age is employed and whose age and schooling certificate 489
is not ~~filed on file with the director of commerce~~ as required by 490
section ~~4109.02~~ 3331.01 of the Revised Code, to furnish the 491
enforcement official satisfactory evidence that the employee is in 492
fact eighteen years of age or older. The enforcement official 493
shall require from the employer, ~~unless an over-age certificate~~ 494
~~issued in accordance with section 3331.15 of the Revised Code is~~ 495
~~held by the employee,~~ the same evidence of age of the employee as 496
is required by section 3331.02 of the Revised Code upon the 497
issuance of an age and schooling certificate. No employer shall 498
fail to produce the evidence. 499

(C) Any employee apparently under eighteen years of age, 500
working in any occupation or establishment with respect to which 501
there are restrictions by rule or law governing the employment of 502
minors, with respect to whom the employer has not furnished 503
satisfactory evidence that the person is at or above the age 504
required for performance of employment with the employer after 505
being requested to do so, and who refuses to give to an 506
enforcement official the employee's name, age, and place of 507
residence may be taken into custody and charged with being an 508
unruly child or other appropriate charge under Chapter 2151. of 509
the Revised Code. 510

(D) No person shall, with the intent to assist a minor to 511
procure employment, make a false statement by any means, including 512

by submitting falsified forms electronically, to any employer or 513
to any person authorized to issue an age and schooling 514
certificate. 515

Sec. 4109.09. (A) After a minor employee has made a written 516
request that an employer ~~return his~~ give notice of the nonuse of 517
the minor's age and schooling certificate, should the employer 518
fail to mail the document to the issuing authority within three 519
days of receipt of the request, the minor shall be entitled to 520
recover from the employer an amount equal to the wages which he 521
would have been earned had ~~he~~ the minor continued in employment 522
for the period between the receipt of the request by the employer 523
and the initiation of the suit or compliance with the request by 524
the employer. 525

(B) If any minor fails to appear for work without explanation 526
for three days, an employer shall consider the employment 527
terminated, and shall ~~return~~ give notice of the nonuse of the age 528
and schooling certificate to the issuing authority. 529

Section 2. That existing sections 3331.01, 3331.02, 3331.06, 530
3331.07, 3331.08, 3331.09, 3331.11, 3331.12, 3331.13, 3331.14, 531
4109.02, 4109.03, 4109.06, 4109.08, and 4109.09 and sections 532
3331.05 and 3331.15 of the Revised Code are hereby repealed. 533

Section 3. On and before December 31, 2001, an employer who 534
employs minors of compulsory school age shall do all of the 535
following: 536

(A) Before employing a minor, extract from the minor the 537
minor's age and schooling certificate and keep the certificate of 538
each minor the employer employs on file in the establishment where 539
the minor is employed or in the office of the business or in the 540
residence in or about which the minor is employed for inspection 541
by any enforcement official; 542

(B) Return a minor's age and schooling certificate to the 543
superintendent of schools or the superintendent's authorized 544
representative, or give notice of the nonuse of the certificate 545
within five working days after the minor's withdrawal or dismissal 546
from the employer's service; 547

(C) Permit an enforcement official to examine the age and 548
schooling certificate of each minor employed by the employer. 549

Section 4. That the version of section 4109.08 of the Revised 550
Code that is scheduled to take effect January 1, 2002, be amended 551
to read as follows: 552

Sec. 4109.08. (A) No minor shall be employed unless the 553
employer keeps on the premises a complete list of all minors 554
employed by the employer at a particular establishment and a 555
printed abstract to be furnished by the director of commerce 556
summarizing the provisions of this chapter. 557

The list and abstract shall be posted in plain view in a 558
conspicuous place which is frequented by the largest number of 559
minor employees, and to which all minor employees have access. 560

(B) An enforcement official may require any employer, in or 561
about whose establishment an employee apparently under eighteen 562
years of age is employed and whose age and schooling certificate 563
is not ~~filed on file with the director of commerce~~ as required by 564
section ~~4109.02~~ 3331.01 of the Revised Code, to furnish the 565
enforcement official satisfactory evidence that the employee is in 566
fact eighteen years of age or older. The enforcement official 567
shall require from the employer, ~~unless an over-age certificate~~ 568
~~issued in accordance with section 3331.15 of the Revised Code is~~ 569
~~held by the employee,~~ the same evidence of age of the employee as 570
is required by section 3331.02 of the Revised Code upon the 571
issuance of an age and schooling certificate. No employer shall 572

fail to produce the evidence. 573

(C) Any employee apparently under eighteen years of age, 574
working in any occupation or establishment with respect to which 575
there are restrictions by rule or law governing the employment of 576
minors, with respect to whom the employer has not furnished 577
satisfactory evidence that the person is at or above the age 578
required for performance of employment with the employer after 579
being requested to do so, and who refuses to give to an 580
enforcement official the employee's name, age, and place of 581
residence may be taken into custody and charged with being an 582
unruly child or other appropriate charge under Chapter 2151. or 583
2152. of the Revised Code. 584

(D) No person shall, with the intent to assist a minor to 585
procure employment, make a false statement by any means, including 586
by submitting falsified forms electronically, to any employer or 587
to any person authorized to issue an age and schooling 588
certificate. 589

Section 5. That the existing version of section 4109.08 of 590
the Revised Code that is scheduled to take effect January 1, 2002, 591
is hereby repealed. 592

Section 6. Sections 4 and 5 of this act shall take effect 593
January 1, 2002. 594