
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: SB 1428 **Hearing Date:** April 18, 2018
Author: McGuire
Version: April 4, 2018
Urgency: No **Fiscal:** No
Consultant: Lynn Lorber

Subject: Minors: employment: work permits

SUMMARY

This bill prohibits a work permit from being denied on the basis of a student's grades, grade point average, or school attendance if the student is applying for the work permit in order to participate in a government-administered employment and training program.

BACKGROUND

Existing law:

- 1) 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 work permit that is issued by the proper educational officers. (Education Code § 49160)
- 2) Authorizes specified school officials to issue a minor a work permit if requested by the minor's parent. Existing law requires a principal issuing a work permit to 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 issued along with a copy of the application for each work permit to the superintendent of the school district in which the school is located. (EC §49110)
- 3) Authorizes a work permit to be issued to a minor who has completed grade 7 for up to three hours in any day while school is in session if the minor is 14 or 15 years of age, or four hours in any day if the minor is 16 or 17 years of age. Existing law authorizes the issuance of a work permit to a minor who is 13 years of age as specified. (EC § 49112)
- 4) Prohibits an employer, while school is in session, from employing a minor 14 or 15 years of age for more than three hours in any day, more than 18 hours in any week, or during school hours. Existing law prohibits an employer from employing a minor who is 16 or 17 years of age for more than four hours in any full-length schoolday, except as specified. (EC § 49116)
- 5) Authorizes the authority issuing a 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 an employer from employing a minor who is 15 years of age or younger for more than eight hours in one day, more than 40 hours in one week, or before 7 a.m. or after 7 p.m. Existing law provides an exception from June 1 through Labor Day during which a minor 15 years of age or younger may work until 9 p.m. (Labor Code §1391)
- 7) Prohibits an employer, while school is in session, from employing a minor who is 14 or 15 years of age for more than three hours in any schoolday, more than 18 hours in any week, or during school hours. (Labor Code §1391)
- 8) Existing law prohibits an employer from employing a minor who is 16 or 17 years of age for more than eight hours in one day, more than 48 hours in one week, or before 5 a.m. or after 10 p.m. on any day preceding a schoolday (minors 16 or 17 years of age may work during an evening preceding a non-schoolday until 12:30 a.m.). (Labor Code §1391)
- 9) Prohibits an employer, while school is in session, from employing a minor 16 or 17 years of age for more than four hours in any schoolday, except as follows:
 - a) The minor is employed in personal attendant occupations, school-approved work experience, or cooperative vocational education programs.
 - b) The minor has been issued a work permit and is employed in accordance with that permit. (Labor Code §1391)

ANALYSIS

This bill prohibits a work permit from being denied on the basis of a student's grades, grade point average, or school attendance if the student is applying for the work permit in order to participate in a government-administered employment and training program.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "There are many advantages to working during high school, particularly for low-income youth, including higher employment rates and wages in later ten years and lower probabilities of dropping out of high school. Current law requires California minors to have a permit in order to work (commonly referred to as a 'work permit'). Work permits are typically issued by the school where the student is enrolled and they indicate the location of the employer and the number of hours the minor may work. California law requires a permit for 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 school 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."
- 2) ***Government-administered employment and training program.*** This bill prohibits a work permit from being denied for certain reasons if the student is applying for the work permit in order to participate in a government-administered

employment and training program. According to the author, an example of a government-administered employment and training program is one offered through the California Tribal Temporary Assistance for Needy Families (TANF) Partnership for tribal youth during the summer. According to their website, this partnership is associated with 20 tribes and other organizations that operate tribal TANF programs for Native American people. The partnership was established on July 8, 2003, and remains operational under the governing body Robinson Rancheria of Pomo Indians as lead administrators. The goal and purpose of the partnership is to help families achieve self-sufficiency through educational training, career and employment opportunities, as well as various supported services and programs with temporary financial assistance.

- 3) ***Amendment agreed upon when heard in Senate Labor and Industrial Relations Committee.*** As currently drafted, this bill applies year-round for any work permit. As noted by the Senate Labor and Industrial Relations Committee, similar labor law exemptions are generally limited to the summer recess. As a result, the author agreed to accept the following amendment when this bill was heard by the Senate Labor and Industrial Relations Committee. On page 2, line 6:

*government-administered employment and training program **during the regular summer recess vacation of the school that the pupil attends.***

This bill was heard by the Senate Labor and Industrial Relations Committee on April 11, 2018, and passed on a 5-0 vote.

SUPPORT

Western Center on Law and Poverty (sponsor)
California Tribal TANF Partnership
Robinson Rancheria Citizens' Business Council

OPPOSITION

None received

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