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Seasonal Farm Labor

Study by:

Division of Labor Standards
Department of Labor and Industry

William J. Clark
Director

Charles Serraino
Commissioner

August 1970



State of New Jersey
DEPARTMENT OF LABOR AND INDUSTRY
CHARLES SERRAINO, COMMISSIONER

PLEASE REPLY
TO WRITER AT
THIS ADDRESS:

Post Office Box 875
Trenton, New Jersey
08625

October 15, 1970

Honorable Charles Serraino, Commissioner
Department of Labor and Industry
Post Office Box V
Trenton, New Jersey 08625

Dear Commissioner Serraino:

On August 11, following an incident involving federal antipoverty officials at a migrant camp, I was directed by you to investigate the entire migrant labor situation. My report is appended.

In addition, we have examined carefully the comments in the press, including the New York Times. Part of this report deals with these comments and an explanation of them.

As a result of our investigation, we have learned much which confirms some of these comments.

This report evaluates the overall picture. In addition, I would like to emphasize certain findings and recommendations that follow:

1

FINDING

In spite of the fact that there are ten inspections and follow-up visits to each camp, the present effort to get compliance with enforcement programs through cooperation and education can be improved.

RECOMMENDATION

Change the Migrant Labor Bureau procedures to lessen the number of follow-up inspections. Impose administrative and/or court penalties for material and willful owner-caused violations that are not corrected by the first follow-up inspection.

2

FINDING

The Labor Standards Division field investigator can be used more efficiently during the growing season.

RECOMMENDATION

The Labor Standards Division should temporarily transfer field investigators from other parts of the state to South Jersey during the growing season, so that more investigators, particularly from the Wage and Hour Bureau, are available in the areas of potential problems.

3

FINDING

The existing machinery to handle worker complaints about wages could be used more efficiently.

RECOMMENDATION

During the growing season, assign a Wage Collection Referee to conduct "Wage Court" permanently in the Bridgeton-Camden-Atlantic City areas. This court would cooperate closely with Commonwealth of Puerto Rico officials, Camden Legal Services, Inc., and other groups, in effecting speedier resolution of wage disputes.

4

FINDING

The language barrier is frequently the reason workers do not get proper legal representation.

RECOMMENDATION

Each migrant worker should be supplied by the State with written instructions in Spanish and English on how to make contact with a lawyer. It is further suggested that it be required that similar instructions be posted in each camp. It is further recommended that a State law be considered that requires police authorities to notify a Spanish-speaking lawyer in cases where the apprehended cannot or will not communicate with the authorities. Further, the New Jersey Bar Association should be asked to supply a list of Spanish-speaking lawyers to authorities which will be made available to the workers.

5

FINDING

A principal cause of the migrant worker's plight is the callous practice of many crew leaders who recruit, transport, and work migrant labor.

RECOMMENDATION

Increase control of registered crew leaders through the administrative authority to revoke, suspend, and refuse to issue certificates of registration.

6

FINDING

Unregistered crew leaders are difficult to locate for action by the State.

RECOMMENDATION

Amend the Seasonal Farm Labor Act to require that farmers employ only registered crew leaders.

7

FINDING

Migrant workers do not qualify for full benefits of unemployment insurance.

RECOMMENDATION

The U. S. Department of Labor is currently studying unemployment benefits for farm workers in conjunction with several universities. The projected completion date of the federal study is December 31, 1971. It is recommended that New Jersey investigate and carefully review the status of this ongoing work.

8

FINDING

Because of the language of the Wage and Hour Law, migrant workers are sometimes underpaid when the rules are applied to transfer "piece" pay to "hourly" pay. The Wage and Hour Law includes a regular rate principal which permits piece rates to be averaged on a weekly basis to determine the hourly rate paid.

RECOMMENDATION

Amend the Wage and Hour Law to exempt agricultural workers employed on a daily basis from the requirement that they be paid at the "rate" of a minimum for weekly working time, and require that they be paid the minimum for "each" hour of working time.

9

FINDING

There is confusion in cases where the owner gives various responsibilities to the crew leader.

RECOMMENDATION

Establish the owner as always having primary responsibility for workers on his premises.

10

FINDING

One of the most pressing problems relates to the children of migrant workers.

RECOMMENDATION

Institute immediately a special study program to evaluate the problems of migrant children regarding education and recreation, and to make specific recommendations for state action. All interested agencies, public and private, should be involved.

11

FINDING

The Seasonal Farm Labor Act requires potable water and sanitary facilities in the living area of migrant camps. It does not, however, require potable water and sanitary facilities in the fields where work is being performed.

RECOMMENDATION

Amend the Seasonal Farm Labor Act to require furnishing of potable water and sanitary facilities at work sites for all agricultural workers, including day-haul workers.

12

FINDING

The total efforts to improve the condition of migrant workers is diffused and disorganized.

RECOMMENDATION

The State should improve the effort to bring together and coordinate all State agencies involved with migrant workers.

Respectfully submitted,



William J. Clark

Director

Division of Labor Standards

WJC:jb

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FUNCTIONS AND RESPONSIBILITY OF MIGRANT LABOR BUREAU

FUNCTIONS AND RESPONSIBILITY OF MIGRANT LABOR BUREAU

The Bureau inspects housing and related facilities provided for migrant, seasonal or temporary workers. Enforcement of the Seasonal Farm Labor Act is a primary responsibility which includes certification of migrant labor camps and advisory services to employers as to ways and means of improving living conditions of migrant workers. Crew leaders are registered. The Bureau is responsible for cooperating with other appropriate state agencies in providing comprehensive services for migrant workers.

THE WORK FORCE

THE WORK FORCE

The migrant labor work force on August 15, 1970 consisted of 19,900 people broken down into the following categories:

"Day-haul" workers	8,200	42%
Contract workers from Puerto Rico	5,170	26%
Individuals from Puerto Rico or the South	5,010	25%
"Migrant Stream" from southern states	<u>1,520</u>	<u>7%</u>
	19,900	100%

All except the "day-haul" workers live on the farm while working.

Day-Haul Workers (42% of the work force)

This is the largest group. They are usually recruited from Philadelphia and Wilmington on a daily basis by crew leaders and brought to and fro by bus. Many come in family units. Many are older and handicapped workers. Many work to supplement other incomes such as welfare and social security. Some are housewives supplementing family incomes; some come with children; some are church groups recruited by a crew leader pastor; some are unemployed factory workers; some fast pickers come because they can earn better wages than they can at factory work available to them; some like the fact that supervision and boss-control is not as direct, that they can set their own pace within reason, and their activity is a matter of choice to a greater extent than in other employment.

During the off-season, 23% are unemployed and 67% engage in non-farming occupations. Two percent finished high school; median is seven years of school.

Contract Workers from Puerto Rico (26% of the work force)

Recruited through an association of farmers (Glassboro Service Association) to work in the State and return to Puerto Rico when the season is over, this group works within terms of a contract negotiated in their behalf by the Puerto Rico Department of Labor and the Association.

During the off-season, 14% are unemployed and 26% engage in non-farming occupations. Thirty-five percent of total earnings are sent home. One percent finished high school; median is four years of school.

Individuals from Puerto Rico or the South (25% of the work force)

These are persons who make their own arrangements with growers.

Migrant Stream Workers (7% of the work force)

This is the group most publicized and which is the object of national concern as being involved in a vicious circle of poverty. Most are domiciled permanently in the southern states and travel from state to state during crop seasons. Contrary to general belief, they are a relatively small group in the New Jersey farm force.

During the off-season, 2% are unemployed and 29% engage in non-farming occupations. Most depend upon crew leaders for transportation; one-third own cars. Twenty-three percent of total earnings are sent home. Six percent finished high school; median is six years of school.

SEASONAL WORKER PROBLEMS

SEASONAL WORKER PROBLEMS

General Situation

Crops are seasonal and vary from farm to farm and the vast majority of workers cannot use their skills in year-around employment as can industrial workers. Nor can they develop an exclusive long-term attachment to an employer, with consequent steady wage anticipation. Credit utilization, pensions, and other fringe benefits are wanting, as are advancement and promotional potential. Extensive travel prohibits establishment of the home environment normal to other workers. Educational, leisure, and other benefits are lacking.

In terms of actual working time, agricultural workers, although low paid, are not the lowest paid. Their chief wage problem, in addition to lack of fringe benefits, is nonwork time for which no compensation is received.

Farm employees are important and necessary partners in crop production, but the community expects these partners to bear an inordinate share of the costs of getting food on our tables. The burden of nature's adversities which they share is not offset by abundant harvests. The farm worker is expected to arrive in the state early to be on hand when needed. A late crop extends his waiting time. Early and late pickings are sparse. Travel time between states and farms is not only not compensated, but most often it is at his expense. During these nonproductive times, substantial food bills are frequently run up which are barely offset by future earnings.

Agricultural workers problems involve not only the consideration of compensation on an hourly basis, but more important, the total broader picture of annual earnings.

Wages

The United States Department of Agriculture reports average farm wage rates on July 1, 1970, for other than piece-rate workers, as follows:

	<u>N.J.</u>	<u>N.Y.</u>	<u>Pa.</u>	<u>U.S.</u>
Per Month:				
With House	\$375.00	\$353.00	\$310.00	\$340.00
With Board & Room	275.00	235.00	234.00	249.00
Per Week:				
With Board & Room	70.00	68.50	61.75	63.00
Without Board & Room	90.00	90.25	81.00	81.75
Per Day:				
Without Board & Room	15.50	13.50	12.10	11.60
Per Hour:				
Without Board & Room	1.92	1.72	1.61	1.66

In comparison to all other states, New Jersey is second only to Washington which has a \$1.95 per hour average rate without room and board.

In the month of June 1970, the average hired worker on a New Jersey farm worked some 27.6 hours per week, while the average industrial worker worked 40.5 hours. Assuming that they were paid the same amount per hour, the industrial worker would still make on the average 46.7% more than the farm worker. This brings us to the heart of the problem. In addition, the industrial worker, if he doesn't work a full week, is usually entitled to partial unemployment compensation, while the farm worker is paid only for the time he actually works. The exception to this would be the few farm workers whose employers have elected unemployment insurance coverage, and Puerto Ricans working under contract. The 1970 contract provides for a minimum wage of \$1.65 per hour for general farm work and \$1.70 per hour for nursery work. There is also a series of alternative piece rates by crops. An important feature is the provision guaranteeing 160 hours of work, \$264.00, in each four-week period for a contract duration of twenty-eight weeks. The contract also provides transportation, medical service, severance pay and other benefits.

New Jersey experience and Federal Surveys indicate that the highest paid workers on farms are compensated on a piece-rate basis. Assuming the average contract worker picks $17\frac{1}{2}$ pints of blueberries an hour (a study indicates an average low rate of $17\frac{1}{2}$ pints in early July and a high of 28.7 pints in early August) his rate per hour in 1966 would have been \$1.269, compared to the hourly-rated worker's rate of \$1.25. In 1970, the same piece-rate worker would earn \$1.75 an hour, compared to the hourly-rated worker's \$1.65. The piece rate increased $2\frac{3}{4}$ ¢ a unit to 10¢, or 48¢ an hour on the average, whereas the hourly rate increased a fixed 40¢ an hour from 1966 to 1970. The advantage is, of course, far more for over half the workers who pick at an above-average rate. The hourly increase for piece-rated workers increased geometrically in proportion to the speed in which a particular worker exceeded the average.

The lowest paid workers on farms are also compensated on a piece-rate basis. Aged, young, and handicapped workers pick few units and, consequently, their earnings are correspondingly low.

New Jersey growers increased wages in excess of \$3,000,000.00 during the 1967 season, which was the first season of coverage under the then applicable statutory minimum wage rate of \$1.25 an hour.

During this investigation, the staff found the following pertaining to wage rate experience:

Farm #1 - Rosenhayn

Six contract workers @ \$1.65 an hour, picking beans.

Farm #2 - Rosenhayn

Sixty contract workers @ \$1.65 an hour and truck drivers @ \$1.75 an hour.

Farm #3 - Bridgeton

One noncontract worker @ \$1.65 an hour.

Farm #4 - Bridgeton

Forty contract workers picking tomatoes @ \$1.65 an hour, plus an additional bonus of 20¢ per basket picked.

Farm #5 - Rosenhavn

Forty-three crew workers from Florida picking tomatoes @ 17¢ a basket; one older lady picked 19 baskets @ 17¢ = \$3.23 in an hour; another lady and her husband combining efforts averaged \$1.53 an hour each.

Farm #6 - Millville

Sixteen crew workers from Florida picking peppers and tomatoes; payroll records indicate hourly rates ranging from \$1.60 to \$1.70.

Farm #7 - Millville

Twenty-five crew workers from Florida picking tomatoes @ 17¢ a basket -- a worker picked 29 baskets in 2 hours = \$2.46 an hour; another picked 487 baskets in a week = $\$82.79 \div 40 = \2.06 an hour; another picked 811 baskets of tomatoes @ 17¢ and 21 rows of lettuce @ \$2.50, for a total of \$190.37 for the week.

Farm #8 - Swedesboro

Forty contract workers picking tomatoes @ \$1.65 an hour.

Farm #9 - Fairfield Township

One hundred and twenty-five crew workers from Florida picking tomatoes @ 20¢ a basket -- rate of slowest picker \$1.90 an hour; rate of fastest picker \$5.25 an hour.
One male picked 71 baskets from 9:00 - 12:00 = \$4.73 an hour.
One female picked 5½ baskets in 15 minutes = \$4.40 an hour.
One female picked 4½ baskets in 15 minutes = \$3.60 an hour.
One female picked 40 baskets from 9:00 - 12:00 = \$2.66 an hour.
A crew of 60 worked 6 hours a day for 5 days and picked 21,758 baskets of tomatoes, which averages for the week 12 baskets @ 20¢, or \$2.40 an hour.

Farm #10 - Rosenhayn

Thirty-five contract workers and others who all receive at least \$1.60 an hour.

Farm #11 - Deerfield

Thirty-five crew workers from Florida:

One worker in 7 hours picked 70 baskets of tomatoes @ 20¢ = \$14.00 and 20 baskets of peppers @ 30¢ = \$6.00, for a total of \$20.00 or \$2.86 an hour.

One worker in 7 hours picked 62 baskets of tomatoes @ 20¢ = \$12.40 and 18 baskets of peppers @ 30¢ = \$5.40, for a total of \$17.80 or \$2.54 an hour.

Farm #12 - Vincentown

Thirty-seven day-haul workers from Philadelphia picking tomatoes @ 17¢ a basket:

Fastest worker picked 85 baskets in $6\frac{3}{4}$ hours for an average rate of \$3.00 an hour.

Slowest worker (an elderly lady) picked 45 baskets in $6\frac{3}{4}$ hours for an average rate of \$1.13 an hour.

Farm #13 - Vincentown

Eighteen day-haul workers from Philadelphia picking tomatoes @ 17¢ a basket:

Fastest worker picked 80 baskets in 5 hours for an average rate of \$2.72 an hour.

Slowest worker picked 63 baskets in 5 hours for an average rate of \$2.14 an hour.

Farm #14 - Elmer

Sixteen workers who came on their own from New Jersey, picking tomatoes @ 18¢ a basket:

Fastest worker picked 156 baskets in $5\frac{1}{2}$ hours for an average rate of \$5.10 an hour.

Slowest worker picked 80 baskets in $4\frac{1}{2}$ hours for an average rate of \$3.20 an hour.

Farm #15 - Woodstown

Thirty day-haul workers from Philadelphia picking tomatoes @ 15¢ a basket:

Fastest worker picked 114 baskets in 8 hours for an average rate of \$2.13 an hour.

Slowest worker (a seventeen-year old) picked 50 baskets in 8 hours for an average rate of \$0.9375 an hour.

Miscellaneous

A farm was visited where a day-haul crew was picking blueberries at the end of the season when the berries were sparse on the bushes. Discussion with the workers, on piece rate, indicated that they were averaging about 70¢ an hour. This was brought to the attention of the grower who advised, "Why didn't you come around when they were making money?" The investigator replied that the \$1.50 minimum was applicable all the time. The grower said, "I have nothing further to say." An investigator was assigned to visit the field and stay with the crew, but when the investigator arrived, the crew had disappeared. The next day the crew was located, but the workers were uncooperative and hostile to the investigator. This attitude was led and encouraged by the crewleader's wife. Complaints are being processed.

GROWER PROBLEMS

GROWER PROBLEMS

General Situation

Running a farming business bears little resemblance to running a manufacturing or commercial business. Economics, budgeting, and production control principles are not applicable in the same respect to farming establishments. Growers cannot pass on costs to consumers with the same ease as other businesses. Crop prices are determined to a greater extent by buyers, processors, and distributors. Low food prices forced upon growers result frequently in inability to provide more to employees. Manufacturing industries can budget and plan future production, but nature's fickle whims too often cancel out the grower's fondest hopes. The notion that nature provides in abundance is not shared by growers and workers building soil with sweat, conditioners, and nutrients.

An August 8th hail storm damaged several hundred acres of peppers, tomatoes, and snap beans in the Rosenhayn area of South Jersey; several years ago frost destroyed almost an entire peach crop. Fixed costs of nutrients, spraying, pruning, etc. were the same as if the crop survived.

Labor supply and estimating of peak labor needs, together with the perishable nature of the product, present challenging management problems.

New Jersey Agricultural Economy

A few comments on the state of the agricultural economy might be helpful. First, it is important to consider the intensity with which New Jersey land is farmed. This is illustrated by the following listing of cash receipts per acre:

New Jersey	\$143
Connecticut	100
Massachusetts	92
California	75
Delaware	55
Florida	55

The fact that New Jersey taxes and value per acre of farm land are the highest in the nation helps to explain this phenomenon. New Jersey acreage being farmed has dropped sharply over the past fifteen to twenty years. The net loss for the period 1949 to 1967 was -40.0 percent, leaving 1967 acreage in farms at 1,080,000. If that rate continues, only 140,000 acres would remain in farmlands by the year 2000. Clearly, the sale of farm properties for nonfarm uses is becoming increasingly attractive to farm owners.

Faced with the scarcity of qualified workers who will accept agricultural employment and the annual loss of land to the urban fringe, farmers have turned to technology for the impetus to maintain an attractive profit level. However, the adoption of technological innovations requires the restructuring of the industry -- the redistribution and consolidation of farm lands in order to obtain the most efficient size

of operations; the resulting loss of the small and marginal farmers has been decreed as a social ill by many. The trend to larger farms will, however, change the nature of migrant labor utilization and housing over the coming years and should have the effect of concentrating the problems in fewer areas.

The trend in agriculture over the past few years has been:

(1) decreases in total farmed acreage and in the number of farms, and
(2) increases in size of farms and in capital investments. In New Jersey, the yield from the technological and managerial strides in agriculture has been an increase of about 50 percent in crop cash receipts from marketings from 1950 to 1969, while the total farmed acreage has been decreasing. On the other hand, during this same time, employment in New Jersey agriculture has gone from 66,000 to 20,000, according to estimates prepared by the U.S. Department of Agriculture, October, 1969.

The greater use of powered farm equipment and scientific farming methods is expected to continue in the future the pattern of increased output and decreased employment. The decline in the number of workers will not be a random or evenly distributed reduction. A definite shift in the occupational structure can be expected. The number of unskilled farm laborers and foremen is expected to decline as more and more harvesting is done by machines which will require fewer persons, and fewer supervisors. Farmers and farm managers will be fewer because of the continued trend toward larger and more efficient farms. Operatives, mechanics, repairmen, veterinarians, conservationists, agricultural research scientists, and feed testers are among the occupations that will

profit from the occupational restructuring. This change of occupational mix should have a probable effect on upgrading migrant housing.

During the 1969 New Jersey agricultural season, labor-saving crop harvesting machinery and improved management techniques used by the farmers lessened greatly the demand for seasonal farm workers. Mechanical harvesting of the blueberry, snap bean, white potato, and cranberry crops resulted in earlier completions with fewer persons.

LABOR PROJECTIONS

LABOR PROTECTIONS

Private Protections

1. Glassboro Service Association Contract -- Although it directly covers approximately 26% (the contract workers) of the work force, the ripple effect of this contract affects almost all other workers by its influence on general wage rates. The four-week guarantee feature of this contract which affects only those directly covered is important and significant, as are the insurance, travel, and medical benefits.
2. Church, union, hospital, and various civic programs.

New Jersey Protections

1. The Seasonal Farm Labor Act became effective June 7, 1967. This act transferred to the Commissioner of Labor and Industry functions previously vested in a Migrant Labor Board. Amendments effective December 26, 1967 provided for camp operators to apply for a certificate of compliance sixty days prior to the opening date of the camp. If the Migrant Labor Bureau does not inspect the camp within forty-five days after receipt of the application, the camp may open subject to being closed if subsequent inspection discloses that the camp does not substantially comply with the requirements of the act. Approval of alteration and construction plans is required. Standards for air, privacy, water, bathing facilities, toilets and privies, garbage and wastes are established.

More than 1,400 camps supply their own water from wells which require testing and approval before the registration certificate is issued.

2. Registration of day-haul crew leaders. (N.J.S.A. 34:8A)
3. Registration of housed worker crew leaders. (N.J.S.A. 34:9A)
4. Workmen's Compensation Insurance coverage. (Ch. 212, 1969)
5. Minimum Wage Law (\$1.50 an hour, no overtime).
6. Wage Payment Law (no illegal deductions).
7. Child Labor Laws.
8. New Jersey Farm Placement.
 - a. To assist farm workers in securing employment.
9. Health Laws enforcement by Department of Health.
10. Department of Education (educational facilities).
11. Department of Institutions and Agencies.
 - a. Welfare and children's services.
12. Department of Agriculture.
 - a. Educational programs for employers.
13. Department of Law and Public Safety.
 - a. Transportation, road checks.

14. Department of Community Affairs.

- a. Surveys, money grants, housing, advice services,
legal services.

15. Wage collection services.

Federal Protections

- 1. Social Security Laws.
- 2. Federal Crew Leader Laws.
- 3. Federal Interstate Placement.

LAW ENFORCEMENT PROBLEMS

LAW ENFORCEMENT PROBLEMS

New Jersey State Wage and Hour Law - (Minimum Wage Law)

Definition of wages includes fair value of food and lodging.

Accounting for value of food and lodging is not as administratively simple and direct as accounting for cash wages alone. Investigation and substantiation of violations is made more difficult when food and lodging, which is part of the minimum wage, is provided. Few farm employers take credit for lodging against the minimum, although they are legally entitled to do so.

The "regular hourly wage" principle adopted in the New Jersey Law, after the Federal Law, presents enforcement problems for most agricultural workers who work on a daily basis and are compensated on a piece rate or basis other than specified hourly rate. "Regular hourly wage" means the amount that an employee is regularly paid for each hour of work as determined by dividing the total hours of work during the week into the employee's total earnings for the week. It is a weekly average; or the employee's average for working time during the week. Field investigations which indicate that employees are undercompensated during a particular hour or day do not necessarily mean that the employee is undercompensated for the week. This presents a particularly challenging evidence-gathering problem with day-haul workers when they do not return another day or when the worker does not cooperate by furnishing employment details. The "regular hourly wage" principle is important and necessarily included in a minimum wage law. However, minimum wage laws were designed for general nonfarm employment, and inclusion of this principle is not appropriate for many farm employment situations.

The New Jersey State Wage and Hour Law provides for employment of persons whose earning capacity is impaired by age or physical or mental deficiency at wages less than the minimum fair wage rates. Authorization to employ handicapped persons at lesser wage rates is issued upon proper application. Wage and Hour Bureau experience indicates that in excess of 15% of day-haul workers on farms have their earning capacity impaired by reason of age or physical deficiency. However, it is not practical or feasible, because of the nonrecurrent and daily basis of their work, to apply for and process these authorizations.

Employees under the age of eighteen are excluded from the statutory minimum wage.

Penalty provisions of the law are directed at employers. The facts in a particular case indicate whether the crew leader or the farmer is the employer. However, the facts are not always clear and easy to determine.

The New Jersey Child Labor Law

The presence of any minor under eighteen years of age in any place of employment is 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. (N.J.S.A. 34:2-21.14.)

The Legislature in enacting the law also indicated that they did not consider the work of minors in occasional and nonrecurrent occupations when not required to attend school and when properly supervised by parents or guardians, as detrimental employment or exploitation.

Practically all minors on farms are with their parents or guardians and it is extremely difficult to establish an employment relationship. Most children are not paid directly because they combine the crops picked with their parents who turn them in for family piece-work tickets that are redeemed at the end of the day.

Posting of the law and schedule of work hours containing the names of employed minors, as required of most other work, does not apply to employment of minors in agricultural pursuits.

Records containing the name, date of birth, address, number of hours worked, and the amount of wages paid, which is required of most other work, do not apply to employment of minors in agricultural pursuits.

No employment certificate is required for minors sixteen years of age or over employed in agricultural pursuits.

Children can work as young as twelve in agriculture, as many as ten hours a day, as many as six days a week.

Employment certificates are issued by the issuing officer of the school district in which the child resides, or for nonresidents in the school district in which the child has obtained a promise of employment. Agricultural permits are valid for six months and are issued upon presentation of an application and proof of age. Farm employers complain that issuing officers are not sufficiently available to issue papers during the summer months, and proof of age is too often not readily obtainable.

Seasonal Farm Labor Act

This Act contains many qualifying phrases; for example, camps are required to provide "reasonably good" structural conditions so as to shelter occupants against elements and to exclude ground dampness. Sleeping places are to afford "reasonable" comfort and "reasonable" privacy. It allows exceptions if "strict compliance" will not "unreasonably" jeopardize the health or safety of the intended occupants, or cause "undue" hardship. It requires bathing facilities of a "reasonable" nature to "suit conditions". Privy pits are required to be flytight, but not the privies.

N.J.S.A. 45:8-45 provides for submission of plans for new construction or major alteration which must bear the seal of a professional engineer or licensed architect. This necessitates a fee and I am advised that some camp operators, as a result, made minor necessary renovations instead of building anew. With assistance from the Bureau of Engineering and Safety, construction guides were drafted to minimize costs.

There is no requirement that only registered crew leaders be utilized.

High insurance costs encourage crew leaders to not register until apprehended.

The flush toilet requirement in the law is ambiguous. Regulations clarifying the requirement did not become effective until January 1, 1970. This left little time for compliance and necessitated that the exception allowed be interpreted liberally during the 1970 season.

MIGRANT LABOR BUREAU ENFORCEMENT PROCEDURES

MIGRANT LABOR BUREAU ENFORCEMENT PROCEDURES

The Migrant Labor Bureau conducts inspections on a regular basis of all New Jersey's migrant labor camps to ensure compliance with the many statutes governing them.

Housekeeping items are a continuous problem. Facilities which are clean in the morning are unclean in the afternoon. Heavy usage means continuous repairs. Violations continually occur and are continually alleviated. In order to minimize these items, every camp must be inspected frequently and followed up.

A description of the various inspections follows:

I. Camp Registration Inspections:

- a. Registration inspection of camp.
- b. Follow-up inspection and approval of camp when all violations are corrected.

In late 1969, 1,340 educational advisory visits were made to inform each camp operator of the law provisions and what items should be corrected or improved before the start of the season.

The Migrant Labor Bureau made 1,737 preregistration inspections in 1969 at camps upon receipt of applications for certificates of compliance. There were 23,591 infractions noted in the reports of these inspections. These, prior to registration infractions, are detailed as follows:

Beds and bedding	10,615
Shelter	4,095
Toilet facilities	1,293
Water supply	1,226

Fire protection	1,212
General	891
Kitchen facilities	750
Electrical	722
Heating	665
Garbage and other refuse disposal	657
Bathing and washing	581
Sewage	431
Campsite	223
Health	125
Laundry facilities	<u>105</u>
	23,591

There were 2,563 reinspections made to determine that the camps were in compliance before issuance of the required certificates of compliance.

During 1969, thirty-one buildings and an additional sixteen rooms were posted as disapproved. Forty-eight camps were not registered. Four buildings were abolished, thirteen new buildings were built, and nineteen were renovated.

II. General Inspections:

- a. Made at least every thirty days; problem camps inspected every two weeks or more.
- b. When violations are found, the operator is presented a list and follow-up inspections are made until operator has corrected violations (second, third, and fourth follow-up is made).
- c. If operator is not making an effort to make corrections, the inspector recommends a hearing. (A fifth follow-up is made after the hearing.)

In 1969, 7,437 general inspections were made of the 1,530 camps located in New Jersey. There were 16,229 infractions of the Seasonal Farm Labor Act reported, with breakdown¹ as follows:

Broken window screens	1,759
Camp registration application submitted later than sixty days prior to camp opening	1,400
Inadequate insect extermination	1,159
Mattress covers dirty or missing	1,136
Littered grounds	1,058
Fire extinguishers not charged	1,036
Kitchen facilities unclean or inadequate	914
Heating Equipment	890
Garbage and refuse not properly stored or disposed of	866
Electrical wiring and lighting inadequate	611
Bathing and washing facilities inadequate	571
Broken windows	564
Littered buildings	564
Toilets not clean	552
Toilets not fly tight	551
Toilet pits need cleaning	369
Toilet lids missing or hinges broken	367
Mattresses torn or soiled	349
Waste water not properly disposed of	308
Alterations without prior approval	266
Campground surface drainage	264
Beds in need of repair	262

Hot and cold water not in sufficient quantity	147
Insufficient laundry facilities	100
Insufficient clothes storage	67
Inadequate sleep space	66
Partitions inadequate between parents & children	<u>33</u>
	16,229

The preceding violations were brought to the attention of camp operators and 4,469 follow-up investigations were made. As a result of the follow-up and cooperation of operators, 90%¹ or 14,606¹ violations were reported by the Migrant Labor Bureau as corrected and brought into compliance.

Thirty-two camp operators were given administrative hearings and fined a total of \$460.00.

One case was referred to the Courts and awaits action of the Cumberland County grand jury on charges of illegally operating a farm labor camp.

¹ = Statistical records maintained by the Migrant Labor Bureau listed violations in general categories related to sections of the Seasonal Farm Labor Act. These categories are not sufficiently descriptive. For example, the listing entitled "shelter" is used for violations within the housing quarters. A random sample review of general inspection reports by the Division of Planning and Research established percentage violation ratios which were applied against the total to indicate the incidence of violations related to broken screens, windows, littered buildings, etc. Contents of other general categories were derived from interviewing employees to determine the incidence of violations based upon experience, so that a picture more descriptive than the office statistics indicate could be presented.

III. Special Inspections:

- a. Heating appliances and fire protection after September 15th.
- b. Sanitary inspection when camp is vacated for the season.
- c. Follow-up of unsatisfactory water tests.
- d. Complaint.

The Bureau of Migrant Labor, in 1969, also made 1,013 investigations of crew leaders' activities. These resulted in thirty-two summons and complaint warrants being issued in the courts. Twenty-eight of these resulted in fines being assessed by the courts in the amount of \$600.00. Four of the hearings were pending at the end of the year.

During 1969, 206 crew leaders were registered: through July 1970, 183 crew leaders were registered.

Since enactment of the law, camps have been reduced from 1,592 in 1968 to 1,363 in July 1970 -- a reduction of 229.

Privies have been reduced from 1,204 to 276 in July 1970 -- a reduction of 928.

Flush toilet facilities have been increased from 388 to 1,077 -- an increase of 689.

Municipal sewage connections increased from eighteen to thirty -- an increase of twelve.

Septic tank sewage connections increased from 409 to 880 -- an increase of 471.

Cesspool installations have decreased from 1,095 to 419 -- a decrease of 676.

There were 134 new buildings constructed.

There were 687 buildings which were substantially renovated.

There were 144 buildings posted as disapproved.

Sixty-eight additional rooms were posted as disapproved.

Fifty-three buildings were abolished.

COURT ACTIONS

COURT ACTIONS

Charges against farmers and crew leaders were filed in the Courts from 1968 to date.

A farm owner appeared before the Deerfield Township Court in Rosenhayn to answer charges he was illegally operating a Seasonal Farm Labor Camp. The case was referred to the Cumberland County grand jury and is pending.

During the course of this investigation, it was found that a farm owner rented out a nonregistered camp to another farm owner. Charges of permitting occupation and occupying a camp without a Certificate of Compliance were filed against both persons in Millville Municipal Court. Bail of \$50.00 was set for each person for a court appearance scheduled for August 31, 1970, at 7:00 P.M.

Crew Leader J. W. Blands was fined \$300.00 by Deerfield Township Municipal Court for violating Child Labor and Wage Law provisions.

Farm Owner Vincent Lanza was fined \$50.00 and costs by Mullica Township Court when farm workers in a crew were found picking blueberries at a piece rate which did not yield the minimum wage.

Farm Owner Joseph Pizzo was fined \$250.00 and costs in Deerfield Township Municipal Court when farm workers in a crew were found picking string beans at a piece rate which did not yield the minimum wage.

Migrant Crew Leader William Anderson was fined \$150.00 and costs in Hammontown Municipal Court when farm workers in a crew were found picking blueberries and earning less than the minimum. Anderson was also fined \$25.00 and costs for failing to have in his possession Child Labor permits for workers under sixteen years of age.

Crescent Properties, Inc., operators of a Mays Landing farm, and William Renzi, general manager, were indicted by the Atlantic County Grand Jury for failing to keep a true and accurate record of the hours worked and for unlawfully failing to pay minimum wages. The case is awaiting trial in the Atlantic County Superior Court.

Leonard Kimball was fined \$300.00 and ordered to pay \$300.00 in back wages by Willingboro Municipal Court.

Youngs Farm was fined \$75.00 and costs by the Winslow Township Municipal Court for Child Labor Law violations.

Albert Hepner was fined \$100.00 and ordered to pay back wages of \$500.00 as a result of action in Fairfield Township Municipal Court on wage charges.

TYPICAL CASE

Two Migrant Aides Arrested in Jersey

By RONALD SULLIVAN
Special to The New York Times

BRIDGETON, N. J., Aug. 7—Two antipoverty officials, a lawyer and a caseworker, were arrested today on trespass charges after they refused an order to leave a migrant farmworkers camp that they were trying to inspect.

The incident followed what Federal officials termed a summer of threats and intimidations by farmers to keep them from assisting the thousands of black and Puerto Rican migratory farm workers who pick New Jersey's vegetable crop.

This reporter, who had accompanied the two officials, also was arrested by the state police on a trespass charge after being assaulted by a farmer who said that "even President Nixon" would not be allowed to see the conditions in the migrant camp he maintained near here.

The farmer, Morris Tedesco, lunged at the reporter, striking a camera against his face.

"I'll smash you for this, I'm going to get you for this," Mr. Tedesco said. "This is my property. You can't come in here looking around."

The two antipoverty officials arrested with the reporter were Peter K. Shack, a Camden County Legal Services, Inc., attorney, and Frank Tejeras, a caseworker. All three were taken to the Upper Deerfield Municipal Hall and later released on their own recognizance pending a hearing Monday.

Joseph Faresi, who owns fields of tomatoes nearby, warned several visitors that the farmers would resort to violence as, he said, the black civil rights movement had. He said that at least 95 per cent of the other farmers here in Cumberland County and in nearby Salem and Gloucester Counties agreed with him.

Predicts More Violence

"This violence is going to snowball," he said. He also said that he sometimes felt that either Hitler or Stalin would have known how to deal with the migratory farm workers in the camp he maintains about 200 yards from his home.

Max Rothman, the head of the Camden County Legal Services, a Federally funded antipoverty organization that is providing free legal services to migrant farm workers here, said today that his staff attorneys were being repeatedly threatened and intimidated by farmers who refused to allow anyone into the camps on their farms.

to assist migrant laborers easy access to their camps. In a brief filed with the department, Mr. Rothman charged that the farmers were using the state's trespassing law to prevent themselves from being ordered to make costly improvements.

Today's arrests, according to the anti-poverty lawyers, set the stage for state and federal court test of the constitutionality of the trespass law.

The lawyers contend that it violates a constitutional right of migrants to have easy access to the outside world.

"The farm workers themselves are the real victims of the law," said Mr. Rothman. "They are not only deprived of their basic, human dignity and the fundamental right to have visitors of their choice but they are also deprived of the full benefit of Federal programs aimed at helping them uplift themselves from the squalor and deprivation of the camps in which they live."

Other Federal officials said that the farmers were also using the trespass law against the workers themselves by isolating one camp from another so that any wage or living improvements were kept secret and by using the camp isolation as a "chilling" weapon to maintain tight control.

Mr. Rothman's office has handled numerous reports of farm workers being driven away without pay and beaten for acts of defiance.

Four years ago, farmers here drove Federal VISTA volunteer workers from the camps, accusing the volunteers of stirring up Negroes and helping a drive that summer to organize them into a labor union.

The initial controversy and subsequent reports of squalor and unlawful working conditions led to a package of reform legislation in 1967 that was intended to improve camp conditions and guarantee migrants a \$1.50 minimum wage.

But the squalor remains in many of the camps here.

Although State law requires farmers to provide flush toilets in their camps, the only such facility for the 20 or so Puerto Rican migrants at the Tedesco camp was a privy that was cluttered with flies.

Seven men slept in one room

in which the screens were torn. There were no sheets or mattress covers, as required by law.

Mr. Shack, a former Peace Corps volunteer, was at the camp to investigate a report from Ramon Cruz, a 19-year-old migrant who said he suffered a cut on his hand while working in the field last month and unable to work since then, had received no wages.

Mr. Tejeras went to the camp to pick up Toño Rivera, a 36-year-old migrant whose face was recently slashed and who had to be returned to the hospital to have the stitches removed.

Mr. Shack and Mr. Tejeras were arrested after Mr. Tedesco refused to let them into the camp and after both men had asked to remain there until the two migrants—who were not there—returned.

\$17.70 a Week for Two

At another camp, Mrs. Florenza Lorenzo, a 36-year-old mother with 10 children, showed the pay stubs for herself and her husband. The stubs showed that the Lorenzos made \$17.70—with 95 cents deducted for Social Security—for a week's work.

The 12 Lorenzos slept in one small room, with bed space for eight of them. Their clothes were kept in an abandoned refrigerator.

On days when there was no food, Mrs. Lorenzo said, she went into the fields and took vegetables which she boiled for her children.

For three days this week, she said, the camp had no running water.

A. J. Rosena, the acting chief of the State Migrant Labor Bureau, which is responsible for making sure that living and working conditions for the state's 20,000 seasonal migrants are lawfully maintained, contended that conditions in the 1,200 camps "were great" this summer.

Mr. Rosena said the farmers were probably concerned that the present trespass controversy would lead to further attempts to unionize the farm workers. He said he shared many of the farmers' misgivings over farm worker unionization efforts.

Big no-trespassing signs have been appearing in the South Jersey farming region. A number of Federal and state antipoverty, health and education officials have told of being run out of camps by gun-wielding farmers. Mr. Rothman said he was threatened by a farmer carrying a heavy crow bar when he attempted to visit a black migrant camp just south of here. The State Department of Community Affairs in Trenton is seeking legislation to guarantee antipoverty officials and other qualified persons seeking



TYPICAL CASE

The New York Times article of Saturday, August 8, 1970, by Mr. Ronald Sullivan, is included in this section, together with my attempt to detail those matters which concern the Department of Labor and Industry. This section is included because I feel that it is informative and useful in being descriptive of actual incidents.

"Mr. Rothman charged that the farmers were using the State's trespassing law to prevent themselves from being ordered to make costly improvements."

This is an opinion which I cannot confirm or deny.

"Mr. Rothman's office has handled numerous reports of farm workers being driven away without pay and beaten for acts of defiance."

On August 20, 1970, representatives of the Puerto Rico Migrant Division, State Police, Wage and Hour Bureau, and myself investigated a complaint made by a worker to the Wage and Hour Bureau representative that workers were being physically threatened to turn over pay. Investigation indicated that the alleged threats were not by the employer but by fellow workers. No action was feasible because the alleged victims refused to sign a complaint.

On the same day, August 20, 1970, a complaint was made by the Legal Services Office in Bridgeton to Charles Yersak, Director of the Wage and Hour Bureau, that four workers were assaulted by a crew leader and that the crew leader refused to pay \$46.00 to a worker.

One of the workers interviewed stated that the crew leader did not hit him.

One of the workers was reported as "under the weather" and in no condition to be interviewed.

One of the workers (a woman) had filed charges against the crew leader for beating her up, but was no longer living in the camp. Information indicated she left for Florida.

The fourth worker indicated that he refused to work because he had been drinking and couldn't work. He alleged that the crew leader ordered him to work, and when he refused, he was hit in the mouth.

Upon complaint, signed by the crew leader, the three men were arrested on August 18, 1970, and released on bail provided by the Legal Services, Inc., of Bridgeton.

The wage complaint proved unjustified. The alleged victim was a sixteen-year-old boy who came with the crew leader from Florida by arrangement with his grandfather. The boy stated he gave his money to the crew leader's wife for safekeeping. The crew leader did not want to return the money to the youngster because he was responsible for him, as per arrangements made with his grandfather, and that if he gave the money to the youngster, he feared he would take off with irresponsible persons. The wife returned the money to the boy but before leaving the camp, the Migrant Labor investigator observed that the boy returned the \$46.00 to the wife again for safekeeping.

The Wage and Hour Bureau is attempting to resolve a complaint referred to them by Camden Regional Legal Services in which a foreman intercepted a \$51.98 check from the farm owner to a worker. The foreman is holding it based upon the claim that the worker owes him more than the check for money loans and food. The Wage and Hour Bureau has not been able to find the worker but expects to take action against the owner for withholding the pay.

The Wage and Hour Bureau advises me that they have cooperated with the Camden Legal Services, Inc. office in many instances in settling disputes over pay.

"Although State law requires farmers to provide flush toilets in their camps, the only sanitary facility for the thirty or so Puerto Rican migrants at the Tedesco camp was a privy that was crawling with flies."

The State law also provides for exceptions upon proper application. Tedesco Farms applied for an exception April 4, 1970, based upon having made arrangements with a contractor for installation. The contractor, due to weather conditions, was behind in his work and could not complete the work until November 30. The Migrant Labor Bureau approved an extension to July 30, 1970, which was subsequently extended to December 1, 1970, based upon Tedesco Farms' claim that a new building was needed for the toilet. [By telephone I contacted the contractor who verified the arrangement and inability to complete.]

An August 17, 1970 inspection advised that on that date, the inside of the privy was reasonably clean and sanitary but outside the privy was crawling with flies because someone deposited human excreta on the ground instead of using the privy.

"Seven men slept in one room in which the screens were torn; there were no sheets or mattress covers, as required by law."

An August 12, 1970 general inspection found screens in need of repair and five mattress covers soiled and in need of laundering. The Regulations require provision of clean mattress covers. The investigator advises that in this camp occupants have mattress covers.

"Ramon Cruz, a nineteen-year-old migrant suffered a cut on his hand while working in the field last month and, unable to work since then, had received no wages."

Ramon Cruz Feliciano had an accident on July 4, 1970 at 5:30 P.M. He was taken to Bridgeton Hospital Emergency Room where he was treated by the resident doctor for abrasions of the left hand -- no stitches. A gauze bandage was applied and he was discharged. Feliciano returned to the hospital the following Tuesday to have the gauze changed, and again the following week. The accident was reported to the insurance carrier. The Wage and Hour Bureau secured an application for an informal hearing from the Workmen's Compensation Division and they are making efforts to contact Mr. Feliciano to give him the form so that he can have a hearing on his accident. There is no minimum wage or wage payment law entitlement to wages for nonwork time.

"Mrs. Florenzia Lorenzo, a thirty-six-year-old mother with ten children, showed the pay stubs for herself and her husband. The slips showed that the Lorenzos made \$17.70 -- with 95¢ deducted for Social Security -- for a week's work."

Correct name is Euaristo and Santa Lorenzo. The Lorenzos were living on the Peter Ingraldi Farm. They secured work on the Parisi Farm. They worked one day and were paid by Mr. Parisi in cash, and the earnings were sufficient to cover the minimum wage rate.

On the second day, on the Parisi farm they worked for a crew leader. The Lorenzos and their family worked from 7:00 A.M. to 2:00 P.M. and picked sixty-five baskets of peppers at 30¢ per basket for \$19.50; and 242 baskets of tomatoes at 20¢ per basket for \$48.40. Total earnings \$67.90 for the day.

The Lorenzos as well as several others were to be paid by the crew leader. Mr. Parisi, the farm owner, paid the crew leader \$435.30, and the crew leader disappeared without paying the pickers. Monroe Jackson, the crew leader, is not licensed. Percy Weinstein, a grocer, cashed the check on Saturday, August 1, 1970. "Jackson" stayed about a week on the farm, provided food for the workers, and hired a cook -- whom he also did not pay.

The staff were unable to determine that more than five workers were involved. No records were kept by the farm owner who considered the workers employees of the crew leader. The grocer stated that Jackson owes him for groceries. The Wage and Hour Bureau advises that they are continuing to follow this matter up with the farm owner.

"The twelve Lorenzos slept in one small room, with bed space for eight of them."

The investigators report that Peter Ingraldi became aware by other occupants of the Lorenzo family having moved in. He claims that although he did not invite them to stay, he did not want to dispossess them, out of compassion, and offered them some work.

"For three days, this week, she said, the camp had no running water."

The fuse was blown which controls the electric pump to the well water supply. The electrician was called but could not replace the fuse because the box was located inside a locked apartment. The electrician returned the next day and made the pump operational.

TEDESCO FARMS

Morton Avenue, Rosenhayn, New Jersey

Tedesco Farms was issued a conditional certificate of registration after being advised to correct a number of items prior to the start of the season. The certificate was conditional upon completing installation of a water-carried sewage system by December 1, 1970. Violations were found on June 16, 1970 and on July 16, 1970. Follow-up inspections were instrumental in having the camp operator alleviate the violations. The camp was indicated in compliance on June 1, 1970, June 29, 1970, and July 30, 1970.

Prior to season start, Tedesco Farms was visited eight times by representatives of the Migrant Labor Bureau to advise and assist in performing the following:

Submit application.

Provide evidence of safe water.

Repair walls in Unit #2, Room #5, and in Unit #3.

Provide clothes hanging and storage facilities for personal items.

Provide first aid kit.

Launder mattress covers.

Provide clean blankets.

Paint kitchen in Unit #3 and stove area in Unit #2.

Paint interior of wash rooms.

Provide two wash sinks.

Provide four flush toilets.

Provide drain for toilet.

April 4, 1970 - Tedesco Farms applied for an exception to the sink, toilet, and drain requirements, based upon having made arrangements with a contractor for installation and the contractor, due to weather conditions, was behind in his work and could not complete the work until November 30.

May 18, 1970 - The Migrant Labor Bureau approved an extension to July 30, 1970, which was subsequently extended to December 1, 1970, based upon Tedesco Farms' claim that a new building was needed for the toilet.

This extension is authorized by the Seasonal Farm Labor Act, N.J.S.A. 34:9A-28(d). /By telephone on August 21, 1970, I verified with Louis Figaroli, Jr., of Vineland -- the contractor -- that the facts stated by Tedesco Farms were substantially correct./

June 1, 1970 - Conditional certificate of registration was issued. The certificate was conditional because the sinks, toilets, and toilet drain remained to be installed.

June 16, 1970 - A general inspection was made and the following violations found:

Five mattresses did not have mattress covers.

Leaking hot water spigot in kitchen.

Garbage can lid missing.

No cover on electric box in hot water burner.

Trash on camp grounds.

Fire extinguisher not recharged.

June 22, 1970 - Inspection follow-up of June 16, 1970 violations indicated that seven of the items were corrected and the owner was given seven days to correct the garbage can lid, electric box cover, and fire extinguisher violations.

June 29, 1970 - Camp was reported in compliance.

July 16, 1970 - A general inspection was made and the following eight violations noted:

Units #2 and #3 - window screens missing.

Kitchen and Room #5 screen doors in need of repair.

Unit #2, Room #5 - steps in need of repair; got rickety from use.

Kitchen stove in need of repair or replacement, because knobs are missing.

Men's privy not fly-tight.

Washroom drain defective.

July 23, 1970 - Inspection follow-up of July 16 violations indicated that five of the items were corrected and Tedesco Farms was given seven days to obtain the stove, make the privy fly-tight, and repair the washroom drainage.

July 30, 1970 - Camp was reported in compliance.

August 12, 1970 - A general inspection was made and the following violations found:

High growth of weeds in rear of buildings.

Unit #2 - Window screens not adequate.

Unit #2 - Kitchen screen doors in need of repair.

Five mattress covers soiled and in need of laundering.

Kitchen sink drainage in need of repair.

Privy not totally fly tight.

Garbage can in kitchen needs replacement.