

Date of Hearing: June 13, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 1428 (McGuire) – As Amended April 25, 2018

[Note: This bill is doubled referred to the Assembly Labor and Employment Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 36-0

SUBJECT: Minors: employment: work permits

SUMMARY: Prohibits a school from denying a pupil's request for a work permit on the basis of school performance for specified programs. Specifically, **this bill:**

- 1) Prohibits a school from denying a work permit for a minor on the basis of the pupil's grades, grade point average, or school attendance, if the permit would allow the pupil to participate in a government-administered employment and training program that will occur during the regular summer vacation of the school that the pupil attends.

EXISTING LAW:

- 1) Provides that specified school district, charter school, and private school officials may issue a minor a work permit if requested by the minor's parent, guardian, foster parent, or caregiver. Any principal issuing a work permit must provide a self-certification that he or she understands the requirements in existing law for issuing a work permit and submit a copy of each work permit he or she issues along with a copy of the application for each work permit to the superintendent of the school district in which the school is located. (Education Code (EC) 49110)
- 2) Specifies that a permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a school holiday or during the regular vacation of the school. (EC 49111)
- 3) Authorizes the provision of a work permit to a minor who has completed the equivalent of the 7th grade to work outside of school hours for not more than three hours per day on days when school is in session if the minor is 14 or 15 years of age; four hours per day if the minor is 16 or 17 years of age; or for a minor who is 16 years or older, up to eight hours in any day which is immediately prior to a non-school day. (EC 49112)
- 4) Provides exceptions to the allowable hours of work per day if the minor is 14 or 15 years of age and enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, and specifies that the minor may be employed for no more than 23 hours per week, any portion of which may be during school hours; or if the minor is 16 or 17 years of age and is employed in personnel attendance occupations as defined, school-approved work experience, or cooperative vocational education programs. (EC 49116)

- 5) Authorizes the school official who has issued the work permit to revoke the permit if evidence is shown that the schoolwork or the health of the minor is being impaired by the employment. (EC 49116)
- 6) Prohibits any person, firm or corporation from employing any minor under the age of 18 years to work in or in connection with any establishment or occupation without a permit to employ, issued by the proper educational officers in accordance with law. (EC 49160)
- 7) Prohibits any employer employing a minor 16 or 17 years of age for more than 8 hours in one day or more than 48 hours in one week. (Labor Code 1391)
- 8) Provides that any person employing either directly or indirectly through third persons, or who employs, or permits any minor to be employed in violation of the law, is guilty of a misdemeanor, and subject to a fine of \$1,000 to \$5,000 or imprisonment in the county jail for not more than six months, or both. (Labor Code 1303)
- 9) Requires employers who are employing minors directly or indirectly through third persons, to maintain files of all work and employment permits and certificates issued and to make this available at all times to inspection by school attendance and probation officers, the State Board of Education, and officers of the Division of Labor Standards Enforcement. (Labor Code 1299).

FISCAL EFFECT: This bill has been keyed non-fiscal by the Office of Legislative Counsel.

COMMENTS: *Need for the bill.* According to the author:

“Most young people hold at least one job between the ages of 18 and 25. Some work part-time or summers only, while others seek full-time employment to help their families meet their basic needs. There are many advantages to working during high school, particularly for low-income youth, including higher employment rates and wages in later teen years and lower probabilities of dropping out of high school. Knowing how to find and keep a job is a critical skill for students to prepare for adulthood.

Work permits are required for California working minors regardless of the time of year, even during the summer months or school breaks. While school districts may set their own policies on work permits, some policies require students to have a certain grade point average or attendance rate. As a result, students can be unfairly denied participation in summer work, including programs specifically intended for low-income and disadvantaged youth.”

Background. According to labor and education codes, work permits are required during all seasons and times of the year, even during the summer months or school breaks. Minors are exempt from work permit requirements only under the following circumstances:

- Has graduated from high school or has been awarded a certificate of proficiency or certificate of equivalency.
- Is employed by parents/guardians in agriculture, horticulture, viticulture, or domestic labor on property owned by the parents/guardians.

- Is self-employed.
- Is employed by a state or local government agency.
- Receives payment or prize money for horseback riding events.
- Is irregularly employed in odd jobs in private homes, such as babysitting or yard work.
- Is an unpaid trainee or volunteer.

As the laws relating to the issuance of work permits are permissive, it is solely within the discretion of the authorized school official to determine whether a minor, who is subject to compulsory education laws, may obtain a work permit in order to be employed to work.

Schools have the discretion to impose additional requirements for the issuance of a work permit, such as a requirement that the pupil maintain a certain grade point average. In addition, the school issuing the work permit may reduce maximum work hours and impose additional occupational restrictions not specified in statute or regulation, but may not extend hours beyond the maximum hours specified, or waive any occupational restrictions in statute or regulation.

This bill prohibits denial of a work permit based on school performance only during the school's regular summer vacation period and only when the minor is participating in a government-administered employment and training program. Writing in support of SB 1428, the California Tribal TANF Partnership notes, that this bill will enhance workforce experiences for tribal youth and allow them to participate in this program. This partnership is intended to help students who are struggling with education to gain occupational skills during the summer to prepare them for the workforce.

Similar or prior legislation. SB 702 (McGuire) Chapter 775, Statutes of 2016 extends a Lake County-specific exemption of child labor law that allows minors to work during the peak agricultural season when school is not in session.

REGISTERED SUPPORT / OPPOSITION:

Support

California School Boards Association
California School Employees Association
California Tribal TANF Partnership
Robinson Rancheria Citizens' Business Council
Western Center on Law & Poverty

Opposition

None on file

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