

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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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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Fedor, Perry, Britton, Peterson, Redfern, Otterman, Hartnett, Brown, Niehaus,
Raga**

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

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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

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~~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)~~ 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 annual academic
assessment report that reflects the most recently completed 109
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academic year. As used in this division, a "school record of the child," means documents 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 child's address, standing in studies, rating in conduct, and attendance in days during the school year of his the child's last attendance, and if that was not a full year, during the preceding school year;
"annual academic assessment report" means the report submitted to the superintendent by the parent of a child excused from attendance at school pursuant to division (A)(2) of section 3321.04 of the Revised Code, as the report is required by rules adopted by the department of education.

~~(c)~~(3) Evidence of the age of the child as follows: 123

~~(1)~~(a) A certified copy of an original birth record or a certification of birth, issued in accordance with Chapter 3705. of the Revised Code, or by an officer charged with the duty of recording births in another state or country, shall be conclusive evidence of the age of the child; 124-128

~~(2)~~(b) In the absence of such birth record or certification of birth, a passport, or duly attested transcript thereof, showing the date and place of birth of the child, filed with a register of passports at a port of entry of the United States; or an attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of the child, shall be conclusive evidence of the age of the child; 129-135

~~(3)~~(c) In case none of the above proofs of age can be produced, other documentary evidence, except the affidavit of the parent, guardian, or custodian, satisfactory to the superintendent or chief administrative officer may be accepted in lieu thereof; 136-139

~~(4)~~(d) In case no documentary proof of age can be procured, the superintendent or chief administrative officer may receive and file an application signed by the parent, guardian, or custodian 140-142

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of the child that a physician's certificate be secured to 143
 establish the sufficiency of the age of the child, which 144
 application shall state the alleged age of the child, the place 145
 and date of birth, ~~his~~ the child's present residence, and such 146
 further facts as may be of assistance in determining the age of 147
 the child, and shall certify that the person signing the 148
 application is unable to obtain any of the documentary proofs 149
 specified in divisions ~~(C)~~ ~~(1)~~ (A)(3)(a), ~~(2)~~ (b), and ~~(3)~~ (c) of 150
 this section; and if the superintendent or chief administrative 151
officer is satisfied that a reasonable effort to procure such 152
 documentary proof has been without success such application shall 153
 be granted and the certificate of the school physician or if there 154
 be none, of a physician employed by the board of education, that 155
 said physician is satisfied that the child is above the age 156
 required for an age and schooling certificate as stated in section 157
 3331.01 of the Revised Code, shall be accepted as sufficient 158
 evidence of age; 159

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

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law for a boy or girl of such child's age, as the case may be, 176
even if the child's complete physical ability to engage in such 177
occupation cannot be vouched for. 178

(B)(1) Except as provided in division (B)(2) of this section, 179
a physical fitness certificate described in division (A)(4) of 180
this section is valid for purposes of that division while the 181
child remains employed in job duties of a similar nature as the 182
job duties for which the child last was issued an age and 183
schooling certificate. The superintendent or chief administrative 184
officer who issues an age and schooling certificate shall 185
determine whether job duties are similar for purposes of this 186
division. 187

(2) A "limited" physical fitness certificate described in 188
division (A)(4) of this section is valid for one year. 189

(C) The superintendent of schools or the chief administrative 190
officer shall require a child who resides out of this state to 191
file all the information required under division (A) of this 192
section. The superintendent of schools or the chief administrative 193
officer shall evaluate the information filed and determine whether 194
to issue the age and schooling certificate using the same 195
standards as those the superintendent or officer uses for in-state 196
children. 197

Sec. 3331.06. The age and schooling certificate provided in 198
sections 3331.01 to 3331.05, ~~inclusive,~~ 3331.04 of the Revised 199
Code, shall be issued only with the word "limited" printed, 200
marked, or stamped ~~diagonally across its face thereon~~ if the 201
certificate of the physician provided in section 3331.02 or 202
3331.07 of the Revised Code, is a limited certificate, and in that 203
case the particular employment to which it is limited shall be 204
stated in the certificate, and the certificate cannot serve as the 205
legal age and schooling certificate for employment in another 206

occupation. 207

Sec. 3331.07. When an age and schooling certificate, ~~returned~~ 208
~~according to section 3331.02 of the Revised Code,~~ is reissued, the 209
pledge of the new employer ~~and~~ shall be secured and filed. A 210
physical fitness certificate from ~~the school~~ a physician or other 211
~~person in his stead~~ physician assistant as described in division 212
(A)(4) of section 3331.02 of the Revised Code shall also be 213
secured and filed if the physical fitness certificate used in the 214
issuing of the previously issued age and schooling certificate is 215
no longer valid, as determined pursuant to division (B) of section 216
3331.02 of the Revised Code. 217

Sec. 3331.08. In case a superintendent of schools refuses to 218
excuse a child from attendance at school for one of the reasons 219
stated in section 3321.04 of the Revised Code, or a superintendent 220
or a chief administrative officer refuses upon request to grant an 221
age and schooling certificate as provided in section 3331.01 of 222
the Revised Code, an appeal may be taken from such decision to the 223
juvenile judge of the county, upon the giving of bond, within ten 224
days thereafter, to the approval of such judge, to pay the costs 225
of appeal. ~~His~~ The juvenile judge's decision in the matter shall 226
be final. 227

Sec. 3331.09. The superintendent of schools or chief 228
administrative officer issuing an age and schooling certificate 229
may revoke such certificate on account of noncompliance with 230
stipulations, physical condition of the child, or other sufficient 231
cause. ~~The superintendent, or other issuing authority of the~~ 232
~~district in which the child is employed may revoke the age and~~ 233
~~schooling certificate of such child~~ for failure to attend 234
part-time schools or classes as required by sections 3321.08 and 235
3321.10 of the Revised Code. 236

Sec. 3331.11. Records shall be kept on file in <u>available from</u>	237
the office issuing the age and schooling certificate:	238
(A) Giving all the facts contained in every age and school	239
certificate issued;	240
(B) The names and addresses of the children to whom	241
certificates have been refused, together with the names of the	242
schools and grades which such children should attend and the	243
reasons for the refusal;	244
(C) All certificates returned or no longer used, as provided	245
in sections <u>section</u> 3331.02 and 3331.05 of the Revised Code, with	246
the reasons therefor, and the subsequent assignment of the child	247
to a school;	248
(D) The conditions on which any certificates were issued;	249
(E) The pledge given in connection with the certificate;	250
(F) The special facts connected with the issuing of	251
<u>nonstandard or</u> limited certificates. The superintendent of public	252
instruction may prescribe methods for the filing, <u>including</u>	253
<u>electronic filing</u> , of all such facts, records, and papers, for the	254
purpose of effective reference. These records are not required in	255
cases of certificates denied to those determined immediately at	256
the time of inquiry to be of insufficient age.	257
No age and schooling certificate shall be valid for	258
employment in any other school district than that in which it is	259
issued, unless it is countersigned by the certificate-issuing	260
authority of the district in which the child is employed, which	261
issuing authority shall give its countersignature upon	262
presentation of such certificate.	263
Sec. 3331.12. When any officer charged with the enforcement	264
of child labor laws discovers any child who in his <u>the officer's</u>	265

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judgment is under fourteen years of age employed by a person who 266
is not the parent or guardian of such child, the officer may cause 267
such child to discontinue employment until satisfactory proof of 268
lawful age is furnished. ~~Any child over fourteen years of age~~ 269
~~employed during hours when the public school to which he is~~ 270
~~assigned is not in session in occupations not prohibited to him by~~ 271
~~Chapter 4109. of the Revised Code, may upon application receive~~ 272
~~from the certificate-issuing authority of the school district in~~ 273
~~which he lives a part-time and vacation certificate under the~~ 274
~~conditions provided for such certificates.~~ 275

Sec. 3331.13. Whenever the school record or annual academic 276
assessment report of a child as specified in section 3331.02 of 277
the Revised Code, is required for the purpose of determining ~~his~~ 278
the child's eligibility to an age and schooling certificate, such 279
record shall be furnished by the superintendent, principal, 280
teacher, or other official in charge of the ~~public, private, or~~ 281
~~parochial~~ school attended by the child within two days after a 282
request for the same is made by the parent, guardian, or custodian 283
of the child. 284

Sec. 3331.14. The parent or guardian of a child of compulsory 285
school age shall secure and keep on file the proper age and 286
schooling certificate of ~~his~~ the parent's or guardian's child or 287
ward if such child or ward is employed by ~~him and shall return~~ 288
~~such certificate as provided in section 3331.02 of the Revised~~ 289
~~Code, but a~~ the parent or guardian need not secure and keep on 290
~~file a special or vacation certificate of his child or ward if~~ 291
~~such child or ward is to be employed by him personally when school~~ 292
~~is not in session.~~ 293

Sec. 4109.02. (A) Except as provided in division (B) of this 294
section or in section 4109.06 of the Revised Code, no minor of 295

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compulsory school age shall be employed by any employer unless the 296
minor presents to the employer a proper age and schooling 297
certificate as a condition of employment. ~~The employer shall keep 298~~
~~the certificate on file in the establishment where the minor is 299~~
~~employed or in the office of the business or in the residence in 300~~
~~or about which the minor is employed for inspection by any 301~~
~~enforcement official. 302~~

A valid certificate constitutes conclusive evidence of the 303
age of the minor and of the employer's right to employ the minor 304
in occupations not denied by law to minors of that age under 305
section 4109.06 of the Revised Code or rules adopted under that 306
section. 307

(B) The following minors aged sixteen or seventeen are not 308
required to provide an age and schooling certificate as a 309
condition of employment: 310

(1) Those who are to be employed during summer vacation 311
months after the last day of the school term in the spring and 312
before the first day of the school term in the fall, in 313
nonagricultural and nonhazardous employment as defined by the 314
"Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 315
201, and similar state statutes, or in other employment not 316
prohibited to minors age sixteen or seventeen by law; 317

(2) Unless required by the superintendent of schools of the 318
school district where the minor resides or by the chief 319
administrative officer of the nonpublic or community school the 320
child attends, those who are to be employed not more than two 321
months before the last day of the school term in the spring and 322
not more than two months after the first day of the school term in 323
the fall by a seasonal amusement or recreational establishment, on 324
the condition that the following are satisfied: 325

(a) For the period prior to Memorial day and after Labor day 326
while school is in session, they are to be employed only for hours 327

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
the end of the school day on Friday and eleven p.m. on Sunday.

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

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

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

(3) An age and schooling certificate if one is required under
division (B)(2) of this section 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.

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

(D) As used in this section:

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

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(2) "Seasonal amusement or recreational establishment" means 358
both of the following: 359

(a) An amusement or recreational establishment that does not 360
operate for more than seven months in any calendar year; 361

(b) An amusement or recreational establishment whose average 362
receipts for any six months during the preceding calendar year 363
were not more than thirty-three and one-third per cent of its 364
average receipts for the other six months of that calendar year. 365

Sec. 4109.03. No employer shall employ a minor before 366
~~exactng from such minor~~ thoroughly reviewing the minor's age and 367
schooling certificate, required by law, or fail to ~~keep such~~ 368
~~certificate on file, or fail to return~~ give notice to the 369
superintendent of schools or ~~his authorized representative~~ chief 370
administrative officer who issued such certificate ~~or give notice~~ 371
of the nonuse ~~thereof~~ of the certificate within five working days 372
from such minor's withdrawal or dismissal from ~~his~~ the employer's 373
service, or continue to employ a minor after ~~his~~ the minor's age 374
and schooling certificate is void, or refuse to permit an 375
enforcement official ~~to examine such certificate,~~ to observe the 376
conditions under which minors are employed, or to make reasonable 377
inquiry of minors or persons supposed by such official to be under 378
eighteen in regard to matters pertaining to their age, employment, 379
or schooling. 380

Sec. 4109.06. (A) This chapter does not apply to: 381

(1) Minors who are students working on any properly guarded 382
machines in the manual training department of any school when the 383
work is performed under the personal supervision of an instructor; 384

(2) Students participating in a vocational program approved 385
by the Ohio department of education; 386

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- (3) A minor participating in a play, pageant, or concert 387
produced by an outdoor historical drama corporation, a 388
professional traveling theatrical production, a professional 389
concert tour, or a personal appearance tour as a professional 390
motion picture star, or as an actor or performer in motion 391
pictures or in radio or television productions in accordance with 392
the rules adopted pursuant to division (A) of section 4109.05 of 393
the Revised Code; 394
- (4) The participation without remuneration of a minor with 395
the consent of a parent or guardian, in a performance given by a 396
church, school, or academy, or at a concert or entertainment given 397
solely for charitable purposes, or by a charitable or religious 398
institution; 399
- (5) To minors who are employed by their parents in 400
occupations other than occupations prohibited by rule adopted 401
under this chapter; 402
- (6) Minors engaged in the delivery of newspapers to the 403
consumer; 404
- (7) Minors who have received a high school diploma or a 405
certificate of attendance from an accredited secondary school or a 406
certificate of high school equivalence; 407
- (8) Minors who are currently heads of households or are 408
parents contributing to the support of their children; 409
- (9) Minors engaged in lawn mowing, snow shoveling, and other 410
related employment; 411
- (10) Minors employed in agricultural employment in connection 412
with farms operated by their parents, grandparents, or guardians 413
where they are members of the guardians' household. Minors are not 414
exempt from this chapter if they reside in agricultural labor 415
camps as defined in section 3733.41 of the Revised Code. 416
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(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to:

(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,

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the superintendent, or the chief administrative officer finds the 449
minor has shown the restricted hours will cause a substantial 450
hardship or are not in the minor's best interests, the court ~~or~~, 451
the superintendent, or the chief administrative officer shall 452
establish differing hours of employment for the minor and notify 453
the minor and the minor's employer of such hours, which shall be 454
binding in lieu of the restrictions on the hours of employment 455
described in division (D) of section 4109.07 of the Revised Code. 456

(2) Any minor to whom division (C)(1) of this section does 457
not apply may either file a petition in the juvenile court in 458
whose jurisdiction the person resides, or apply to the 459
superintendent of the school district or to the chief 460
administrative officer who issued the minor's age and schooling 461
certificate pursuant to section 3331.01 of the Revised Code 462
alleging the restrictions on the hours of employment described in 463
division (D) of section 4109.07 of the Revised Code will cause a 464
substantial hardship or are not in the minor's best interests. 465

If, as a result of a petition or application, the court ~~or~~, 466
the superintendent, or the chief administrative officer, as 467
appropriate, finds the minor has failed to show such restrictions 468
will result in a substantial hardship or that the restrictions are 469
not in the minor's best interests, the court ~~or~~, the 470
superintendent, or the chief administrative officer shall uphold 471
the restrictions. If the court ~~or~~, superintendent, or chief 472
administrative officer finds the minor has shown the restricted 473
hours will cause a substantial hardship or are not in the minor's 474
best interests, the court ~~or~~, superintendent, or chief 475
administrative officer shall establish the hours of employment for 476
the minor and shall notify the minor and the minor's employer of 477
such hours. 478

(D) As used in this section, "certificate of high school 479
equivalence" means a statement issued by the state board of 480

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education or an equivalent agency of another state that the holder
thereof has achieved the equivalent of a high school education as
measured by scores obtained on the tests of general educational
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

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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
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

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As Reported by the Senate Insurance, Commerce and Labor Committee

employs minors of compulsory school age shall do all of the 541
following: 542

(A) Before employing a minor, extract from the minor the 543
minor's age and schooling certificate and keep the certificate of 544
each minor the employer employs on file in the establishment where 545
the minor is employed or in the office of the business or in the 546
residence in or about which the minor is employed for inspection 547
by any enforcement official; 548

(B) Return a minor's age and schooling certificate to the 549
superintendent of schools or the superintendent's authorized 550
representative, or give notice of the nonuse of the certificate 551
within five working days after the minor's withdrawal or dismissal 552
from the employer's service; 553

(C) Permit an enforcement official to examine the age and 554
schooling certificate of each minor employed by the employer. 555