*** § 135. Duties of employers.** 1. The employer of any minor required to have an employment certificate:

a. Shall, before employment begins, file at the place of the minor's employment such certificate so that it may be readily accessible to any person authorized by law to examine such document;

b. Shall, upon the termination of the minor's employment, return the employment certificate to the minor;

c. (i) Shall, if the employer is engaged in a business of assigning employees for temporary services at another establishment, and the employer compensates the employee for such services rendered, keep on file in his or her office the employment certificate and shall cause to be delivered to each establishment where the child will perform his or her services a true copy of such employment certificate. Such delivery shall be deemed compliance with this section and sections one hundred thirty-one and one hundred thirty-two of this article. The owner of each establishment to which the child is assigned shall keep on file in his or her office such copy of the employment certificate, which shall be deemed compliance with this section, and shall return such copy to the employer at the conclusion of the child's assignment. Such employer shall note on the original employment certificate the existence of each copy.

(ii) As used in this subdivision, the term "establishment" includes a factory, mercantile establishment, business office, restaurant, hotel, and any other trade, business or service.

2. The employer of any person claiming to be between eighteen and twenty-five years of age who does not present an employment certificate duly issued for him or her must require from such person, and furnish upon demand to the commissioner or his or her authorized representative, proof of the age of such person in the form of a driver's license or other documentation issued by the government of the United States or of any state located therein, or a certificate of age issued to such person by an employment certificating official. Such proof of age or a legible photocopy thereof, or an employment certificate, previously issued for

such person and on file in the place of his or her employment, shall be conclusive evidence that the person has reached the age certified to therein.

* NB Effective until May 9, 2027

* § 135. Database for employment of minors; employee registration; minor employment certificates. 1. Creation of database. The department, in consultation with the department of education, shall create and maintain a database for the employment of minors. Except as otherwise provided in this section, all information pertaining to any employer or minor that is submitted to the department under this section shall be confidential and shall not be accessible to the public. Nothing herein shall prevent the commissioner from sharing such information for civil or criminal law enforcement purposes.

2. Employer registration and renewal process. Any employer required to be registered under this section shall provide the department with the information set forth in this section, as well as any additional information that the department may require, in the form and manner prescribed by the department.

3. Employer registration and information. Every employer that hires, employs, or otherwise permits any minor under the age of eighteen to work for the employer within the state shall register in the database and shall provide, in the form and manner prescribed by the department, the following information:

(a) the name of the employer;

(b) the email address of the employer;

(c) any location of the employer's business operations within the state, including any location where a minor will be working;

(d) the number and names of minors who are hired, employed, or otherwise permitted to work for the employer;

(e) a certified statement from the employer that the employer is hiring, employing, or otherwise permitting minors to work only in positions for the employer as permitted by law, rule, or regulation in order to ensure their health, safety, and well-being; and

(f) any other information deemed appropriate by the commissioner.

4. Employer recordkeeping. An employer that is required to be registered under this section shall, before employment begins, file at the place of the minor's employment such employment certificate or permit so that it may be readily accessible to any person authorized by law to examine such document. An employer's electronic access to such employment certificate or permit in the database shall meet the requirements of this subdivision.

5. Minor registration. Any minor under the age of eighteen who plans to work for an employer within the state shall complete a registration in the database for any employment certificate or permit. All information pertaining to the minor shall be confidential and shall not be accessible by the public. When the minor receives a job offer from an employer, they must update their certificate or permit in the database to reflect that employer in order for the certificate or permit to be valid. If the minor plans to work for a different employer, or for an employer in addition to the employer for which the minor first registered, the minor shall update the minor's registration. The minor shall be required to submit documentation for registration in the form and manner prescribed by the department.

6. Issuance and revocation of employment certificate or permit. (a) Any employment certificate or permit issued pursuant to part one of article sixty-five of the education law shall be issued by the commissioner electronically within the database. Any application for an employment certificate or permit that is made pursuant to part one of article sixty-five of the education law shall be made by a minor on a form prescribed by the department.

(b) The chancellor in the city school district of the city of New York, and elsewhere the superintendent of schools or the district superintendent of schools within their respective jurisdictions, or a principal of a nonpublic secondary school, may request that the commissioner revoke a minor's employment certificate or permit. The requestor shall use the database to file this request and electronically upload, disclose, or otherwise provide additional information as necessary. Additional information may relate to: (i) an evaluation of the student's overall academic performance and past academic record;

(ii) an examination of the student's attendance record; (iii) the willingness of the student to participate in a cooperative education program, work study program, school to work program or any other structured program which provides a student with an opportunity to earn income while earning academic credit; (iv) such other factors as the aforementioned officials identify; and (v) any material submitted by the student. Upon review of information provided by schools or gathered on their own, the commissioner may revoke the minor's employment certificate or permit.

7. Records. The commissioner, in consultation with the commissioner of education, shall provide a method by which authorized school employees acting on behalf of a school district, board of cooperative educational services, or nonpublic school may access the database for the purpose of compliance with part one of article sixty-five of the education law. The commissioner may share information with such authorized school employees about registered minors and request information from such school authorized employees about registered minors or minors applying for a certificate or permit. Notwithstanding any law, rule, or regulation to the contrary, a school district, board of cooperative educational services, nonpublic secondary school and the education department shall provide the commissioner with such records and information as requested to fulfill the requirements of this section, provided that, as applied to student educational records, such entity shall provide all protections afforded to parents and persons in parental relationships, or students where applicable, required under the family educational rights and privacy act, 20 U.S.C. section 1232g, where applicable the individuals with disabilities education act, sections fourteen hundred, et seq. of title twenty of the United States code, and the federal regulations implementing such statutes.

8. Regulations. The commissioner may prescribe regulations necessary to carry out the provisions of this section.

* NB Effective May 9, 2027