

Category: **STUDENTS**

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Number: **A-250**

Subject: EMPLOYMENT CERTIFICATES

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SUMMARY OF CHANGES

This regulation supersedes Chancellor's A-250 dated November 20, 2008.

Changes:

- References to intermediate schools have been changed to middle schools. (p.1, Abstract; p. 2, Section III; p.3, Section IV).
- District Family Advocates and Borough Family Advocates are authorized to issue all types of employment certificates and permits when schools are closed, and in certain other limited circumstances. (p. 2, Section III; p. 3 Section IV(C)).

ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-250 dated ~~November 20, 2008~~ ~~September 5, 2005~~ and outlines the procedures for the issuance of Employment Certificates for students in New York City. State law mandates the issuance of employment certificates for students eligible to receive them. Only designated staff members in schools (public and non-public) have the legal authority to issue employment certificates. All public high schools and ~~intermediate-middle~~ schools are required to issue employment certificates to students attending their schools who request such certificates. All public high schools are also required to issue employment certificates to students who attend non-public schools. All public schools are required to issue employment certificates until the last day of school in each school year. High schools and ~~intermediate-middle~~ schools that are open for instruction during the summer are required to issue employment certificates during the summer.

I. EMPLOYMENT CERTIFICATION REQUIREMENTS

- A. All ~~Minors~~ ~~minors~~ under 18 years of age (including college students, high school graduates, married, and volunteer workers) must obtain employment certificates in order to work (exceptions noted below). However, employment certification is not required for a minor 16 years of age or over who attends a recognized institution of higher learning and is employed by a non-profit college or university. Minors 14 years of age or over are not required to have employment certification to work as caddies, babysitters or to engage in casual employment consisting of yard work and household chores in and about a residence or the premises of a non-profit, non-commercial organization, not involving the use of power driven machinery. Minors 16 years of age working in agriculture are not required to have an employment certificate. Employment certificates are not required after a student reaches his/her 18th birthday.
- B. Employment certification is a legal procedure mandated under the New York State Education and Labor Laws. School staff assigned the responsibility for employment certification act on behalf of the Chancellor.

II. EMPLOYMENT CERTIFICATION PROCEDURES

- A. Each principal or designee of a junior high school or high school must implement a schedule of certification service that will:
1. Alert the student body to where and when employment certification services will be available.
 2. Administer employment certification service through the last day of the official school calendar and during summer school (if they are open for summer school).
- B. Minor students have the right to be issued appropriate employment certificates. School authorities may not deny them without lawful reason. Except as set forth below, an employment certificate expires two years from the date of issuance.
- C. Applicants for employment certification (other than applicants for child models under 12 years of age) must apply in person to sign the certificate and/or permit.
- D. The minimum age for general employment is 14 years of age. Students may not be certified for general employment prior to reaching their 14th birthday.
- E. All employment certificates must be numbered. Each category of certificate shall have two separate series of consecutive numbers, one for boys and one for girls, beginning with the first issuance of that type of certificate in September of each school year.
- F. Employment certification records must be kept in a central file at the school until the minor's 21st birthday. They must be accessible for presentation if subpoenaed. They must be

forwarded in the student's cumulative record folder when a school transfer is effected.

- G. Schools should advise students that if they intend to take positions in upstate communities they should obtain employment certificates prior to leaving New York City. Employment certificates can be obtained outside New York City if required documents are available.
- H. Child Performer Permits may only be obtained through the New York State Department of Labor, Division of Labor Standards, Permit and Certificate Program. Information may be obtained from the Department of Labor website at www.labor.state.ny.us.
- I. State law regulates permitted working hours for minors under 18 years of age (See Attachment [A-No. 1](#) – “Permitted Working Hours for Minors” and Attachment [D-No. 4](#) “Explanation of Exceptions”). Hours can be extended under certain conditions during the school year when schools are open, and must be approved by the certifying officer at the student's school. (See Attachment [B-No. 2](#) – Sample of Satisfactory Academic Standing).

III. **OBTAINING AN EMPLOYMENT CERTIFICATION**

To obtain an employment certificate, the student must submit an “Application for Employment Certificate” form (Form AT-17), see Attachment [C-No. 3](#) to the issuing official. This form may be downloaded at:

<http://schools.nyc.gov/StudentSupport/StudentAttendance/WorkingPapers/default.htm>.

The “Application for Employment Certificate” form and all types of employment certificates and permits may be obtained from the student's public high school, junior high school or [intermediate middle](#) school. When public schools are closed, employment certificates may be obtained from the ~~Senior Youth Development Director or designee at any Integrated Service Center~~ [District Family Advocate or Borough Family Advocate](#).

The “Application for Employment Certificate” (Form AT-17) contains the following six parts:

Part I – Parental Consent

Completed by applicant and parent/guardian. The parent or guardian must sign the application.

For *Full-Time* employment (first certificate only), the parent or guardian must appear at the certification center to sign the application unless the minor is a high school graduate and presents documentation.

For *Part-Time* employment and all other employment certification, the parent or guardian must sign the application, but need not appear in person.

Part II – Evidence of Age

The following original documents are acceptable as proof of age provided that the minor's date of birth appears on the document: birth certificate (with official seal), duly certified record of baptism, passport (current or expired), citizenship papers, driver's license or any other proof of age on school records which has been in existence for two years or more.

Part III – Certificate of Physical Fitness

The applicant must present a doctor's note signed in *ink* by a health care provider, Department of Health or private physician stating that he/she is in good health to work. If the doctor's note indicates limitations, the issuing official shall provide the applicant with a “Limited Employment Certificate” and specify the occupation, employer and expiration date directly on the employment certificate.

Part IV – Pledge of Employment

This section must be completed by the prospective employer only under the following conditions: the applicant is 16 or 17 years of age seeking full-time employment and has not graduated from high school; or if the applicant is being issued a “Limited Employment Certificate.”

Part V – Schooling Record

This section must be completed by the student's school if he/she is dropping out of school and is over 16 years of age and obtaining a full-time employment certificate.

Part VI – Employment Certification

This part of the application records the pertinent information concerning the issuance of the employment certificate. This includes the official number of the certificate issued, the date of issuance, the issuing center and address, and the signature of the issuing officer.

- A. An applicant for a full-time employment certificate who is 16 or 17 years of age and wishes to withdraw from school prior to graduation must have parental consent and participate in a Planning Interview. The Planning Interview is conducted at the school by a guidance counselor, assistant principal, principal or other designee of the principal. The purpose of the Planning Interview is to reinforce the importance of a high school diploma, discuss the possibility of remaining in school and to provide information about alternative educational programs and the student's right to attend school until age 21.
- B. If a minor is currently employed on a part-time basis by more than one employer, each employer must retain an original employment certificate on file during the minor's period of employment. An application (Form AT-17), with Part I (Parental Consent) completed and signed must be presented to the issuing office for each additional employment certificate.
- C. A lost or mutilated employment certificate may be replaced when the student presents another application (AT-17). Only Part I of the subsequent application (Parental Consent) need be completed if the original certification documents (previously completed application and certificate of physical fitness within the year) are on file in the office issuing the replacement certificate.

IV. CERTIFICATION SITES

All public high schools, junior high schools, and ~~intermediate~~-middle schools upon request must issue employment certificates to students who attend their schools. All public high schools must issue employment certificates upon request to students who attend non-public schools.

- A. Public Schools - Designated school staff issue employment certificates to:
 1. All students 14 through 17 years of age who are on their registers.
 2. All former students 16 through 17 years of age who have been discharged from a high school register within one year of the current date and are not admitted to another New York City public school.
 3. All students 11 through 17 years of age who are requesting newspaper carrier permits.
 4. All high schools are required to issue employment certificates to non-public school students whose schools do not issue employment certificates. Non-public school students must present documentation of current school registration.
- B. Non-Public Schools - Designated school staff at authorized private and parochial schools can issue employment certificates and are encouraged to do so in order to accommodate their students. Non-public schools are authorized to issue employment certificates upon the successful completion of training conducted by the New York City Department of Education. Training is conducted upon request. Employment certificates may be issued by non-public schools as follows:
 1. All students 14 through 17 years of age who are on their registers.
 2. All students 11 through 17 years of age who are on their registers and who are requesting newspaper carrier permits.
- C. District Family Advocates and Borough Family Advocates are available to issue all types of employment certificates and permits to:
 1. Students seeking part-time employment certificates when schools are closed.
 2. Minors under 18 years of age requesting special occupation permits (child models, newspaper carriers, street trades, and farm workers.)
 3. Non-public school students under 18 years of age, if the school does not issue

certificates.

4. ~~Out-of-state~~ minors under 18 years of age.

V. TYPES OF EMPLOYMENT CERTIFICATES AND EMPLOYMENT PERMITS

- A. Full-Time Employment Certificates - Issued to a minor 16 or 17 years of age who has obtained a "pledge of employment" for full-time employment, declares an intention to leave day school, and has had an exit interview, or is a high school graduate.
- B. Student General Employment Certificate - Issued to a minor 16 or 17 years of age who is enrolled in a day school but wishes to work after school hours, during vacation periods, or both.
- C. Student Non-Factory Employment Certificate - Issued to a minor 14 or 15 years of age who is enrolled in a day school but wishes to work after school hours, during vacation periods, or both.
- D. Limited Employment Certificate - Issued to a minor 14 through 17 years of age with a medical limitation to work, according to the particular type of certificate indicated (Full-Time, Student General or Non-Factory). A limited employment certificate is valid for a six-month period. However, if the examining physician indicates upon the certificate of limited physical fitness that the physical disability of the minor is of a permanent nature, the certificate shall not expire at the end of six months, but shall remain valid as long as the nature and type of work set forth in the pledge of employment remains the same.
- E. Child Model Permit - Issued to a minor from infancy to 17 years of age, upon submission of an original doctor's note, school record (if school age), and evidence of age.
- F. Street Trades Permit - Issued to a minor 14 through 17 years of age to engage in the occupation of selling newspapers or periodicals (purchased from supplier) on the street or in other public places. It also includes a self-employed minor 14 years of age who works in the capacity of shining shoes on the streets or in other public places (Form AT-22).
- G. Farm Work Permit – Special - Issued to a minor over 12 years of age to engage in the occupation of hand-harvesting of berries, fruits and vegetables (Form AT-25).
- H. Farm Work Permit - Issued to a minor 14 or 15 years of age to engage in the occupation of farm work (Form AT-222).
- I. Newspaper Carrier Permit - Issued to a minor (employed on a salary basis) through 17 years of age to engage in the occupation of delivering newspapers, or other printed materials, to customers at their homes or places of business. A certificate of physical fitness is not required for the issuance of a newspaper carrier permit if the applicant has documentation that he/she is qualified.

VI. REVOCATION

A certificate or permit may be revoked if school officials determine that the employment is affecting the student's required school attendance, progress in school, health, and welfare. Also, certificates and permits may be revoked if school officials discover that the issuance of the certificate or permit was based on false information. In these circumstances, school officials must provide due notice prior to revoking the certificate or permit.

VII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:
212 -374- 6095

Office of School and Youth Development
N.Y.C. Department of Education
52 Chambers Street
New York, NY 10007

Fax:
212- 374 -5751