HB102

HVM7668-1

By Representative DuBose

RFD: Children and Senior Advocacy

First Read: 06-Feb-24

PFD: 05-Feb-24

SYNOPSIS:

Under existing law, a person 14 or 15 years of age is required to obtain an eligibility to work form to be able to work.

This bill would eliminate the eligibility to work form.

A BILL

TO BE ENTITLED

AN ACT

Relating to child labor; to amend Sections 25-8-32.1 and 25-8-45, Code of Alabama 1975, to eliminate the eligibility to work form; and to repeal Section 25-8-46, Code of Alabama 1975, relating to the eligibility to work form.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-8-32.1 and 25-8-45, Code of Alabama 1975, are amended to read as follows:

"§25-8-32.1

For purposes of this chapter, the following words and phrases ~~shall~~ have the following meanings:

(1) DEPARTMENT. The Department of Labor.

~~(2) ELIGIBILITY TO WORK FORM. A form issued by the head administrator, counselor, or, if home schooled an instructor~~

~~of the school which a 14- or 15-year-old minor attends certifying satisfactory grades and attendance of the minor in order for a 14- or 15-year-old minor to be employed.~~

~~(3)~~(2) EMPLOY. To ~~employ,~~ permit~~,~~ or suffer to work with or without compensation.

~~(4)~~(3) EMPLOYEE. Any ~~person~~ individual employed by an employer, but shall not include an individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services rendered are on a voluntary basis.

~~(5)~~(4) EMPLOYER. Any owner or any ~~person~~individual, entity, franchise, corporation, or division of a corporation, government agency, or association of persons acting directly as, or in behalf of, or in the interest of any employer in relation to employees, including the state and any political subdivision thereof.

~~(6)~~(5) SECRETARY. The Secretary of the Department of Labor.

~~(7)~~(6) VIOLATION. A failure by an employer, officer, agent, or any other person to comply with any applicable provision of the child labor law."

"§25-8-45

~~(a) No person under 16 years of age shall engage in any occupation mentioned in Section 25-8-39 unless he or she has secured and has with him or her an eligibility to work form as provided in this chapter.~~

~~(b)~~(a) No ~~person~~individual, entity, franchise,

corporation, or division of a corporation shall employ, permit, or suffer to work any ~~person~~minor 14 or 15 years of age in any occupation, except in agricultural service, unless the ~~person~~individual, entity, franchise, corporation, or division of a corporation procures and keeps on file for the inspection by the officials charged with the enforcement of this chapter, ~~an eligibility to work form for every person 14 or 15 years of age and~~ a complete list of those ~~persons~~individuals 14 or 15 years of age employed ~~therein~~ with the employer.

~~(c)~~(b) Any ~~person~~individual, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor 14 or 15 years of age in any occupation, except in agricultural service, shall obtain a Class I Child Labor Certificate from the department for each location where ~~a person~~an individual, entity, franchise, corporation, or division of a corporation wishes to employ a minor 14 or 15 years of age. ~~Such~~The employment shall be in accordance with all other sections of this chapter.

~~(d)~~(c) The certificate shall allow the employment of minors 14 or 15 years of age to work only outside of school hours or during vacation periods and only in occupations not prohibited by this chapter for ~~persons~~individuals of these ages.

~~(c)~~(d) The employment of a minor 14 or 15 years of age shall be revoked or suspended by the department if the minor's regular school attendance and performance record is not satisfactory to the head administrator, or~~,~~ if home schooled

an instructor, of the school which the minor attends. The revocation or suspension shall be processed by the department upon notification by the school.

~~(f)~~ (e) Any ~~person~~individual, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor 16 or 17 years of age in any occupation, except in agricultural service, shall obtain a Class II Child Labor Certificate from the department for each location where ~~a person~~an individual, entity, franchise, corporation, or division of a corporation wishes to employ a minor 16 or 17 years of age. ~~Such~~The employment shall be in accordance with all other sections of this chapter.

~~(g)~~ (f) The department shall issue Class I and Class II Child Labor Certificates to any ~~person~~individual, entity, franchise, corporation, or division of a corporation that applies to the department. The fee for a Class I or Class II Child Labor Certificate shall be fifteen dollars ($15). The certificates shall be issued annually.

~~(h)~~ (g)(1) The application for the child labor certificate shall contain all of the following information specific to the location of the minor's employment:

a. The name, address, and telephone number of the person, entity, franchise, corporation, or division of a corporation that wishes to employ, permit, or suffer to work any minor.

b. The type of business or entity, the federal employer identification number, the names of all incorporators, owners, members, or partners of the business or entity.

c. Any other information as required by department regulation.

(2) The Class I and Class II Child Labor Certificates shall contain all of the following information:

a. The name of the employer.

b. The type of business the employer maintains.

c. Any other information as required by department regulation.

(3) If ~~a person~~an individual, entity, franchise, corporation, or division of a corporation, employs a minor between 14 and 17 years of age without a proper child labor certificate, the ~~person~~individual, entity, franchise, corporation or division of a corporation shall pay a penalty of fifty dollars ($50) and then shall obtain a certificate in the proper manner."

Section 2. Section 25-8-46, Code of Alabama 1975, relating to the eligibility to work form, is repealed.

Section 3. This act shall become effective June 1, 2024.