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**Am. Sub. H. B. No. 402**

**REPRESENTATIVES Collier, Schaffer, Lendrum, Hollister, Seitz, Calvert,  
Webster, Setzer, Schmidt, Gilb, Hagan, White, Sullivan, Husted, Reidelbach,  
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Raga**

**SENATORS Nein, Blessing, Harris, Jacobson, Wachtmann, Mumper**

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**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, and to repeal sections 3331.05 and 3331.15 4  
of the Revised Code, to require the electronic 5  
filing of age and schooling certificates and, for 6  
nonpublic schools, require the chief administrative 7  
officer of a nonpublic school to issue age and 8  
schooling certificates instead of the 9  
superintendent of the school district, and to make 10  
other changes relative to age and schooling 11  
certificates. 12

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

**Section 1.** That sections 3331.01, 3331.02, 3331.06, 3331.07, 13  
3331.08, 3331.09, 3331.11, 3331.12, 3331.13, 3331.14, 4109.02, 14  
4109.03, 4109.06, 4109.08, and 4109.09 of the Revised Code be 15  
amended to read as follows: 16

Sec. 3331.01. (A) As used in this chapter, ~~the~~ 17  
~~"superintendent":~~ 18

(1) "Superintendent" or "superintendent of schools" of a 19  
school district ~~or an educational service center~~ means the person 20  
employed as the superintendent or that person's designee. 21

(2) "Chief administrative officer" means the chief 22  
administrative officer of a nonpublic or community school or that 23  
person's designee. 24

~~An~~ (B)(1) Except as provided in division (B)(2) of this 25  
section, an age and schooling certificate may be issued only by 26  
the superintendent of the city, local, joint vocational, or 27  
exempted village school district ~~or educational service center~~ in 28  
which the child in whose name such certificate is issued resides 29  
or by the chief administrative officer of the nonpublic or 30  
community school the child attends, and only upon satisfactory 31  
proof that the child to whom the certificate is issued is at least 32  
~~sixteen~~ fourteen years of age and has ~~satisfactorily completed a~~ 33  
~~vocational education or special education program adequate to~~ 34  
~~prepare students for an occupation.~~ 35

(2) A child who resides in this state shall apply for an age 36  
and schooling certificate to the superintendent of the school 37  
district in which the child resides, or to the chief 38  
administrative officer of the school that the child attends. 39  
Residents of other states who work in Ohio ~~must qualify with~~ shall 40  
apply to the proper school authority in superintendent of the 41  
school district ~~or educational service center service area~~ in 42  
which the ~~establishment~~ place of employment is located, as a 43  
condition of employment or service. 44

(C) Any such age and schooling certificate may be issued only 45  
upon satisfactory proof that the employment contemplated by the 46  
child is not prohibited by any law regulating the employment of 47

~~such children; and the employer of any minor for whom such age and schooling certificate has been issued shall keep such age and schooling certificate on file. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the age stated therein.~~ 48  
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(D) Age and schooling certificate forms shall be formulated approved by the state board of education, and except in cases otherwise specified by sections 3331.04 and 3331.05 of the Revised Code must be printed on white paper, including forms submitted electronically. Forms shall not display the social security number of the child. Except as otherwise provided in this section, every such application for an age and schooling certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. 54  
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(E) A child who resides in a local school district shall apply for an age and schooling certificate with the superintendent of the local school district and shall furnish the superintendent or chief administrative officer all information required by this chapter in support of the issuance of a certificate. The local superintendent shall forward all such information to the educational service center superintendent. If upon receiving, examining, approving, and filing such information the educational service center superintendent issues a certificate, such superintendent shall deliver it to the local superintendent. No certificate issued in this manner shall be valid until signed in the presence of the local superintendent by the child in whose name it is issued. During any time the offices of the local school district close during regular business hours, a child who resides in the local district may apply directly to the educational service center superintendent who may issue an age and schooling certificate directly to the child. The educational service center 63  
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~~superintendent shall inform the local superintendent of each  
certificate issued in this manner.~~ 80  
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(F) On and after September 1, 2002, each superintendent and  
chief administrative officer 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 September 1, 2002, only  
electronically filed certificates are valid to satisfy the  
requirements of Chapter 4109. of the Revised Code. 82  
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**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: 90  
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~~(A)(1)~~ (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; 96  
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~~(B)~~ (2) The child's school record or notification. As used in  
this division, a "school record of the child," means documents 109  
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properly filled out and signed by the person in charge of the 111  
school which the child last attended~~+~~, giving the recorded age of 112  
the child, ~~his~~ the child's address, standing in studies, rating in 113  
conduct, and attendance in days during the school year of ~~his~~ the 114  
child's last attendance, ~~and if that was not a full year, during~~ 115  
~~the preceding school year; "notification" means the information~~ 116  
submitted to the superintendent by the parent of a child excused 117  
from attendance at school pursuant to division (A)(2) of section 118  
3321.04 of the Revised Code, as the notification is required by 119  
rules adopted by the department of education. 120

~~(C)~~(3) Evidence of the age of the child as follows: 121

~~(1)~~(a) A certified copy of an original birth record or a 122  
certification of birth, issued in accordance with Chapter 3705. of 123  
the Revised Code, or by an officer charged with the duty of 124  
recording births in another state or country, shall be conclusive 125  
evidence of the age of the child; 126

~~(2)~~(b) In the absence of such birth record or certification 127  
of birth, a passport, or duly attested transcript thereof, showing 128  
the date and place of birth of the child, filed with a register of 129  
passports at a port of entry of the United States; or an attested 130  
transcript of the certificate of birth or baptism or other 131  
religious record, showing the date and place of birth of the 132  
child, shall be conclusive evidence of the age of the child; 133

~~(3)~~(c) In case none of the above proofs of age can be 134  
produced, other documentary evidence, except the affidavit of the 135  
parent, guardian, or custodian, satisfactory to the superintendent 136  
or chief administrative officer may be accepted in lieu thereof; 137

~~(4)~~(d) In case no documentary proof of age can be procured, 138  
the superintendent or chief administrative officer may receive and 139  
file an application signed by the parent, guardian, or custodian 140  
of the child that a physician's certificate be secured to 141  
establish the sufficiency of the age of the child, which 142

application shall state the alleged age of the child, the place 143  
and date of birth, ~~his~~ the child's present residence, and such 144  
further facts as may be of assistance in determining the age of 145  
the child, and shall certify that the person signing the 146  
application is unable to obtain any of the documentary proofs 147  
specified in divisions ~~(C)-(1)-(A)(3)(a)~~, ~~(2)(b)~~, and ~~(3)(c)~~ of 148  
this section; and if the superintendent or chief administrative 149  
officer is satisfied that a reasonable effort to procure such 150  
documentary proof has been without success such application shall 151  
be granted and the certificate of the school physician or if there 152  
be none, of a physician employed by the board of education, that 153  
said physician is satisfied that the child is above the age 154  
required for an age and schooling certificate as stated in section 155  
3331.01 of the Revised Code, shall be accepted as sufficient 156  
evidence of age; 157

~~(D)(4)~~ (4) A certificate, including an athletic certificate of 158  
examination, from the school a physician licensed pursuant to 159  
Chapter 4731. of the Revised Code or physician designated by him 160  
assistant licensed pursuant to Chapter 4730. of the Revised Code, 161  
~~or if there is no school physician from the district health~~ 162  
~~commission, or physician designated by him~~ commissioner, showing 163  
after a thorough examination that the child is physically fit to 164  
be employed in such occupations as are not prohibited by law for a 165  
boy or girl, as the case may be, under eighteen years of age; but 166  
a certificate with "limited" written, printed, marked, or stamped 167  
~~diagonally across its face thereon~~ may be furnished by such 168  
physician or physician assistant and accepted by the 169  
superintendent or chief administrative officer in issuing a 170  
"limited" age and schooling certificate provided in section 171  
3331.06 of the Revised Code, showing that the child is physically 172  
fit to be employed in some particular occupation not prohibited by 173  
law for a boy or girl of such child's age, as the case may be, 174  
even if the child's complete physical ability to engage in such 175

occupation cannot be vouched for. 176

(B)(1) Except as provided in division (B)(2) of this section, 177  
a physical fitness certificate described in division (A)(4) of 178  
this section is valid for purposes of that division while the 179  
child remains employed in job duties of a similar nature as the 180  
job duties for which the child last was issued an age and 181  
schooling certificate. The superintendent or chief administrative 182  
officer who issues an age and schooling certificate shall 183  
determine whether job duties are similar for purposes of this 184  
division. 185

(2) A "limited" physical fitness certificate described in 186  
division (A)(4) of this section is valid for one year. 187

(C) The superintendent of schools or the chief administrative 188  
officer shall require a child who resides out of this state to 189  
file all the information required under division (A) of this 190  
section. The superintendent of schools or the chief administrative 191  
officer shall evaluate the information filed and determine whether 192  
to issue the age and schooling certificate using the same 193  
standards as those the superintendent or officer uses for in-state 194  
children. 195

**Sec. 3331.06.** The age and schooling certificate provided in 196  
sections 3331.01 to ~~3331.05, inclusive,~~ 3331.04 of the Revised 197  
Code, shall be issued only with the word "limited" printed, 198  
marked, or stamped ~~diagonally across its face~~ thereon if the 199  
certificate of the physician provided in section 3331.02 or 200  
3331.07 of the Revised Code, is a limited certificate, and in that 201  
case the particular employment to which it is limited shall be 202  
stated in the certificate, and the certificate cannot serve as the 203  
legal age and schooling certificate for employment in another 204  
occupation. 205

**Sec. 3331.07.** When an age and schooling certificate, ~~returned~~ 206  
~~according to section 3331.02 of the Revised Code,~~ is reissued, the 207  
pledge of the new employer ~~and shall be secured and filed.~~ A 208  
physical fitness certificate from ~~the school~~ a physician or other 209  
~~person in his stead~~ physician assistant as described in division 210  
(A)(4) of section 3331.02 of the Revised Code shall also be 211  
secured and filed if the physical fitness certificate used in the 212  
issuing of the previously issued age and schooling certificate is 213  
no longer valid, as determined pursuant to division (B) of section 214  
3331.02 of the Revised Code. 215

**Sec. 3331.08.** In case a superintendent of schools refuses to 216  
excuse a child from attendance at school for one of the reasons 217  
stated in section 3321.04 of the Revised Code, or a superintendent 218  
or a chief administrative officer refuses upon request to grant an 219  
age and schooling certificate as provided in section 3331.01 of 220  
the Revised Code, an appeal may be taken from such decision to the 221  
juvenile judge of the county, upon the giving of bond, within ten 222  
days thereafter, to the approval of such judge, to pay the costs 223  
of appeal. ~~His~~ The juvenile judge's decision in the matter shall 224  
be final. 225

**Sec. 3331.09.** The superintendent of schools or chief 226  
administrative officer issuing an age and schooling certificate 227  
may revoke such certificate on account of noncompliance with 228  
stipulations, physical condition of the child, or other sufficient 229  
cause. ~~The superintendent, or other issuing authority of the~~ 230  
~~district in which the child is employed may revoke the age and~~ 231  
~~schooling certificate of such child for failure to attend~~ 232  
part-time schools or classes as required by sections 3321.08 and 233  
3321.10 of the Revised Code. 234

**Sec. 3331.11.** Records shall be ~~kept on file in~~ available from 235



the office issuing the age and schooling certificate:	236
(A) Giving all the facts contained in every age and school certificate issued;	237 238
(B) The names and addresses of the children to whom certificates have been refused, together with the names of the schools and grades which such children should attend and the reasons for the refusal;	239 240 241 242
(C) All certificates <del>returned or</del> no longer used, as provided in <del>sections</del> <u>section</u> 3331.02 and <del>3331.05</del> of the Revised Code, with the reasons therefor, and the subsequent assignment of the child to a school;	243 244 245 246
(D) The conditions on which any certificates were issued;	247
(E) The pledge given in connection with the certificate;	248
(F) The special facts connected with the issuing of <u>nonstandard or</u> limited certificates. The superintendent of public instruction may prescribe methods for the filing, <u>including electronic filing</u> , of all such facts, records, and papers, for the purpose of effective reference. These records are not required in cases of certificates denied to those determined immediately at the time of inquiry to be of insufficient age.	249 250 251 252 253 254 255
<del>No age and schooling certificate shall be valid for employment in any other school district than that in which it is issued, unless it is countersigned by the certificate-issuing authority of the district in which the child is employed, which issuing authority shall give its countersignature upon presentation of such certificate.</del>	256 257 258 259 260 261
<b>Sec. 3331.12.</b> When any officer charged with the enforcement of child labor laws discovers any child who in <del>his</del> <u>the officer's</u> judgment is under fourteen years of age employed by a person who is not the parent or guardian of such child, the officer may cause	262 263 264 265

such child to discontinue employment until satisfactory proof of 266  
lawful age is furnished. ~~Any child over fourteen years of age~~ 267  
~~employed during hours when the public school to which he is~~ 268  
~~assigned is not in session in occupations not prohibited to him by~~ 269  
~~Chapter 4109. of the Revised Code, may upon application receive~~ 270  
~~from the certificate issuing authority of the school district in~~ 271  
~~which he lives a part-time and vacation certificate under the~~ 272  
~~conditions provided for such certificates.~~ 273

**Sec. 3331.13.** Whenever the school record of a child or 274  
notification regarding a child, as specified in section 3331.02 of 275  
the Revised Code, is required for the purpose of determining his 276  
the child's eligibility to an age and schooling certificate, such 277  
record shall be furnished by the superintendent, principal, 278  
teacher, or other official in charge of the ~~public, private, or~~ 279  
~~parochial~~ school attended by the child within two days after a 280  
request for the same is made by the parent, guardian, or custodian 281  
of the child. 282

**Sec. 3331.14.** The parent or guardian of a child of compulsory 283  
school age shall secure and keep on file the proper age and 284  
schooling certificate of his the parent's or guardian's child or 285  
ward if such child or ward is employed by him ~~and shall return~~ 286  
~~such certificate as provided in section 3331.02 of the Revised~~ 287  
~~Code, but a the~~ parent or guardian ~~need not secure and keep on~~ 288  
~~file a special or vacation certificate of his child or ward if~~ 289  
~~such child or ward is to be employed by him personally when school~~ 290  
~~is not in session.~~ 291

**Sec. 4109.02.** (A) Except as provided in division (B) of this 292  
section or in section 4109.06 of the Revised Code, no minor of 293  
compulsory school age shall be employed by any employer unless the 294  
minor presents to the employer a proper age and schooling 295

~~certificate as a condition of employment. The employer shall keep 296  
the certificate on file in the establishment where the minor is 297  
employed or in the office of the business or in the residence in 298  
or about which the minor is employed for inspection by any 299  
enforcement official. 300~~

A valid certificate constitutes conclusive evidence of the 301  
age of the minor and of the employer's right to employ the minor 302  
in occupations not denied by law to minors of that age under 303  
section 4109.06 of the Revised Code or rules adopted under that 304  
section. 305

(B) The following minors aged sixteen or seventeen are not 306  
required to provide an age and schooling certificate as a 307  
condition of employment: 308

(1) Those who are to be employed during summer vacation 309  
months after the last day of the school term in the spring and 310  
before the first day of the school term in the fall, in 311  
nonagricultural and nonhazardous employment as defined by the 312  
"Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 313  
201, and similar state statutes, or in other employment not 314  
prohibited to minors age sixteen or seventeen by law; 315

(2) Unless required by the superintendent of schools of the 316  
school district where the minor resides or by the chief 317  
administrative officer of the nonpublic or community school the 318  
child attends, those who are to be employed not more than two 319  
months before the last day of the school term in the spring and 320  
not more than two months after the first day of the school term in 321  
the fall by a seasonal amusement or recreational establishment, on 322  
the condition that the following are satisfied: 323

(a) For the period prior to Memorial day and after Labor day 324  
while school is in session, they are to be employed only for hours 325  
that occur between the end of the school day on Friday and eleven 326  
p.m. on Sunday. 327

(b) For the period from Memorial day until the last day of 328  
the school term in the spring and from the first day of the school 329  
term in the fall until Labor day, they are to be employed only for 330  
hours that occur between the end of the school day and nine p.m. 331  
on Monday through Thursday and only for hours that occur between 332  
the end of the school day on Friday and eleven p.m. on Sunday. 333

(C) To be hired for the type of employment described in 334  
division (B) of this section, minors shall provide the employer 335  
with the following: 336

(1) Evidence of proof of age in the same manner as proof of 337  
age is provided the superintendent of schools or chief 338  
administrative officer under division ~~(C)~~(A)(3) of section 3331.02 339  
of the Revised Code; 340

(2) A statement signed by the minor's parent or guardian 341  
consenting to the proposed employment. For the purposes of this 342  
section, in the absence of a parent or guardian, a person over 343  
eighteen years of age with whom the minor resides may sign the 344  
statement. 345

(3) An age and schooling certificate if one is required under 346  
division (B)(2) of this section by the superintendent of schools 347  
of the school district where the minor resides or by the chief 348  
administrative officer of the nonpublic or community school the 349  
child attends. 350

~~The employer shall retain a copy of the proof of age and the 351  
statement of consent with the employment records of the minor. 352~~

(D) As used in this section: 353

(1) "Labor day" and "Memorial day" have the same meanings as 354  
provided for those days in section 1.14 of the Revised Code. 355

(2) "Seasonal amusement or recreational establishment" means 356  
both of the following: 357

(a) An amusement or recreational establishment that does not 358  
operate for more than seven months in any calendar year; 359

(b) An amusement or recreational establishment whose average 360  
receipts for any six months during the preceding calendar year 361  
were not more than thirty-three and one-third per cent of its 362  
average receipts for the other six months of that calendar year. 363

**Sec. 4109.03.** No employer shall employ a minor before 364  
~~exacting from such minor~~ thoroughly reviewing the minor's age and 365  
schooling certificate, required by law, or fail to ~~keep such~~ 366  
~~certificate on file, or fail to return~~ give notice to the 367  
superintendent of schools or ~~his authorized representative~~ chief 368  
administrative officer who issued such certificate ~~or give notice~~ 369  
of the nonuse ~~thereof~~ of the certificate within five working days 370  
from such minor's withdrawal or dismissal from ~~his~~ the employer's 371  
service, or continue to employ a minor after ~~his~~ the minor's age 372  
and schooling certificate is void, or refuse to permit an 373  
enforcement official ~~to examine such certificate,~~ to observe the 374  
conditions under which minors are employed, or to make reasonable 375  
inquiry of minors or persons supposed by such official to be under 376  
eighteen in regard to matters pertaining to their age, employment, 377  
or schooling. 378

**Sec. 4109.06.** (A) This chapter does not apply to: 379

(1) Minors who are students working on any properly guarded 380  
machines in the manual training department of any school when the 381  
work is performed under the personal supervision of an instructor; 382

(2) Students participating in a vocational program approved 383  
by the Ohio department of education; 384

(3) A minor participating in a play, pageant, or concert 385  
produced by an outdoor historical drama corporation, a 386  
professional traveling theatrical production, a professional 387

concert tour, or a personal appearance tour as a professional 388  
motion picture star, or as an actor or performer in motion 389  
pictures or in radio or television productions in accordance with 390  
the rules adopted pursuant to division (A) of section 4109.05 of 391  
the Revised Code; 392

(4) The participation without remuneration of a minor with 393  
the consent of a parent or guardian, in a performance given by a 394  
church, school, or academy, or at a concert or entertainment given 395  
solely for charitable purposes, or by a charitable or religious 396  
institution; 397

(5) To minors who are employed by their parents in 398  
occupations other than occupations prohibited by rule adopted 399  
under this chapter; 400

(6) Minors engaged in the delivery of newspapers to the 401  
consumer; 402

(7) Minors who have received a high school diploma or a 403  
certificate of attendance from an accredited secondary school or a 404  
certificate of high school equivalence; 405

(8) Minors who are currently heads of households or are 406  
parents contributing to the support of their children; 407

(9) Minors engaged in lawn mowing, snow shoveling, and other 408  
related employment; 409

(10) Minors employed in agricultural employment in connection 410  
with farms operated by their parents, grandparents, or guardians 411  
where they are members of the guardians' household. Minors are not 412  
exempt from this chapter if they reside in agricultural labor 413  
camps as defined in section 3733.41 of the Revised Code. 414

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 416  
Revised Code do not apply to: 417

(1) Minors who work in a sheltered workshop operated by a county board of mental retardation;

(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;

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

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

(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 450  
establish differing hours of employment for the minor and notify 451  
the minor and the minor's employer of such hours, which shall be 452  
binding in lieu of the restrictions on the hours of employment 453  
described in division (D) of section 4109.07 of the Revised Code. 454

(2) Any minor to whom division (C)(1) of this section does 455  
not apply may either file a petition in the juvenile court in 456  
whose jurisdiction the person resides, or apply to the 457  
superintendent of the school district or to the chief 458  
administrative officer who issued the minor's age and schooling 459  
certificate pursuant to section 3331.01 of the Revised Code 460  
alleging the restrictions on the hours of employment described in 461  
division (D) of section 4109.07 of the Revised Code will cause a 462  
substantial hardship or are not in the minor's best interests. 463

If, as a result of a petition or application, the court or, 464  
the superintendent, or the chief administrative officer, as 465  
appropriate, finds the minor has failed to show such restrictions 466  
will result in a substantial hardship or that the restrictions are 467  
not in the minor's best interests, the court or, the 468  
superintendent, or the chief administrative officer shall uphold 469  
the restrictions. If the court or, superintendent, or chief 470  
administrative officer finds the minor has shown the restricted 471  
hours will cause a substantial hardship or are not in the minor's 472  
best interests, the court or, superintendent, or chief 473  
administrative officer shall establish the hours of employment for 474  
the minor and shall notify the minor and the minor's employer of 475  
such hours. 476

(D) As used in this section, "certificate of high school 477  
equivalence" means a statement issued by the state board of 478  
education or an equivalent agency of another state that the holder 479  
thereof has achieved the equivalent of a high school education as 480  
measured by scores obtained on the tests of general educational 481



development published by the American council on education.

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

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

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

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(C) Any employee apparently under eighteen years of age, working in any occupation or establishment with respect to which there are restrictions by rule or law governing the employment of minors, with respect to whom the employer has not furnished satisfactory evidence that the person is at or above the age required for performance of employment with the employer after being requested to do so, and who refuses to give to an enforcement official the employee's name, age, and place of residence may be taken into custody and charged with being an

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unruly child or other appropriate charge under Chapter 2151. or  
2152. of the Revised Code.

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

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

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

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

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**Section 3.** On and before August 31, 2002, an employer who  
employs minors of compulsory school age shall do all of the  
following:

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(A) Before employing a minor, extract from the minor the

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minor's age and schooling certificate and keep the certificate of 542  
each minor the employer employs on file in the establishment where 543  
the minor is employed or in the office of the business or in the 544  
residence in or about which the minor is employed for inspection 545  
by any enforcement official; 546

(B) Return a minor's age and schooling certificate to the 547  
superintendent of schools or the superintendent's authorized 548  
representative, or give notice of the nonuse of the certificate 549  
within five working days after the minor's withdrawal or dismissal 550  
from the employer's service; 551

(C) Permit an enforcement official to examine the age and 552  
schooling certificate of each minor employed by the employer. 553