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STATE OF NEW JERSEY
DEPARTMENT OF LABOR & INDUSTRY

~~Harold L. Green~~ Commissioner

Percy A. Miller, Jr.

CHILD LABOR LAWS

CHAPTER 153, LAWS OF 1940

CHAPTER 139, LAWS OF 1941

CHAPTER 23, LAWS OF 1942

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CHILD LABOR LAWS

Additional Legislation Under Chapter 2, Title 34, Revised Statutes of New Jersey

(Chapter 153, Laws of 1940, Approved June 25, 1940,
with amendments as noted.)

PREAMBLE

WHEREAS, The employment of minors in occupations or pursuits wherein they are subject to exploitation is contrary to public policy; and

WHEREAS, Such employment as will impede the progress of minors, prove a detriment to their health, or interfere with their education should be abolished in the State of New Jersey; and

WHEREAS, The work of minors in occasional and nonrecurrent occupations when not required to attend school is not thus detrimental, nor will it, when properly supervised by parent or guardian, constitute such exploitation; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

(a) "Employment certificate" means a certificate granted by the issuing officer authorizing the employment of a child as permitted under this act.

(b) "Age certificate" means a certificate issued for a person between the ages of eighteen and twenty-one years.

(c) "Issuing officer" means any superintendent of schools, supervising principal, or teacher in a school district who is designated by the board of education in the district to issue certificates or permits in accordance with the provisions of this act.

(d) "School district" means any geographical area having authority over the public schools within that area.

(e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural

or horticultural commodities (including commodities defined as agricultural commodities in section fifteen (g) of the Agricultural Marketing Act, as amended) the planting, transplanting and care of trees and shrubs and plants, the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, provided that such practices shall be performed in connection with the handling of agricultural or horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer.

2. No minor under sixteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation at any time; provided, that minors between fourteen and sixteen years of age may be employed, permitted or suffered to work outside school hours and during school vacations but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law; and provided, further, that minors under sixteen years of age may engage outside school hours and during school vacations in agricultural pursuits or in street trades as defined in this act, in accordance with the provisions of section fifteen of this act. Nothing in this act shall be construed to apply to the work of a minor engaged in domestic service or agricultural pursuits performed outside of school hours or during school vacation in connection with the minor's own home and directly for his parent or legal guardian.

No minor under sixteen years of age not a resident of this State shall be employed, permitted or suffered to work in any occupation or service whatsoever at any time during which the law of the State of his residence requires his attendance at school, or at any time during the hours when the public schools in the district in which employment in such occupations or services may be available are in session.

3. Except as provided in section fifteen and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under eighteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than forty hours in any one week, or more than eight hours in any one day, nor shall any minor under sixteen years of age be so employed, permitted, or suffered to work before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor between sixteen and eighteen years of age be so employed, permitted or

suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day; provided, that minors between fourteen and eighteen years of age may be employed in a concert or a theatrical performance up to eleven P. M.; and *provided, further, that male minors between sixteen and eighteen years of age may be employed in any public bowling alley up to eleven-thirty post meridiem; and provided, further, that male minors not less than sixteen years of age and who are attending school may be employed as pin-setters only in public bowling alleys up to eleven-thirty post meridiem during any regular school vacation season, but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal as the case may be, which permit must state that the boy has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal may be so employed without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the boy has had a physical examination and his health is not being injured by said work;* and provided, further, that male minors between sixteen and eighteen years of age may be employed until eleven P. M. during the regular school vacation seasons but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The combined hours of work and hours in school of children under sixteen employed outside school hours shall not exceed a total of eight per day.

NOTE: That portion of section 3 printed in italics is a part of Chapter 139, Laws of 1941, pertaining to employment of minors in bowling alleys and which is an amendatory act to Chapter 153, Laws of 1940. See section 17 for remaining amendatory provisions of Chapter 139, Laws of 1941.

4. No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

5. Every employer shall post and keep conspicuously posted in the establishment wherein any minor under eighteen is employed, permitted, or suffered to work a printed abstract of this act and a list of

the occupations prohibited to such minors, to be furnished by the Department of Labor, and a schedule of hours of labor which shall contain the name of each minor under eighteen, the maximum number of hours he shall be required or permitted to work during each day of the week, the total hours per week, the time of commencing and stopping work each day, and the time for the beginning and ending of the daily meal period. An employer may permit such minor to begin work after the time for beginning, and stop before the time for ending work stated in the schedule; but he shall not otherwise employ or permit him to work except as stated in the schedule. This schedule shall be on a form provided by the Department of Labor and shall remain the property of that department. Nothing in this section shall apply to the employment of minors in agricultural pursuits or in domestic service in private homes.

6. Every employer shall keep a record, in a form approved by the Department of Labor, which shall state the name, date of birth and address of each person under nineteen years of age employed, the number of hours worked by said person on each day of the week, the hours of beginning and ending such work, the hours of beginning and ending meal periods, the amount of wages paid, and such other information as the Department shall by regulation require. Such record shall be kept on file for at least one year after the entry of the record and shall be open to the inspection of the Department of Labor, of attendance officers and of police officers. Nothing in this section shall apply to the employment of minors in agricultural pursuits, or in domestic service in private homes.

7. Except as permitted under section fifteen, no minor under eighteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, unless and until the person employing such minor shall procure and keep on file an employment certificate or special permit for such minor, issued by the issuing officer of the school district in which the child resides, or of the district in which the child has obtained a promise of employment if the child is a nonresident of the State; provided, that no certificate or special permit shall be required for any child sixteen years of age or over employed in agricultural pursuits. Such certificate or special permit shall be issued in triplicate in such form and in accordance with such instructions as may be prescribed by the Commissioner of Education. The Commissioner of Education shall supply to the issuing officers all blank forms to be used in connection with the issuance of such certificates, and special permits as provided for in section fifteen.

Employment certificates shall be of two kinds, regular certificates permitting employment during school hours, and vacation certificates

permitting employment during the school vacation and during the school term at such times as the public schools are not in session.

The original copy of the employment certificate shall be mailed by the issuing officer to the prospective employer of the minor for whom it is issued; a duplicate copy shall be mailed to the Department of Labor in Trenton as provided in section twelve, and a triplicate copy shall be kept in the files of the issuing officer. The issuing officer may refuse to grant a certificate, if in his judgment, the best interest of the minor would be served by such refusal and he shall keep a record of such refusals, and the reasons therefor.

8. The issuing officer shall issue such certificates only upon the application in person of the minor desiring employment, and after having approved and filed the following papers:

(1) A promise of employment signed by the prospective employer or by someone duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, the wage to be paid such minor, and the number of hours per day and days per week which said minor shall be employed.

(2) Evidence of age showing that the minor is of the age required by this act, which evidence shall consist of one of the following proofs of age and shall be required in the order herein designated, as follows:

(a) A birth certificate or certified transcript thereof or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A baptismal certificate or attested transcript thereof showing the date and place of birth, and date and place of baptism of the minor, or

(c) Other documentary evidence of age satisfactory to the issuing officer, such as a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or a passport, showing the age of the minor, or a certificate of arrival in the United States, issued by the United States Immigration Office, showing the age of the minor, or a life insurance policy, provided that such other documentary evidence has been in existence at least one year prior to the time it is offered as evidence, and provided further that a school record of age or an affidavit of a parent or guardian or other written statement of age shall not be accepted, except as specified in paragraph (d) of this section.

(d) In the case none of the aforesaid proofs of age shall be obtainable and only in such case, the issuing officer may accept the school record or the school-census record of the age of the minor together with the sworn statement of a parent or guardian as to the age of the minor and also with a certificate signed by the physician authorized to sign the statements of physical fitness required by this section, specifying what in his opinion is the physical age of the minor. Such certificates shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician is based as to the physical age of the minor. If the school or school-census record of age is not obtainable, the sworn statement of the minor's parent or guardian, certifying to the name, date and place of birth of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age. The issuing officer shall administer said sworn statement.

The issuing officer shall, in issuing a certificate for a minor, require the evidence of age specified in paragraph (a) of this section in preference to that specified in paragraphs (b), (c) and (d) of this section and shall not accept the evidence of age permitted by any subsequent paragraph unless he shall receive and file evidence that the evidence of age required by the preceding paragraph or paragraphs cannot be obtained.

(3) A statement of physical fitness, signed by a medical inspector employed by the applicable Board of Education, setting forth that such minor has been thoroughly examined by such medical inspector that he either is physically fit for employment in occupations permitted for persons under eighteen years of age, or is physically fit to be employed under certain limitations, specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. The method of making such examinations shall be prescribed jointly by the Commissioner of Education and the State Department of Health.

(4) A school record signed by the principal of the school which the minor has last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, and residence of the minor; provided, that in the case of a vacation certificate issued for work before or after school hours, such record shall also state that the child is a regu-

lar attendant at school, and in the opinion of the principal may perform such work without impairment of his progress in school, but such principal's statement shall not be required for the issuance of a vacation certificate for work during regular school vacations.

9. Upon request, it shall be the duty of the issuing officer to issue to any young person between the ages of eighteen and twenty-one years residing in his district and applying in person, who expresses a desire to enter employment, an age certificate upon presentation of the same proof of age as is required for the issuance of employment certificates under this act. A young person between the said ages non-resident of the State may apply to the issuing authority of any district where such person states he intends to seek employment. The age certificate shall state the color, name, sex, date and place of birth, residence, color of hair and eyes, height, and distinguishing facial marks, if any, and the kind of proof of age submitted. All copies thereof shall be signed in person by the applicant in the presence of the said issuing officer in whose name it is issued.

Any employer before employing a minor may require him to produce an age certificate and sign his name for comparison with the signature on the certificate. If in his judgment the signature and characteristics of the child correspond with the signature and description in the certificate, the employer, on employing the child, may require and retain the certificate during the minor's employment and shall return it to the minor upon the termination of his employment.

10. An employment certificate shall state the name, sex, color, date and place of birth, residence, color of hair and eyes, height, weight, any distinguishing facial marks of the child—the employer's name, address and type of business, the occupation of the child, the kind of proof of age submitted, the grade completed, physician's approval and the name and address of parent. Every such certificate shall be signed in the presence of the issuing officer by the child in whose name it is issued.

11. An employment or age certificate or special permit issued in accordance with this act shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of a minor under the child-labor or workmen's compensation law or any other labor law of the State, as to any act occurring subsequent to its issuance.

12. Every issuing officer issuing an employment or an age certificate or special permit, shall send immediately to the Department of

Labor at Trenton, a duplicate of the certificate or permit and the original papers upon which the certificate or special permit was granted. That department shall examine and promptly return to the issuing officer the said original papers and shall keep on file the duplicate of said certificate or permit. Whenever there is reason to believe that an employment or an age certificate or special permit was improperly issued, the Commissioner of Labor shall notify the Commissioner of Education and the board of education of the school district in which the certificate was issued. The board of education of the school district may cancel any employment or any age certificate or special permit issued by it, and shall cancel the same when directed so to do by the Commissioner of Education. Whenever any employment certificate has been cancelled, the board of education cancelling the same shall immediately notify the Commissioner of Education, the Commissioner of Labor and the person by whom the child is employed, of its action, and such employer shall immediately upon receiving notice forward the certificate to the board of education.

All birth certificates, baptismal certificates, passports, insurance policies or other original papers submitted in proof of age shall be returned to the minor upon request after they have been returned to the issuing officer by the Department of Labor and after the issuing officer has transcribed for his files information pertinent to the issuance of the certificates. The Commissioner of Labor and the issuing officer may destroy all employment and age certificates and special permits or copies thereof when the birth dates set forth in such certificates and special permits are more than twenty-one years before the date of destruction.

13. If a child within the ages for compulsory school attendance is employed in a school district other than that in which he lives, the issuing officer of the district in which the child lives shall immediately send a duplicate of the certificate, properly filled out and the address of the employer to the superintendent of schools of the county in which the child resides who shall thereupon send said duplicate to the superintendent of schools of the county in which the child is employed.

14. Every employer receiving an employment certificate shall within two days after termination of the employment return said certificate to the person issuing it. A new employment certificate shall not be issued for any minor except upon the presentation of a new promise of employment. An employment certificate shall be valid only for the employer for whom issued and for the occupation designated in the promise of employment. Said employer shall, during the period of the minor's employment, keep such certificate on file at the

place of employment and accessible to any issuing officer and to any attendance officer, inspector, or other person authorized to enforce this act. The failure of any employer to produce for inspection such employment certificate, or the presence of any minor under eighteen years of age in his place of work at any time other than that specified in the posted schedule of hours required by this act, shall be prima facie evidence of the unlawful employment of the minor. The presence of any minor under eighteen years of age in any place of employment shall be prima facie evidence of the employment of such minor, except that the presence on any farm or place of agricultural pursuit of any such minor shall not constitute such prima facie evidence.

15. No boy under fourteen years of age and no girl under eighteen years of age may engage in any street trade, which term, for the purpose of this section, shall include the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or in blacking shoes on any street or other public place or from house to house. No child under twelve years of age may be employed in agricultural pursuits.

Whenever a child under sixteen years of age desires to work during such times as the schools of the district in which he resides are not in session in any street trade or in agricultural pursuits, the parent, guardian or other person having the custody and control of the child may file with the issuing officer in the school district in which the child resides an application for a special permit authorizing such work. Such application shall show the exact character of the work the child is to do, and the hours and wages and special conditions under which said work is to be performed.

If upon investigation it is found that the facts set forth in the application are true and that the work will not interfere with the child's health or standing in school, the issuing officer shall, upon presentation to him of the same proof of age as is required for the issuance of an employment certificate, issue a special permit, allowing the child to work at such times as the public schools in the district are not in session, but such work except in agricultural pursuits to be otherwise subject to the maximum hours of labor provisions set for minors under sixteen years of age in section three of this act; provided, that nothing in this section shall prevent boys between twelve and fourteen years of age from delivering, soliciting and collecting for newspapers and magazines over routes in residential neighborhoods at such times and under such conditions as are not prohibited in this act and boys between fourteen and sixteen years of age from delivering and selling newspapers and magazines between the hours of five-thirty o'clock in

the morning and six o'clock in the evening of any day; and provided, further, that children engaged in agricultural pursuits may be employed no more than ten hours per day.

Such special permit shall show the name, address, and date of birth of the minor for whom it is issued, the kind of proof of age submitted, the nature of the occupation in which the minor is to engage, and such other information as the Commissioner of Education may require.

Any such special permit for work in agriculture shall be issued for a period not to exceed six months and shall show its date of expiration. Any person employing a minor under sixteen years of age in agriculture shall obtain such a certificate from the minor and keep it on file during the period of the minor's employment and shall return it to the minor to whom it is issued upon termination of his employment.

16. No fees or expenses incurred in obtaining any certificates under this act shall be charged to or paid by any child, parent, guardian or other person having custody or control of such a child for any service had under this act.

17. No minor under sixteen years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under eighteen years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

- the manufacture or packing of paints, colors, white lead, or red lead;
- the handling of dangerous or poisonous acids or dyes;
- injurious quantities of toxic or noxious dust, gases, vapors or fumes;
- work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;
- the manufacture, transportation or use of explosives or highly inflammable substances;
- oiling, wiping, or cleaning machinery in motion or assisting therein;
- operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;
- grinding, abrasive, polishing or buffing machines, provided that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;
- punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch;

- cutting machines having a guillotine action;
- corrugating, crimping or embossing machines;
- paper lace machines;
- dough brakes or mixing machines in bakeries or cracker machinery;
- calender rolls or mixing rolls in rubber manufacturing;
- centrifugal extractors or mangles in laundries or dry cleaning establishments;
- ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;
- mines or quarries;
- steam boilers carrying a pressure in excess of fifteen pounds;
- construction work of any kind;
- fabrication or assembly of ships;
- operation or repair of elevators or other hoisting apparatus.

No minor under eighteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a public bowling alley, or in a pool or billiard room; *provided, however, this section shall not apply to minors sixteen years of age or over employed as pin-setters only in public bowling alleys as provided in section 3 thereof.* No girl under the age of eighteen years shall be employed, permitted, or suffered to work as a messenger in the distribution or delivery of goods or messages for any person, firm or corporation engaged in the business of transmitting or delivering goods or messages.

NOTE: That portion of section 17 printed in italics is a part of Chapter 139, Laws of 1941, pertaining to employment of minors in bowling alleys and which is an amendatory act to Chapter 153, Laws of 1940. See section 3 for remaining amendatory provisions of Chapter 139, Laws of 1941.

No minor under eighteen years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by

regulation prescribe. Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey under the supervision and instruction of officers or teachers of the schools.

18. It shall be the duty of the Department of Labor and its inspectors and agents, acting under the Commissioner of Labor, to enforce the provisions of this act, to make complaints against persons violating its provisions, and to prosecute violations of the same. The Commissioner of Labor and any inspector or other authorized person acting under him, attendance officers and other persons employed by law to compel the attendance of children at school, and officers and agents of any duly incorporated society for the protection of children from cruelty and neglect, shall have authority to enter and inspect at any time any place or establishment covered by this act, and to have access to employment or age certificates or special permits kept on file by the employers and such other records as may aid in the enforcement of this act.

19. Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, or of any order or ruling issued under the provisions of this act, or obstructs the Department of Labor, its officers or agents, or any other person authorized to inspect places of employment under this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment of not less than ten nor more than ninety days, or by both such fine and imprisonment. Each day during which any violation of this act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the act shall with respect to each minor so employed, constitute a separate and distinct offense.

20. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

21. The provisions of article two, chapter two, of Title 34, Revised Statutes, and of sections 18:14-15 to 18:14-33, inclusive, of the Revised Statutes, are hereby repealed.

22. This act shall take effect September first, one thousand nine hundred and forty.

Approved June 25, 1940.

CHAPTER 23, LAWS OF 1942

AN ACT concerning child labor and compulsory education, establishing a State Commission on Student Service and defining its powers and duties and making an appropriation therefor, and supplementing "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June twenty-fifth, one thousand nine hundred and forty (P. L. 1940, c. 153).

WHEREAS, The enactment of the act to which this act is a supplement (P. L. 1940, c. 153) and of chapter one hundred fifty-four of the laws of one thousand nine hundred and forty limiting and regulating child labor in this State and strengthening educational standards marked a great social gain in this State and,

WHEREAS, By reason of war conditions and the inadequacy of labor supply in certain pursuits it has become necessary to provide for the suspension of certain provisions of these acts and of article two of chapter fourteen of Title 18 of the Revised Statutes, relating to compulsory education, during the war emergency but without impairment of their essential protective features;

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. "State commission" as used in this act shall mean the State Commission on Student Service hereinafter established.

"Student" as used in this act shall mean any minor of the age of fourteen years or more who is required to attend or is attending school in this State.

"Agricultural pursuits" as used in this act shall mean the planting, cultivating and harvesting of crops and the care of farm livestock not involving the operation of power driven farm machinery by any minor under the age of seventeen, except with the approval of the State commission to the operation of any such farm power machinery by any such minor.

"Release" as used in this act shall mean the release of any student from the operation of the provisions of the act to which this act is a supplement (P. L. 1940, c. 153) and of the provisions of article two of chapter fourteen of Title 18 of the Revised Statutes, so far only

as is authorized by the provisions of this act or, if said student is of the age of eighteen years or over, from attendance at school.

2. There is hereby established a State Commission on Student Service of eleven members, one of whom shall be appointed, in writing, by each of the following-named officers:

The Commissioner of Education,
The Commissioner of Labor,
Director of Health,
Director of United States Employment Service for New Jersey,
The Secretary of Agriculture,
The President of the Farm Bureau,
The Master of the State Grange,
The President of the League of Women Voters,
The President of the New Jersey Consumers League,
The President of the State Congress of Parents and Teachers and
The Chairman of the State Defense Council,

each of whom shall serve for a term coextensive with that of the officer by whom he is appointed and each of whose successors shall be appointed for a similar term by the successor in office of said officer.

Each of said members shall continue in office after the expiration of his term until his respective successor shall be appointed and shall qualify and all appointments to fill vacancies shall be for the unexpired terms only.

All appointments shall be filed in the office of the Secretary of State and each of said officers shall be entitled, at his option, to serve as a member in person instead of making an appointment, by filing in the office of the Secretary of State a written notice of his intention so to do.

The State commission shall elect a chairman from among its members..

A majority of the members of the State commission in office shall be a quorum, except that at any time five members of the State commission shall constitute a quorum and act for the State commission provided the appointee of or the Commissioner of Education and the appointee of or the Commissioner of Labor, as the case may be, are among those constituting such quorum.

3. In each county the State commission shall establish a county commission, consisting of such number and containing representatives of such governmental agencies and such organizations as the State commission shall determine, whose members shall serve at the pleasure of the State commission.

4. The State commission and each county commission shall have power to set up such advisory committees as they respectively may determine.

5. The State commission shall have power to incur such expenses and employ such clerks and other assistants as may be necessary for the purpose of carrying out the provisions of this act and as may be within the sums appropriated to it.

6. The State commission is empowered to adopt and promulgate rules and regulations which will assist in carrying out the purposes of this act, which rules and regulations shall not be inconsistent with the provisions of this act, of the act to which this act is a supplement or of article two of chapter fourteen of Title 18 of the Revised Statutes, except as they are modified by the provisions of this act, and failure to comply with any such rules or regulations or with the provisions of this act, of the act to which this act is a supplement or of article two of chapter fourteen of Title 18 of the Revised Statutes, as so modified, by any person or corporation to whom students shall have been released under the provisions of this act shall constitute sufficient cause for the State commission immediately to withdraw or rescind any certification for the release of any students to such person or corporation and the State commission shall, upon such withdrawal or rescission give notice thereof to the county commission of the county in which such release was granted, to the county superintendent of schools of the county, to each county, regional and district board of education and to the principal or head master of each private school, whose pupils have been so released, and to the Commissioner of Labor.

7. The State commission shall determine, from time to time, whether, when and where the need exists for the employment of students in agricultural pursuits to supply additional labor during any school year, the extent of such need, the necessity for and the extent to which the release of students from the provisions of the act to which this act is a supplement and of article two of chapter fourteen of Title 18 of the Revised Statutes, to the extent provided by this act, shall be necessary and the conditions under which such release shall be granted.

The determination of the State commission concerning the release of students, the closing of schools, the shifting of school terms, the authorization of the employment of students in agricultural pursuits and the conditions under which such students shall be released, from the provisions of the act to which this act is a supplement and of article two of chapter fourteen of Title 18 of the Revised Statutes to the extent provided by this act, and such students may be employed

in agricultural pursuits, shall be effective as to and binding upon the county, regional and district boards of education and private schools affected and the persons using the labor of such students, any provision of law to the contrary notwithstanding.

8. The State commission shall act also as a clearing house for the encouragement of the enrolling of students for employment in agricultural pursuits both during periods when schools are regularly in session and during school vacation periods.

During such periods and during periods in which students have been released as provided in this act the State commission and the various county commissions shall continue their activities to accomplish the purposes and apply the safeguards imposed by this act.

They shall co-ordinate their activities with the United States Employment Service and the State Defense Council in meeting the need for the use of students in agricultural pursuits.

9. Requests for the release of students to engage in agricultural pursuits shall be made to the respective county commissions and upon the receipt of any such request the county commission shall, promptly, make such investigation as it deems necessary and after consideration of such request, forward the same, together with its recommendations thereon, to the State commission.

10. Whenever the State commission shall receive any such request from a county commission it shall consider the same and may refer the same to an appropriate committee for investigation and recommendation but shall make determination thereon promptly.

11. If upon any request the State commission determines that a need exists for releasing students to supply additional labor in agricultural pursuits, it shall determine in each case the area in which such need exists and the extent, length of time and limitations under which such release shall be granted.

It shall certify its determinations to the county commission of the county in which such release is granted and to the Commissioner of Labor.

The county commission upon receipt of any such certification shall give notice thereof to the county superintendent of schools of the county and to each county, regional and district board of education and the principal or head master of each private school affected thereby.

12. Before the State commission shall determine that the need exists for releasing students to supply additional labor in agricultural pursuits, it shall consider the total labor requirements of each county

and each local area within the county from which the requested is received, as established by surveys of the Agricultural Marketing Service of the United States Department of Agriculture, and such other surveys as may be from time to time available within said department of agriculture, the United States Employment Service and the New Jersey State Department of Agriculture and shall also consider such surveys of the United States Employment Service as are available to determine the labor supply available in such county and local area. Such surveys shall include consideration of labor supply in relation to labor required for the grower's acreage based on man hours per unit of harvest or per unit of other farm work.

13. No determination shall be made that there is a need for releasing students to supply additional labor in agricultural pursuits, unless (a) the aforesaid surveys of total labor requirements indicate the need for additional labor in agricultural pursuits, or (b) the State commission finds that the labor supply available from all other sources of labor, including local labor, migrant labor, adult labor, boys from C.C.C., boys and girls from N.Y.A., W.P.A. labor and all other adult and youth supply sources available through action of local or State bodies now or subsequently organized for war or defense work, is inadequate.

14. Consideration of available labor supply shall be made in conformity with the principle of adequate wages. Wage rates not commensurate with prevailing wage schedules for similar work under comparable conditions shall not be considered adequate. Wage rates shall be considered when judging the need for releasing students to supply additional labor in agricultural pursuits, and, in case the State commission determines that the need exists for releasing students to supply additional labor in agricultural pursuits, said wage rates shall be included in the determination and in the certification required by this act.

15. The hours of labor of any student released to supply additional labor in agricultural pursuits, pursuant to the determination of the State commission, shall in no case exceed eight hours per day and six days per week, or ten hours per day and five days per week, whichever in its opinion will be more feasible for the given situation.

16. The wage rates paid to students released to supply additional labor in agricultural pursuits under this act shall not be less than the wage rates paid to adults for comparable services in the particular area. In the case of piece rates the rate paid to said students shall be not less than that paid to adults. No commissions or deductions

for placement or other services shall be permitted, regardless of the existence or nonexistence of a padrone system in the agricultural pursuit for which the students are released.

17. There shall be no release of a student under this act for chores on the student's home farm or for services which have ordinarily been carried on by the student or other members of the family still available for such service, where such service by the student is not directed to the production of food for distribution.

18. In no case shall any student be released under this act for referral to any position made vacant by reason of a labor dispute.

19. Students from county, regional and district schools shall be eligible for release under this act.

20. The State commission is authorized to hold hearings, call witnesses and institute and carry on prosecutions in the courts for violation of the provisions of this act, of the act to which this act is a supplement or of article two of chapter fourteen of Title 18 of the Revised Statutes committed in connection with activities under this act and of its rules and regulations. It may draft legal and clerical assistance from any State department as may be required and shall have access to and may use any survey, data or report in the possession of any State officer, body or agency which may assist it in performing its duties.

21. If the State commission finds that such emergency conditions exist as to make imperative the transportation of students from distant areas to areas in which such emergency conditions exist, it may extend the release of such students to such distant areas, provided that camps or living quarters for such students are established on the place of employment and no students are sent to said camps or living quarters without (a) the written consent of a parent of the student, (b) the written consent by the principal of the student's school, (c) transportation approved by the State commission to and from the camp or living quarters, (d) provision for adequate commissary facilities, (e) provision for adequate living quarters meeting the standards recommended by the State Department of Health, and (f) chaperonage and supervision of the students by a competent person employed by the person requesting such additional labor and approved by the State commission.

22. In all other cases the State commission in determining the extent of the release to be granted shall so limit the release that it will be effective in areas to and from which students released can be transported daily to the place of performance of labor in agricultural

pursuits. If the State commission deems transportation necessary, it shall require that the transportation be provided by the employer requesting the additional labor, and the transportation facilities shall be of a type approved by it.

23. Whenever the State commission has certified that any county, regional or district school district or any private school is included within the area in which students may be released to supply additional labor in agricultural pursuits, the said Board of Education of such district or the principal or head master of such private school after being duly notified thereof as required by this act shall permit students in the schools of said district or private school to be released from attendance at school during a period or periods not exceeding fifteen days in the aggregate in any school year at any times between April first and June thirtieth or between the opening of the school for the fall term and November first following, except that, as to any one or more schools within its jurisdiction, in lieu of the said release, the said Board of Education may, with the approval of the Commissioner of Education, close completely such school for a period not to exceed fifteen school days either between April first and June thirtieth or between the opening of the school for the fall term and November first following, and except that, as to any one or more schools within its jurisdiction, in lieu of the said release, said board may, with the approval of the Commissioner of Education, so adjust its school term as to permit the work of said students when their services would be most urgently required, and in such case there shall be no release of students from school during the school term as so adjusted, nor shall there be any closing of such school for any period as provided in the prior exception.

24. When the State commission shall have determined that the need exists for releasing students to supply additional labor in agricultural pursuits, the board of education of the school district or the principal or head master of the private school affected shall determine the method of releasing the students up to the indicated limit of need and in releasing such students shall consider the individual needs of the students, as well as their willingness to contribute their services in this emergency. Where the lack of progress of an individual student or serious retardation is evident or is likely to result from release of such student, said board or said principal or head master shall be governed by this consideration.

Students shall be expected to make up school work missed in such emergency service and, in the public schools, by such methods or make-up programs as are submitted by their respective schools to and approved by the Commissioner of Education.

25. When the State commission shall have determined that the need exists for releasing students to supply additional labor in agricultural pursuits, and pursuant to such determination students are released from school under the provisions of this act, no employment certificate or special permit shall be required for any student for the time he is released from school pursuant to said determination.

26. Any minor of the age of fourteen years or over, not attending school in this State, may be employed in agricultural pursuits in this State for a period not exceeding fifteen days in any school year, on which days the schools of the school district in which he is to be so employed have released students or closed schools pursuant to the provisions of this act, upon his obtaining a limited special permit, authorizing such minor so to engage in agricultural pursuits, which limited special permit shall be issued in the same manner and under the same conditions and subject to the same limitations as special permits are issued to minors to engage outside of school hours and during school vacations in agricultural pursuits, except that such limited special permit shall be issued and shall be valid, notwithstanding the fact that the law of the State of said minor's residence requires his attendance at school during the time or times for which such limited special permit is issued, or that such time or times includes hours when the public schools in the district in which employment in any such occupation or services may be available are in session.

27. Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment of not less than ten nor more than ninety days, or both such fine and imprisonment. Each day during which any violation of this act continues shall constitute a separate and distinct offense and the employment of any minor in violation of this act shall with respect to each minor so employed, constitute a separate and distinct offense.

28. Nothing in this act shall be construed as relieving employers from the obligation of having on file, or minors or students from the obligation of securing, such employment certificates and special permits as are required by law, except in the cases and for the times provided for in this act.

29. There is hereby appropriated to the State commission the sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary to carry out the purposes of this act.

30. This act shall take effect immediately but shall continue in effect only during the present war emergency, that is to say, so long as the United States of America continues in the present wars with the governments of Japan, Germany and Italy or any of them and until the making of a treaty or treaties of peace concluding all of said wars.

Approved March 23, 1942.