

Employment Certificating Officers Manual



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The State Education Department
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Foreword

This manual summarizes information school administrators need regarding student employment certificates. The manual should be useful for school administrators who organize the district's employment certification program, for those who issue certificates, and for others in the school whose functions relate to the employment of minors. The employee and the employer are protected by proper certification procedures and, therefore, school officials should continue to manage effective and efficient programs for issuing employment certificates.

The manual describes the school district's responsibilities and authority to issue employment certificates, the employer's responsibilities, the forms school districts must use, the requirements for certificates and permits, and the types of certificates and permits schools are required to issue.

Responsibilities of School Districts

Issuing Authority

School districts in New York State are responsible for issuing employment certificates to qualified applicants. Section 3215-a of the Education Law requires schools to provide this service for pupils and employers in the community. School superintendents have the authority to designate principals or other school officials to act as certifying officials and nonpublic schools and BOCES may issue such certificates to their own students. Minors may apply for certificates where they live, where they go to school, or where they are to be employed.

Publicity

Minors (under age 18) require employment certificates for most jobs, and schools should adequately publicize this fact in each community so that it is well understood by both minors and employers. The schools can inform the public about this service through the local newspapers, spot announcements on radio or TV stations, talks with community clubs and organizations and through the school district newsletter. In school, pupils can be informed about the procedures for obtaining employment certificates in assemblies, in homeroom or classroom instructional units, on bulletin boards, or through the school newsletter.

Provision for Issuing

The process of issuing employment certificates should be easy and convenient. School districts must ensure this service is provided to minors during vacation periods. It is not necessary to have the office open every day, especially in the smaller districts. Regular hours may be established if desired. However, the employment certifying officer should be available several times a week on a basis convenient to minors.

Responsibilities of Employers

Employers are responsible for ensuring that the minor presenting working papers is indeed the minor named on the working paper and that the minor is legally employed. Most jobs and legal hours are defined in various labor laws. Employers should be familiar with these requirements.

All certificates must be kept on file at the place of employment for as long as the minor is employed by a particular employer. Certificates should be returned to the minor when employment ceases.

All permits must be carried by the minor while he is working. Farm Work Permits must also be signed by the employer.

The employer, not the school, is responsible for determining whether or not the minor has working papers and is working at a job legal for his age. The New York State labor Department, however, is responsible for enforcing this law.

Forms

All forms used in the employment certification program must be supplied by the individual schools. These forms may be purchased, or printed locally if facilities are available. The following is a list of forms used in employment certification:

- AT-7 Annual Report of Employment Certificate Issued
- AT-16 Physical Fitness Certification
- AT-17 Application for Employment Certificate
- AT-18 Student Non-Factory Employment Certificate
- AT-19 Student General Employment Certificate
- AT-20 Full-Time Employment Certificate
- AT-21 Limited Employment Certificate
- AT-22 Application for Employment Permit
- AT-23 Newspaper Carrier Permit
- AT-24 Farm Work Permit
- AT-25 Farm Work Permit - Special
- AT-26 Street Trade Permit

In order to ensure continuity, and comply with laws and regulation, all schools must use the same forms. Occasionally, applicants return completed forms directly to the State

Education Department. To avoid unnecessary delay, school officers who issue forms should instruct applicants to return the completed forms to the schools office where they obtained them.

Requirements for Applicants

An employment certificate or permit should be issued to any qualified applicant who is between twelve and eighteen years of age. Employment certificates and permits are not required once an individual reaches 18 years of age. Minors may apply for certificates where they live, where they go to school, or where they are to be employed. The applicant does not need to have a job, nor does the school need to know by whom the applicant is to be employed. Schools are required to issue these certificates, however, the New York State Labor Department is responsible for enforcing the laws. Schools may not judge the legality of employment. When employment is obviously illegal, schools have a moral responsibility to inform the minor and the employer. For these reasons, the need for employment certificates and the responsibility of employers should be well publicized. The employer must ensure that the minors they employ hold the appropriate certificate and are employed legally.

Minors must apply for an employment certificate or permit on a form prescribed by the Commissioner of Education. Before issuing a certificate or permit the applicant must present the following:

- **Evidence of Age** - This must be a duly certified birth certificate or a duly certified transcript of a record of baptism giving the date of birth. If a birth certificate or baptismal record is not available, a passport showing the date of birth is acceptable. If a passport showing the date of birth is not available, any evidence which has been in existence for two years or more and is satisfactory to the certifying officer is acceptable. An affidavit of age is not acceptable.
- **Parental Signature** - The parent or guardian must sign all applications for an employment certificate or permit. The minor is responsible for securing this signature. When the application is for the first certificate for full-time work, the parent must appear personally at the school or issuing center to sign the application, unless the minor is a high school graduate.
- **Certificate of Physical Fitness** - The applicant must present a certificate of physical fitness from a school or private physician. The school district must provide the physical examination if the applicant so requests. The annual school examination, the examination given for sports, or any other complete physical examination is acceptable for employment purposes. In any case, the physical examination must have been given within twelve (12) months prior to the issuance of the employment certificate or permit. **EXCEPTION:** A physical fitness certificate is not required for the issuance of a Newspaper Carrier Permit if the applicant is qualified to participate in the school's physical education program. If the applicant is not qualified to so participate, a physician's permission is required.
- **Pledge of Employment** - The Pledge of Employment, which appears only on the Application for Employment Certificate (not on the Application for Employment

Permit), must be completed only (a) for a minor with a medical limitation and (b) for a minor 16 years of age who is leaving school, prior to high school graduation, and who resides in a district which requires a minor under 17 years of age, who is not employed, to attend school.

- **School Record** - On the Application for Employment Certificate, the Schooling Record must be completed only for a minor 16 years of age who is leaving school, prior to high school graduation, and who resides in a district which requires a minor under 17 years of age, who is not employed, to attend school.

The line on the application for employment certificate/permit forms (AT-17 and AT-22) requesting a minor's social security number has been deleted. Further information on [Working Papers and Social Security Numbers](#) is available on our website.

Applications

There are only TWO applications used in the entire employment certification program: the Application for Employment Certificate, and the Application for Employment Permit. All certificates and permits are issued following the completion of one or the other of the applications. The forms meet all requirements of the law. Information which the certifying officer and the applicant need to complete the application is printed on the forms. The applications are easy to complete and are self-explanatory.

All applications should be kept on file for any reference necessary concerning the minor's employment or certificate. The Physical Fitness Certificate also should be kept on file.

Employment Certificates and Permits

There are three types of employment certificates, all of which are applied for on Form AT-17 (Application for Employment Certificate).

- Non-factory Employment Certificate - This certificate is issued to all qualified applicant who are attending school and are from 14 to 16 years of age. It is valid for part-time work when school is in session, and for full-time work during vacation periods.
- Student General Employment Certificate - This certificate is issued to all qualified applicants who are attending school and are from 16 to 18 years of age. It is valid for part-time work when school is in session, and for full-time working during vacation periods. It is valid for factory work.
- Full-Time Employment Certificate - This certificate is issued to a minor who is leaving school, or has graduated from high school. Applicants must be from 16 to 18 years of age. The certificate may be issued to a minor under age 16, if the applicant is a high school graduate. In that case, however, it is not valid for factory employment.

All employment certificates are valid for a period of two years. When a minor holding a non-factory certificate reaches age 16, he or she may apply for the Student General

Certificate. In this case, a new application and physical examination are required. The physical examination is not required if the minor's most recent physical fitness certificate has been issued within twelve months of the application date.

Minors holding the Student General Certificate who apply for the Full-time Certificate must also present a new application and certificate of physical fitness.

All certificates must be signed by the minor in the presence of the issuing official, at the time the certificate is issued. (See 6/23/21 [Memo RE: Continuation of Optional Remote Application Process for Employment Certificates and Permits](#) for exceptions.)

Employment certificates are not valid during the hours school is in session, except for the full-time certificate.

Employment Permits

Employment certificates are valid for many types of employment. Permits are issued for a specific occupation. Generally, employment is illegal for minors under 14 years of age. The exceptions to this are for minors employed as newspaper carriers, or employed with a special farm work permit.

- Newspaper Carrier Permit - This permit is issued to minors from 11 to 18 years of age to engage in the occupation of delivering, or selling and delivering newspapers, shopping papers, and periodicals.
- Farm Work Permit - This permit is issued to minors from 14 to 16 years of age for farm employment. The permit is valid only when signed by the employer. A permit is not required for the employment of a minor over 16 years of age in farm service.
- Farm Work Permit - Special - This permit may be issued to a 12 year old minor for the hand harvest of berries, fruits, and vegetables. The minor must be accompanied by his parent or guardian, or the employee must have the written consent of the parent or guardian. Employers must sign the permit.
- Street Trade Permits - This permit is issued to minors from 14 to 18 years of age to engage in street trade occupations such as selling newspapers or periodicals, or for work as a bootblack.

The Newspaper Carrier Permit is valid indefinitely. All other permits are valid for a period of two years from the date of issuance.

All permits must be signed by the minor in the presence of the issuing officer, at the time the certificate is issued. (See 6/23/21 [Memo RE: Continuation of Optional Remote Application Process for Employment Certificates and Permits](#) for exceptions.)

All permits must be carried by the minor while working.

Limited Employment Certificates

Any employment certificate may be limited by the examining physician if the minor has a disability. If the physician finds a disability which could be affected by a minor's

employment, the minor must secure a job before the certificate can be issued. The pledge of employment must be completed on the application and signed by the employer. A Limited Employment Certificate is valid for a period of six months.

Duplicate Certificates

Minors may hold multiple jobs at the same time. In this case, duplicate certificates may be issued. They should be stamped "duplicate".

Duplicates also may be issued when a minor loses his or her certificate or permit, or it is not returned by an employer. Minors should be instructed to obtain their certificate from the employer when they leave a job to begin another.

Age Certificate

Occasionally an employer may question a minor's age as stated on employment papers, or as stated by the minor. In such cases, employers may request a certificate of age from the school. Such requests are so infrequent that a special form has not been developed for this purpose. A certificate of age is merely a statement on the school letterhead certifying a minor's age. This statement should be mailed to employers who request one.

Child Performer and Model Permits

Schools do not have the authority to issue permits for this purpose. All applicants for a Child Performer Permit should be directed to:

NYSDOL, DIVISION OF LABOR STANDARDS (Child Performer)

Tel. (518) 457-1942, Fax (518) 457-2731
Labor Standards Permit and Certificate Unit
State Campus, Bldg. 12, Room 266A
Albany, NY 12240

Certificate Exceptions

- No minor under 14 years of age may be employed in any capacity except:
- As a newspaper carrier, provided the applicant is at least 11 years old;
- As a farm worker employed, however, only in the hand-harvest of berries, fruit, and vegetables, provided the applicant is at least 12 years old;
- As a worker on the minor's home farm or doing other outdoor work not connected with a business for his or her parents or guardians.

Employment certificates are not required for:

- Caddying on a golf course, provided the minor is at least 14 years of age;
- Babysitting, provided the minor is at least 14 years of age;
- Farm work, provided the minor is 16 years of age;

- Minors working for their parents at outdoor work not connected with a business
- College students 16 or 17 years of age employed by a nonprofit college, university, or faculty association;
- Casual employment consisting of yard work and household chores about the residence of a nonprofit, noncommercial organization, not involving the use of power driven machinery, provided the minor is at least 14 years of age.
- Any person who has reached his or her eighteenth birthday.

Revocation of Certificates and Permits

The issuing school may revoke certificates and permits for appropriate cause. [Education Law §3215\(a\)\(2\)](#) establishes the circumstances under which the Employment Certificate or Permit may be revoked.