

P U B L I C H E A R I N G

before
SENATE NATURAL RESOURCES AND AGRICULTURE COMMITTEE
and
SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

on
S 1603, S 1604, S 1605, S 1606
(Farmworkers Legislation)

Held:
February 25, 1981
Kingsway Regional High School
Swedesboro, New Jersey

COMMITTEE MEMBERS PRESENT:

Senator Raymond J. Zane (Chairman, Senate Natural Resources
and Agriculture Committee)
Senator Eugene J. Bedell (Chairman, Senate Labor, Industry
and Professions Committee)

ALSO:

Mark O. Smith, Research Associate
Office of Legislative Services
Aide, Senate Natural Resources and Agriculture Committee
Patricia E. Turner, Research Associate
Office of Legislative Services
Aide, Senate Labor, Industry and Professions Committee

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SENATE, No. 1603

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 24, 1980

By Senator BEDELL

Referred to Committee on Labor, Industry and Professions

AN ACT concerning unemployment compensation and amending
R. S. 43:21-19.

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

1 1. R. S. 43:21-19 is amended to read as follows:

2 43:21-19. Definitions. As used in this chapter (R. S. 43:21-1
3 et seq.) unless the context clearly requires otherwise:

4 (a) (1) "Annual payroll" means the total amount of wages
5 paid during a calendar year (regardless of when earned) by an
6 employer for employment.

7 (2) "Average annual payroll" means the average of the annual
8 payrolls of any employer for the last 3 or 5 preceding calendar
9 years, whichever average is higher, except that any year or years
10 throughout which an employer has had no "annual payroll"
11 because of military service shall be deleted from the reckoning;
12 the "average annual payroll" in such case is to be determined on
13 the basis of the prior 3 to 5 calendar years in each of which the
14 employer had an "annual payroll" in the operation of his business,
15 if the employer resumes his business within 12 months after
16 separation, discharge or release from such service, under conditions
17 other than dishonorable, and makes application to have his "aver-
18 age annual payroll" determined on the basis of such deletion
19 within 12 months after he resumes his business; provided, how-
20 ever, that "average annual payroll" solely for the purposes of
21 paragraph (3) of subsection (c) of section 43:21-7 of this Title
22 means the average of the annual payrolls of any employer on
23 which he paid contributions to the State Disability Benefits Fund
24 for the last 3 or 5 preceding calendar year, whichever average is
25 higher; provided further, that only those wages be included on
26 which employer contributions have been paid on or before January
27 31 (or the next succeeding day if such January 31 is a Saturday

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

28 or Sunday) immediately preceding the beginning of the 12 months'
29 period for which the employer's contribution rate is computed.

30 (b) "Benefits" means the money payments payable to an
31 individual, as provided in this chapter (R. S. 43:21-1 et seq.),
32 with respect to his unemployment.

33 (c) "Base year" with respect to benefit years commencing on
34 or after January 1, 1953, shall mean the 52 calendar weeks ending
35 with the second week immediately preceding an individual's benefit
36 year.

37 (d) "Benefit year" with respect to an individual means the
38 364 consecutive calendar days beginning with the day on, or as
39 of, which he first files a valid claim for benefits, and thereafter
40 beginning with the day on, or as of, which the individual next files
41 a valid claim for benefits after the termination of his last preceding
42 benefit year. Any claim for benefits made in accordance with sub-
43 section (a) of section 43:21-6 of this Title shall be deemed to be a
44 "valid claim" for the purpose of this subsection if (1) no remunera-
45 tion was paid or is payable for the day on which, or as of which he
46 files a claim for benefits, and no work is available to him with his
47 current employing unit on such day, or, he is unemployed for the
48 week in which, or as of which, he files a claim for benefits; and (2)
49 he has fulfilled the conditions imposed by subsection (e) of section
50 43:21-4 of this Title.

51 (e) "Division" means the Division of Unemployment and
52 Temporary Disability Insurance of the Department of Labor and
53 Industry established by c. 446, P. L. 1948, and any transaction or
54 exercise of authority by the director of the division thereunder,
55 or under this chapter (R. S. 43:21-1 et seq.), shall be deemed to
56 be performed by the division.

57 (f) "Contributions" means the money payments to the State
58 Unemployment Compensation Fund required by R. S. 43:21-7.
59 "Payments in lieu of contributions" means the money payments
60 to the State Unemployment Compensation Fund by employers
61 electing or required to make payments in lieu of contributions as
62 provided in section 3 or section 4 of this act (C. 43:21-7.2 and
63 43:21-7.3).

64 (g) "Employing unit" means the State or any of its instrumen-
65 talities or any political subdivision thereof or any of its instru-
66 mentalities or any instrumentality of more than one of the fore-
67 going or any instrumentality of any of the foregoing and one or
68 more other states or political subdivisions or any individual or type
69 of organization, any partnership, association, trust, estate, joint-
70 stock company, insurance company or corporation, whether
71 domestic or foreign, or the receiver, trustee in bankruptcy, trustee

72 or successor thereof, or the legal representative of a deceased
 73 person, which has or subsequent to January 1, 1936, had in its
 74 employ one or more individuals performing services for it within
 75 this State. All individuals performing services within this State
 76 for any employing unit which maintains two or more separate
 77 establishments within this State shall be deemed to be employed
 78 by a single employing unit for all the purposes of this chapter
 79 (R. S. 43:21-1 et seq.). Each individual employed to perform or
 80 to assist in performing the work of any agent or employee of an
 81 employing unit shall be deemed to be employed by such employing
 82 unit for all the purposes of this chapter (R. S. 43:21-1 et seq.),
 83 whether such individual was hired or paid directly by such employ-
 84 ing unit or by such agent or employee, provided, the employing
 85 unit had actual or constructive knowledge of the work.

86 (h) "Employer" means:

87 (1) Any employing unit which in either the current or the preced-
 88 ing calendar year paid remuneration for employment in the amount
 89 of \$1,000.00 or more;

90 (2) Any employing unit (whether or not an employing unit at
 91 the time of acquisition) which acquired the organization, trade or
 92 business, or substantially all the assets thereof, of another which
 93 at the time of such acquisition was an employer subject to this
 94 chapter (R. S. 43:21-1 et seq.);

95 (3) Any employing unit which acquired the organization, trade
 96 or business, or substantially all the assets thereof, of another em-
 97 ploying unit and which, if treated as a single unit with such other
 98 employing unit, would be an employer under paragraph (1) of
 99 this subsection;

100 (4) Any employing unit which together with one or more other
 101 employing units is owned or controlled (by legally enforceable
 102 means or otherwise), directly or indirectly by the same interests,
 103 or which owns or controls one or more other employing units (by
 104 legally enforceable means or otherwise), and which, if treated as
 105 a single unit with such other employing unit or interest, would
 106 be an employer under paragraph (1) of this subsection;

107 (5) Any employing unit for which service in employment as
 108 defined in R. S. 43:21-19 (i) (1) (B) (i); is performed after
 109 December 31, 1971; and as defined in R. S. 43:21-19 (i) (1) (B) (ii)
 110 is performed after December 31, 1977;

111 (6) Any employing unit for which service in employment as
 112 defined in R. S. 43:21-19 (i) (1) (C) is performed after December
 113 31, 1971 and which in either the current or the preceding calendar
 114 year paid remuneration for employment in the amount of \$1,000.00
 115 or more;

116 (7) Any employing unit not an employer by reason of any other
 117 paragraph of this subsection (b) for which, within either the
 118 current or preceding calendar year, service is or was performed
 119 with respect to which such employing unit is liable for any Federal
 120 tax against which credit may be taken for contributions required
 121 to be paid into a State unemployment fund; or which, as a condition
 122 for approval of the Unemployment Compensation Law for full
 123 tax credit against the tax imposed by the Federal Unemployment
 124 Tax Act is required pursuant to such act to be an employer under
 125 this chapter (R. S. 43:21-1 et seq.);

126 (8) Deleted by amendment (P. L. 1977, C. 307).

127 (9) Deleted by amendment (P. L. 1977, C. 307).

128 (10) Deleted by amendment (P. L. 1977, C. 307).

129 (11) Any employing unit subject to the provisions of the Federal
 130 Unemployment Tax Act within either the current or the preceding
 131 calendar year except for employment hereinafter excluded under
 132 paragraph (7) of subsection (i) of this section.

133 (12) Any employing unit for which agricultural labor in employ-
 134 ment as defined in R. S. 43:21-19 (i) (1) (I) is performed after
 135 December 31, 1977;

136 (13) Any employing unit for which domestic service in employ-
 137 ment as defined in R. S. 43:21-19 (i) (1) (J) is performed after
 138 December 31, 1977;

139 (14) Any employing unit which, having become an employer
 140 under the Unemployment Compensation Law (R. S. 43:21-1 et
 141 seq.), has not under R. S. 43:21-8 ceased to be an employer; or for
 142 the effective period of its election pursuant to R. S. 43:21-8, any
 143 other employing unit which has elected to become fully subject to
 144 this chapter (R. S. 43:21-1 et seq.);

145 (i) (1) "Employment" means:

146 (A) Any service performed prior to January 1, 1972, which
 147 was employment as defined in the Unemployment Compensation
 148 Law (R. S. 43:21-1 et seq.) prior to such date, and, subject
 149 to the other provisions of this subsection, service performed
 150 on or after January 1, 1972, including service in interstate
 151 commerce, performed for remuneration or under any contract
 152 of hire, written or oral, express or implied.

153 (B) (i) Service performed after December 31, 1971 by an
 154 individual in the employ of this State or any of its instrumen-
 155 talities or in the employ of this State and one or more other
 156 states or their instrumentalities for a hospital or institution
 157 of higher education located in this State, if such service is
 158 not excluded from employment under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (8) of that act, if such service is not excluded from employment under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed.

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in section 19 (i) (1) (B) if such service is performed by an individual in the exercise of duties.

(aa) as an elected official;

(bb) as a member of a legislative body, or a member of the judiciary, of a State or political subdivision;

(cc) as a member of the State National Guard or Air National Guard;

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

201 (iv) By an individual receiving rehabilitation or remunera-
 202 tive work in a facility conducted for the purpose of carrying
 203 out a program of rehabilitation of individuals whose earning
 204 capacity is impaired by age or physical or mental deficiency
 205 or injury or providing remunerative work for individuals who
 206 because of their impaired physical or mental capacity cannot
 207 be readily absorbed in the competitive labor market;

208 (v) By an individual receiving work-relief or work-training
 209 as part of an unemployment work-relief or work-training
 210 program assisted in whole or in part by any Federal agency
 211 or an agency of a state or political subdivision thereof; or

212 (vi) Prior to January 1, 1978, for a hospital in a State
 213 prison or other State correctional institution by an inmate of
 214 the prison or correction institution and after December 31,
 215 1977, by an inmate of a custodial or penal institution.

216 (E) The term "employment" shall include the services of
 217 an individual who is a citizen of the United States, performed
 218 outside the United States after December 31, 1971 (except in
 219 Canada and in the case of the Virgin Islands, after December
 220 31, 1971 and prior to January 1 of the year following
 221 the year in which the U.S. Secretary of Labor approves
 222 the unemployment compensation law of the Virgin Islands
 223 under section 3304(a) of the Internal Revenue Code of 1954)
 224 in the employ of an American employer (other than the ser-
 225 vice which is deemed employment under the provisions of
 226 paragraphs 43:21-19 (i) (2) or (5) or the parallel provisions
 227 of another state's Unemployment Compensation Law), if

228 (i) The American employer's principal place of business in
 229 the United States is located in this State; or

230 (ii) The American employer has no place of business in the
 231 United States, but (I) the American employer is an individual
 232 who is a resident of this State; or (II) the American employer
 233 is a corporation which is organized under the laws of this
 234 State; or (III) the American employer is a partnership or
 235 trust and the number of partners or trustees who are residents
 236 of this State is greater than the number who are residents of
 237 any other state; or

238 (iii) None of the criteria of divisions (i) and (ii) of this
 239 subparagraph (E) is met but the American employer has
 240 elected to become an employer subject to the Unemployment
 241 Compensation Law (R. S. 43:21-1 et seq.) in this State, or
 242 the American employer having failed to elect to become an

243 employer in any state, the individual has filed a claim for
244 benefits, based on such service, under the law of this State.

245 (iv) An "American employer" for the purposes of this
246 subparagraph (E), means (I) an individual who is a resident
247 of the United States; or (II) a partnership if two-thirds or
248 more of the partners are residents of the United States; or
249 (III) a trust, if all the trustees are residents of the United
250 States, or (IV) a corporation organized under the laws of the
251 United States or of any state.

252 (F) Notwithstanding R. S. 43:21-19 (i) (2), all service per-
253 formed after January 1, 1972 by an officer or member of the
254 crew of an American vessel or American aircraft on or in
255 connection with such vessel or aircraft, if the operating office
256 from which the operations of such vessel or aircraft operating
257 within, or within and without, the United States are ordinarily
258 and regularly supervised, managed, directed, and controlled,
259 is within this State.

260 (G) Notwithstanding any other provision of this subsection,
261 service in this State with respect to which the taxes required
262 to be paid under any Federal law imposing a tax against which
263 credit may be taken for contributions required to be paid into
264 a State unemployment fund or which as a condition for full
265 tax credit against the tax imposed by the Federal Unemploy-
266 ment Tax Act is required to be covered under the Unemploy-
267 ment Compensation Law (R. S. 43:21-1 et seq.).

268 (H) The term "United States" when used in a geographical
269 sense in subsection R. S. 43:21-19 (i) includes the states, the
270 District of Columbia, the commonwealth of Puerto Rico and,
271 effective on the day after the day on which the U.S. Secretary
272 of Labor approves for the first time under section 3304 (a) of
273 the Internal Revenue Code of 1954 an unemployment com-
274 pensation law submitted to the Secretary by the Virgin Islands
275 for such approval, the Virgin Islands.

276 (I) (i) Service performed after December 31, **[1977]** 1979 in
277 agricultural labor in a calendar year for an entity which is an
278 employer as defined in the Unemployment Compensation Law
279 (R. S. 43:21-1 et seq.) as of January 1 of such year; or for
280 an employing unit which

281 **[**(aa) during any calendar quarter in either the current or
282 the preceding calendar year paid remuneration in cash of
283 \$20,000.00 or more to individuals employed in agricultural
284 labor, or

285 (bb) for some portion of a day in each of 20 different
 286 calendar weeks, whether or not such weeks were consecutive,
 287 in either the current or the preceding calendar year, em-
 288 ployed in agricultural labor 10 or more individuals, regard-
 289 less of whether they were employed at the same moment
 290 of time] *paid remuneration for employment in the amount of*
 291 *\$1,000.00 or more during either the current or preceding*
 292 *calendar year.*

293 (ii) For the purposes of this subsection any individual who
 294 is a member of a crew furnished by a crew leader to perform
 295 service in agricultural labor for any other entity shall be
 296 treated as an employee of such crew leader.

297 (aa) if such crew leader holds a valid certification of reg-
 298 istration under the Farm Labor Contractor Registration Act
 299 of 1963; or P. L. 1971, c. 192 (C. 34:8A-7 et seq.); or sub-
 300 stantially all the members of such crew operate or maintain
 301 tractors, mechanized harvesting or cropdusting equipment,
 302 or any other mechanized equipment, which is provided by
 303 such crew leader; and

304 (bb) if such individual is not an employee of such other
 305 person for whom services were performed.

306 (iii) For the purposes of subparagraph (I) (i) in the case
 307 of any individual who is furnished by a crew leader to perform
 308 service in agricultural labor for any other entity and who is
 309 not treated as an employee of such crew leader under (I) (ii)

310 (aa) such other entity and not the crew leader shall be
 311 treated as the employer of such individual; and

312 (bb) such other entity shall be treated as having paid
 313 cash remuneration to such individual in an amount equal to
 314 the amount of cash remuneration paid to such individual
 315 by the crew leader (either on his own behalf or on behalf
 316 of such other entity) for the service in agricultural labor
 317 performed for such other entity.

318 (iv) For the purposes of subparagraph (I) (i), the term
 319 "crew leader" means an individual who

320 (aa) furnishes individual to perform service in agricul-
 321 tural labor for any other entity;

322 (bb) pays (either on his own behalf or on behalf of such
 323 other entity) the individuals so furnished by him for the
 324 service in agricultural labor performed by them; and

325 (cc) has not entered into a written agreement with such
 326 other entity under which such individual is designated as
 327 an employee of such other entity.

328 (J) Domestic service after December 31, 1977 performed
329 in the private home of an employing unit which paid cash re-
330 muneration of \$1,000.00 or more to one or more individuals
331 for such domestic service in any calendar quarter in the current
332 or preceding calendar year.

333 (2) The term "employment" shall include an individual's en-
334 tire service performed within or both within and without this
335 State if:

336 (A) The service is localized in this State; or

337 (B) The service is not localized in any state but some of the
338 service is performed in this State, and (i) the base of opera-
339 tions, or, if there is no base of operations, then the place from
340 which such service is directed or controlled, is in this State;
341 or (ii) the base of operations or place from which such service
342 is directed or controlled is not in any state in which some part
343 of the service is performed, but the individual's residence is
344 in this State.

345 (3) Services performed within this State but not covered under
346 paragraph (2) of this subsection shall be deemed to be employment
347 subject to this chapter (R. S. 43:21-1 et seq.) if contributions are
348 not required and paid with respect to such services under an un-
349 employment compensation law of any other state or of the Federal
350 Government.

351 (4) Services not covered under paragraph (2) of this subsection
352 and performed entirely without this State, with respect to no part
353 of which contributions are required and paid under an Unemploy-
354 ment Compensation Law of any other state or of the Federal
355 Government, shall be deemed to be employment subject to this
356 chapter (R. S. 43:21-1 et seq.) if the individual performing such
357 services is a resident of this State and the employing unit for
358 whom such services are performed files with the division an election
359 that the entire service of such individual shall be deemed to be
360 employment subject to this chapter (R. S. 43:21-1 et seq.).

361 (5) Service shall be deemed to be localized within a state if:

362 (A) The service is performed entirely within such state; or

363 (B) The service is performed both within and without such
364 state, but the service performed without such state is incidental
365 to the individual's service within the State, for example, is
366 temporary or transitory in nature or consists of isolated trans-
367 actions.

368 (6) Services performed by an individual for remuneration shall
369 be deemed to be employment subject to this chapter (R. S. 43:21-1
370 et seq.) unless and until it is shown to the satisfaction of the division
371 that

372 (A) Such individual has been and will continue to be free
 373 from control or direction over the performance of such service,
 374 both under his contract of service and in fact; and

375 (B) Such service is either outside the usual course of the
 376 business for which such service is performed, or that such
 377 service is performed outside of all the places of business of
 378 the enterprise for which such service is performed; and

379 (C) Such individual is customarily engaged in an inde-
 380 pendently established trade, occupation, profession or business.

381 (7) Provided that such services are also exempted under the
 382 Federal Unemployment Tax Act, as amended, or that contributions
 383 with respect to such services are not required to be paid into a
 384 State Unemployment Fund as a condition for a tax offset credit
 385 against the tax imposed by the Federal Unemployment Tax Act,
 386 as amended, the term "employment" shall not include:

387 (A) Agricultural labor performed prior to January 1, 1978;
 388 and after December 31, 1977, only if performed in a calendar
 389 year for an entity which is not an employer as defined in the
 390 Unemployment Compensation Law (R. S. 43:21-1 et seq.) as
 391 of January 1 of such calendar year; or unless performed for
 392 an employing unit which

393 (i) during a calendar quarter in either the current or the
 394 preceding calendar year paid remuneration in cash of
 395 \$20,000.00 or more to individuals employed in agricultural
 395A labor, or

396 (ii) for some portion of a day in each of 20 different calendar
 397 weeks, whether or not such weeks were consecutive, in either
 398 the current or the preceding calendar year, employed in agricul-
 399 tural labor 10 or more individuals, regardless of whether they
 400 were employed at the same moment of time.

401 (B) Domestic service in a private home performed prior to
 402 January 1, 1978; and after December 31, 1977, unless performed
 403 in the private home of an employing unit which paid cash
 404 remuneration of \$1,000.00 or more to one or more individuals
 405 for such domestic service in any calendar quarter in the current
 406 or preceding calendar year;

407 (C) Service performed by an individual in the employ of
 408 his son, daughter or spouse, and service performed by a child
 409 under the age of 18 in the employ of his father or mother;

410 (D) Service performed prior to January 1, 1978, in the
 411 employ of this State or of any political subdivision thereof or
 412 of any instrumentality of this State or its political subdivisions
 413 except as provided in R. S. 43:21-19 (i) (1) (B) above, and

414 service in the employ of the South Jersey Port Corporation
415 or its successors;

416 (E) Service performed in the employ of any other state or
417 its political subdivisions or of an instrumentality of any other
418 state or states or their political subdivisions: to the extent
419 that such instrumentality is with respect to such service
420 exempt under the Constitution of the United States from the
421 tax imposed under the Federal Unemployment Tax Act, as
422 amended, except as provided in R. S. 43:21-19 (i) (1) (B)
423 above;

424 (F) Service performed in the employ of the United States
425 Government or of an instrumentality of the United States
426 exempt under the Constitution of the United States from the
427 contributions imposed by the Unemployment Compensation
428 Law, except that to the extent that the Congress of the United
429 States shall permit states to require any instrumentalities of
430 the United States to make payments into an unemployment
431 fund under a State Unemployment Compensation Law, all of
432 the provisions of this act shall be applicable to such instru-
433 mentalities, and to service performed for such instrumentali-
434 ties, in the same manner, to the same extent and on the same
435 terms as to all other employers, employing units, individuals
436 and services; provided, that if this State shall not be certified
437 for any year by the Secretary of Labor of the United States
438 under section 3304 of the Federal Internal Revenue Code (26
439 U. S. C., sec. 3304), the payments required of such instrumentali-
440 ties with respect to such year shall be refunded by the division
441 from the fund in the same manner and within the same period
442 as is provided in R. S. 43:21-14 (f) with respect to contribu-
443 tions erroneously paid to or collected by the division;

444 (G) Services performed in the employ of fraternal bene-
445 ficiary societies, orders, or associations operating under the
446 lodge system or for the exclusive benefit of the members of a
447 fraternity itself operating under the lodge system and provid-
448 ing for the payment of life, sick, accident, or other benefits
449 to the members of such society, order, or association, or their
450 dependents;

451 (H) Services performed as a member of the board of
452 directors, a board of trustees, a board of managers, or a com-
453 mittee of any bank, building and loan or savings and loan
454 association, incorporated or organized under the laws of this
455 State or of the United States, where such services do not
456 constitute the principal employment of the individual;

457 (I) Service with respect to which unemployment insurance
458 is payable under an unemployment insurance program estab-
459 lished by an Act of Congress;

460 (J) Service performed by agents of mutual fund brokers or
461 dealers in the sale of mutual funds or other securities, by
462 agents of insurance companies, exclusive of industrial insur-
463 ance agents, or by agents of investment companies, if the
464 compensation to such agents for such services is wholly on a
465 commission basis;

466 (K) Services performed by real estate salesmen or brokers
467 who are compensated wholly on a commission basis;

468 (L) Services performed in the employ of any veterans'
469 organization chartered by Act of Congress or of any auxiliary
470 thereof, no part of the net earnings of which organization, or
471 auxiliary thereof, inures to the benefit of any private share-
472 holder or individual;

473 (M) Service performed for or in behalf of the owner or
474 operator of any theatre, ballroom, amusement hall or other
475 place of entertainment, not in excess of 10 weeks in any
476 calendar year for the same owner or operator, by any leader
477 or musician of a band or orchestra, commonly called a "name
478 band," entertainer, vaudeville artist, actor, actress, singer or
479 other entertainer;

480 (N) Services performed after January 1, 1973 by an indi-
481 vidual for a labor union organization, known and recognized as
482 a union local, as a member of a committee or committees reim-
483 bursed by the union local for time lost from regular employ-
484 ment, or as a part-time officer of a union local and the
485 remuneration for such services is less than \$1,000.00 in a
486 calendar year;

487-488 (O) Services performed in the sale or distribution of mer-
489 chandise by home-to-home salespersons or in-the-home demon-
490 strators whose remuneration consists wholly of commissions
491 or commissions and bonuses.

492 (P) Service performed in the employ of a foreign govern-
493 ment, including service as a consular, nondiplomatic repre-
494 sentative, or other officer or employee;

495 (Q) Service performed in the employ of an instrumentality
496 wholly owned by a foreign government if (i) the service is of
497 a character similar to that performed in foreign countries by
498 employees of the United States Government or of an instru-
499 mentality thereof, and (ii) the division finds that the United

500 States Secretary of State has certified to the United States
501 Secretary of the Treasury that the foreign government with
502 respect to whose instrumentality exemption is claimed, grants
503 an equivalent exemption with respect to similar services per-
504 formed in the foreign country by employees of the United
505 State Government and of instrumentalities thereof;

506 (R) Service in the employ of an international organization
507 entitled to enjoy the privileges, exemptions and immunities
508 under the International Organization Immunities Act (22
509 U. S. C. 288 et seq.);

510 (S) Service covered by an election duly approved by an
511 agency charged with the administration of any other state or
512 Federal Unemployment Compensation or Employment Secu-
513 rity Law, in accordance with an arrangement pursuant to
514 R. S. 43:21-21 during the effective period of such election;

515 (T) Service performed in the employ of a school, college, or
516 university if such service is performed (i) by a student enrolled
517 at such school, college, or university on a full-time basis in an
518 educational program or completing such educational program
519 leading to a degree at any of the severally recognized levels, or
520 (ii) by the spouse of such a student, if such spouse is advised at
521 the time such spouse commences to perform such service that
522 (I) the employment of such spouse to perform such service is
523 provided under a program to provide financial assistance to
524 such student by such school, college, or university, and (II)
525 such employment will not be covered by any program of
526 unemployment insurance;

527 (U) Service performed by an individual under the age of
528 22 who is enrolled at a nonprofit or public educational institu-
529 tion which normally maintains a regular faculty and curricu-
530 lum and normally has a regularly organized body of students
531 in attendance at the place where its educational activities are
532 carried on, as a student in a full-time program, taken for
533 credit at such institution, which combines academic instruction
534 with work experience, if such service is an integral part of such
535 program, and such institution has so certified to the employer,
536 except that this subparagraph shall not apply to service
537 performed in a program established for or on behalf of an
538 employer or group of employers;

539 (V) Service performed in the employ of a hospital, if such
540 service is performed by a patient of the hospital; service
541 performed as a student nurse in the employ of a hospital or a

542 nurses' training school by an individual who is enrolled and
543 regularly attending classes in a nurses' training school
544 approved under the laws of this State; and service performed
545 as an intern in the employ of a hospital by an individual who
546 has completed a 4-year course in a medical school approved
547 pursuant to the law of this State.

548-552 (8) If one-half or more of the services in any pay day period per-
553 formed by an individual for an employing unit constitutes employ-
554 ment, all the services of such individual shall be deemed to be
555 employment; but if more than one-half of the service in any pay
556 period performed by an individual for an employing unit does
557 not constitute employment, then none of the service of such
558 individual shall be deemed to be employment. As used in this
559 paragraph, the term "pay period" means a period of not more
560 than 31 consecutive days for which a payment for service is ordi-
561 narily made by an employing unit to individuals in its employ.

562 (j) "Employment office" means a free public employment office,
563 or branch thereof operated by this State or maintained as a part
564 of a State-controlled system of public employment offices.

565 (k) "Fund" means the unemployment compensation fund estab-
566 lished by this chapter (R. S. 43:21-1 et seq.), to which all con-
567 tributions required and from which all benefits provided under this
568 chapter (R. S. 43:21-1 et seq.) shall be paid.

569 (l) "State" includes, in addition to the states of the United
570 States of America, the District of Columbia, the Virgin Islands
571 and Puerto Rico.

572 (m) Unemployment.

573 (1) An individual shall be deemed "unemployed" for any week
574 during which he is not engaged in full-time work and with respect
575 to which his remuneration is less than his weekly benefit rate,
576 including any week during which he is on vacation without pay;
577 provided, such vacation is not the result of the individual's volun-
578 tary action.

579 (2) The term "remuneration" with respect to any individual
580 for benefit years commencing on or after July 1, 1961, and as used
581 in this subsection, shall include only that part of the same which
582 in any week exceeds 20% of his weekly benefit rate (fractional
583 parts of a dollar omitted) or \$5.00 whichever is the larger.

584 (3) An individual's week of unemployment shall be deemed to
585 commence only after his registration at an employment office,
586 except as the division may by regulation otherwise prescribe.

587 (n) "Unemployment compensation administration fund" means
 588 the unemployment compensation administration fund established
 589 by this chapter (R. S. 43:21-1 et seq.), from which administrative
 590 expenses under this chapter (R. S. 43:21-1 et seq.) shall be paid.

591 (o) "Wages" means remuneration paid by employers for em-
 592 ployment; provided, however, that for eligibility and benefit pur-
 593 poses wages earned but not paid when the amount thereof has been
 594 calculated and is due as determined by the established and custo-
 595 mary practices of the employer shall be construed as having been
 596 paid when earned. If a worker receives gratuities regularly in
 597 the course of his employment from others than his employer, his
 598 "wages" shall also include the gratuities so received if reported
 599 in writing to his employer in accordance with regulations of the
 600 division, and if not so reported, his "wages" shall be determined
 601 in accordance with the minimum wage rates prescribed under any
 602 labor law or regulation of this State or of the United States, or the
 603 amount or remuneration actually received by the employee from
 604 his employer, whichever is the higher.

605 (p) "Remuneration" means all compensation for personal ser-
 606 vices, including commissions and bonuses and the cash value of all
 607 compensation in any medium other than cash.

608 (q) "Week" means such period or periods of 7 consecutive days
 609 ending at midnight, as the division may by regulation prescribe.

610 (r) "Calendar quarter" means the period of 3 consecutive
 611 calendar months ending on March 31, June 30, September 30, or
 612 December 31.

613 (s) "Investment company" means any company as defined in
 614 paragraph 1-a of c. 322 of the laws of 1938, entitled "An act con-
 615 cerning investment companies, and supplementing Title 17 of the
 616 Revised Statutes by adding thereto a new chapter entitled 'invest-
 617 ment companies.' "

618 (t) "Base week" means any calendar week of an individual's
 619 base year during which he earned in employment from an employer
 620 remuneration equal to not less than \$30.00; provided, if in any
 621 calendar week, an individual is in employment with more than
 622 one employer, he may in such calendar week establish a base week
 623 with respect to each such employer from whom the individual earns
 624 remuneration equal to not less than \$30.00 during such week.

625 (u) "Average weekly wage" means the amount derived by
 626 dividing an individual's total wages received during his base year
 627 base weeks (as defined in subsection (t) of this section) from that
 628 most recent base year employer with whom he has established at
 629 least 20 base weeks, by the number of base weeks in which such

630 wages were earned. In the event that such claimant had no employer
 631 in his base year with whom he had established at least 20 base
 632 weeks, then such individual's average weekly wage shall be
 633 computed as if all of his base week wages were received from one
 634 employer and as if all his base weeks of employment had been
 635 performed in the employ of one employer.

636 If on application of a claimant it is determined that he has been
 637 employed during at least the 4 weeks immediately preceding his
 638 separation from employment by an employer on a substantially
 639 reduced schedule of weekly hours due to lack of work, all weeks
 640 of substantially reduced schedule within the base period and his
 641 wages therefor shall be disregarded in computing his average
 642 weekly wage.

643 (v) "Initial determination" means, subject to the provisions of
 644 R. S. 43:21-6 (b) (2) and (3), a determination of benefit rights as
 645 measured by an eligible individual's base year employment with a
 646 single employer covering all periods of employment with that
 647 employer during the base year. Subject to the provisions of R. S.
 648 43:21-3 (d) (3) if an individual has been in employment in his
 649 base year with more than one employer, no benefits shall be paid to
 650 that individual under any successive initial determination until his
 651 benefit rights have been exhausted under the next preceding initial
 652 determination.

653 (w) "Last date of employment" means the last calendar day in
 654 the base year of an individual on which he performed services in
 655 employment for a given employer.

656 (x) "Most recent base year employer" means that employer
 657 with whom the individual most recently, in point of time, performed
 658 services in employment in the base year.

659 (y) (1) "Education institution" means any public or other
 660 nonprofit institution (including an institution of higher education)

661 (A) In which participants, trainees, or students are offered
 662 an organized course of study or training designed to transfer
 663 to them knowledge, skills, information, doctrines, attitudes or
 664 abilities from, by or under the guidance of an instructor(s) or
 665 teacher(s):

666 (B) Which is approved, licensed or issued a permit to oper-
 667 ate as a school by the State Department of Education or other
 668 government agency that is authorized within the State to
 669 approve, license or issue a permit for the operation of a
 670 school; and

671 (C) Which offers courses of study or training which may
 672 be academic, technical, trade, or preparation for gainful
 673 employment in a recognized occupation.

674 (2) "Institution of higher education" means an educational
675 institution which:

676 (A) Admits as regular students only individuals having
677 a certificate of graduation from a high school, or the recog-
678 nized equivalent of such a certificate;

679 (B) Is legally authorized in this State to provide a program
680 of education beyond high school;

681 (C) Provides an educational program for which it awards a
682 bachelor's or higher degree, or provides a program which is
683 acceptable for full credit toward such a degree, a program of
684 post-graduate or post-doctoral studies, or a program of
685 training to prepare students for gainful employment in a
686 recognized occupation; and

687 (D) Is a public or other nonprofit institution.

688 Notwithstanding any of the foregoing provisions of this subsec-
689 tion, all colleges and universities in this State are institutions of
690 higher education for purposes of this section.

691 (z) "Hospital" means an institution which has been licensed,
692 certified or approved under the law of this State as a hospital.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends the unemployment compensation law to provide farmworkers with the same unemployment insurance coverage as other workers receive.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1603

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill amends the unemployment compensation law to provide farmworkers with the same unemployment insurance coverage that other workers receive.

S-1603 is identical to S-1271, which was released by the Senate Labor, Industry and Professions Committee on June 23, 1980.

SENATE, No. 1604

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 24, 1980

By Senator BEDELL

Referred to Committee on Labor, Industry and Professions

AN ACT to amend "An Act requiring the registration of farm labor crew leaders, and providing penalties for its violation, repealing P. L. 1961, c. 33 (C. 34:8A-1 et seq.) and supplementing Title 34 of the Revised Statutes," approved June 7, 1971 (P. L. 1971, c. 192).

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

1 1. Section 7 of P. L. 1971, c. 192 (C. 34:8A-13) is amended to
2 read as follows:

3 7. *a.* Upon a violation of any of the provisions of this act, [any
4 aggrieved seasonal farmworker,] the commissioner or the Attor-
5 ney General are specifically authorized to institute a civil action in a
6 court of competent jurisdiction for injunctive relief to restrain the
7 violation and for such other further relief as the court shall deem
8 proper. In such an action the court may proceed in a summary
9 manner. Neither the institution of the action, nor any of the pro-
10 ceedings therein, shall relieve any party to such proceedings from
11 the penalty prescribed for a violation of this act.

12 *b.* Upon a violation of any of the provisions of this act (P. L.
13 1971, c. 192), any aggrieved seasonal farmworker may institute a
14 civil action in a court of competent jurisdiction for injunctive
15 relief to restrain the violation and for damages in the amount of the
16 greater of either actual damages or liquidated damages of \$500.00
17 per violation together with costs and reasonable attorneys fees as
18 they may be determined by the court.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

STATEMENT

This bill allows farmworkers to bring a civil action for violation of the law requiring the registration of farm labor crew leaders. It permits them to obtain injunctive relief and also to be awarded compensation for actual **damages** or liquidated damages in the amount of \$500.00 per violation. Attorneys fees and costs may be awarded to the prevailing plaintiff.

SENATE, No. 1605

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 24, 1980

By Senator BEDELL

Referred to Committee on Labor, Industry and Professions

AN ACT regarding the rights of farmworkers and persons engaged in providing employment, transportation or housing for farmworkers.

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

1 1. This act shall be known and may be cited as "The Truth in
2 Farm Employment Act."

1 2. The Commissioner of the Department of Labor and Industry,
2 hereinafter the "commissioner," shall prepare pursuant to the
3 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
4 et seq.) and make available to the public at cost a statement con-
5 cerning the rights of farmworkers, in accordance with the provi-
6 sions of this act. The commissioner shall determine annually
7 thereafter, pursuant to the "Administrative Procedure Act"
8 whether or not to, or specifically how to revise the statement.

1 3. The statement shall describe the legal rights of farmworkers
2 and responsibilities of persons engaged in providing employment,
3 transportation or housing for farmworkers. The statement shall
4 also include practical information on agencies and means involved
5 in the protection of such rights and responsibilities. Where prac-
6 tical considerations make it necessary for the commissioner to limit
7 the extent of the statement, items to be included shall be selected
8 on the basis of the importance of their inclusion in protecting the
9 rights of the public.

1 4. The statement shall serve solely as an informational document,
2 and nothing therein shall be construed as binding on or effecting
3 any judicial determination of the extent of such rights or responsi-
4 bilities. The statement shall not relieve a crew leader from his
5 responsibilities to disclose or post information pursuant to P. L.
6 1971, c. 192 (C. 34:8A-7 et seq.).

1 5. The statement shall be in plain and clearly understandable
2 language and in easily readable form. It shall be prepared in both
3 English and Spanish in versions suitable for posting and for dis-
4 tribution in accordance with this act.

1 6. Within 30 days after the statement has been made available
2 by the commissioner, it shall be prominently posted and shall
3 remain posted as follows:

4 a. Any person engaged in recruiting farmworkers shall distribute
5 a copy of the statement to the farmworker at the time of recruit-
6 ment and shall also post the statement at each time and location
7 established for the purpose of recruiting.

8 b. Any persons engaged in transporting farmworkers shall post
9 the statement in the interior of any vehicle transporting more
10 than five farmworkers.

11 c. Any person engaged in employing farmworkers shall post
12 the statement at each location where farmworkers are paid and
13 shall distribute a copy of the statement to any farmworker who
14 requests one at the time of payment.

15 d. Any person engaged in housing farmworkers, on other than
16 a rental basis unconnected with their employment, shall post the
17 statement in any building where farmworkers are housed.

1 7. Any person who fails to post or distribute a statement in
2 accordance with this act shall be liable to a penalty of not more
3 than \$500.00 for each offense. Such penalty shall be collected and
4 enforced by summary proceedings pursuant to "the penalty en-
5 forcement law" (N. J. S. 2A:58-1 et seq.). The county district
6 court of any county in which such notice was required to be posted
7 or distributed shall have jurisdiction over such proceedings. Proc-
8 ess shall be in the nature of a summons or warrant, and shall issue
9 upon the complaint of the commissioner, the Attorney General, or
10 any other person.

1 8. This act shall take effect immediately except that section 7
2 shall not take effect until 6 months after enactment.

STATEMENT

This bill requires the Commissioner of the Department of Labor and Industry to promulgate a statement of the rights of farmworkers. It also sets forth when, where and by whom the statement is to be posted and distributed.

**SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE**

STATEMENT TO

SENATE, No. 1605

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill would require the Commissioner of the Department of Labor and Industry to prepare a statement concerning the legal rights of farmworkers and the responsibilities of persons engaged in providing employment, transportation or housing for farmworkers.

The statement would be written in plain and clearly understandable language, would be printed in easily readable form, and would be prepared in both English and Spanish. Within 30 days of availability, the statement would be required to be prominently posted or distributed by anyone engaged in recruiting, transporting, employing or housing farmworkers.

Any person who failed to post or distribute such a statement would be liable to a penalty of up to \$500.00 for each offense.

Senate No. 1605 is identical to Senate No. 1270, which was released by the Senate Labor, Industry and Professions Committee on June 23, 1980.

SENATE, No. 1606

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 24, 1980

By Senator BEDELL

Referred to Committee on Labor, Industry and Professions

AN ACT to amend the "New Jersey State Wage and Hour Law,"
approved June 17, 1966 (P. L. 1966, c. 113).

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

1 1. Section 5 of P. L. 1966, c. 113 (C. 34:11-56a4) is amended to
2 read as follows:

3 5. Every employer shall pay to each of his employees wages at a
4 rate of not less than \$2.90 per hour as of the effective date of this
5 amendatory and supplementary act and \$3.10 per hour as of
6 January 1, 1980 for 40 hours of working time in any week and 1½
7 times such employee's regular hourly wage for each hour of work-
8 ing time in excess of 40 hours in any week, except this overtime rate
9 shall not include any individual employed in a bona fide executive,
10 administrative, or professional capacity or, if an applicable wage
11 order has been issued by the commissioner under section 17 (C.
12 34:11-56a16) of this act, not less than the wages prescribed in said
13 order. The wage rates fixed in this section shall not be applicable
14 to part-time employees primarily engaged in the care and tending of
15 children in the home of the employer, to persons under the age of
16 18 not possessing a special vocational school graduate permit issued
17 pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15) or to
18 persons employed as salesmen of motor vehicles; or to persons
19 employed as outside salesmen as such terms shall be defined and
20 delimited in regulations adopted by the commissioner.

21 The provisions of this section for the payment to an employee of
22 not less than 1½ times such employee's regular hourly rate for each
23 hour of working time in excess of 40 hours in any week shall not
24 apply to employees [engaged to labor on a farm, or] employed in a
25 hotel or to an employee of a common carrier of passengers by motor
26 bus [or employees engaged in labor relative to the raising or care
27 of livestock].

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

28 Employees engaged on a piece-rate or regular hourly rate basis
29 to labor on a farm shall be paid for each day worked not less than
30 the minimum hourly wage rate multiplied by the total number of
31 hours worked *and at least 1 1/2 times the minimum hourly wage*
32 *rate for each hour worked in excess of 40 hours in any week.*

33 Full-time students may be employed by the college or university
34 at which they are enrolled at not less than 85% of the effective
35 minimum wage rate.

1 2. This act shall take effect on the first day of the first month
2 following enactment.

STATEMENT

This bill deletes the exclusion of farmworkers from the requirement of payment of time and a half for each hour worked in excess of 40 hours in any week.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1606

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill would delete from the "New Jersey State Wage and Hour Law" the exclusion of employees engaged to labor on a farm or engaged in labor relative to the raising or care of livestock from the requirement that time-and-a-half be paid for each hour worked in excess of 40 hours in any week.

This bill would give farmworkers the same protection for the payment of overtime as is now afforded to workers in other non-exempt occupations.

Senate No. 1606 is identical to Senate No. 1268, which was released by the Senate Labor, Industry and Professions Committee on June 23, 1980.

SENATOR RAYMOND J. ZANE (Chairman): May I have your attention, please? Ladies and gentlemen, this is a public hearing conducted by the joint committees, the Senate Agriculture and Natural Resources Committee, of which I am the Chairman, and the Senate Labor and Industry Committee, of which Senator Bedell is the Chairman. Senator Bedell is en route and has not arrived as yet.

The purpose of the hearing is to discuss Senate Bills 1603, 1604, 1605 and 1606. At the outset, what we normally do at a public hearing is anyone who has a prepared statement of any lengthy text, if you would, we would prefer that you submit it to us, as opposed to reading it to us. Any comments that you may have pertaining to the bills, we certainly would welcome. We are not looking for volume or redundancy. We are looking for particular facts. It is as I indicated a public hearing. There have been prior public hearings on these bills. The bills were on the board and removed from the board at one time and reassigned jointly to both committees. Senator Bedell is the sponsor of the bills. Senator Bedell is a friend of mine. He is not a bad guy. The bills are bills that he has introduced. I would hopefully and respectfully request that any comments you have are directed particularly to the bills and not to Senator Bedell on a personal basis.

So, with that, we have a number of speakers who have asked to testify. We would ask that you limit your remarks and be specific with your remarks. With that, I think we will call the first speaker, Lauren De Cou.

I might add that there might be questions from the Committee if Senator Bedell gets here, or others. I know that two of the Senators on the Committee had deaths in the family within this past twenty-four hours and I know they will not be here. Senator Maressa indicated he had a problem, and also tomorrow is a legislative day, and some of those Senators from the northern portion of the State indicated they would have a problem. But, I would like to indicate to you that this is going to be transcribed. There will be reports of everyone's testimony presented to each and every member of the Senate.

L A U R E N D E C O U: Senator, I have prepared a five-page statement which I would prefer to read, if I may. I hesitate to read it right now, because I think its full impact would be somewhat lost if the other Senators are not here. Would it be possible for me to wait until Senator Bedell comes?

SENATOR ZANE: It is not at all uncommon when we move Committee meetings out of the State House for the entire committee not to appear. It is very common for them not to appear, especially when we move them to the southern portion of the State, so this is not---

MR. DE COU: When would you anticipate that Senator Bedell would be here?

SENATOR ZANE: Senator Bedell is en route. I can't tell you that.

MR. DE COU: I would prefer to defer for at least a few moments if I may, please.

SENATOR ZANE: Judy Murciano, American Civil Liberties Union.

J U D I T H M U R C I A N O: Thank you. Are we restricting our comments to S-1603, or are we going through each of the bills?

SENATOR ZANE: You may speak on any of the four bills.

MS. MURCIANO: Okay, thank you. Thank you for giving me the opportunity to speak here tonight in Swedesboro. This is now the third time I have testified

on these bills, and I welcome the opportunity to answer any additional questions that the Senators or any members of the audience may have to ask about these bills. I am Judy Murciano from the American Civil Liberties Union and I am also from the Coalition for the Rights of Farm Workers. I have learned from experience now that the more times we answer questions on the bill, the more times we get additional bipartisan support for these bills, and I do feel that the bills raise a number of questions which I hope to answer tonight. They are not competing interests, the interests of the farmers and the interests of the farm workers, because a good, experienced, and stable labor force is good for agriculture throughout, both for the farmer and the farm worker.

I am going to try to address a number of questions that have been raised by by each of the bills, and frankly I have been rather hard on myself. I have chosen the hardest questions to answer. For example, on S-1603, the unemployment compensation law - a number of people are concerned and a number of farmers and a number of people in our Garden State are concerned about the fact that if we end the inequity in the unemployment insurance compensation law, if we passed S-1603, that we will somehow price ourselves out of the market and we won't be able to compete with, say, farmers from California who may not provide these benefits. Well, as it happens, the truth of the matter is that the California farmers do give their workers the benefits of unemployment insurance compensation, and in fact have been doing so since 1976. They give them the exact same rights, and the exact same benefits as every industrial worker and every other member of the work force. In fact, not only California, but the District of Columbia, Rhode Island, Puerto Rico, Virgin Islands and Minnesota do as well. As far as pricing us out of the labor force, well, as you may know already the blueberry farmers have voluntarily opted to give unemployment insurance compensation because they know that in fact that provides for a better stable labor force - farm workers who are going to return to farmers and stay at the particular farm they went to throughout the season and not leave in the middle of the growing season.

So, we see from the example of California, number one, it will not price us out of the market. Number two, there is the question of, well, won't it mean that the farmers of the Garden State will want to go into non-labor intensive production? For example, won't they want to shift to soybeans or mechanization, and they won't have to deal with the hassles of labor costs by providing insurance compensation. That is not true. The fact is that where you see farmers moving towards soybean and mechanization, it is in the north and central parts of New Jersey, and even in those places, in fact, Secretary of Agriculture Kenny has shown that there has been an 8% decrease in the amount of soybean acreage, and an 18% total decrease in the amount of production of soybeans in New Jersey, because we are not competing in that interest and a shift of mechanizations does not serve the interest of either the farmers or the farm workers. The farmers who have gone to soybeans are selling that acreage at an ever increasing rate to developers.

Now, another question which has been raised in a number of the testimonies that we have given in the past, and certainly it is in the minds of many citizens of this State, is the fact that isn't the Unemployment Insurance Fund already bankrupt or in deficit of \$652 million? What are we doing trying to put it into a more exasperated situation by providing farm workers with this benefit when already the fund is bankrupt by \$652 million?

Well, first of all, one can easily argue that by having farm workers pay into this fund you are not going to increase that deficit. And, number two, by continuing to collectively discriminate against farm workers, as far as allowing them to enjoy the benefits of this particular fund, which they certainly could not have put into a state of deficit. What you are saying is, unlike every other worker who does benefit from this fund, the farm worker did not contribute to the fund deficit, but it cannot in fact enjoy any of its benefits either, and they should be punished by the fact that the people who have enjoyed the benefits have put it into deficit.

In addition to that, obviously we know already that the farm worker is in a depressed economic situation, and what we don't want to do is push them on to municipal welfare that doesn't help anybody.

Finally, there are administrative problems that may be raised by the unemployment insurance compensation law. It will create more confusion for the farmer and farm worker. Well, with the patchwork system that we have now, as I explained, there are some farmers who are voluntarily opting for the unemployment insurance compensation, the blueberry farmers, as an example. The fact is that after three years they become experience rated, so that some of those farmers are going to decide to drop the coverage, the voluntary option. If it is not mandatory across the board, there will be farm workers who are working for someone and he thinks is covering him for unemployment insurance coverage and then he will find out afterwards that he really wasn't covered for unemployment compensation coverage. There would be total chaos. Already we see that there have been instances in which a farmer has worked for, say, 28 or more weeks in agriculture, earns in excess of \$3000 and may nonetheless receive no unemployment compensation coverage if he has broken up a season and gone from one farmer to another farmer. Also, of course, with this system as it is now, there is a whole slow down as far as auditing of the farmers to see if in fact he should get paid unemployment compensation coverage, because some are and some aren't. By having it as mandatory coverage across the board, you are making sure that there is less confusion in the administrative system.

And, what is a very compelling reason for supporting S-1603, you are going to stabilize the work force. As two Rutgers University professors said in a report from the Department of Agriculture, that in fact by having these skilled workers--- You are having skilled workers, because they come back each season to the farms that do give them unemployment compensation. The reason for that is because they have a voluntary quit disqualification in the Unemployment Insurance Law, which means basically that if a farm worker decides to quit - and he is involved in this unemployment insurance compensation law, he knows he is not going to be able to collect. So, there is an inducement for him to stick with the farm that he comes to in one season and the next season and the season after that. He builds up skills; there is stabilization; it is good for the farmer and the farm worker.

On the crew leader registration act, S-1604, I have also tried to be hard on myself in terms of asking very difficult questions that have been posed to us and that have been raised during testimony. For example, why is S-1604 necessary when you already have the Departments of Labor and Industry, which is supposed to monitor the provisions of wages and hours on behalf of the workers? Why do you need this additional law that would allow farm workers to

be able to go and find the civil remedy for themselves? Well, the reason is very obvious. The fact is that over the three year period between 1976 and 1979 we saw that there were 7,460 violations of labor laws in the agricultural work place. But, of those, only 226 prosecutions were commenced for those violations. The fact is that labor and industry cannot cover all of those violations and in fact only serviced commencement of 3% of the cases that they sought over that period. I have a letter with me in fact of a case that we brought to the attention of wages and hours involving the Smith Fruit Orchards. We pointed out that there were five minors who had not been paid the minimum wage. The wages and hours returned this letter to us saying that the firm was requested to pay back the wages, but it did not agree to do so. They said that they can substantiate the fact that indeed these five minors were not paid, and they delineate exactly the sums of money they were not paid. They said that in this regard, wage and hour has the authority to supervise voluntary payment of back wages, but cannot order such payment. Only the courts have that authority. We have reviewed all the circumstances of this case and it has been decided that it is not suitable by court action by the Department of Labor. Consequently, we will take no further action to secure payment for these monies for these individuals. It means that people who the Labor and Industry can substantiate are not being paid are not being serviced by Labor and Industry either. So, then, why is this bill necessary in terms of regulation when you already have enough regulation of the middle man brokers of the agricultural labor force. You have had it since 1961 and you have it in disclosure laws since 1971 and 1975.

As I noted in early examples, and also in the written testimony which I will circulate, the laws that protect farm workers and all workers and all people are only as effective as the procedures that exist to enforce these laws---

SENATOR ZANE: Ms. Murciano, are you on Senate Bill 1604?

MS. MURCIANO: Yes.

SENATOR ZANE: The public hearing today is for the purpose of discussing four bills, Senate Bill 1604, dealing with crew leader registration and I would like you to restrict your comments to that.

MS. MURCIANO: Okay, I was under the impression that was what I was doing, since it does discuss disclosures. I am discussing the fact that without enforcement of those disclosures, the law itself is completely void, and we have seen that already in the federal legislation that exists for the State Crew Leader Registration Act, but there isn't sufficient enforcement of it, which is why we want this particular state law to go through.

On S-1605, the Truth in Farm Employment Act again, I will try to restrict my comments only to the bill. An obvious question is, why do you need these posters to be put up in Spanish and English? You already have certain Workmen's Compensation posters that are posted in Spanish that are bilingual. Well, first of all, it should be very obvious to all of you who work in the agricultural market that you need to have the bilingual aspect to all these posters, to all these rights, because in fact 75% to 80% of the work force is Hispanic.

But, beyond that, does this farm labor contract act duplicate the federal farm labor contract act? There are two reasons why it doesn't. First of all, this would post general rights as opposed to specific rights, which the federal law insists on. And, the second thing is, this particular bill asks that court decisions be included and updated in those posters and in

the sheets, the leaflets that are handed out to the farm workers, so that they know what their rights are. They should be able to have access and knowledge of what their rights are. It is in their language and also explicated for them at least in a general term. This isn't a booklet of rights; this is one piece of paper, a flier. This bill, as is stated in a statement of S-1605, is only going to be on one sheet of paper exactly modeled on the Truth in Renting Act, and so, in terms of the cost, will this mean there will be an added cost to the consumer? Does this mean that there will be added costs across the board? The fact is, they are going to be sold at the very basic cost or rate to the farmer. Its enforcement will be on the part of the farm workers, who can obviously see for their own inspections if they have received their rights or if they have not received their rights, because as it exists now, the inspectors from Wage and Hour have 150,000 work places to visit, and obviously they cannot enforce the fact that all the posters that have been put up stay up after inclement weather.

My last comments are on S-1605 and the New York State Wage and Hour Law. That is the overtime bill. I know it is in fact the hardest bill, the roughest, and frankly, I think that one of the questions - which is a very substantial and very compelling question - that has been asked is, how can you have an overtime bill to give farm workers the same rights of overtime as people in industrial jobs have, as people in other forms of employment have, when in fact we all know that farm work is completely different than other types of work. You don't have a forty hour work week - you can't possibly restrict things to a forty hour work week, because it depends upon what the climatic conditions are. On a good week, when the weather is terrific, you might work as many as ten, twelve, even fourteen hours a day. If the weather is horrible, you may not put in an hour's worth of work. But, the fact is you don't have that forty hour work week, and yet is the farm worker's position indeed that unique. Is it that much of an anomaly that we cannot provide farm workers with the same rights as other workers? Well, let's look. Who else has a situation like this? The construction workers do. They do not have a forty hour work week. They also determine their work dependent upon what the climatic conditions are. Some weeks they will put in more than forty hours, and some weeks they will end up putting in less than forty hours, but they are determined by what the situation is, and the fact is, we all know the construction workers make way over the minimum wage, and they do enjoy the benefits of overtime, even though they are considered in this unique classification.

An additional comment, and again another concern that is quite similar to the unemployment insurance compensation law question - if we provide overtime pay for farm workers, does that mean that we are going to get priced out of the market, that we will no longer be the Garden State, because we can't compete? I know a lot of people feel this way, and the reason I think they feel this way is because of what percentage they feel the labor costs cut into the profits of farm work. I think we should look into the statistics on that.

In the latest issue of the New Jersey Crop Report, Annual Survey it shows that the Garden State grossed three million dollars this past year. What was the percentage of the labor cost of that? The percentage of the labor cost was 9.8% of the total agricultural costs for 1980. You know in 1970, it was 4.3% which means that it has gone up less than double. But, what really cut into the cost of the profits were the fuel costs. They went up to 8.4% from 1.7%. Do you know that is a jump of over 500%? Those are the fuel costs. I think

we should recognize the fact that now is the time that the Garden State is going to forge ahead in terms of competition. It is going to forge ahead in terms of California. We are the second top state in terms of blueberry farming. We are the second top in terms of peaches. We are the top in terms of eggplant, et cetera. But, we do compete with California. The fact is that California has added trucking costs. Look at the situation as I have discussed it in terms of fuel costs. Look at the comments of Mr. Maruchi a prominent south Jersey farmer who stated on January 17, 1981, in the latest edition of the Packer, that he could see advantages to growing in New Jersey rather than California, because he said, "We can grow here for the cost of hauling from the west coast. We can haul as far north as New England, and as far south as Florida. We are in an advantageous position. But, we don't have the fuel costs of cross country trucking the way California does and that is the major cost that cuts into our profits, and it is not the labor cost. "

But, finally, let me just conclude my remarks by saying that the most compelling reason beyond the pragmatic considerations, beyond the fact that I am trying to point out exactly what percentage we are talking about when we talk about giving labor benefits. But, beyond that, there is just one very, very compelling reason that even supercedes all the pragmatic reasons that I have discussed so far, and that is the question of simple justice. If we are really committed to making New Jersey remain not only the Garden State, but a state respected throughout the United States, we must insure that we pay for a stable and experienced work force. Farm workers are not second class citizens. They should not be subject to discrimination, inequities, intimidation, because the fact is that just as the farmers do provide us with the food that we have on our table, the farm workers provide us with the food that we have on our tables as well. They are a valuable and productive work force. They are individuals. Look, the fact is I think we recognize that farmers have to make a living, and it is hard. The farm workers have to live and they are only making like \$1670 for their entire annual salary. They have to feed a family on that--- (Outburst from audience.)

SENATOR ZANE: Please, hold on. Ms. Murciano, I would like to ask you a question. How do you reconcile the fact that the surrounding states being Delaware, Pennsylvania, even New York, above New York City and the metropolitan area, and Maryland as well do not have time and a half, and New Jersey would. Do you have any idea or concept as to what that might do in the marketplace?

MS. MURCIANO: I think there are a few answers to that. Let me just restrict my comments. First of all, I recognize the fact that we do not pay the same minimum wage, for example, as does New York and as do other states. That is number one. Number two, I also recognize the fact that as I pointed out earlier we have much to be proud about in the Garden State, because we are almost leading the country, not second to Pennsylvania and New York, but second to California in terms of our produce. So, it isn't a matter that we are going to put ourselves out of competition in terms of New York and Pennsylvania and Delaware, but it is our concern about what is happening in the number one state, the one that is ahead of us. I will be glad to give you a citation on salaries.

SENATOR ZANE: Thank you. Lauren De Cou of the Farm Bureau.

L A U R E N D E C O U: I am Lauren DeCou representing the New Jersey Farm Bureau. I have a 350-acre apple and peach farm in Cumberland County, and I would like to thank Senator Zane for giving me the opportunity to delay my statement until Senator Bedell arrived.

I have two choices here, whether to stick to the text that I have here in front of me, or whether to debate some of the thoughts and comments that were made by my predecessors. I would like to do a little bit of both if I may. Since she is concerned about keeping the garden in New Jersey in the Garden State, I think she will do just the opposite. She will see that the garden is kicked out of the Garden State, if we continue with the thoughts and the philosophy as previously projected from this podium.

Every survey we see on every hand expresses the conviction of our nation and our region to preserve available green space to expand and not contract or not destroy the agricultural resources that we have here in this State. These bills do more to close down our farms and color the green spaces gray than anything we have seen of recent note. New Jersey is a state of small farms, as opposed to California, and generally small family farms. In the political environment of today, we are the little guys. We are the proveable minority and we come to you at a time when we need help and not hindrance. Where farm worker problems are at issue, you hear from many counselors; you hear from many college specialists; you hear from many lawyers, and farm worker program advocates; you hear from church groups and you also hear from us. But, we wonder if you ever hear from the worker himself, that is, the worker down on the farm, the true farm worker. We don't speak for him, but we work with him, and we are pretty sure that if you ask him, he would tell you that his real concerns are not the issues and conditions of his work, but the continued disappearance of his work. He knows that learned spokesmen in the academic community may not know, that is, that on the ratio of increasing costs, increasing harrassment and social stress, mounting and costly regulations and interference in operations that his employer may go to machines, or may go out of labor intensive crops, or just go out of business. What may appear to statisticians and witnesses at hearings as economic trend making is to him the disaster of unemployment, and the alternative is the last place he wants to go, public welfare.

We would remind you that none of these bills has been initiated in the farm worker community. They bear the mark of public interest groups who tell you they speak for farm workers and know what is best for farm workers, and also it seems to us this Committee must ask itself whether the bills before it really represent the best interest of the farm workers, or just the best interest of those groups who draw substantial tax monies to maintain federal and state programs that are funded in the name of farm workers.

We have elected a new, national administration and a new Congress. The clear direction of both our political parties, the governors of our states as expressed in recent conference and certainly our electorate, is to conserve and redirect public expenditures and federal programs that have not worked. We have a new Secretary of Labor, a citizen of this State, whose mission is to reexamine and reevaluate some of the programs whose beneficiary's are among the architects of these bills. We feel that not only are these bills wrong in principle, but are presented to taxpayers at a very wrong time. The issues here are not just for maintenance of public programs, but what is right for the people of New Jersey -

the farmers, the farm workers, citizens of our state, taxpayers everywhere. For example, we are asked to consider new crew leader registration here at the very time that Congress has shown every indication of revising a national farm labor contractor registration act which has not worked very well at all. And, it is no secret that a major campaign is underway in Congress to totally revise the operation of federally funded legal service corporation to bring its function more in line with providing legal services for the poor rather than litigating social cause.

For years, federally funded rural legal services in our states have looked on farm workers as prime clientele. This is true in New Jersey where farmers have had to defend themselves on a number of charges. For the most part, they have proven petty charges - costly all the same to the farmers who have had to hire their own lawyers to protect themselves. Whatever else there may be, we regard these bills as further clientele building proposals for rural legal services attorneys looking for new areas of involvement and new justifications for federal expenditures. Would it not then be better for this Committee to await some signal on the direction from Washington on old public programs relating to farm workers before we lock ourselves here in New Jersey into new programs.

Here we must say that one of the big reasons we look down on these bills is because they look down on us. In every bill there is an implication of bad faith on the part of farm employers. We concede that there are such things as bad farm employers, just as there are bad farm workers, bad sociologists, bad lawyers, and even - I hesitate to say this - bad legislators.

But, to single out farm employers as a class of bad employers strikes us as bad faith beginning on which good legislation can never be built. Yet, that is exactly what some of the proponents of this legislation have long been given to doing. The Legislature and more especially the media hear flagrant charges of abuse, servitude and exploitation of workers cast about like pollen in the wind, the truth lagging way behind. This is rhetoric, not reason, and it provides no base on which to build reasoned legislation.

There are those of us who use such tactics with deliberate intent, and the intent is to create sympathy, to exploit good consciences everywhere and thus promote programs of very narrow, self-interest and the beneficiaries are not the farm workers. This attitude is what bothers us about S-1605, the so-called Truth in Farm Employment Bill. The implication is that the truth is not being told, and yet farm work employers and crew leaders throughout the State operate under long enacted statutes to provide all manner of pertinent information to workers. How will the posting of yet another piece of information under the very possible auspices of political programmers better serve the farm workers? Certainly farmers will be badly served by another passed law of regulations that can impose discretionary penalties for posted signs that are defaced or torn down or simply distributed improperly regardless of their intent. This is a highly discriminatory piece of legislation.

S-1603 to assess the cost of unemployment compensation to our very smallest farmers simply exerts more pressure on that segment of family farmers that the proponents of this bill repeatedly say they want to save. There are small operators who hire only a few workers for a few days. Ironically most workers - such as young high school and college students - working during summer vacation will never even qualify for these benefits. Let us remember that unemployment

compensation in such very narrow circumstances would encourage other part-time workers not to go back to work as long as unemployment compensation is available. We are sure the Committee is aware that many New Jersey seasonal and full-time workers are already covered under unemployment compensation, yet the cost of this program to small farmers would be highly counter-productive to them and to New Jersey agriculture.

S-1604, to register farm labor crew leaders, is simply a proposal that is not necessary and would add more to both public costs and the costs of farmers striving to defend themselves against another agency. Crew leaders are already registered under a stringent farm labor contract or registration act. Farmers and farm workers have found so high a degree of vindictiveness and bureaucracy in the interpretation and enforcement of the federal act that changes by Congress are certain to come. Obviously, they see no need for a bad duplicate of a bad law on a state level.

Finally, we say that the enactment of S-1606 to require farm employers to pay time and a half for work performed over forty hours a week would come dangerously close to wiping out small farms in New Jersey. It is not just a stated opinion. It is an axiom that farmers cannot operate on a forty-hour work week. A farmer has only one pay day a year, the day he gets paid for his harvest.

There is nothing this legislature nor anybody else can do to bring the sunshine closer to regulate the rainfall, change the seasons, or draw out the harvest beyond nature's giving. And, these conditions apply to farmer and farm worker alike. Most workers seek extra hours during the harvest to maximize income over a relatively short period of time. We would remind this Committee that New Jersey agriculture does not operate in a vacuum. Its produce competes with apples from Michigan, New York, and Washington, with peaches from Georgia, and South Carolina, with tomatoes from Ohio and California, with vegetable crops from the Great Lake states. And, it competes with those area farm workers to harvest those crops. No other states, no other area in our competition requires overtime payment for farm work. Such a proposal would have a direct bearing on the demise of the family farms and the people of this State.

In sum, we see each of these bills as not only needless but destructive. We see them constructed to discriminate against farmers as a class and promoted by name calling, not social gain. We believe they would be especially counter-productive to farm workers themselves since they would appreciably reduce economic base from which farm employment grows. We think that those standing to gain from those bills are federally funded agencies who have made a project out of New Jersey agriculture and who would sloganize rather than solve its basic problems. And we say as they gain, the rest of us lose. New Jersey agriculture is our home. Most of us have been here for generations. We want to stay, and we want to farm. We want to provide good jobs for workers to maintain the great green spaces of this State. We ask that you not put this force in motion against us to force us to go to machines, to force us to get out of labor-intensive crops, and to ultimately force many of us out of agriculture altogether. Such a loss would be irretrievable, not only to farmers but to all of us. Thank you.

(Applause)

SENATOR ZANE: The next speaker on the list is Dudley Sarfaty of the New Jersey Council of Churches.

R E V E R E N D D U D L E Y S A R F A T Y: Mr. Chairman, since it seems to me my friends the farmers are most interested in what we are saying, I would like to twist around a little bit, so I don't have to turn my back to them. I gave a statement to the Labor Committee which I don't want to particularly change, and if you don't have a copy of it, and I believe you did, I will see that you get one.

Before I came to New Jersey, I was pastoring in the potatoe farm section of Long Island. My life was spent with farmers whose problems, as far as I can tell, are not so different from the ones that are faced here. As I drive around New Jersey, and see packing factories closed with prohibitions on who they can be sold to, and find new towns growing up where there were farms --- Just south of here is the new town of Becket, which has moved out from Philadelphia, paving over New Jersey farming. It is quite clear to us, and I hope it will be to most of you. There was never any hissing between me and my farmer friends on Long Island, that we have a common interest. In a sense, the churches of the Council of Churches are not a federally funded group. They are not - whatever the previous speaker described - a legal service agency. Our motivation is not to create any work or federal funding for ourselves, no jobs for ourselves. I would just like to make it clear where we stand.

I want to speak only about two of these bills, and I want to suggest that neither of them is directed at the farmer. If the crew leader violates the law, and if the State Department of Labor does not address itself to those violations because of limited staff, limited funding, limited will, whatever it may be, I didn't come down here to call Trenton names, I can do it as well as the next person, but that is not our purpose in being here. If the law that is directed at the crew leader who is not in my experience and to my knowledge the farmer himself - and this is not an attack on the farmers. I am sorry. I read the newsletter of the New Jersey Farm Bureau regularly, and I have never seen that to be a newsletter of the crew leaders. I have seen that to be expressions of concern of representatives of a farmer's group. So, there is no new law in the crew leader act. It just allows a citizen who is cheated or who believes he is cheated --- Just as you or I or the person who fell out of my car, or fell outside on the stoop here could take me to court and the court could decide whether I had a grievance against me - that simply allows there to be an appeal to civil court, and if civil court takes an action, it won't be against the farmer; it will be against the crew leader. I know of one case, and only one case, personally, where the crew leader's behavior has been so scandalous, that if I were the farmer, he wouldn't be my crew leader any longer. But, that is only one case.

However, I believe there needs to be a legal remedy for that case, and for whatever small percentage of cases there may be. So, my petition to the Committee is that we are not trying to create new law, but merely a mechanism with respect to the crew leader, so that the law that does exist may be enforced. We believe in law and order, and I am sure all the farmers I have ever met have, and I presume that you men do also.

The second bill that I am concerned about is the so-called Truth in Farming Bill which simply requires that what the law and regulations are be printed and be available, be available in Spanish, because our Spanish population has increased quickly and largely and except for city people who come in, who are English speaking, they are not the predominant labor force of the State. I never

knew a farmer who would be ashamed to see the law put in print and distributed. Just as I drive up and down the turnpike and the Garden State Parkway and see a police car with or without anybody inside, with or without the little machine on the dashboard, it reminds all the drivers of what the law is. It seems to me that printing the law is not a hostile act toward farmers, or a hostile act toward anybody else. So, my suggestion also, sir, then is that I would ask your Committee to consider the fact that the Truth in Farm Worker legislation bill as proposed is not new law.

I know enough about this situation. I have spent all of my life since I was 21 involved one way or another in the farming community and that has been several years. And, I have been eating New Jersey vegetables for fifty years, and my family's ancestors founded two rural towns in New Jersey, but I only say that in self defense against the chance that somebody will say anything unfriendly when I have sat down and can't respond. It doesn't seem to me that we take our cue from what Washington says. This part of New Jersey at least doesn't even want to take its cue from what Trenton says, if it doesn't believe it is right. It likes to decide on the basis of its conscience, and it seems to be that New Jersey needs to do the same thing. I would say, of course, if there are bad legislators---

SENATOR ZANE: Reverend, can you restrict your comments to the bills, please.

REVEREND SARFATY: Well, sir, I wasn't trying to wander from them any further than the official spokesman from the Farm Bureau was, because it saddens me to pass paved over farms---

SENATOR ZANE: Reverend, we are not going to be argumentative. Please, this is a public hearing.

REVEREND SARFATY: I wasn't being argumentative. I am saying that---

SENATOR ZANE: Two bills are to be discussed. Please restrict your comments, if you would, to those bills.

REVEREND SARFATY: Senator Zane, the life and continuance and health of New Jersey agriculture depends, as I see it, on just progress in agriculture in this State, and I believe that these two bills contribute to that. When I pass paved over farms, and locked up processing plants, it seems to me that I am confronting the problem head-on. Farmers who no longer see how they can continue to run their farms, farmers who don't know how they can pass their farms to their children. I realize that is not in this present bill, but it is a concern.

So, let me just make clear to the audience that my friend from the farm bureau was listing everybody who was bad. He left out the fact that there are some clergy who are. I certainly want that to be understood. We rank ourselves with the rest of the human beings.

In California there was some large response from the audience about what the current inflation adjusted annual average farm worker's gross salary might be. I know that in California the farm worker is earning \$5 an hour, and we are not going to make ourselves uncompetitive by paying the kind of overtime that gives a man a chance to work hard, when the work is there, just as the farmer himself or his family has to do, and have something to fall back on when the work isn't there. I will be happy to speak to any of the farmers who would like to speak to me, because I know that some of them are interested, perhaps, in a wider range than your Committee might be on this legislation.

SENATOR ZANE: Thank you. Fred Marucchi.

F R E D M A R U C C H I: Good evening, Senator Zane, Senator Bedell. I am slightly disorganized this evening. I intended to be much better prepared than this, this evening, but this afternoon I had to spend three hours with a man who was inspecting our camps. I have no problem with the man, except he took a lot of time, and I was not able to exactly organize my thoughts completely. But, there are a few things that I have been thinking about all along here as we have been discussing these four bills since this past spring.

My name is Fred Marucchi. My father and I try to raise high quality, blemish free fruit, apples and peaches, on approximately 550 acres located mostly in Morrestown, New Jersey, in Burlington County. I am Chairman of the New Jersey Apple Industry Council and I am on the Board of Directors of the New Jersey Peach Promotion Council, and the New Jersey Peach Council, and the New Jersey Horticultural Society. I also believe I am very representative of many young farmers in this State who are just becoming established in their field of endeavor. This is, I think, a very unusual business and is requiring unusual people. Every farmer invests large quantities of his and his family's time and money into their farm. Each farmer has specialized, hard-won knowledge in growing and harvesting and marketing and shipping their products.

Each growing cycle, every time a farmer enters into a growing cycle, they stand to lose everything they have, basically. Whenever we enter a new growing season, we take a calculated, business risk, where we take into consideration all the variables. There are some variables that are relatively controllable or predictable, or something we think we can do something about, like insects or disease and there are certain costs that we can project. And, there are other things that are completely out of our control and independent, such as weather, and the price that we are going to receive at the marketplace. We have no control over our potential income. I believe in the United States, in the food delivery system of this country, the farmer is the most efficient part of the entire system. And, he also takes the greatest risks of anybody and for that, he should be rewarded.

This hearing is in connection with the four labor bills, I believe, 1603, 1604, 1605, and 1606. In farming as in many businesses, but particularly in our business, I believe, we are experiencing a tremendous squeeze, which we can all recognize. There is a tax squeeze, a squeeze in credit; there is a tremendous squeeze in the costs of business, and inflation is a constant worry. Nationally, the Census Bureau tells us that of the country's 2.5 million farmers, 80% of the operators own all or part of the farms they operate. About 80% of the operators live on those given farms. The average age of farm operators is declining. The general agricultural economy is made up of thousands of individuals and families and relatively few large corporations. I would say that these trends are even more askew toward the small farm in New Jersey than on the national scale.

What would be the impact of these three bills, particularly the one which involves the time and a half after forty hours? In all businesses gross income less our expenses gives us our net profit and, in our case, return to the owner. When you examine farm income, the price received is highly variable. That is in part because of a market condition that is nearly perfect, I would say, according to the economic textbooks. Supply completely dominates prices that we receive. In one day the price of peaches can vary \$1 or more, and that

can be up or down. When it goes down, it usually takes a lot longer to go back up.

There are other factors involved for us in competition with, say, California or other areas on the west coast for their peaches and their apples. I think they can expect much greater yields per acre. Therefore, they will have a higher income. I think their quality can be better, too, because of their growing conditions, the growing conditions they can control a little bit better than we can.

Now that we have looked at the income, I think we should look at our expenses, and I think also I would like to say something in relation to this. I don't think I said that we could grow for the transportation costs from the west coast to here. I did not say that. I said I would like to be able to live on that differential in cost. I think that is quite different. It costs us much more. A box of apples from the west coast will probably cost \$3 to land in Philadelphia, and it costs us much more than that to raise fruit.

SENATOR ZANE: Can I request again that you try to stick to the bills, please.

MR. MARUCCHI: Surely. Well, specifically on our farm, the wage component was \$350,000 this year. Our interest component was \$105,000 this year. On chemicals we spent \$70,000. We paid taxes of over \$50,000. These are payroll taxes, local property taxes and that sort. On various supplies we spent \$40,000. Our utility costs were \$35,000. Fuel cost us \$30,000. A retirement fund for our employees costs us \$27,000. We lease ground, some of it, \$23,000. We had custom work done. Pruning work was done by a local crew. That was about \$21,000. Insurance was \$15,000, fertilizer \$10,000 and miscellaneous about \$15,000. That adds up to \$746,000. Those are our basic business expenses. On top of that you can add depreciation. That was \$110,000. We did not make any money this year. We had a nice crop this year. It would be better than an average crop, I would say. But, we were not able to break even, because of all these costs.

Now when you look at that specific wage component, if you go from--- I located some figures on one of our pickers last year. From mid July through the end of October, or November, I mean, he worked approximately 55 hours a week on average. This was one of the pickers. Last year if he worked 55 hours, he made \$170.50 gross. We supply housing. We supply all his cooking supplies. All he has to supply is his own clothing and he cooks his own food. We also give them roundtrip transportation to Puerto Rico, and on top of that, we added a bonus at the end of the season.

This year we will have to pay \$3.35 as a minimum wage and that would bring that up to \$184.25. That is approximately 9%. But, then, if we look at it again, and add the time and a half, I believe it comes to \$209.38. That is approximately a 22% increase; 22% of our \$350,000 wage component would be \$77,000. As Lauren says, we only have one pay day, and that is not necessarily when we ship the fruit. That is 30 days after we make our shipment, usually. Everything we do has to be on a timely basis. We work these long hours because of that. I think if something like this occurred, farmers would be questioning some of the reasons to farm. I believe that New Jersey is well positioned for farming in the future, except possibly for these particular bills, which I know would increase our costs. Such an unwarranted increase would affect the viability

of labor intensive type of farms which New Jersey has a long history in, and which New Jersey is most adapted for and would have their greatest competitive edge. No other agricultural state in the east has an overtime provision for farming, and those are our real competitors. Agriculture is exempt by federal law from overtime provisions in the Fair Labor Standards Act.

What would be the effect upon the employee? Many of our regular employees, we have about 10 to 12, I think, are exceptional people. Many of them have been with us twenty or twenty-five years. Some of them have been there longer than I have. Now, when we come down to our pickers, many of them are from the undereducated or uneducated. Many are students, housewives. I know one farmer in north Jersey who employs retirees, and he is able to run his packing house with those people. And, there are many who work for us, because they are just not able to work in a more structured work environment. I think the problem with these bills in particular, if you look at the United States now, one of the biggest agricultural tests to me and anybody else would be inflation. I think these would be very inflationary. In that respect, it would affect everyone in society. It would directly affect the consumers.

I think you have to look at the benefits that accrue to society too from agriculture, especially our localized agriculture here in New Jersey. Farming is a net energy producer. We obviously improve the environment in its entire content. We pay taxes. We pay wages to people who pay taxes. We buy supplies and services locally, and nationally, and I think the few farmers that we have in the United States and in New Jersey do a very fine job.

In conclusion, I would like to say that I am a farm worker, as far as I am concerned. I will get up at five, five-thirty in the morning, and when we are packing, I have to get that prepared. The men will work until five or six o'clock and I am there after that. Often I am doing office work in the evening. In the United States, we have been farmers for three generations, and I guess, I don't have very many fishermen in my background, because I get seasick. So, I think we have been farmers for a long time in my family. It is a quality of life and something I would like to pass on to my boys too. Thank you.

SENATOR ZANE: Mr. Marucchi, just for the record, what control do you as a farmer have over the market price of your product?

MR. MARUCCHI: There is none.

SENATOR ZANE: Thank you.

MR. MARUCCHI: Thank you. (Applause)

SENATOR ZANE: I would like to again ask everyone to limit their remarks to the bills, and I think we all recognize that farming is a great and wonderful endeavor, and what have you, but please, we are going to terminate this at about ten o'clock if we can. There are a number of speakers. So, please try to limit your remarks to the bills.

Joe Musumeci.

J O S E P H M U S U M E C I: Good evening, Senators. My name is Joe Musumeci. I am a full-time farmer and the President of the Gloucester County Board of Agriculture.

We are opposed to S 1603 because of additional bookkeeping for the small farmer who does not have the time or facilities for more paperwork and the added costs to the farmer who because of the seasonality of his labor needs will be forced to pay the highest contribution rates for unemployment compensation required by law.

We are opposed to S 1604 because it seems to be one sided. If our interpretation is correct, for something as menial as a bookkeeping error, a farmer could be fined \$500 plus pay the laborer's attorney's fees, which, incidentally, we are already doing now through our tax dollars by funding legal services. Yet if a laborer gets drunk and destroys some of the farmer's property, the farmer cannot expect any help with attorney's fees if he considered suing for damages. This sounds like discrimination.

We are opposed to S 1605 because it assumes that all farmers intend to take advantage of their workers. It also assumes that farmers have nothing better to do than run around all day reading workers their rights or posting and reposting them once they get torn down in the workplace. This would be necessary to avoid the \$500 per offense fine.

We are opposed to S 1606 because most farm crops cannot be harvested on any set schedule. Farmers must guarantee each worker at least 40 hours of work each week. This means he has to estimate his work and hire a work force to accomplish it in not less than 40 hours. Now S 1606 says that if the weather or market conditions do not allow the work to be completed in exactly 40 hours, the farmer will be penalized with overtime.

I have several thoughts on these bills that I would like to submit for your consideration as an individual farmer, not representing the County Board of Agriculture.

The author of these bills might consider changing: the fine in S 1604 from \$500 to \$5,000; the fine in S 1605, from \$500 to \$5,000; the overtime payment in S 1606 from time and a half to quadruple time. By making these three small changes, the author could accomplish more thoroughly and much faster what he seems to be trying to do; that is, drive farmers and farming out of New Jersey. (Applause.)

SENATOR ZANE: Mr. Musumeci, for the record, what is your crop?

MR. MUSUMECI: My brother and I raise approximately 200 acres of labor-intensive vegetables.

SENATOR ZANE: Mr. Musumeci, again for the record, what control do you have over the marketplace of your crop?

MR. MUSUMECI: About the same that I have over the amount of rainfall that I receive every year from the sky.

SENATOR ZANE: Thank you very much.

Archer Cole, AFL-CIO.

MEMBER OF AUDIENCE: Unfortunately, Mr. Cole couldn't be here. He asked me to specifically indicate and reiterate the support of the Industrial Union Council, of which he is the President, and the Electrical Workers, of which he is Vice President, for this legislation.

SENATOR ZANE: Thank you.

Michael McCrory, Camden Regional Services. Mr. McCrory, at the outset let me again ask you to please restrict your comments to the bills.

M I C H A E L M C C R O R Y: Thank you, Senator Zane. I will try my best to restrict my comments to the bills. I may stray a bit because I feel ---

SENATOR ZANE: We will bring you back if you do.

MR. MC CRORY: --- there are some fundamental propositions which deserve discussion in a forum such as this.

I come principally to speak about the overtime bill and the bill to give farm workers the same unemployment coverage as every other worker in the State of New Jersey.

I referred a moment ago to some basic propositions and I think we should begin with the basic proposition that farm workers are a part of the agricultural community. We are here tonight, mostly a community that is a farmer community. We are here during the off season. Most of the farm workers were not able to attend. They had no notice of these meetings. They are not in this area. Most of them are migrants and they are out of the State altogether. Were they here, I am sure we would have a much different discussion of these issues. I am sure you would find a large number of workers who would be standing up here saying, "Yes, we want the same rights as every other worker." You would also find farm workers standing up here and saying, "We don't want to kill agriculture. We know that that is our livelihood. What's more, we know that we have a stake in agriculture. We have a pride in the work we do. We want to be able to continue in agriculture."

What we are talking about with these bills is to give farm workers the same rights other workers have, so they can continue with their livelihood, just as much as the farmers want to continue with theirs.

Let's begin with: What does the unemployment insurance bill do? This does not give farm workers the right to lie around. This does not give them benefits that nobody else has. This does not suddenly burden the farmer with extensive costs. The cost to a small family farmer would be under one hundred dollars if he had only a few workers over the season. He only pays a portion of the benefits, that small percentage. It also increases, in a sense, the cost for the workers because the workers contribute in New Jersey 1 percent of the unemployment cost. Those workers would also be contributing. What it does do for the worker is give him a position where he can work in agriculture without the fear that he is not going to be able to feed his family if the crop is wiped out, if there is a rainstorm, if he is unable to find work. It gives him a chance to develop a steady work, to be able to return to a farm, to be able to be in agriculture so that he can work at that as a livelihood. What it does is provide basically a chance for a stable work force.

Again, we come back to the proposition that farm workers are part of the agricultural community. Just as the farmers are worried about what they are going to do when there is no land, farm workers are also worried about that. They will be without jobs. They won't have any unemployment benefits, overtime or anything else. They won't have any livelihood either. It is as much a threat to them as it is to the farmer. But it is also a threat to the farm worker if he cannot live and survive on a farm worker's wages. If he cannot make enough money so that he can survive the times when there isn't agricultural work and can no longer remain a farm worker, where are farmers going to get their workers?

It should not be a situation where farmers are dependent on only the people who have the least stake in agriculture, the most transient life style, or the least

possibility of any continued employment. Farmers, the same as other employers, should have the opportunity to have a stable work force available, a work force that can live with dignity and with some decency and some sense of survival.

What are we really talking about when we talk of overtime? There is great fear from the farming community that overtime is going to greatly increase their cost, it is going to drive them out of business. They feel it is discriminatory. Why is it picking out agriculture as a bad type of employer? This bill doesn't pick on agriculture. All this bill does is say that farm workers, as all other workers, are going to have the same right, that after 40 hours you get time and a half. The construction industry had the same fears: "My God, we are going to be wiped out if we let workers have overtime." The construction industry has survived. Agriculture in Minnesota had the same fear. Minnesota has a bill that provides for overtime pay for farm workers. And all the farmers in Minnesota have not been driven out of agriculture. California has been mentioned. I have sat across the table from farm workers and farmers in California and in Arizona where wages have been discussed and where farmers have had a very real fear that increased wages would drive them out of business. But farmers in those states are now paying over \$5.50 an hour and they are surviving.

Part of that fear of survival of the farmer and of agriculture comes from a very real problem that agriculture, including both farmers and farm workers, face and that is the problem of inflation, the problem of rising costs. The fact was mentioned of the fuel prices going up 500 percent. A farmer can't control those prices. A farmer can't control the increased prices of pesticides. A farmer can't control the interest rates on his mortgages going up and he can't always fight the battles with the development companies that want to come in and take the land. What happens is that a farmer is left with only one thing he can fight and that is the wages of the worker. That, unfortunately, divides the agricultural community. It prevents us from dealing with some of the more real issues that we all face. It prevents farmers from talking with farm workers about why they can't get some protection for agriculture so that farm workers can earn their money and farmers can be protected in their farms. It leads to a situation where there is a discrimination against the farm worker, who is the least able to protect his interest, the one who tries to stay in agriculture, who tries to work, the one who is willing to work for 50 or 60 hours a week.

Farmers have mentioned that they can't control the climate. By the same token, a farm worker can't control the climate either. When he sits at a farm for a week when there is no work and he gets no pay at all, he can't control the climate. He can't control the fact that his food costs are doubling. He can't control the fact that his gas costs increase. He can't control the fact that the flight from Puerto Rico has doubled in the last year. (Outburst from the audience.)

SENATOR ZANE: Wait a minute. Let the witness testify, please. You will all have an opportunity if you wish to speak.

MR. MC CRORY: Excuse me if my percentages may be a bit off. The point remains that we all face inflation that is far above 7 percent. Nobody is going to dispute that you cannot continue to exist on 7 percent increases and that is all that a farm worker has gotten. The only raise he got was when the minimum wage went up by about 7 to 9 percent. That has not met inflation. It gets back to the central point of: where are we going to be when we start pricing

ourselves out of the labor market, when it becomes so expensive for any worker to even consider working on a farm, let alone the possibility of unemployment benefits, sitting on welfare or whatever else. when it becomes simply impossible for him to afford to be a farm worker? Where are we going to be and where is agriculture going to be?

All these bills seek to do is to provide the farm workers with some of the same rights other workers have. It tries to do that so we can build a community of agriculture that is fair to both and that considers the interest of both the farmers and the farm workers who, hopefully, can begin to have a dialogue among themselves as to what the areas are where we can get together and start protecting our State and agriculture in New Jersey. Thank you.

SENATOR ZANE: Joseph Smith, please. Mr. Smith, again I am going to ask that you not read from a prepared text. State your name for the record, please.

J O S E P H S M I T H: My name is Joseph Smith. I am a fruit grower from Gloucester County. We have about 850 to 1,000 acres of fruit. It is a family operation. I farm with my brother and my father and I want to be in farming for the next 20 years.

The two bills I am going to address are called by the American Civil Liberties or the Camden Legal Aid, "Your rights as a farm worker." The first ones I am going to talk about are 1604 and 1605. I have a question. I believe both the Senators up here were in the Senate in 1975 when the Crew Leader Registration Act was passed. Mr. Bedell, I am not going to attack you. But what you are doing basically with 1604 and 1605 is taking the Crew Leader Registration Act --- and I don't think you have read it because you have the same wording in both your bills, 1604 and 1605. Now, the gentleman from the American Civil Liberties Union said that the workers don't have a right to sue the crew leader. On page 2 of the book I sent up there to you, it says, any time that a worker feels that the crew leader is violating his rights, all he has to do is call the Department of Labor and they will investigate it. If a crew leader is found to be at fault, they will pull his license, both state and federal. Anymore, you have to be federally licensed. It is a real can of worms.

In 1604, it says it will allow farm workers to bring civil action against employers who violate the Crew Leader Registration Act. I am going to read right out of the Crew Registration Act: "Any person aggrieved hereunder may maintain a civil action against the crew leader. Any crew leader found to have violated this act shall be liable to such person aggrieved for full reinstatement and for back wages accumulated during the period of such unlawful retaliation and to exemplary damages in treble the amount of back wages found due, and for costs and attorney's fees." In your bill you say the farmer has to pay all the attorney's fees. I have a question for you which you have not addressed in your bill: What happens if a farm worker goes to court and is found to be wrong? Who pays our fees? We have to hire a lawyer. What you are doing is just making it damn easy for a lawyer to come in and take us to court. And who ends up paying all our bills? We have to pay our own bills, but the Puerto Ricans - I'm sorry - the farm workers don't have to pay their own bills.

Also you have in here that the Commissioner upon notice and a hearing can impose a penalty not exceeding \$500 for any violation of this act or of

any rule or regulation duly issued hereunder. Where any violation of this act or of any rule or regulation duly issued hereunder is of a continuing nature, they can penalize you \$500 a day if they want. You are saying that the first violation is \$500. The Commissioner makes the rules. What you are saying is that the Commissioner of Labor doesn't know what he is doing, indirectly.

I'll pick on 1605 now. The synopsis says that it will require the farm workers to be given a statement of their legal rights in both English and Spanish. In your Crew Leader Book on page 3, under SA 34:8A-10, it says, in addition to other responsibilities imposed by law upon a crew leader, he shall keep records of place of work, gross payment, deductions, name and addresses of all workers to whom the payments are made. It goes on down - everything that you have in your bill you have to do. We have to put everything up for the workers. He have got to tell them what they are going to be doing, where they are going to be working, what the piece work rate is. You have to put down the crops - this is right out of your law --- the crops and operation at which he will be employed, transportation and housing, insurance to be provided, the wage that is going to be paid, the charges that are going to be made against him, where he is going to be recruited, and everything else.

Down further in the statute, it says, file with the Commissioner a correct change of address immediately upon each occasion such crew leader permanently changes his address. If a crew leader moves, he has, within one day, to get this information to the Labor and Industry people and the two offices are in Hammonton and I believe the other is in Bridgeton. You have to get there within one day or you are cited and they will pull your license.

Down further, it says, "Display conspicuously at all times and offer a copy thereof to each seasonal farm worker or head of a seasonal farm worker household a bi-lingual (Spanish/English) handbill or similar notice stating the terms and conditions of employment. . ." which is what you are saying in your bill, that we have to put this up. We have to do it anyway.

I thought the Legislature was trying to economize and do away with a lot of this duplication and wasteful governmental regulations. What you are doing is taking the same law and putting it back into effect again. I don't think the Labor and Industry Committee has read the laws that it has already enacted.

That is all I have to say. I want to thank the Committee for the privilege of speaking. And, Mr. Bedell, I am sorry I picked on you. Thank you. (Applause)

SENATOR ZANE: Mr. Jay Hughes, please. Again, Mr. Hughes, I want to make the same statement about a prepared text. It will become part of the record.

J A Y H U G H E S: I have copies of my prepared text, Senator, for every member of both Committees.

I brought a visual aid tonight and I hope you can keep this in mind while I am talking. One of them says, "No farmers, no food." The other one says, "Farming is everybody's bread and butter." Another says, "Agriculture keeps New Jersey green and today's agriculture is tomorrow's survival."

Gentlemen, I am sorry the full Committees couldn't be here. Senator Bedell, I would like to thank you for driving to this end of the State to be here this evening. Senator Zane, I would also like to thank you for giving us this forum here this evening.

My name, as previously stated, is Jay Hughes. I am a fruit grower from Aura, in Gloucester County, and a member of a family farming operation that grows over 660 acres of peaches and apples on a farm that encompasses 780 acres total.

I am glad to have the opportunity to testify before you this evening. I would like to begin my testimony with S 1603 and conclude with S 1606, and follow with some statements of summation, if I may.

I would also, with your permission, not like to be combative or argumentative, but merely state some actual facts, Senators, about some of the statements which have been made here this evening. I feel I have a little more factual information on the background of this than possibly these people, no matter how well intentioned these people are.

S 1603 is opposed for the following reasons:

New Jersey is already over \$654 million in debt to the federal government on its unemployment compensation program, and as a result, New Jersey employers are assessed penalty points on their FUTA federal rate of payment. This bill would increase this debt load.

All employers in the State would share this added burden, not just agriculture, resulting in "rate" increases to all to make up for additional payments.

This law would create another deduction from the workers' pay in addition to being an added cost to the employer.

The whole State unemployment program needs to be revamped, tightened and have its abuses eliminated - I underscore that - before these factors put any further drain on the employers' cash flow. This bill would only add to the problems we now face, and not work in a positive, corrective manner. Gentlemen, I speak to this from fact. This is not in my statement. Our 1980 NJSUR charges were in excess of \$43,000 on a \$325,000 to a \$350,000 gross payroll. Gentlemen, after three years, we will be at the highest rate that there is. Also, we cannot recall workers off of the island. This is a fact. I have argued this position with the Interstate Claims Section of the State Department of Unemployment Compensation. They don't disagree with me. They are only administering the laws as they are directed. You cannot recall a worker from the island if they have weeks still left on their benefits. If you have workers here locally and you have work for them, they still have benefits and you issue a call for work, they must report or lose their benefits. This is not the case with workers on the island. I have no qualms about a worker getting unemployment benefits when it is necessary. I only want workers when I have a bona fide need for them to come back. We are a grower with the Glassboro Service Association. We have a bona fide, ongoing program of over 35 years of what is called a special request program. This is a promise of work, gentlemen. When you sign this, you are

guaranteeing work.

In addition to that, on S 1603, the amount of soy beans in Salem, Cumberland and Gloucester Counties has increased by leaps and bounds, not decreased over the past year. Someone must have misinterpreted Mr. Kenney's figures. These areas are not being developed now. In fact, most of the farmers of Salem and Cumberland County don't even want to see a developer. You cannot back out of the program, I believe it is either one or two years after you become full experienced rated, after you have voluntarily entered into it. There is no getting out of it once you have qualified.

Workers who voluntarily quit - we have had those. We have tried to get them to come back. They go somewhere and it seems they conveniently "dole out" the benefits - and that is a State term - of four times the benefit rate and conveniently get laid off somewhere else. And we get it socked to us in plain words.

Again, speaking to California farms, they farm year around, not seasonally like New Jersey. We are not growing anything out there now. California produces something from some area - so does Florida - year around.

Also on S 1603 - excuse me. I have nothing further to say on that. Oh, the guarantee - the gentleman was talking about sitting around waiting. We guarantee 160 hours of work minimum over a 4-week period, or we pay what is called compliance, and that is self-explanatory.

S 1604 is opposed for the following reasons:

Existing State and federal laws cover these matters completely. Workers' rights, as has been previously stated, are defended by the Commissioner of Labor and the Attorney General, per the Crew Leader Registration Law, which is a federal statute which has been adopted in toto by the State Legislature, I believe in 1965, and that is the same law that we use.

Again, this would provide for a minimum penalty of \$500, attorney's fees and court costs, but not for actual damages claimed per existing law. The existing law does state that you can claim any damages that you have. The maximum penalty is \$500; and, if you have a problem with this, there are penalties in triplicate.

Again, having attorneys' fees provided might result in many nuisance cases being brought forth for consideration. Gentlemen, this is happening in many places now. It has been happening in the Glassboro Service Association for over ten years.

A \$500 penalty for a small error that can be settled without litigation is totally unreasonable. I am a human being. I make bookkeeping errors. If someone brings it out, we correct it.

Keep in mind that the farmer is still the "bottom line" individual, as far as responsibility for claims by the employee against the crew leader. Just because there is a crew leader acting as a buffer does not mean you are totally absolved from all this. He is supposed to be responsible for certain things. If he doesn't do his job, you are in big trouble.

This bill doesn't provide for equal protection under the law for the farmer regarding penalties, attorneys' fees and court costs incurred defending himself if the employee's alleged claim is determined as unfounded, through the hearing procedure. This violates the 14th Amendment to the Constitution of the

United States.

In S 1604, there is a change in the Crew Leader Law in the penalties. You start with line 12 of your bill, Senator Bedell, and that is where the change is. I would like to point out to the gentleman in the audience where it starts. It is a new law in the sense that Senator Bedell has made revisions. I don't think that is the point of contention here this evening.

Regarding 1605, we are opposed to it for the following reasons:

This bill presumes that farmers take advantage of farm workers. This is a discriminatory action.

There are already laws and accompanying forms, both state and federal, to cover what is proposed here. Therefore, this bill is unnecessary.

Gentlemen, I would just like to take one minute here, if I can find the proper folder --- Here in front of me, provided by the New Jersey Job Service, Mr. Horn's Office in Trenton - and it is available in other places in the State - is a form, a notice. It is in English on one side and in Spanish on the other. There is a New Jersey State Employment Service number on the bottom. I am not saying that it has a current date, but it is the most current form. I have checked this out with Commissioner Horn's Office before coming here this evening.

Also in front of me, gentlemen, is a U.S. Government Printing Office Form WH-416, citing everything you have to do. It is the same type of form in English and Spanish.

Here we have the New Jersey Crew Leaders Registration Act - I am sure you have that - and an explanation or abstract of the federal law.

Also we have the abstract of the federal law in English and Spanish. I have one copy in each hand here.

Last, but not least, I believe Mr. McCrory stated he wished he had something on one nice sheet and the Reverend also said he would like something on one nice sheet. Here is NJEW:FW:010202 (1/81), Department of Labor Protection for Farmworkers, in Spanish and English, one sheet. That can be gotten in the Bridgeton Office. They have it.

SENATOR ZANE: Are you going to submit those?

MR. HUGHES: I could do that.

SENATOR ZANE: That would be fine.

MR. HUGHES: If Senator Bedell would like that, I could accommodate him.
(The material submitted by Mr. Hughes can be found
in the appendix.)

MR. HUGHES: Getting back to S 1605 and my statement, having to pay for a proposed required State form is without precedent and totally unreasonable.

This bill assumes that the Commissioner would promulgate regulations to better protect farmworkers than those laws already on the books at the state and federal levels.

This bill allows the Commissioner to promulgate rules and regulations with no sunset provisions and enables him to change rules as he goes along, and from year to year.

Allowing the Commissioner to write rules and regulations is in violation of the "Separation of Powers" provisions of the Constitution of the United States. He is in the Executive Branch; he cannot legislate. It would be another example of the State trying to exceed and/or preempt federal laws, thereby putting New Jersey businessmen in a disadvantageous position in the marketplace with our

competitors.

S 1606 is opposed for the following reasons:

Only farmworkers are deleted from a group of employees from whom payment of time and a half has been historically exempted. This is a discrimination of past practices. Again, to address those who have spoken before me, we have here the situation where I believe the transportation workers, the bus drivers, the taxi cab workers, hotel and motel employees, waitresses - and I could go on and on - have been exempt. There has been a bracket around those who have been lifted out. Agriculture has been lifted and those engaged in the propagation of livestock, dairymen, also swine operators, beef or poultry operators.

In talking to those who live in neighboring states - I have researched this - there is no state in the Union which currently has in effect any time and a half for farm labor. There are some that have tried, but they are not doing it currently. California has tried. California has been held up on appeal for 13 to 15 months. I am not quite positive on the time. It is still on appeal. This came out of the Agricultural Relations Board.

Again, in talking about the percentage of labor cost against the total income dollar, when you talk about farms in New Jersey, you are talking about labor-intense as well as non-labor-intense farms. We can delineate between the two: those who grow grain for a living and those of us who grow fruits and vegetables which must be harvested by hand. We have a totally different way of operating. We are confined to the machinery which we can fit within the span of the trees in our orchards. Those who grow grain get the biggest machines they can get. The bigger they are, the better, to get the job done as efficiently as possible so they can make their buck.

Mr. McCrory stated 1606 picks not only on agriculture. But I have already stated agriculture has a specific exempting, being lifted out. We are not the same as all other industries. He stated all other industries are covered and must pay time and a half. I am sure he has a copy of the bill. I am sure he knows which line to find it. We just don't fight wages and lobby against them. We lobby against many things. We lobby against water bills. The fishermen have been lobbying on many things in the Senate recently. Both of you gentlemen are aware of that.

We also pay two-way transportation for the workers back and forth from the island. They get their two-way transportation. It has been going on for 35 years. The minimum wage increase was 9 percent, not 7 percent, and free housing is also provided. They provide their services here and say they are ready to do the work which we have and we provide everything else - and that works out just fine for us.

I have already stated that no other state in the United States requires payment of time and a half for farm labor. This places us in an uncompetitive economic position.

This bill carries more impact than the other three bills combined to inflict irreparable damage on the agricultural industry of New Jersey and make us uncompetitive with the rest of the nation's agriculture. It would simply bankrupt the agricultural industry in our State.

This bill alone would cost our family farm in excess of \$75,000 in extra wages, based on 1980 costs. In 1981 - and this is documented - with a 9 percent increase in the minimum wage, increased matching Social Security costs

paid by the employer to match deductions made from the employee, increased Workman's Compensation costs, and other increases in fees paid by the employer, this figure of \$75,000 would grow another estimated \$10,000. Wouldn't we all like to have a potential profit yearly of this size?

We all know that the Social Security rate went from 4.13 to 6.65 and there was an increase in workman's compensation. We are talking between \$325 to \$350 thousand paid this past year in gross wages. We all like to make a profit. What I am trying to point out is that these added costs are going to make the difference between profit and loss. If you had a profit - and some people claim that they haven't; others claim they have - this is going to eliminate it.

We can't farm in a factory-like 40-hour workweek atmosphere due to the seasonality of crops, weather and marketplace conditions and other matters beyond our control. In the harvest season, if this went through, to avoid overtime pay, we would need twice the number of workers we now need, but currently we can't even get enough in some peak times to fulfill our current needs.

Now, some items in summation:

New Jersey can't afford to lose any more jobs, and these bills would contribute, if enacted, to a further loss of jobs. I think, Senator, you know about the exodus of so many jobs from New Jersey. You have your chemical workers involved and many others. It is a dire situation in North Jersey not too far from where you live.

State law would exceed federal law and make us uncompetitive.

These bills are all negative legislation and aimed solely at agriculture. I would like to talk a minute on negative legislation. I am not talking down anyone's good intentions. If you have followed the federal Crew Leader Registration Act, you know the definition of a migrant laborer is so loose that because I work on a farm, I am classified as a migrant. I am sure that was not the intent of the law and we are talking about administrative rules and regulations by the bureaucrats who administer these laws, which you people don't have too much control over. These are the types of problems we get in these areas. I think you need to strive to exercise more control over these things because I think we both feel they get a little out of hand.

These bills are all contrary to the provisions of the "Right to Farm Legislation."

These bills are all contrary to the grassroots approach to farmland preservation.

Agriculture is the basic industry - the foundation of our society and the general economy.

It is an undisputable fact that agriculture preserves open space and our environment.

New Jersey citizens are provided with a greater variety of food and a fresher supply of food. We are not confined, as is a subtropical area, to oranges and grapefruit.

Each agricultural payroll dollar is multiplied 5 times in our economy.

Each agricultural business dollar is also multiplied 5 times in our economy.

Each farmer feeds himself and 57 other people.

These three statements carry a lot of impact and these are researched nationwide facts.

We deal in perishable products and are at the whim of the public, and

the law of supply and demand determines our return.

We couldn't just add these potential increased costs onto the price of our product, like a manufacturer of hard goods can.

We cannot build up an inventory on a first-in, first-out basis. We are not going to be able to preserve peaches, or apples aren't going to last too long, or tomatoes, or any other type of vegetables.

We are price takers, not price makers.

One final thing - I would like to read from my statement if I may.

If New Jersey has a genuine commitment to preserve agriculture and open space, if the government is really interested in maintaining a low rate of unemployment, if they really care about permitting the free enterprise system to operate with as little government interference as possible and in a competitive marketplace, then, Senators, you gentlemen will not release these bills from committee, but let them die there. This will place you in the vanguard with a commitment to preserve a viable, profitable agriculture in New Jersey.

Thank you for your time and your attention. Senator Bedell, I want to thank you for coming here this evening; and, Senator Zane, I want to thank you for offering us this forum. I believe I have enough copies of my statement for each member of both committees and for the legislative aides. (Applause.)

SENATOR ZANE: What would you say was the average return on the capital investment of the average farmer in the State of New Jersey? Do you know? Do you have any idea?

MR. HUGHES: I don't know that offhand, Senator, but it is getting slimmer and slimmer all the time. I would like to have the scale balanced. You have the labor costs and expenses and we like to have the cost not exceed the expenses to give us a balance. But I think with all the things that are crushing us all in business, the gap is pretty narrow for a potential percentage in agriculture. We lay out necks on the line every year. As a fruit grower, I am not one who can decide if I am going to plant vegetables or grain. We have the fruit trees.

SENATOR ZANE: If someone had a farm of 500 acres and they were in the business you are in, considering equipment, etc., what would be your best estimate of their capital investment?

MR. HUGHES: Several million dollars.

SENATOR ZANE: What would be a likely return on that 500-acre farm? You are talking about several million dollars of capital investment. What would be a reasonable yield on an average year?

MR. HUGHES: Are you talking about net return?

SENATOR ZANE: Yes.

MR. HUGHES: Probably less than 5 percent.

SENATOR ZANE: You would be talking about a profit of \$100,000 on a farm that size?

MR. HUGHES: That is before you do everything else on this --- no, you are not talking of that much profit.

SENATOR ZANE: On a \$2,000,000 investment, you are saying 5 percent?

MR. HUGHES: I am talking about such things as the investment of trees in the ground. Rutgers tried to make a study of this. We have buildings and machinery.

There is no return of \$100,000. I know that \$75,000 I alluded to would have

more than wiped out what profit we made this year. And, by the way, it was a good peach year.

SENATOR ZANE: Transcripts of this hearing are going to be available to the entire Senate. The Senators should have an idea what kind of margin the farmer really works on.

MR. HUGHES: I will endeavor to get that for you and have that passed on unless another member of my family here in attendance can give you some other information to relay to you at the moment.

MR. WILSON HUGHES: My name is Wilson Hughes. This is a family operation my son was speaking to. This is variable. I don't know as any one of us could tell you.

SENATOR ZANE: I am not trying to put you on the spot.

MR. WILSON HUGHES: You are not. All I can tell you is that there are a lot of variables that enter into this and I don't think any vegetable grower here, any grain farmer, or any fruit farmer could come out and give you an honest answer to that because, again, the variables enter into it - the weather, etc. We know what we would like to do, Senator, but it doesn't always turn out that way. I am not in a position to come up with a hard, fast answer on that and I doubt if anyone else in the room is. It is one of those things that, okay, if you hit the market right, if everything turned out, if your crop was good, the quality was good, movement to the market was good, the trade was accepting it, Mrs. Housewife was accepting it - and all of these variables enter into it - then maybe we don't turn out too bad. I think in truth this year there were many fruit growers that had what we would call a good year, Senator - good crop - good quality - good movement to the market - good prices. But, again, we are in this wedge and that wedge. It is getting tighter all the time.

SENATOR ZANE: Are you indicating and suggesting that a 5 percent return on that is a high figure?

MR. WILSON HUGHES: Yes. Does that answer your question?

SENATOR ZANE: Yes, it does.

For the benefit of the younger Mr. Hughes, as of a couple of weeks ago, there is no rule or regulation in this State promulgated by any Commissioner from any department that has the force and effect of law until it goes back to the entire Legislature. That is as a result of recent legislation passed by both houses, and they overruled the Governor's veto of it, which provides that we have the final say on rules and regulations.

MR. JAY HUGHES: Does this pertain to new law?

SENATOR ZANE: That's right.

MR. JAY HUGHES: I was addressing myself to what was existing. I am aware of what has taken place in both houses. I think there is a common bi-partisan feeling up there on this.

SENATOR ZANE: Thank you very much.

Jim Manetas, Cumberland County Farmer.

J A M E S M A N E T A S: I have a statement in a very prepared form.

SENATOR ZANE: Then, you can submit it to the Committee. It will be just as much a part of the record as anything else, in the form in which you are submitting it.

MR. MANETAS: I have many comments here of our County Board of Agriculture. My name is James Manetas, and I recommend that this become part of my testimony.

I will not refer, whatever, to it, because almost every part of this has been addressed at some point here. There are one or two other comments that our Board President would like to make a few remarks about. Would you like to hear from him at this time?

SENATOR ZANE: I am just saying that is going to be read by everybody. You don't have to read it to us this evening. It will become part of the record. If there are other comments that you wish to make, please do that.

MR. MANETAS: I think there is only one or two other comments that are not in this statement, and with that, I would like Erwin Sheppard to make those comments at this time, because a small portion was eliminated on bill 1604.

SENATOR ZANE: That will be fine. When a speaker submits a statement, it will be reproduced as part of the transcript and every legislator will get a copy to review. These ladies here are taking it down stenographically, and it will be transcribed and given to every legislator. Thank you.

ERWIN SHEPPARD: My name is Erwin Sheppard. I am from Cumberland County, New Jersey. I am President of the New Jersey Board of Agriculture at this time. Jim has submitted our written testimony. There are two or three other items I would like to talk about that are not directly in our testimony.

On bill 1604 - it changes the ability of the farm worker to bring civil action against the farmer or his employer. Presently, under law 1971 C-348 A-13, the farm work along with the Commissioner and the Attorney General, as I read the bill, are specifically authorized to institute a civil action in court of competent jurisdiction for injunctive relief to restrain the violation, and for such further relief as the Court shall deem proper.

Now, what this bill 1604 does, it removes in brackets the phrase "any aggrieved seasonal farm worker," and starts a specific paragraph pertaining to the aggrieved specific farm worker. It states that upon any violation, the aggrieved seasonal farm worker may aggrieve a seasonal action for injunctive relief to ingrain the violation which already exists in the law, but what 1604 does, it removed from the discretion of the judge or from the Court the ability for the judge to award damages pursuant to the degree of the violation. It states that damages in the amount of the greater of either actual damages or liquidated damages of \$500 per violation together with the costs and reasonable attorney's fees, as would be determined by the court, shall be paid.

I would submit that presently under the law as it reads under today's statutes, it is a better method for it to be up to the judge to determine the merits of the case and the relief to be determined by the Court and whether attorney's fees should be awarded to the aggrieved party.

One other thing we are concerned about in bill 1605, for any violation of the posting of ordinances, the posting of worker's rights, the farmer or the employer would be subject to a penalty of not more than \$500 for each offense, and the process shall be in the nature of a summons or warrant and shall be issued upon the complaint of the Commissioner, Attorney General or any other person. I think such a fine for an offense where it might be the act of the wind or the farm worker or any other person taking down a notice is a very unreasonable fine.

One other thing on bill 1606, when you talk about what a farmer has to be concerned about, it is his rate of return per dollar he invested in labor. Now, for the average farmer the rate of return per dollar invested in labor is approximately 10%. So, if I have a farm worker working out there and he is returning

me ten cents over every dollar I pay him for labor, and I have to work him over forty hours a week. That means for each additional dollar of labor that would have been regular time at a dollar, it will now cost me a dollar and a half on overtime. That farm worker's productivity does not increase because he is on overtime. That dollar and a half that it is costing me for a dollar's worth of labor would be a dollar and a half on overtime. He is still only returning me a dollar ten, so I am losing forty cents for every dollar. So, I am not going to allow him to work that overtime. I am going to replace him. It takes a lot of time and training for a farm worker to make sure he is doing a job. If he is harvesting lettuce, his work is what the buyer sees - a package of lettuce that looks nice. There are twenty-four heads in the box, and it is hard to find a skilled person to do that job. I would submit that we have many farm workers who are eager and able and really willing to work many hours a week, because they see the direct response in their paycheck at the end of the week.

I would submit that we would have a very unhappy work force were it deemed necessary-- if the economics deem it necessary for me to limit my working hours a week. Are there any questions? If not, thank you.

SENATOR ZANE: Yes, I have one. What is the crop that you are involved with?

MR. SHEPPARD: We farm 850 acres of land, and we raise iceberg lettuce, snap beans, cucumbers, green bell peppers, and we employ approximately 80 workers per week.

SENATOR ZANE: What control do you have in the market place over the price of your product?

MR. SHEPPARD: Very little control.

SENATOR ZANE: Jim, did you have anything further to add?

MR. MANETAS: I grow a particular crop in New Jersey, cut flowers. We are confronted today with foreign imports in New Jersey that are coming into the United States from all over, and we must be competitive with those people that are paying those low wages in Mexico, Panama, and Columbia, and even Israel, where everything is subsidized by the Government. For that reason, I wish to make this remark.

We do have to compete and we are having a hard time selling our product at the present time. The amount of gladiolas is about eight million, and we cut to four million here in the United States, and that has cut into our market. Thank you very much. (Applause)

SENATOR ZANE: John Rigolizzo.

J O H N R I G O L I Z Z O: Senator, I don't have a prepared text, but I do have some chicken scratch here that would help me greatly if I could refer to it.

Good evening, my name is John Rigolizzo, and I am Secretary of the Camden County Board of Agriculture. My father, myself, and my brother work a farm in the lower end of Camden County known as Johnny Boy Farms, and we grow a wide variety of fruits, vegetables and grain along with a roadside market and some greenhouses. As you may have guessed, I have come here tonight to state my opposition to the four proposed labor bills, S-1603, 1604, 1605, and 1606. However, I am not Jay Wilson and I am not going to give you a lot of statistics, facts and figures that have already been ably presented, which I could not possibly do. While it is true that these bills pertain to specific aspects of New Jersey agriculture, they also affect New Jersey agriculture and agro-business as a whole. And, I would like to pursue this track just for a moment. It will only take a few moments.

Folks, it is a well-known fact that the New Jersey farmer is the best there is in the business. You can take any one of us to any other state or country and we can show them how it is done. It is also a well-known fact that we are the most over-regulated and over-legislated group of farmers in the business. You could not pay another farmer from another state or country enough to leave his area and come farm in New Jersey.

In the past, we have had laws and regulations thrown at us, and we have adjusted and complied with them. We were still able to grow quality produce at a competitive price. However, if these bills are allowed to become law, we will lose our competitive edge, I don't care what anybody says. We will no longer be able to make a profit with the same prices as twenty years ago. Unfortunately, you folks in Trenton, no matter how well intentioned, seem to forget that we are not Exxon, or Atlantic City Electric. We can't ask the PUC for a raise, and we can't just pass on any expense that some new law imposes. It is no secret that our neighboring states produce the same crops as we do at a cheaper price. As a wholesale buyer of produce, which I am, I cross the river three or four days a week and bring back produce that could easily have been bought in New Jersey - the Vineland auction, the Swedesboro auction, or a lot closer than Philadelphia, Laurel, Delaware, and Salisbury, Maryland, the places that I frequent.

But, I can afford to drive three times the distance for the same product and still sell it cheaper than if I bought it in New Jersey. I am not the kind that chases nickels. We are talking considerable price differences here, and let's not forget that these people in Pennsylvania and Delaware and Maryland are making a profit too. As a farmer, I also see how our suppliers of fertilizers, chemicals and farm implements can't even come close to the other dealers in Pennsylvania and Delaware who sell the same brand names.

You know, every day I hear how all the folks in Trenton in the State House want to preserve our farmland and our farms. And, every other day I hear of some church group or a union leader or a social worker that gets a brainstom and wants to improve the plight of the farmer and the farm worker. The fact that farmers and farm workers in New Jersey are an endangered species is your fault, not ours. You folks on this panel - I guess I shouldn't say it, but I will - especially Senator Bedell, should take a ride with me some day at my

expense and see how New Jersey agriculture has changed in the past three years because of laws and regulations. Despite denials to me by Governor Byrne, and Jerry English of the DEP, and the Secretary of Labor, New Jersey in my opinion is no longer worthy of the title of the Garden State. We now grow an equal amount of grain - mainly soybeans and wheat - as we do fruits, vegetables, and dairy products. For all practical purposes, we are the grain state. Folks, I tell you with all sincerity that these four bills, S-1603 through S-1606 will be the straw that breaks the camel's back. When you combine these bills with the recently imposed pinelands laws, and the newly proposed laws giving DEP complete control of our water, you will have effectively killed agriculture in New Jersey, the very thing you claim you want to preserve.

Just two points on our own operation. A couple of years ago, Senator, I guess about five or six now, we farmed 200 and some acres of fruit trees, peaches, and employed about 120 employees through the summer. We now farm only 40 acres of fruit trees and about 400 acres of grain and I have 8 people working. That was last year. And, if I can help it, this year there won't be any. What we can do ourselves is what we are going to do, and this is our way of reacting to laws and intended laws.

I was also one of the people who was in Trenton a couple of weeks ago with the green hats. After I left that meeting, I contacted a relative who is a real estate agent, and I asked her to please find us another piece of property in another state that we could farm. Because we really like to farm. I really love it. I wouldn't do anything else in the world. But, this isn't the place to do it anymore, not the way I like to do it. If I can find a place, that is where I am going. That is all I have to say. (Applause)

SENATOR ZANE: Thank you very much. William Kenny.

W I L L I A M K E N N Y: Senator Zane, Senator Bedell, my name is William Kenny. I am Assistant Secretary of Agriculture. I did not intend to speak here tonight, because I thought the farmers should speak. However, since I was quoted as an expert, I think I better set the record straight. If I made the statement that the soybean production is declining in this State, if I made that statement, it was entirely in error. The fact of the matter is, from 1978 to 1979, soybean production increased from 206,000 acres to 225,000 acres. In fact, out of 600,000 acres of harvested crop land in this State 504,000 is now in grain and hay production. And, as a previous speaker just said, New Jersey is really the grain state.

Now, this change in production, according to a study by Rutgers University about five years ago, was attributed to labor problems in New Jersey, wage rates, regulation and so on. Briefly, let me comment on two of the bills.

S-1603, unemployment, as best I can determine, there are about 20,000 seasonal workers in New Jersey each year. Some 2,000 come from Puerto Rico under contract, 300 are southern migrants, and the vast bulk of 17,000 are commuter workers from Philadelphia, Camden, Atlantic City. My first question, on the commuter workers, how many would really qualify for unemployment benefits throughout the year? In other words, they would be required to contribute to the fund, but I sincerely doubt that many would qualify to collect benefits later on.

S-1606 - as has been previously stated, New Jersey is a highly seasonal agriculture, not by choice, but by conditions of weather. The work force is

basically the unemployed and the underemployed. Over the past fifteen years, the peak season labor force in July has declined from 35,000 workers to 20,000 workers. I think most of the farmers here would like to pay any wage they could afford to pay, but the record is pretty clear. They can't afford to pay; they have gone to mechanization, and jobs have been lost. I respectfully question whether or not these bills will really help the workers they are intended to help. Thank you very much, sir. (Applause)

SENATOR ZANE: Walter Kern.

W A L T E R K E R N: I am Walter Kern from Salem County. Senator, I don't have anything to say at all. To reiterate Jay and Wilson about that 5%, I believe you were speaking about on a \$2 million investment on a farm, there was a study done on that by Rutgers University, and the revenue came back with everything hunky-dory, Wilson, it comes to about 2%. That is if the good Lord is with you, if you can move your product, and if the good labor is with you and whatever else might be on your side. If there is any fall-out or whatever through weather or anything else, don't look for 2%.

Senator Zane, I would just like to say this: I am in agriculture in Salem County. I think Salem County farmers as a whole - also Gloucester - are coming up on the poorest years they have ever come off with. I am talking about crop-wise. What does this mean for another year? It means high financing. I believe that 90% of the farmers have to go out and borrow a big chunk of money. They never had to borrow before. Now, to put this with high interest rates, and put this with so-called inflation of fuel and energy, whatever, along with what someone here is trying to promote, these four different bills, I think you are over-regulating regulations.

Let's take the point- for instance you are now in Swedesboro. You can take Elmer, Woodstown, and let's say for instance all of a sudden these farmers are borrowed to their limit. What happens then? Do you go down the road and see these farms grow up in weeds, wild brush? What happens? We have to be competitive. We have to be competitive with our neighbor, whether it is Pennsylvania, California, Texas, or whatever. There was a statement made earlier by someone from the labor force, American Civil Liberties, I think it was called, talking about a 7% to 9% increase in labor. Talking about that was small. It isn't keeping up with inflation. I happen to be a process grower. I would like for you or anyone in this room to tell me what I have increased last year at 9%. When it comes to the bottom line in producing a ton of a crop, tell me where I have increased 9%. It didn't happen. I don't want to be a pessimist. I want to see it happen this year. But, I don't think it is going to happen this year. We don't know yet.

So, all I am saying is, how much can you regulate regulations? I hope you reconsider this, seriously, because I think you are doing injustice to any rural area. Towns like Woodstown, Elmer and Swedesboro would dry up without agriculture. They would be nothing. You can talk about the banks, and the small businessmen, but they will all be gone. I won't say all of them, but a good percentage of them will be gone. Thank you.

SENATOR ZANE: Mr. Kern, if suddenly you were faced with this bill being law, let's say the time and a half, what would you do?

MR. KERN: I would strictly mechanize the best I could. Could I answer that a little bit further? Last year my labor bill was in the neighborhood

of \$52,000. I am talking about that much money and that is high for a process grower. A lot of this labor that you are talking about here is at minimum wage, okay. The labor I hire is above minimum wage, so once minimum wage is raised--- Just as a point of reference, I think now it is \$3.35, right. Let's say you are paying a guy \$4. The \$4 guy wants that increase also. The \$5 guy and the \$6 guy does too. It is just a domino effect. And, you are asking me what I am going to do. There is nothing else to do but mechanize or else get out.

SENATOR ZANE: What would the end result be to the labor force if you and other farmers such as yourself follow that course and did mechanize. What would happen?

MR. KERN: Well, I think you would have a greater welfare roll.

SENATOR ZANE: By that are you suggesting that there would be fewer jobs?

MR. KERN: Definitely, positively, 100%, yes.

SENATOR ZANE: If you were to further mechanize and go to other crops, by what percentage could you reduce your labor force?

MR. KERN: I think if you went to all grain, Senator, I could get by with two people. Right now in the process situation I am in, it is about 9 or 10. And, that is pretty well mechanized right now.

SENATOR ZANE: That mechanization would be a very heavy capital investment as well?

MR. KERN: Definitely. I couldn't put that in dollars.

SENATOR ZANE: So, there is a third option really to the marginal farmer, am I correct? That is, he going on welfare and going out of business; am I right?

MR. KERN: Very true, or maybe a farm up for sale, or up for weeds, one or the other.

SENATOR ZANE: Thank you very much.

MR. KERN: Okay? (Applause)

SENATOR ZANE: Robert Schober.

R O B E R T S C H O B E R: My name is Robert Schober. I farm a 325-acre apple and peach farm in Gloucester County. I originally intended to address the bills only, but they have been pretty well covered on about every corner that I can see to cover. I would like to say just one thing.

We are talking about an environmental problem. I think it is the environment that the farmers have to operate in. If we don't create an environment that the farmers can operate in, we won't have to worry about an environment for the crops to grow in. I am not going to even go into the other notes that I have here. I just want to say one thing, I happened to be reading an American Airlines ad in Newsweek and the American Airlines says, "Leave the flying to us." And, I think the American farmer is saying, "Leave the farming to us." We know how to do it. We know how to treat the help, and we know how to get the job done. But, let us do the job. Don't over-regulate us. I learned more about agriculture tonight from some people that have never been in agriculture. I never knew some of the things I learned here tonight. (Laughter)

SENATOR ZANE: Thank you.

MR. SCHOBBER: Thank you. (Applause)

SENATOR ZANE: Rick Hughes.

R I C K H U G H E S: I have a few notes here. Good evening, Senator Bedell, and Senator Zane, ladies and gentlemen. I thank you for this opportunity to speak with you this evening. My name is Rick Hughes and I work at Broad Acres with my family; my brother Jay has testified before me and described our operation.

I should hope that the educational testimony given this evening will give the Senators valuable input, so that they may modify or eliminate these proposed bills as necessary to insure a continued, viable, agricultural industry in the State of New Jersey.

There is one very important point that I would like to make at the outset, and it is a little out of synchronization with my other points. We have talked a lot about grain farming here this evening. If there are any grain farmers in the audience, I certainly don't want to slight you. But, it is an unfortunate course of events when the farmers of the State of New Jersey are forced - and that is the word we use, forced - to grow grain. The bread basket of our nation is in the midwestern states where the soil is much different than it is here. The soil there is suited for those types of crops. The soil here can grow anything. But, just as if you take a highly educated and skilled individual and put him picking peaches on our farm when he is a nuclear physicist, that is underemployment. If you take the land in the State of New Jersey and grow grain on it, that is underuse of that land. We can grow vegetables and fruits in this state second to none in the nation, and there is not a man here who would argue that fact with me, because even if there are grain farmers here, they grew vegetables and fruits before they turned to grain - before they were forced to grow grain.

That is a terrible shame that here in the State of New Jersey where we have some of the best land in the world, that we have better than a quarter of a million acres of soybeans and half a million acres of grain, according to what Bill Kenny said. That is a terrible shame, when we could be growing vegetables and fruits. There is other land in this country that can't grow these crops. I think those who grow grain in the audience can identify with what I am talking about.

The father of our country, George Washington, said agriculture is the most noble employment of man. Unfortunately, there is a statewide lack of understanding of agriculture in the State of New Jersey. About three weeks ago for any of us that read Time Magazine, we saw a ten to fifteen page advertisement in there for the State of New Jersey, bought and paid for by the State of New Jersey. Do you know that there was not one reference to agriculture in that ad? There was not even a tiny paragraph that talked about the strength and the contribution to our economy and the well-being of our people that the agricultural industry makes in this state - the number two industry in the State of New Jersey. It didn't even mention us. That is an outrage, and the problem there is that the bureaucrats that are running our government see agriculture as a stepchild, as a poor relation, and they want to push us off in the corner. As far as our environment goes, there is no greater contributor to the environment than agriculture. We farmers are the stewards of the soil and have a divine respect for nature. We were the first environmentalists before the term "environmentalist" became a cocktail term to be discussed when people gather to socialize, back when it was called conservation in the 1930's. We continue to lead. We are in the vanguard of the environmental movement to keep our environment clean in the State of New Jersey. We must practice wise environmental procedures to insure our continued production.

Our benefits are many. We provide over one million acres of groundwater recharge to the aquifers of this State. And, there is not a person who lives in the State of New Jersey that is not aware of our water problem at this time, the greatest contributor to recharging the groundwater in this State, our most important resource is agriculture.

Oxygen production - agricultural land is second only to estuaries in the oxygen generated in the caloric activity per acre.

Open space - again, we provide one million acres of open space in New Jersey, and that is taxpaying open space, and not tax drag open space like the State Parks, which, unfortunately, the State can't even manage at this time. Our open space also aids in the sociological and psychological mix that is so important to a balanced society.

Economics - again, we are in the second largest industry. Gloucester County alone provides \$40 million on agricultural products, and I could not begin to guess what the total contribution to the State economy is from agriculture. It is a law of economics that every dollar spent in production of any commodity or any dollar spent in wages is multiplied five times in the economy. So, you can take that \$40 million in Gloucester County and multiply it five times, and that means it is worth \$200 million to the economy of Gloucester County. There are two billion, four hundred million dollars in tax rateables in agricultural land and buildings in the State of New Jersey, and those tax rateables require very few services, gentlemen, and you know it well, for our crops that are raised in the State of New Jersey, which are in the top ten in their commodity in the nation, that crop value is \$114,875,000 for 1980. We provide the highest income with the lowest food cost in the world, with the highest dietary quality for our consumers.

New Jersey is second in the production of blueberries, eggplant, escarole, and summer potatoes; third in the production of cranberries, spinach and peaches, and that is the passion closest to my heart. That is \$23 million worth of peaches, gentlemen. We are fourth in the production of peppers, tomatoes, snap beans and the list goes on.

You know, I was recently to two national conventions associated with the American Farm Bureau, and you talk to people all over this country. And they say, how in the world can you people in New Jersey, in such a little-bitty state produce so much? And, we always tell them because we are very good farmers on very good land, and we are proud to be here. We also tell them that if you can farm in the State of New Jersey, you can farm anywhere.

There has been a decline of agriculture over the past twenty-five years. In the early 1950's there were 1.7 million acres under cultivation in the State of New Jersey, and now it is just slightly under 1 million. The reason for that, basically, is the twenty-five year onslaught of negative and restricted legislation and regulations, including, but not exclusive to, the Pinelands Act, the Wetlands Act, the Coast Lands Act, Labor bills, environmental restrictions, and unfair taxes. We have tried to stem this decline of agriculture through farmland assessment, efforts of the Blueprint Commission, the Burlington County project, and now we are involved at the Governor's direction with the grassroots effort. The Legislative Advisory Committee, of which I am a member and also Mr. Jim Nevius, here, is also a member, will be finished in about one month with its recommendations to you gentlemen, as to how we can stem the decline of

agriculture in our State. There has already been \$75,000 spent through the Rural Advisory Council in this regard. There will be much more money forthcoming, but what we need is a total state commitment to insure our farmers of government sincerity in the effort to retain agriculture. The single thing that can be done best by the Legislature will be the all-inclusive broad spectrum, right to farm package which we will suggest to you, gentlemen.

Concerning these bills, to begin with, they would destroy New Jersey agriculture, and many other people have spoken to that, and I could not add anything. These bills will actually hurt the very people for whom they are intended, and that is the farm workers. As a result of these bills, if they are enacted, there will be a great reduction in force of the agricultural labor force in the State of New Jersey. There will be a great change to non-labor intensive crops - again, like mechanically harvested grain, which we have already discussed.

In the heyday of the Glassboro Service Association, there were approximately 12,000 agricultural workers brought into this State in the mid and late 1950's. Presently, it is about 3,000 coming through the Glassboro Service Association, but they don't all work in the State of New Jersey. These bills would increase the welfare roles. They would hurt our economy irrevocably. They would give a resultant decline in dietary quality of every consumer in the State of New Jersey and many consumers in the surrounding areas, and we definitely have a responsibility to those people. Without them, we wouldn't be in business.

There would be an increase through costs to New Jersey consumers. It is in the best interest of all the Committee affiliations to let these bills die in Committee.

Labor - if there are no employers, there are no employees. Decline of employment due to legislation and regulation again would be the result.

Industry - this would result in a decline in total New Jersey production.

Profession - loss of professional farmers when we need them most to face the food crisis that will come to us in the next 20 to 30 years.

Natural Resources - the open space, fresh air, water, and water recharge that we provide would be lost.

Agriculture - and, of course, the Agricultural Committee needs to act in the best interest of agriculture.

The rejection of these bills would be an indication of the state commitment to agriculture. It would be a firm sign to us, and it would certainly give us the incentive that we need to want to stay in agriculture. Because I know that each and every man here tonight wants to stay in agriculture. We wouldn't be in it if we didn't want to be here.

Now we come to the future. But, first I would like to say that oftentimes well intended legislation misses its mark and/or regulatory overkill after its enactment blurs the intent of the bill---

SENATOR ZANE: Mr. Hughes, will you please restrict your further comments to the bills.

MR. HUGHES: Okay. I have recently met with a lot of young farmers and ranchers. Their dedication and leadership and commitment to agriculture is an inspiration to me, and I think it should be an inspiration to agriculture. If you look around in this room, you will see a lot of young farmers like myself. You also see a lot of older farmers. You know, we can't get along without the old heads. These men out here - and many of them are over sixty years of age -

are still committed to food production. You know the average age of a farmer in the State of New Jersey is 58? There is something wrong there, gentlemen. That shows that the State is pushing agriculture out, as it is pushing many other industries out.

There have been many speakers before me who have spoken with eloquence, knowledge and figures and sincerity, but the most important of these is sincerity. Every farmer who has spoken to you this evening, whether he is eloquent or not, that is unimportant - he has spoken to you from the heart. That sincerity cannot be masked, cannot be changed; it certainly cannot be manipulated. Our lust for the soil shines through from the heart. Some people have called it a divine madness. We have reached a queer juxtaposition, gentlemen; we farmers are eager to continue food production, but the future of agriculture does not rest in our hands. It rests in yours. Please, make your decision wisely. Thank you very much. (Applause)

SENATOR ZANE: Thank you. Is there anyone else who would like to testify on these four bills? Yes. If you would, come up and give your name, please.

ERIC HENSEL: Gentlemen, my name is Eric Hensel. I am a farmer in a small town in Atlantic County. I am Past President of the Atlantic County Board of Agriculture. I am the President and a member of the Board of Directors of the Farm Credit Service, the largest lending organization we have with New Jersey farmers in the State of New Jersey.

There are just a few areas that I want to touch on that I think were missed by the other speakers. I made a change years back from a farm that grew a lot of processing vegetables, dealing with a lot of hand labor and migrant help. We had problems with the workers, who were basically contract workers and day-haul workers, to the point that our profits were gone. There was one time when things were going so hectic between the day-hauls, the canning houses and my men picking peppers, and the other problems that we had - at that time I had a Buick Special 4-door car - I got so involved going from one field to another that after about 30 seconds sitting in the car and thinking I was driving down the road, I found I was in the back seat. When I got to that point, I figured it was time for me to change my way of farming or get out of farming. We did cut down. We cut down operations. We went down, basically, to a family operation with migrant workers from Puerto Rico. We have a family that comes up, the men and their wives. It is a brother and sister type operation and it has been some of the best years that I have ever had farming. As long as I can pay my bills, it has been a pleasure to get out of bed and a pleasure to go to work with my six or seven men, compared to the seventy or eighty that we had years back.

What I am concerned about is that this time and a half bill is going to change things to the point that once again I am going to have to make the decision to get out of farming or increase the number of my helpers where it will create problems again. The men that come up - some of them come with their wives; others are brother-in-laws - come up for one thing: they want to make a dollar. They want to come and work and make as much money as possible and they want to get back to Puerto Rico and back to their families.

I just received a call two nights ago telling me they are coming. Seven of them are coming. I know if this bill went through and I had to call them and tell them to either bring three more or else I would have to get local help to limit their hours to 40 hours a week because I cannot afford to pay time and a half, I know these men would not come up. These are men that have been with me for ten years. I defy anyone in the State of New Jersey to show me where they have a closer relationship with their people than that which I have. When we finish the season, my men come in the house and have dinner with us. My wife throws a dinner for every one of them. We have an outdoor swimming pool. They are welcome anytime. Many of them come over and swim with my family every evening. When you pick them up at the airport, they are greeted with a hug and kiss. We have this kind of relationship. I know if I am going to limit them to 40 hours, they are not going to come.

Someone before me made a comment about competition, that we have to be competitive with other areas. This time and a half bill is going to throw us out of it.

We are not concerned with California. One young lady made some remarks about California. When California is shipping pomegranates or tomatoes in January up here, that is not affecting my operation. What is affecting my operation is what is going into the market at the time my stuff is going in. Our competition,

except for the iceberg lettuce coming out of California that makes us sell \$3 under their price to get rid of it --- California lettuce is bringing \$10 and we have to sell ours for \$7 to be in the market. But what does affect us is competition in the surrounding states: Virginia, Delaware and New York. If you are going to put us in a position where we have to pay time and a half, we are out of business. It is either that we are going to have to increase our labor force, as I said, or go out of business.

I think a lot of the problems can be adjusted just by the sincere approach that I think the general farmers have taken toward the help in the past years. This Unemployment Bill that we have spoken about - I know our men have been collecting unemployment for five years now. We made an honest approach about fifteen years ago to try to get our men on unemployment. At the time, there was a ruling that the men could not go from New Jersey to a state of lesser unemployment and collect. They could collect in New Jersey if we paid unemployment; they could not go to Puerto Rico. We let it go at the time. But I think the Unemployment Bill basically has been a good thing. I haven't had time to study it. I just came back from Minnesota. I wasn't aware of this hearing until today and I haven't had time to study the new bill. But, basically, the unemployment provision I believe has been a tremendous asset to agriculture - to the agricultural workforce and to farmers, themselves. However, I think this time and a half thing could kill us.

I just jotted down a few notes. Some of the speakers before me made reference to the average wage of farm workers. I want to tell you what five of the men who work for me for the full season make. The total wages of the five men averaged \$5800 apiece. These are migrants out of Puerto Rico. They are going to collect 24 weeks of unemployment at \$123 a week. That is \$2952. We supplied them housing. I estimated this at \$25 a week. I believe it cost me \$575 per man. We supply their transportation to and from Puerto Rico. We pick them up at the airport. I pay their taxi from the airport in San Juan to their home. It is another \$100 to go to their homes. We supply a great deal of their local transportation. They don't have a car and, when they want to go to the store or go to town, generally one of us in the family runs them. We believe we can justify a work package, including their bonus at the end of the year, of approximately \$1275 per man, of benefits that are going directly to him. This left my men with a yearly income of \$10,027, including what they got from me by way of benefits that they would have had to pay out of their pocket if they were working for General Motors or AT&T with their six billion dollars profit, or worse. Of this \$10,000, he doesn't pay a penny of federal income tax. A Puerto Rican citizen is exempt from federal income tax. A person who resides in New Jersey would have to have an income close to \$13,000 to match what these people are putting in their pockets at the end of the year. And I don't resent that. I wish I could pay them time and a half. I wish I could pay them \$5 an hour. I wish I could pay them \$10. But, by the same token, I have to sell my produce. I have to provide a living for my family.

People made reference earlier to the construction industry and its time and a half. In the construction industry, generally the jobs are bid. They know what they are getting for a job when they start it. If they miss a day's labor, the hammers are still going to be there in the morning. But the farming industry is not like that. We put in every dollar up front. I don't know what I am getting for my package until the day I take my produce to Vineland. If that man tells me a dollar and the auctioneer stops bids at a dollar, I have a dollar

for it. There are times that I have sold stuff less than what the empty package costs. People ask, "Why the hell did you sell it," because it is going to cost me money to take and dump it out of the empty package. You are better off to put it on the truck and get rid of it.

The other alternative we have is to ship stuff to New York. If I didn't sell it at Vineland or the price wasn't satisfactory, years back, I shipped stuff to New York when the price in New York did not cover the cost of the commission and the cost of transportation up there. As I said, I don't think you can compare agriculture to any industry. It is an industry where if my produce should be picked today and I don't have the help to pick it and leave it out there for four or five days and it gets red or rotten, I am in trouble. In the clothing industry, they lay off today and bring them back tomorrow. They start cutting the clothes and sewing them back together again. I think agriculture is unique - it is different.

As I said, what I consider income for these men was \$10,000. If I limit these men to a 40-hour workweek, including the \$3.35, the 25 cents an hour more, it is going to limit them to \$134 a week and give them total wages for 28 weeks of approximately \$3752. They would be reduced in their unemployment benefits from \$123 to \$88. They would collect approximately \$2100 unemployment. The benefits, I believe, would remain the same at \$1200. They would have a net income of \$7,139, which is \$3000 less than they made last year, making 25 cents an hour less.

So, gentlemen, I would have to say that I sincerely hope --- I would like to see the time and a half if we get it through the Northeast or throughout the United States, but not just for New Jersey. I think you are going to kill the very thing you are trying to help. Thank you. (Applause.)

SENATOR ZANE: Thank you very much.

That concludes all of the scheduled speakers and those who have requested to speak. Senator Bedell has indicated he would like to make a few comments.

SENATOR BEDELL: I want to thank all of you for coming this evening - sincerely thank you. I think it is a testament to this free society that we live in that reasonable people can assemble and disagree and still remain reasonable.

Ray and I are in an embarrassing position right now, because invariably in the Legislature in the eight years we have been together we usually wind up on the same side of most issues. This is one of the few times that we seem to be diametrically on opposite sides.

I have a great deal of respect for this young guy next to me. He is one of the finest individuals we have in the Legislature and I can assure you that you have no greater champion in the Legislature today than Raymond Zane. I deeply respect him, as all of us do.

I want to say how the hearing tonight came about. First, the bills are in the jurisdiction of my committee. Ray is deeply concerned about them. His committee is a related committee. We decided to have another public hearing on the bills. I suggested to Ray that we have it here where the farmers are, so at least you have an opportunity to see government come to you and get your opinions on the record. As Ray said, they will be reproduced verbatim. The statements that were forwarded to us will also be reproduced, published and made available to all the Senators and all the Assemblymen. I think what you have articulated today - and have done it very, very well - in making your position known will be

rather good input for the legislators who may eventually vote on this bill.

For the record let me say that I don't think there are any migrant farm workers who live in my district at all. So I am not doing this because I see a great groundswell of voters coming to my support or defense in November.

I happen to feel very deeply sympathetic to the problems of the migrant farm workers. That is where I am. I make no apologies for it. I also acknowledge the fact that you have a high stake in this. I hope that I have an open mind and can try to bridge the best of two worlds when it comes time to vote.

If you know something about the legislative process, you realize it is not that easy to get bills enacted into laws. I think - and Ray will probably concur in this - before this two-year legislative cycle is over, there will be over 7,000 bills introduced in the New Jersey Legislature. Of those 7,000, if 500 eventually become law, it is a pretty good track record. The reason for that is that the progress of any bill is laborious and long. We are just at the beginning of the process now. If these bills are released from committee in their present forms, if they are modified, if all of them are released or part of them are released, then they go before the entire Senate for a vote. That is where the battle takes place and the arguments, pro and con, are aired. If the bills, some of them or all, pass the Senate, then they go to the Assembly and are assigned to another reference committee. The same process starts all over again. If they make it through the committee system in the Assembly and pass the Assembly, then the Governor either signs them or sits on them. So it is not that easy to get a bill through and I would expect, as with any other legislation, if any of these bills make it that far, they will have undergone quite a bit of surgery and quite a bit of change from the way they are now.

I am very happy to be here tonight. I have never been in this part of the State before. It took me two hours and fifteen minutes to get here, but, because of you, I am glad I came. Thank you, God bless you, and good night. (Applause.)

SENATOR ZANE: Thank you. That concludes the hearing.

- - - -

NOTICE

CREW LEADER'S NAME & ADDRESS:

FARM EMPLOYER'S NAME & ADDRESS:

WORK LOCATION:

CROP(S) TO BE HARVESTED:

LENGTH OF EMPLOYMENT:

WORKER RATE OF PAY:

(hourly or piece rate)

CREW LEADER RATE OF PAY:

(hourly or piece rate)

SERVICES PROVIDED: Transportation Yes ☐ No ☐ ; Housing Yes ☐ No ☐ ; Insurance Yes ☐ No ☐

STRIKE AT PLACE OF EMPLOYMENT: Yes ☐ No ☐

ARRANGEMENTS WITH LOCAL RETAIL MERCHANTS FOR PURCHASE OF GOODS: Yes ☐ No ☐

ADDITIONAL EMPLOYMENT INFORMATION

1. MINIMUM WAGE - must be paid at either the Federal or New Jersey rate whichever is applicable.
2. PIECE RATES - must yield no less than the hourly minimum wage for all hours worked each day. This does not apply for workers under 18 years under New Jersey regulations or 16 years under the Federal or those who because of advanced age or physical limitations have been issued a handicap permit by the New Jersey Office of Wage and Hour Compliance.
3. CREW LEADERS - all crew leaders must be registered with the New Jersey Department of Labor, most also need a Federal registration.
4. PAYMENT TO WORKERS -
 1. Employees working on a daily basis must be paid daily.
 2. Payment must be made on the same premises that the work was done.
5. PESTICIDES - employers must comply with all regulations both State and Federal covering use of pesticides.
6. RECORDS - the employer whether farmer or crew leader must keep daily records of wages paid and hours worked for each worker.
7. WORKER COMPLAINTS - all workers complaints, including wages, hours, discrimination or conditions of work can be made at any New Jersey State Employment Service Office of the New Jersey Labor and Industry Department. Complaints can also be made by calling (609) 292-7022, (operator speaks Spanish and English), or by writing to: Monitor Advocate, Labor and Industry Building, Trenton, New Jersey 08625.
8. WORKERS' COMPENSATION - employers must provide workers' compensation coverage for all workers.
9. CHILD LABOR - children must be at least 12 years old to work on a farm and must have working permits between 12 and 16. Minors under 16 cannot work during the hours which they are required to be in school and they cannot work outside of school hours more than 10 hours in any day, more than 60 hours in a week and not more than 6 days in a row.
10. DISCRIMINATION - all workers are protected by Federal and State laws prohibiting discrimination because of race, color, religion, sex, age or national origin.

NOTICIA

NOMBRE Y DIRECCION DEL ENCARGADO (CREW LEADER):

NOMBRE Y DIRECCION DEL PATRONO AGRICOLA:

SITIO DEL TRABAJO:

COSECHA (S) A SER RECOGIDAS:

TIEMPO QUE DURA EL TRABAJO:

SALARIO DEL TRABAJADOR:

(por hora o por ajuste)

SALARIO DEL ENCARGADO:

(por hora o por ajuste)

SERVICIOS QUE SE PROVEEN: Transportacion Sí ☐ No ☐ ; Casa Sí ☐ No ☐ ; Seguro Sí ☐ No ☐

HUELGA EN EL SITIO DE EMPLEO: Sí ☐ No ☐

ARREGLOS CON COMERCIANTES LOCALES PARA LA COMPRA DE ALIMENTOS: Sí ☐ No ☐

INFORMACION ADICIONAL SOBRE EMPLEOS

1. SALARIO MINIMO - tiene que ser pagado a razon de escala Federal o escala de Nueva Jersey, cualquiera de estas que sea aplicable.
2. TRABAJO POR AJUSTE - tiene que pagar no menos del salario minimo por hora por todas las horas trabajadas cada dia. Esto no incluye a los trabajadores menores de 18 anos, bajo las regulaciones de Nueva Jersey, o a los menores de 16 anos bajo los regulaciones Federales, o aquellos que debido a edad avanzada o limitaciones fisicas poseen un permiso de incapacidad de la Oficina de Cumplimiento con Horas y Salario del Estado de Nueva Jersey.
3. CONTRATISTAS DE TRABAJADORES (CREW LEADERS) - tienen que estar registrados con el Departamento del trabajo de Nueva Jersey. La mayoría tambien necesita registrarse con el gobierno federal.
4. PAGO DE TRABAJADORES - a. Los trabajadores contratados diariamente tienen que ser pagados diariamente.
b. El pago tiene que realizarse en el mismo sitio en que se hace el trabajo.
5. PESTICIDAS - Los patronos tienen que cumplir con todos los reglamentos, tanto estatales como federales, sobre el uso de pesticidas.
6. UNA RELACION DIARIA - El patrono, sea agricultor o contratista de trabajadores (crew leader), tiene que mantener una relación escrita diaria de los salarios pagados y horas trabajadas por cada obrero.
7. QUEJAS DE LOS TRABAJADORES - Todas las quejas de los trabajadores incluyendo aquellas sobre salarios, horas, discriminacion o condiciones de empleo, pueden ser radicadas en cualquier oficina del Servicio de Empleos del Departamento de Trabajo e Industria de Nueva Jersey. Tambien se pueden radicar quejas llamando al teléfono (609) 292-7022. La recepcionista habla español e ingles. Tambien puede escribirse a: Monitor - Advocate, Labor and Industry Building, Trenton, New Jersey 08625.
8. COMPENSACION POR ACCIDENTES - Los patronos tienen que proveer seguro contra accidentes del trabajo para todos los trabajadores.
9. TRABAJO DE MENORES - Los niños entre las edades de 12 a 16 años tienen que tener un permiso especial que puede conseguirse por los padres en la escuela del distrito escolar en que el niño esté empleado. A ningún niño menor de 16 años se le permite operar máquinas o trabajar mientras la escuela esté en sesión.
10. DISCRIMINACION - Todos los trabajadores están protegidos por las leyes estatales y federales que prohíben el discrimen por razon de raza, color, religion, sexo, edad, u origen nacional. 2X

<p align="center">U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION WAGE AND HOUR DIVISION</p>	<p align="center">INFORMATION ON WAGES AND WORKING CONDITIONS INFORMACION SOBRE SALARIOS Y CONDICIONES DE EMPLEO</p>
<p>IMPORTANT NOTICE TO FARM LABOR WORKER: The Farm Labor Contractor Registration Act requires me to furnish to you at time of recruitment the following information:</p>	<p>AVISO DE IMPORTANCIA PARA EL TRABAJADOR AGRICOLA: La Ley "Farm Labor Contractor Registration Act" exige que yo informa a ud. lo siguiente:</p>
<p>1. Area of Employment</p>	<p>1. Lugar de Empleo</p>
<p>2. Type of Agricultural Work and Crops</p>	<p>2. Clase de Labor Agricola y Cosecha</p>
<p>3. Transportation, Housing and Insurance provided the worker:</p> <p>Transportation: _____</p> <p>Housing: _____</p> <p>Insurance: _____</p>	<p>3. Transportacion, Alojamiento, Seguros que proporcionara al trabajador:</p> <p>Transportacion: _____</p> <p>Alojamiento: _____</p> <p>Seguros: _____</p>
<p>4. Wage Rates:</p> <p>Hourly: \$ _____</p> <p>Piece Rate: \$ _____</p>	<p>4. Tipos de Salarios:</p> <p>Jornal por hora: \$ _____</p> <p>Tarifa por Destajo: \$ _____</p>
<p>5. Charges Made for Farm Labor Contractor Services (If there are no charges, enter "None")</p>	<p>5. Salario que cobrara el contratista por su servicio (Si no hay pagos escriba "No")</p>
<p>6. Period of Employment:</p> <p>From: _____</p> <p>To: _____</p>	<p>6. Periodo de Empleo:</p> <p>Desde que Dia: _____</p> <p>Hasta que Dia: _____</p>
<p>7. Labor disputes exist at following places where you will be employed: (If there are no labor disputes, enter "None")</p>	<p>7. Huelgas existen en los siguiente campos de empleo: (Si no hay huelgas escriba "No")</p>
<p>8. Arrangements have been made with the following merchants for the Farm Labor Contractor to receive a commission from sales made to you. (If there are no such arrangements, enter "None")</p>	<p>8. Existen arreglos con los siguientes comerciantes y el contratista para recibir comision por ventas que hacen uds. con ellos: (Si no hay arreglos escriba "No")</p>
<p>9. Name of Farm Labor Contractor</p> <p>Date _____</p>	<p>9. Nombre de Contratista</p> <p>Fecha _____</p>
<p>10. Permanent Address (Street, city, state, ZIP Code)</p>	<p>10. Direccion (Calle, ciudad, estado, numero ZIP)</p>
<p>IMPORTANT NOTICE TO FARM LABOR CONTRACTOR: This form is to be used for the disclosure required by Section 6(b) of the Act. This disclosure must be as frequent as necessary to insure that the information is current.</p>	<p>NOTICIA DE IMPORTANCIA PARA EL CONTRATISTA: Es necesario que complete esta forma. Tiene que completarla cada vez que tenga nueva informacion. Esto es requerido por seccion 6(b) del Acta.</p>

CREW LEADER REGISTRATION ACT

N.J.S.A. 34:8A-7 et seq

**EFFECTIVE
APRIL 7, 1975**



**STATE OF NEW JERSEY
DEPARTMENT OF LABOR AND INDUSTRY
DIVISION OF WORKPLACE STANDARDS
TRENTON, NEW JERSEY**

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NEW JERSEY CREW LEADER REGISTRATION ACT
P.L. 1975, C-49 amending and supplementing P.L. 1971, C. 192
EFFECTIVE APRIL 7, 1975

The following is a reprint of the "Crew Leader Registration Act". Statute reprints are for ready reference only. For official texts consult the New Jersey Statutes.

An act providing for the registration and regulation of farm labor crew leaders, and providing penalties for its violation; repealing P.L. 1961, c.33 (C.34:8A-1 et seq.) and supplementing Title 34 of the Revised Statutes.

N.J.S.A. 34:8A-7.

As used in this Act:

- (a) "Crew leader" means any person who transports, recruits, supplies or hires farm or food processing laborers and who, for any money or other valuable consideration paid, anticipated or promised to be paid, directly or indirectly by any farm operator or laborer, directs all or any part of the work of such workers, or any person who recruits, supplies, or hires farm or food processing laborers for any money or other valuable consideration paid, anticipated or promised to be paid, directly or indirectly by any farm operator or laborer, but shall not include any owner or lessee of a farm or food processing plant who recruits or hires laborers for work on his farm or in his plant.
- (b) "Commissioner" means the Commissioner of the Department of Labor and Industry or his authorized representative.
- (c) "Seasonal farm worker" means any person who is engaged in seasonal or temporary farm work and is a term that may be used interchangeably with the terms "migrant laborer" and "temporary farm worker."

N.J.S.A. 34:8A-8.

No person shall act as a crew leader, nor shall any person employ a crew leader unless he possesses a current and valid certificate of registration issued by the Department of Labor and Industry. The application and certificate of registration forms shall be prescribed by the commissioner.

A certificate of registration shall expire at midnight on December 31 of the year for which it is granted unless sooner revoked or suspended by the commissioner. A certificate of registration may be renewed each year upon the filing of an application of renewal on a form prescribed by the commissioner. The certificate of registration, once issued, shall not be transferable, shall be kept by the registrant in his immediate personal possession and shall be displayed by the registrant upon request of the commissioner or any properly designated representatives of the commissioner or upon the request of the person by whom the crew leader is employed or upon the request of any seasonal farm worker or prospective seasonal farm worker.

Any person holding a valid certificate of registration pursuant to this act, or any regular employee of such a person, shall wear and display when engaging in activities as a crew leader such identification as the commissioner may require, showing such registration to be duly certified by the State and such regular employee to be the agent of such registrant.

Every such regular employee shall be subject to the provisions of this act and of any rules and regulations promulgated pursuant to this act to the same extent as if he were required to obtain a certificate of registration in his own name. For the purpose of this act, every registrant shall be responsible for the activities of every agent designated by him, and shall be subject to any penalties under this act, including the refusal, suspension or revocation of a certificate of registration, proceeding from any act of any agent designated by him, while such agent is engaged in activities as crew leader.

N.J.S.A. 34:8A-9.

All applicants for a crew leader certificate of registration shall furnish evidence satisfactory to the commissioner of his good character, knowledge of and experience with the labor laws applicable to crew leaders and farmers and food processing laborers and any other evidence which the commissioner may establish by rule and regulation. In addition, any applicant transporting seasonal farm workers shall furnish proof satisfactory to the commissioner of compliance with the statutory and regulatory requirements of the New Jersey Division of Motor Vehicles. The commissioner may refuse to issue a certificate of registration to any applicant who does not meet the requirements of this section or any applicable rules or regulations issued hereunder.

The commissioner may, however, at his discretion and upon receipt of a signed application from a crew leader stating seasonal farm workers will not be transported by him issue a registration certificate on which the words "not authorized to transport" are conspicuously placed.

N.J.S.A. 34:8A-10.

In addition to any other responsibilities imposed by law upon the crew leader, he shall:

- (a) Keep records of place of work, gross payments, deductions, and names and addresses of all workers to whom payments are made, in those instances where a crew leader is party to the disbursement of any wages or other compensation due and payable to any seasonal farm worker for time, labor or employment. In addition, for workers employed on a time basis, the number of units of time employed and the rate per unit of time shall be recorded on the payroll records, and for workers employed on a piece rate basis, the number of units of work performed, the number of units of time employed and the rate per unit shall be recorded on such records;
- (b) Ascertain and disclose to each seasonal farm worker at the time the worker is recruited the following information to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the crew leader for his services;
- (c) File with the commissioner a correct change of address immediately upon each occasion such crew leader permanently changes his address;
- (d) Display conspicuously at all times and offer a copy thereof to each seasonal farm worker or head of a seasonal farm worker house-hold a bilingual (Spanish/English) handbill or similar notice **stating** the terms and conditions of employment in such form and in such manner as the commissioner may prescribe and which shall include the information required in subsection b. of this section, and in addition the name and address of the crew leader, the name and address of the employer upon whose premises the work is to be performed, and the date or period for which such employment is offered.

Every such handbill shall have printed thereon a schematic pay schedule, columnizing on the left under the heading "Hours Worked" the numbers 1 through 10 and to the right under the heading "Minimum Wage" the corresponding total minimum wages for each number of hours worked, and preceded by the words, "Even if you work by piece rate, you must receive no less than the following:"

(e) Designate an agent, in such a manner and on such forms as the commissioner may prescribe, which agent may be the commissioner but who in any case shall be available to accept service of summons in any action against such crew leader at any and all times during which such crew leader is absent from the jurisdiction of the State or otherwise unavailable to accept service.

In those instances where a crew leader is party to the disbursement of any wages or other compensation due and payable to any seasonal farm worker for time, labor or employment, he shall make, immediately upon termination of the period of employment for which the worker was employed, such payment or compensation to such seasonal farm worker on the same premises where said labor or employment was performed or provided.

N.J.S.A. 34:8A-10.1.

It shall be unlawful for any crew leader to terminate, suspend, demote, transfer, or take adverse action against any past, present or prospective seasonal farm worker in retaliation for the exercise by such seasonal farm worker of any right secured under the laws and regulations of the State or Federal Government. .

A rebuttable presumption that an action is retaliatory shall arise from any termination, suspension, demotion or taking of adverse action on the part of the crew leader which action occurs within a period of 60 days following any act by a seasonal farm worker to exercise any right secured under the provisions of this act or under the laws and regulations of the State or any agency or political subdivision thereof which establish the rights of persons engaged in farm labor or which establish duties of employers of persons engaged in farm labor.

Any person aggrieved hereunder may maintain a civil action against the crew leader. Any crew leader found to have violated

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this act shall be liable to such person aggrieved for full reinstatement and for back wages accumulated during the period of such unlawful retaliation and to exemplary damages in treble the amount of back wages found due, and for costs and attorney's fees.

N.J.S.A. 34:8A-11.

The commissioner may refuse to renew and may revoke or suspend any certificate of registration after a hearing upon reasonable notice if the applicant:

- (a) Fails to comply with the provisions of this act or any rules and regulations promulgated hereunder;
- (b) Knowingly misrepresents to any seasonal farm worker facts relating to working conditions and hours or to the wages to be paid;
- (c) Knowingly misrepresents any material fact in his application for a crew leader certificate of registration;
- (d) Violates any State or Federal labor or criminal law; or
- (e) Is not in fact the real party in interest in holding such certificate of registration and that the real party in interest in any such application or certificate of registration is a person, firm, partnership, association, or corporation which previously has applied for such certification and has been denied such certification, or which previously has been issued a certificate of registration which was subsequently revoked, suspended, or not renewed in this or any other state requiring the registration of crew leaders.

Such action by the commissioner shall be in addition to any other penalties provided by law.

N.J.S.A. 34:8A-11.1.

The commissioner or his designated representative shall investigate and gather data with respect to matters which may aid in carrying out the provisions of this act. In any case in which a complaint has been filed with the commissioner regarding a violation of this act or with respect to which the

commissioner has reasonable grounds to believe that a crew leader has violated any provisions of this act, the commissioner or his designated representative shall investigate and gather data respecting such case, and may, in connection therewith, issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with such investigation. The commissioner or any agent designated by him for such purposes may administer oaths and affirmations, examine witnesses, and receive evidence.

In addition, the commissioner shall affirmatively monitor and investigate the activities and operations of crew leaders as described in this act without respect to specific complaints, at such frequency and in such a manner as is reasonably necessary to assure the enforcement of the provisions of this act by adopting and implementing a plan to include, as a minimum, (1) the interviewing each month, April through November, of a representative cross section of seasonal farm workers employed by virtue of the services of crew leaders registered with the State, and (2) the making of periodic inspections of records such as those required by subsection a. of section 4(C. 34:8A-10) of the act hereby supplemented.

N.J.S.A. 34:8A-12.

Any person who violates any of the provisions of this act or of the rules and regulations promulgated hereunder shall be a disorderly person and upon conviction, for each violation, shall be punished by a fine of not less than \$50.00 and not more than \$500.00, or imprisonment for not more than 30 days, or both.

N.J.S.A. 34:8A-13.

Upon a violation of any of the provisions of this act, any aggrieved seasonal farm worker, the commissioner or the Attorney General are specifically authorized to institute a civil action in a court of competent jurisdiction for injunctive relief to restrain the violation and for such other further relief as the court shall deem proper. In such an action the court may proceed in a summary manner. Neither the institution of the action, nor any of the proceedings therein, shall relieve any party to such proceedings from the penalty prescribed for a violation of this act.

N.J.S.A. 34:8A-14.

In addition to any other sanctions herein or otherwise provided by law, the commissioner, upon notice and hearing, may impose a penalty not exceeding \$500.00 for any violation of this act or of any rule or regulation duly issued hereunder. Such penalty shall be used for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S. 2A:58-1). Where any violation of this act or of any rule or regulation duly issued hereunder is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional separate and distinct offense, except during the time an appeal from said order or notice may be taken or is pending. It shall be a complete defense to any action for a penalty pursuant to this section for the defendant to prove that the violation complained of is solely the result of the willful destruction by the occupants of any camp; provided, that proof of such fact shall not alter any duty to correct or terminate said violation as ordered by the commissioner.

N.J.S.A. 34:8A-15

The Commissioner of the Department of Labor and Industry is specifically authorized to enforce the provisions of this act and to promulgate all rules and regulations which, in his discretion, are necessary to carry out the provisions of this act.

N.J.S.A. 34:8A-16

Any agreement by an employee purporting to waive or to modify his rights hereunder, shall be void as contrary to public policy.

N.J.S.A. 34:8A-17.

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

DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE

A certificate of registration or an employee identification card may be denied to anyone or suspended or revoked (subject to administrative and judicial review) if such person:

- Makes a false statement on an application or in the written proof required for housing and vehicle statements;
- Gives misleading information to workers regarding terms, conditions, or existence of employment;
- Fails, without justification, to keep a work agreement with the workers or the farm operator;
- Fails to comply with the applicable Interstate Commerce Commission rules;
- Knowingly employs or continues to employ a person, to assist or participate in the contractor's farm labor contractor activities, who has done anything that could be used as a basis for refusing to issue a certificate of registration under the Act.
- Knowingly hires an illegal alien, that is, one who does not hold a permanent resident visa or has not been authorized by the Attorney General to accept such employment;
- Fails to keep the required insurance in effect;
- Knowingly makes application as a front for a contractor who has been previously denied a certificate, had a certificate revoked, or does not qualify for a certificate;
- Has been convicted of certain crimes within five years prior to making application;
- Uses vehicles or housing (under the farm labor contractor's ownership or control) that fail to meet federal and state health and safety standards;
- Has failed to comply with any provisions of the Act or regulations thereunder.

FARM OPERATORS

No person shall engage the services of any farm labor contractor to obtain farm laborers without determining that the contractor possesses a valid certificate from the U.S. Department of Labor.

If it is determined that a person knowingly has engaged the services of a contractor who does not possess the required certificate, such person may be denied the facilities and services authorized by the Wagner-Peyser Act (the employment service) for a period of up to three years and may be subject to a civil money penalty of up to \$1,000 for each violation of the Act.

Anyone furnished with migrant labor by a contractor must maintain all payroll records required by federal law. The person must also keep on file duplicates of the individual worker's records, which the contractor is required under the law to provide.

DISCRIMINATION PROHIBITED

No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any migrant worker because the worker has: (1) filed a complaint, (2) instituted or caused to be instituted any proceeding under or related to this Act, (3) has testified or is about to testify in any such proceedings, or (4) has exercised any right or protection afforded by this Act, on behalf of said person or on behalf of others.

Any worker who believes, with just cause, that he or she has been discriminated against may, within 180 days, file a complaint with the Secretary of Labor alleging such discrimination. If, after an investigation, the Secretary determines that prohibited discrimination has occurred, the Secretary may bring an action in any appropriate United States District Court to seek an order for appropriate relief, including rehiring or reinstatement of the worker, with back pay or damages.

PENALTIES

Failure to comply with this Act and its regulations may result in criminal prosecution, civil injunctive action, civil money damages, and assessment of civil money penalties of up to \$1,000 for each violation.

FOR MORE INFORMATION

More information regarding the Farm Labor Contractor Registration Act of 1963, as amended, including details about the necessary insurance and housing requirements, can be obtained from the nearest local office of the State Employment Service or by contacting the nearest office of the Employment Standards Administration, Wage and Hour Division, U.S. Department of Labor.

This leaflet does not have the effect of regulation or law. Copies of the law may be obtained at any local office of the State Employment Service or at the nearest office of the Wage and Hour Division. Compliance with the Farm Labor Contractor Registration Act does not excuse failure to comply with applicable state laws.

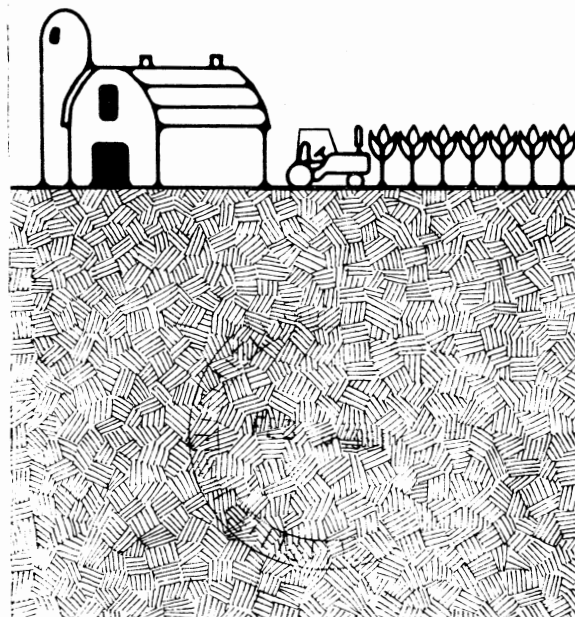
Farm Labor Contractor Registration Act as Amended December, 1974

Information for Farm Labor Contractors and Growers

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

WH Publication 1365
Reprinted February 1978

YOUR NEAREST WAGE-HOUR OFFICE:
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2102 FERRY ST. - RM. 230
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PURPOSE OF THE LAW

The aim of the Farm Labor Contractor Registration Act of 1963, as amended in 1974 (FLCRA) is to improve conditions for migrant farm workers. The Act now requires farm labor contractors, their full-time or regular employees and users of such migrant workers, to observe certain rules with reference to their employment. The 1974 Amendments provided greater protection to more workers.

FARM LABOR CONTRACTORS

A farm labor contractor (also called "crew leader") is any person who, for a fee for oneself or on behalf of another person, recruits, hires, furnishes or transports migrant workers (regardless of numbers) for agricultural employment, whether within a state or across state lines. The term applies to individuals, partnerships, associations, joint stock companies, trusts and corporations.

EXEMPTIONS

The following persons or organizations are exempt from the requirements of the Act:

- Nonprofit charitable organizations and public or nonprofit private educational institutions;
- Employers who personally recruit migrant farm workers solely for their own operations;
- An employer's regular or full-time employee who engages in farm labor contractor activities only on an incidental basis and only for the employer;
- Common carriers engaged solely in transporting migrant workers;
- In certain cases, persons who obtain foreign migrant workers for employment in the United States under an agreement between this country and the foreign nation;
- A farm labor contractor who engages in contracting activity within a 25-mile intrastate radius of his or her permanent home, provided the contractor does not engage in contracting activity for more than 13 weeks in a calendar year.

REGISTRATION

A farm labor contractor covered by the law must register with the U.S. Department of Labor and must obtain a certificate of registration. This certificate must be carried on the contractor's person at all times and must be shown to recruited workers and to anyone with whom the contractor deals in the capacity of contractor. In addition, any full-time or regular employee of a registered farm labor contractor who acts in the

contractor's behalf must obtain a farm labor contractor employee identification card. These employees are bound by the same rules and regulations that apply to contractors.

A certificate of registration and a farm labor contractor employee identification card are obtained by filing applications with the local state employment office of the United States Employment Service. A completed application for a certificate of registration must be accompanied by:

- A set of fingerprints on appropriate forms;
- A statement identifying each vehicle and any housing owned or controlled by the applicant and to be used for transporting or housing migrant workers;
- Written proof that such vehicles or housing meet federal and state safety and health standards;
- A certificate for each liability insurance policy issued to the applicant in the amounts required under regulations of the Interstate Commerce Commission, if the applicant seeks a certificate of registration with authorization to transport workers;

An applicant for a certificate of registration must authorize the Secretary of Labor to accept service of legal process for a suit filed subsequently against the applicant in the event that the applicant is not available to accept the summons.

A certificate of registration and a farm labor contractor employee identification card are effective only during the calendar year for which each has been issued. If application for renewal is made before December 1, the farm labor contractor or registered employee may continue to operate until the application is acted upon.

A certificate of registration or a farm labor contractor employee identification card is not transferable from one person to another. An employee identification card is good only when the employer holds a valid farm labor contractor registration certificate.

WHAT A FARM LABOR CONTRACTOR IS REQUIRED TO DO

- When recruiting workers, clearly inform them in writing and in a language in which they are fluent, of all living and working conditions, including location of work site, crops to be worked, wages, housing facilities, transportation and insurance, the period of employment, charges to be made for the services provided, the existence of any labor dispute at the work place, or any kickback arrangement between the farm labor contractor and local commercial or retail merchants who deal with the workers;

- Clearly post the terms and conditions of occupancy for housing owned or controlled by the farm labor contractor;

• Upon arrival at a given place of employment, clearly post the conditions of employment in a prominent place readily seen by the employees and notify the workers of any changes in such conditions;

- Keep payroll records and provide each worker with a statement of earnings, withholdings, and reasons for withholdings, if the farm labor contractor is responsible for paying the wages. The contractor must also give payroll information to the farm operator for the farmer's records;

- Notify the Department of Labor within 10 days: (1) if the farm labor contractor obtains vehicles for transporting or facilities for housing migrant workers (provided the vehicles or housing are under the contractor's ownership or control); and (2) any change of address.

INSURANCE

The automobile insurance required by this Act must cover both passengers and property. If the policy does not cover passengers, an accident policy must be obtained to protect them. Insurance policies must cover the amounts required for vehicles carrying passengers in interstate commerce under the Interstate Commerce Act, or amounts offering comparable protection. These include:

	Insurance Required for Passenger Equipment	
	12 or less pass.	More than 12 pass.
Limit for bodily injuries to or death of one person	\$100,000	\$100,000
Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$100,000 for bodily injuries to or death of one person)	300,000	500,000
Limit for loss or damage in any one accident to property of others (excluding cargo)	50,000	50,000

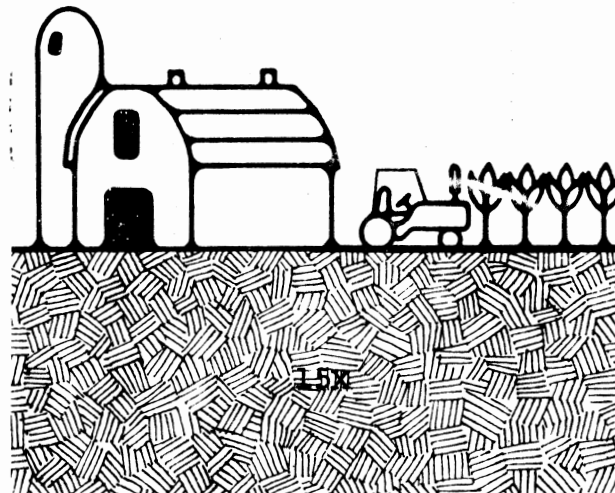
Any licensed insurance agent can sell this insurance. The farm labor contractor should tell the agent that the policy is needed to meet the requirements of the Farm Labor Contractor Registration Act, as amended.

**Ley de Inscripción de
los Contratistas de
Mano de Obra Agrícola
Según fue Enmendada
en Diciembre de 1974
Información para
Contratistas de Mano
de Obra Agrícola y
Agricultores**



Departamento del Trabajo de
los Estados Unidos de América
División De Horas y Salarios
Marzo de 1976

WH Publication 1367



Finalidad de la Ley

La Ley de 1963 sobre la Inscripción de los Contratistas de Mano de Obra Agrícola, tal como fue enmendada en 1974 (FLCRA), aspira a mejorar las condiciones de los trabajadores agrícolas migratorios. En la actualidad, la Ley exige que los contratistas de mano de obra agrícola, sus empleados a tiempo completo o regulares, y los que emplean a dichos trabajadores migratorios, observen ciertas disposiciones en relación con su empleo. Las Enmiendas de 1974 proporcionaron una mayor protección a un mayor número de trabajadores.

Contratistas de Mano de Obra Agrícola

El contratista de mano de obra agrícola (llamado también "jefe de cuadrilla") es toda persona que, a cambio de unos honorarios, personalmente o en nombre de otra persona, recluta, contrata, proporciona o transporta trabajadores migratorios (cualquiera que sea su número) para empleo en el agro, bien sea dentro de un estado o cruzando fronteras estatales. Este término se aplica a individuos, sociedades, asociaciones, sociedades en comandita por acciones, consorcios y corporaciones.

Exenciones

Están exentas de las disposiciones de la Ley las personas u organizaciones siguientes:

- Organizaciones benéficas, sin fines de lucro, e instituciones docentes sin fines de lucro tanto públicas como particulares.
- Empleadores que contratan personalmente a trabajadores agrícolas migratorios exclusivamente para sus propias operaciones.
- Un empleado regular o a tiempo completo que participa en actividades de contratación de mano de obra agrícola incidentalmente y solamente para su empleador.

- Empresas de transporte públicas dedicadas exclusivamente al transporte de trabajadores migratorios.

- En ciertos casos, personas que obtienen trabajadores migratorios extranjeros los cuales vendrán a trabajar a los Estados Unidos al amparo de un acuerdo entre este país y el país extranjero.

- Un contratista de mano de obra agrícola que se limite a contratar dentro de un radio de 25 millas de su residencia permanente sin cruzar las fronteras de su estado, siempre que dicho contratista no participe en las actividades de contratación por un período superior a 13 semanas de un año civil.

Inscripción

Todo contratista de mano de obra agrícola que se acoja a la presente Ley deberá inscribirse en el Departamento del Trabajo de los Estados Unidos y deberá obtener un certificado de inscripción. El contratista deberá llevar siempre consigo el citado certificado y deberá mostrarlo a los trabajadores contratados y a cualquier persona con la que el contratista trate en tal calidad. Además, todo empleado regular o a tiempo completo de un contratista de mano de obra agrícola inscrito que actúe en nombre del contratista, deberá obtener una tarjeta de identificación que acredite su calidad de empleado de un contratista de mano de obra agrícola. Dichos empleados deben registrarse por las mismas normas y disposiciones que se aplican a los contratistas.

Los certificados de inscripción y tarjetas de identificación de los empleados de contratistas de mano de obra agrícola pueden obtenerse cursando solicitudes a la oficina local de empleo del Servicio de Empleo de los Estados Unidos del estado en cuestión. Toda solicitud de certificado de inscripción debida-

mente cumplimentada debe ir acompañada de lo siguiente:

- Un juego de huellas dactilares en los formularios adecuados.
- Una declaración que identifique cada vehículo y cada vivienda que posea o controle el solicitante y que vaya a utilizarse para el transporte o alojamiento de los trabajadores migratorios.
- Prueba por escrito de que dichos vehículos o viviendas cumplen con las normas federales y estatales de seguridad y salubridad.
- Un certificado por cada póliza de seguro contra responsabilidad civil extendido al solicitante por la cuantía que exijan las disposiciones de la Comisión de Comercio Interestatal, si el solicitante trata de obtener un certificado de inscripción que le autorice a transportar a trabajadores.

Todo solicitante de un certificado de inscripción debe autorizar al Secretario del Trabajo para que acepte diligencia de emplazamiento jurídico para cualquier demanda que se presente posteriormente contra el solicitante, caso de que no esté éste disponible para aceptar el mandato judicial.

Los certificados de inscripción y tarjetas de identificación de los empleados de contratistas de mano de obra agrícola sólo son válidos durante el año civil para el que se hayan otorgado. El contratista de mano de obra agrícola o su empleado inscrito, podrán continuar operando hasta que se tramite su solicitud, siempre que la petición de renovación se haya efectuado antes del 1º de diciembre.

Los certificados de inscripción o tarjetas de identificación de los empleados de contratistas de mano de obra agrícola no son transferibles de una persona a otra. Las tarjetas de identificación de empleados sólo serán válidas cuando el empleador mantenga un certificado válido de inscripción de contratista de mano de obra agrícola.

Que Debe Hacer un Contratista de Mano de Obra Agrícola

- Al contratar a los trabajadores, informarles claramente por escrito y en un idioma que conozcan, de todas las condiciones de vida y trabajo, incluidos el lugar donde deberán trabajar, los cultivos en los que trabajarán, salarios, alojamiento, transporte y seguro, período de empleo, cargos que se harán por los servicios prestados, existencia de cualquier disputa laboral en el lugar de trabajo y cualquier arreglo relativo al pago de comisiones entre el contratista de mano de obra agrícola y los comerciantes o detallistas locales que tratan con los trabajadores.

- Exhibir en un lugar prominente los términos y condiciones de ocupación para las viviendas que posea o controle el contratista de mano de obra agrícola.

- A la llegada a cualquier lugar de empleo, exhibir claramente en un lugar prominente las condiciones de empleo para que las vean fácilmente los empleados, y notificar a los trabajadores de todo cambio que ocurra en dichas condiciones.

- Llevar registros de nómina y proporcionar a cada trabajador una declaración de ingresos, retenciones y razones para las mismas, si el contratista de mano de obra agrícola es el que paga los salarios. El contratista de mano de obra agrícola también debe proporcionar información sobre nómina al patrono agrícola para sus archivos.

- Notificar al Departamento del Trabajo, dentro del plazo de 10 días, (1) si el contratista de mano de obra agrícola obtiene vehículos para el transporte, o viviendas para el alojamiento, de los trabajadores migratorios (siempre que los vehículos o viviendas los posea o controle el contratista); y (2) cualquier cambio de dirección.

Seguro

El seguro de automóviles exigido por la presente Ley debe abarcar tanto a pasajeros como a la propiedad. Si la póliza no comprende a los pasajeros, será necesario obtener una póliza contra accidente para protegerlos. Las pólizas de seguro deben comprender las cantidades requeridas para los vehículos que transportan pasajeros en el comercio interestatal de conformidad con la Ley de Comercio Interestatal, o sumas que ofrezcan una protección comparable. Entre ellas se encuentran las siguientes:

Seguro requerido para equipo dedicado al transporte de pasajeros

	12 o menos pasajeros	Más de 12 pasajeros
Límite por daño o muerte de una persona	\$100.000	\$100.000
Límite por daño o muerte de todas las personas dañadas o muertas en cualquier accidente dado (sujeto a un máximo de \$100.000 por daños o muerte de una persona)	300.000	500.000
Límite por pérdida o daño a la propiedad de terceros en cualquier accidente dado (excluido la mercancía)	50.000	50.000

Este seguro puede expedirlo cualquier agente de seguros licenciado. El contratista de mano de obra agrícola debería informar al agente de seguros que la póliza debe cumplir con lo prescrito por la Ley sobre Registro de Contratistas de Mano de Obra Agrícola y sus enmiendas.

Denegación, Suspensión o Revocación de un Certificado

Un certificado de inscripción o una tarjeta de identificación de empleado podrá denegarse a cualquiera o suspenderse o revocarse (con sujeción a examen administrativo y judicial) si dicha persona:

- Hace una declaración falsa en una solicitud o en la prueba escrita requerida para las declaraciones de vivienda y vehículo.
- Proporciona información equivoca a los trabajadores en relación con los términos, condiciones o existencia de empleo.
- Quebranta injustificadamente un convenio de trabajo con los trabajadores o el patrono agrícola.
- No cumple con las normas aplicables de la Comisión de Comercio Interestatal.
- Contrata a sabiendas a un extranjero ilegal, es decir, a una persona que no tiene una visa de residente permanente o que no ha sido autorizada por el Procurador General para aceptar dicho empleo.
- No mantiene en vigor el seguro requerido.
- Presenta a sabiendas una solicitud encubriendo a un contratista al que anteriormente se le había denegado un certificado, se le había revocado un certificado o no reúne las condiciones necesarias para recibir un certificado.
- Se le ha condenado por ciertos crímenes dentro de un período de cinco años previos a la fecha en que presenta la solicitud.
- Utiliza vehículos o viviendas (que son propiedad o están bajo el control del contratista de mano de obra agrícola) que no cumplen con las normas federales y estatales de salubridad y seguridad.
- No ha cumplido con cualquiera de las normas prescritas por la ley o sus disposiciones.

Patronos Agricolas

Nadie deberá contratar los servicios de un contratista de mano de obra agrícola para la obtención de trabajadores agrícolas sin cerciorarse de que el contratista posee un certificado válido emitido por el Departamento del Trabajo de los Estados Unidos.

Si se constatará que una persona ha contratado a sabiendas los servicios de un contratista que no posee el certificado necesario, podrá denegarse a dicha persona las instalaciones y servicios autorizados por la Ley Wagner-Peyser (servicio de empleo) por un período de hasta tres años, y puede someterse al pago de una sanción pecuniaria civil de hasta \$1.000 por cada contravención de la Ley.

Toda persona a la que un contratista proporcione mano de obra migratoria deberá mantener todos los registros de nómina que dictaminan las leyes federales. Dicha persona debe, además, mantener en sus archivos duplicados de los registros de los trabajadores individuales, que el contratista debe proporcionar conforme a la ley.

Prohibición de la Discriminación

Ninguna persona intimidará, amenazará, restringirá, coercionará, pondrá en lista negra, despedirá o, de cualquier otra forma, hará objeto de discriminación a ningún trabajador migratorio debido a que éste haya: (1) presentado una queja, (2) establecido o hecho establecer un proceso al amparo de esta Ley o leyes afines, (3) atestiguado, o vaya a atestiguar, en cualquier tal proceso, o (4) ejercido cualquier derecho o protección emanado de la presente Ley, en su nombre o en nombre de otros.

Todo trabajador que crea, con justa causa, que ha sido objeto de discriminación, puede, dentro de un plazo de 180 días, presentar una queja al Secretario del Trabajo en relación con dicha discriminación. Si, tras investigar el

asunto, el Secretario constata que se ha producido un caso prohibido de discriminación, el Secretario podrá incoar un proceso en el correspondiente Tribunal de Distrito de los Estados Unidos para obtener una orden de desagravio, incluido el reemplazo o reestablecimiento del trabajador, con pago de los salarios atrasados o daños producidos.

Sanciones

Toda contravención de la presente Ley y sus disposiciones podrá resultar en enjuiciamiento penal, acción civil por mandato judicial, daños civiles pecuniarios e imposición de sanciones civiles pecuniarias de hasta \$1.000 por cada contravención.

Información Adicional

Si se desea mayor información relacionada con la Ley de 1963 sobre Inscripción de Contratistas de Mano de Obra Agrícola, y sus enmiendas, incluidos los pormenores sobre los requisitos necesarios de seguro y vivienda, sirvanse dirigirse a la oficina local más cercana del Servicio Estatal de Empleo o ponerse en contacto con la oficina más cercana de la Administración de Normas de Empleo, División de Salarios y Horas, Departamento del Trabajo de los Estados Unidos (Employment Standards Administration, Wage and Hour Division, U.S. Department of Labor).

La presente hoja no tiene el efecto de disposición o ley. Pueden obtenerse ejemplares de la Ley en cualquier oficina local del Servicio Estatal de Empleo o en la oficina más cercana de la División de Salarios y Horas. El cumplimiento de la Ley de Inscripción de Contratistas de Mano de Obra Agrícola no excusa el incumplimiento de las leyes estatales pertinentes.

DEPARTMENT OF LABOR PROTECTION FOR
FARMWORKERS

Farmworkers, you should be aware that there are Federal and State employment related laws that provide you with important protections.

These cover:

HOUSING: Housing furnished as a condition of employment must meet certain safety and health standards. If you live in such housing and you believe it is unsafe or unsanitary, call the Occupational Safety and Health Administration (OSHA) office nearest to you and explain why you believe your housing is unsafe.

PAY: If you work for a Farm Labor Contractor, you have a right to know in writing in a language you understand, what the conditions of your employment are. These conditions include wages you are paid and how they are figured. If your contractor does not give you this information in writing, call the nearest Wage and Hour Office. If you work on a farm, you may be entitled to the Federal Minimum Wage. For more information, contact the nearest Wage and Hour Office.

TRANSPORTATION: If you work for a Farm Labor Contractor and he/she takes you to and from work, the vehicle used must meet Federal or State Safety Standards and the contractor must have vehicle insurance. Complaints about the safety of such vehicles should be made to the nearest Wage and Hour Office.

WORKING CONDITIONS: Federal and State laws require that working conditions be safe and sanitary. If you think your working conditions are unsafe or unsanitary, contact the Occupational Safety and Health Administration (OSHA) office nearest to you.

COMPLAINTS: You have a right to file complaints with a Job Service Office when: (1) the complaint pertains to an employer about a specific job to which you were referred by a Job Service office, or (2) your complaint concerns the Job Service actions of omissions under the Job Service Regulations. The Job Service will also help you and refer you to the appropriate enforcement agency with regard to other complaints such as, housing, wages transportation and working conditions.

The Job Service can give you the address and phone numbers of the Wage and Hour Office and the Occupational Safety and Health Administration (OSHA) office nearest to you.



PROTECCION QUE BRINDA EL DEPARTAMENTO FEDERAL DEL TRABAJO

A LOS TRABAJADORES AGRICOLAS

TRABAJADORES AGRICOLAS: Ustedes deben de saber que ciertas leyes federales y estatales relacionadas con empleo les ofrecen proteccion de mucha importancia.

Tales como:

VIVIENDAS: Las viviendas ofrecidas como una condicion de empleo, tienen que reunir ciertas normas de seguridad y sanidad. Si ud. vive en una vivienda de esta clase y cree que la vivienda no reúne dichas normas de seguridad o sanidad, llame a la Oficina de la Administracion de Seguridad y Salubridad en Ocupaciones (OSHA) mas cercana y explique porque Ud. cree que su vivienda no reúne estos requisitos de seguridad y sanidad.

PAGO: Si trabaja por un Contratista de Trabajadores Agricolas, Ud. tiene derecho a ser informado, por escrito y en el idioma que Ud. comprende, acerca de las condiciones de su empleo. Estas condiciones incluyen los salarios/jornales que le serán pagados y la forma en que serán calculados. Si el Contratista no le proporciona dicha informacion por escrito, llame a la Oficina de Salarios y Horas de Trabajo (Wage and Hour) mas cercana. Si trabaja en una finca o rancho, podrá tener derecho a que se le pague el Sueldo Minimo establecido por ley Federal. Para mas informacion al respecto, comuniquese con la Oficina de Salarios y Horas de Trabajo mas cercana.

TRANSPORTACION: Si trabaja por un Contratista de Trabajadores Agricolas y dicho Contratista le lleva de ida y regreso al trabajo, el vehiculo que se usa, tiene que estar en condiciones que satisfacen las Normas de Seguridad Federales o Estatales; y el Contratista tiene que haber asegurado el vehiculo. Quejas o reclamos relacionados con la seguridad de tales vehiculos, deberán ser comunicados a la Oficina de Salarios y Horas de Trabajo mas cercana.

Quejas O Reclamos: Ud. tiene derecho a presentar quejas o reclamos en una Oficina del Servicio de Empleos (Job Service) cuando: (a) la queja o reclamo se refiere a un empleo especifico con un empleador al cual una Oficina del Servicio de Empleo le despachó; o (2) su queja o reclamo es relacionado con las Regulaciones del Servicio de Empleo lo que el Servicio de Empleo ha hecho u omitido hacer. El Servicio de Empleos tambien le ayudara y le enviara a las agencias encargadas del enforzamiento de otras clases de quejas, tales como: viviendas, salarios y transportacion.

El Servicio de empleos podrá suministrarle las direcciones y numeros de telefonos de las oficinas de Salarios y Horas de Trabajo (Wage and Hour) y de la Administracion de Seguridad y Salubridad en Ocupaciones (OSHA) mas cercanas.

CUMBERLAND COUNTY BOARD OF AGRICULTURE TESTIMONY

on

S-1603 - UNEMPLOYMENT COMPENSATION

S-1604 - REGISTRATION OF FARM LABOR CREW LEADERS

S-1605 - THE TRUTH IN FARM EMPLOYMENT ACT

S-1606 - AN ACT TO AMEND THE STATE WAGE & HOUR LAW

FEBRUARY 25, 1981

Delivered by: James Manetas
Cumberland County Board of Agriculture

I am here today to report the concern of the Cumberland County Board of Agriculture as to Senate bills S-1603, S-1604, S-1605 and S-1606.

S-1603

We are opposed to bill S-1603. This additional cost to our small employer along with the federal minimum wage increase to \$3.35 per hour are the two main (major) reasons why we will not be able to show a profit at the end of this season. The other reasons why we are opposed to S-1603 are the fact that we pay the highest unemployment compensation rate of any employer because of our seasonal demand for labor. The cost of housing these people has skyrocketed along with the cost of taxes, electricity and fuel, etc. The passage of this bill will cause many small family farmers to sell their farms and take their land out of agricultural production.

S-1604

We are opposed to S-1604. The State of New Jersey and the Dept. of Labor has a great number of laws to guarantee the rights of all workers. The fine of \$500 is a most unrealistic way of serving and understanding our farm problems. If this bill becomes law, we will be subject to court appearances instead of farming.

We should have the same recourse as this bill provides for our workers.

S-1605

We are opposed to S-1605. Our experiences of posting such notices on our farms or work places seems to be a most futile gesture.

Within a few days these notices have disappeared. As chairman of Fish & Game Council, I know that the signs we put up are often removed the first week they are put up. The fine for each offense of \$500 is most unreasonable.

Why does the State of New Jersey assume that farmers take advantage of their employees? The truth is, we provide housing, food, transportation and many other services that no other industry in the world provides.

S-1606

We are opposed to S-1606. The 40 hour work week is not practical for agriculture:

1. Weather conditions dictate when we will work.
2. Crops are often ready for harvest on a weekend or a holiday. If not harvested then, they may not have any value 24 hours later.
3. The terminal markets must have supplies on the first of the week not Saturday, Sunday or holidays.
4. Often our crops mature too fast and it is necessary to work overtime to get them to market.
5. Some of the crops that we grow in New Jersey such as cut flowers, nursery products and some kinds of vegetables must compete with crops grown in South America, Mexico, Panama, Israel and Southern Europe. The low cost of labor in these areas plus the subsidies paid by their government make it almost impossible for our local growers to make a profit.

Everyone should remember that if our industry no longer makes a profit, we will not be providing the food and fiber at home. The

cost of transportation to bring this food necessary for our well being from the west coast will soon be much higher than the present cost to grow it in New Jersey.

Mandatory time and one-half will place the agricultural industry at a competitive disadvantage in comparison to our neighboring states who have no such laws and ship products into the very same markets.

A great deal of time and training is invested to develop an agricultural employee to a degree of competence acceptable to care for, harvest and pack our products. It would be very difficult to find an employee who would be willing to work part-time on our farms to fill in for our regular employees who we would need to limit to a 40 hour week.

Many of our regular employees are presently eager to work up to 60 or more hours a week at their regular wage because they see the benefit of extra work in their pay check. We presently encourage extra work at regular wage rate because it benefits both the employer (\$1 cost for \$1.10 productivity) and the employee in their higher take home pay.

The problem with overtime, over 40 hours per week, is that each dollar of regular time labor would cost one dollar and 50 cents during overtime. If our rate of return to labor is 10%, then we only receive \$1.10 for each \$1 in labor cost. At overtime rates labor would cost us \$1.50 for each \$1.10 return in productivity.

Economics dictate that if we are to survive economically, we cannot allow or afford to pay for overtime.

G. Erwin Sheppard, President
Cumberland County Board of Agriculture
29X

NEW JERSEY FARM BUREAU TESTIMONY

ON

S-1603

S-1604

S-1605

S-1606

PRESENTED BY: LAUREN DE COU
PRESENTED TO: SENATE AGRICULTURE-
LABOR COMMITTEE
DATE: FEBRUARY 25, 1981
PLACE: KINGSWAY REGIONAL HIGH
SCHOOL - SWEDESBORO, NJ

WE SAY THE ENACTMENT OF THESE BILLS WOULD GO A LONG WAY TOWARDS TAKING THE GARDEN OUT OF THE GARDEN STATE.

EVERY SURVEY WE SEE -- ON EVERY HAND -- EXPRESSES THE CONVICTION OF OUR NATION AND OUR REGION TO PRESERVE AVAILABLE GREEN SPACE, TO EXPAND AND NOT CONTRACT OUR IRREPLACABLE AGRICULTURAL RESOURCES.

YET THESE BILLS DO MORE TO CLOSE DOWN OUR FARMS -- AND COLOR THE GREEN SPACES GRAY -- THAN ANYTHING WE HAVE SEEN OF RECENT NOTE.

NEW JERSEY IS A STATE OF SMALL FARMS, AND GENERALLY SMALL FAMILY FARMERS. IN THE POLITICAL ENVIRONMENT OF THE DAY, WE ARE THE LITTLE GUYS, WE ARE THE PROVABLE MINORITY AND WE COME TO YOU AT A TIME WHEN WE NEED HELP AND NOT HINDRANCE.

WHERE FARM WORKER PROBLEMS ARE AT ISSUE YOU HEAR FROM MANY COUNSELLORS. YOU HEAR FROM COLLEGE SPECIALISTS. YOU HEAR FROM LAWYERS, AND FARM WORKER PROGRAM ADVOCATES. YOU HEAR FROM CHURCH GROUPS. AND YOU HEAR FROM US.

BUT WE WONDER IF YOU EVER HEAR FROM THE FARM WORKER HIMSELF. THAT IS, THE FARM WORKER DOWN ON THE FARM: THE TRUE FARM WORKER. WE DON'T SPEAK FOR HIM, BUT WE WORK WITH HIM. AND WE'RE PRETTY SURE THAT IF YOU ASKED HIM HE WOULD TELL YOU THAT HIS REAL CONCERNS ARE NOT THE ISSUES AND CONDITIONS OF HIS WORK -- BUT THE CONTINUED DISAPPEARANCE OF HIS WORK. HE KNOWS WHAT LEARNED SPOKESMEN IN THE ACADEMIC COMMUNITY MAY NOT KNOW. THAT IS THAT ON THE RATIO OF INCREASING COSTS, INCREASING HARRASSMENT AND SOCIAL STRESS, MOUNTING AND COSTLY REGULATIONS AND INTERFERENCE IN OPERATIONS, HIS EMPLOYER GOES TO MACHINES, OR HE GOES OUT OF LABOR-INTENSIVE CROPS, OR HE JUST GOES OUT OF BUSINESS. AND WHAT MAY APPEAR TO STATISTICIANS AND WITNESSES AT HEARINGS AS ECONOMIC TREND-MAKING IS TO HIM THE DISASTER OF UNEMPLOYMENT, AND THE ALTERNATIVE IS THE LAST PLACE HE WANTS TO GO -- PUBLIC WELFARE.

WE WOULD REMIND YOU THAT NONE OF THESE BILLS HAS BEEN INITIATED IN THE FARM WORKER COMMUNITY. THEY BEAR THE MARK OF PUBLIC INTEREST GROUPS WHO TELL YOU THEY SPEAK FOR FARM WORKERS AND KNOW WHAT IS BEST FOR FARM WORKERS. AND ALSO IT SEEMS TO US THIS COMMITTEE MUST ASK ITSELF WHETHER THE BILLS BEFORE IT REALLY REPRESENT THE BEST INTERESTS OF FARM WORKERS, OR JUST THE BEST INTERESTS OF THOSE GROUPS WHO DRAW SUBSTANTIAL TAX MONIES TO MAINTAIN FEDERAL AND STATE PROGRAMS THAT ARE FUNDED IN THE NAME OF FARM WORKERS.

WE HAVE ELECTED A NEW NATIONAL ADMINISTRATION, AND A NEW CONGRESS. THE CLEAR DIRECTION OF BOTH OUR POLITICAL PARTIES, THE GOVERNORS OF OUR STATES AS EXPRESSED IN RECENT CONFERENCE, AND CERTAINLY OUR ELECTORATE, IS TO CONSERVE AND RE-DIRECT PUBLIC EXPENDITURES AND FEDERAL PROGRAMS THAT HAVE NOT WORKED. WE HAVE A NEW SECRETARY OF LABOR, A CITIZEN OF THIS STATE, WHOSE MISSION IS TO RE-EXAMINE AND RE-EVALUATE SOME OF THE PROGRAMS WHOSE BENEFICIARIES ARE AMONG THE ARCHITECTS OF THESE BILLS. WE FEEL THAT NOT ONLY ARE THESE BILLS WRONG IN PRINCIPLE, BUT ARE PRESENTED TO TAXPAYERS AT A VERY WRONG TIME. THE ISSUES HERE ARE NOT JUST FOR THE MAINTENANCE OF PUBLIC PROGRAMS, BUT WHAT IS RIGHT FOR THE PEOPLE OF NEW JERSEY -- FARMERS, FARM WORKERS, CITIZENS OF OUR STATE, TAXPAYERS EVERYWHERE.

FOR EXAMPLE, WE ARE ASKED TO CONSIDER NEW CREW LEADER REGISTRATION HERE AT THE VERY TIME THE CONGRESS SHOWS EVERY INDICATION OF REVISING A NATIONAL FARM LABOR CONTRACTOR REGISTRATION ACT, WHICH HAS NOT WORKED OUT WELL AT ALL. AND IT IS NO SECRET THAT A MAJOR CAMPAIGN IS UNDERWAY IN CONGRESS TO TOTALLY REVISE THE OPERATION OF THE FEDERALLY-FUNDED LEGAL SERVICES CORPORATION TO BRING ITS FUNCTION MORE IN LINE WITH PROVIDING LEGAL SERVICES FOR THE POOR RATHER THAN LITIGATING SOCIAL CAUSE.

FOR YEARS, FEDERALLY-FUNDED RURAL LEGAL SERVICES IN OUR STATES HAVE LOOKED ON FARM WORKERS AS PRIME CLIENTELE. THIS IS TRUE IN NEW JERSEY WHERE FARMERS HAVE HAD TO DEFEND THEMSELVES ON NUMBERS OF CHARGES THAT HAVE -- FOR THE MOST PART-- PROVEN PETTY. COSTLY ALL THE SAME TO FARMERS WHO HAVE HAD TO HIRE THEIR OWN

COUNSEL. WHATEVER ELSE THEY MAY BE, WE REGARD THESE BILLS AS FURTHER CLIENT-BUILDING PROPOSALS FOR RURAL LEGAL SERVICES ATTORNEYS LOOKING FOR NEW AREAS OF INVOLVEMENT, AND NEW JUSTIFICATIONS FOR FEDERAL EXPENDITURES. WOULD IT NOT THEN BE BETTER FOR THIS COMMITTEE TO AWAIT SOME SIGNAL ON THE DIRECTION FROM WASHINGTON ON OLD PUBLIC PROGRAMS RELATING TO FARM WORKERS, BEFORE WE LOCK OURSELVES INTO NEW PROGRAMS HERE IN NEW JERSEY?

HERE WE MUST SAY THAT ONE OF THE BIG REASONS WE LOOK DOWN SO ON THESE BILLS -- IS THAT THEY LOOK DOWN SO ON US. IN EVERY BILL THERE IS THE IMPLICATION OF BAD FAITH ON THE PART OF FARM EMPLOYERS. WE CONCEDE THAT THERE ARE SUCH THINGS AS BAD FARM EMPLOYERS, JUST AS THERE ARE BAD FARM WORKERS, BAD SOCIOLOGISTS, BAD LAWYERS, EVEN BAD LEGISLATORS. BUT TO TYPIFY AND SINGLE OUT FARM EMPLOYERS AS A CLASS AS BAD EMPLOYERS STRIKES US AS A BAD FAITH BEGINNING ON WHICH GOOD LEGISLATION CAN NEVER BE BUILT.

YET THAT IS EXACTLY WHAT SOME OF THE PROPONENTS OF THIS LEGISLATION HAVE LONG BEEN GIVEN TO DOING. THE LEGISLATURE -- AND MORE ESPECIALLY THE MEDIA -- HEAR FLAGRANT CHARGES OF ABUSE, SERVITUDE, AND EXPLOITATION OF WORKERS CAST ABOUT LIKE POLLEN IN THE WIND, THE TRUTH LAGGING WAY BEHIND. THIS IS RHETORIC, NOT REASON: AND IT PROVIDES NO BASE ON WHICH TO BUILD REASONED LEGISLATION.

THERE ARE THOSE WHO USE SUCH TACTICS WITH DELIBERATE INTENT, AND THE INTENT IS TO CREATE SYMPATHY, TO EXPLOIT GOOD CONSCIENCES EVERYWHERE, AND THUS PROMOTE PROGRAMS OF VERY NARROW SELF-INTEREST AND THE BENEFICIARIES ARE NOT FARM WORKERS.

THIS ATTITUDE IS WHAT BOTHERS US ABOUT S-1605, THE SO-CALLED TRUTH IN FARM EMPLOYMENT BILL. THE IMPLICATION IS THAT THE TRUTH IS NOT NOW BEING TOLD, AND YET FARM WORKERS EMPLOYERS AND CREW LEADERS THROUGHOUT THE STATE OPERATE UNDER LONG-ENACTED STATUTES TO PROVIDE ALL MANNER OF PERTINENT INFORMATION TO WORKERS.

HOW WILL THE POSTING OF YET ANOTHER PIECE OF INFORMATION -- UNDER THE VERY POSSIBLE AUSPICES OF POLITICAL PROGRAMMERS -- BETTER SERVE THE FARM WORKERS? CERTAINLY FARMERS WILL BE BADLY SERVED BY ANOTHER PASSEL OF REGULATIONS THAT CAN IMPOSE DISCRETIONARY PENALTIES FOR POSTED SIGNS THAT ARE DEFACED, OR TORN DOWN, OR SIMPLY

DISTRIBUTED IMPROPERLY, REGARDLESS OF INTENT. THIS IS HIGHLY DISCRIMINATORY LEGISLATION.

S-1603 TO ASSESS COSTS OF UNEMPLOYMENT COMPENSATION TO OUR VERY SMALLEST FARMERS, SIMPLY EXERTS MORE PRESSURE ON THAT SEGMENT OF FAMILY FARMERS THAT THE PROPONENTS OF THIS BILL REPEATEDLY SAY THEY WANT TO SAVE. THESE ARE SMALL OPERATORS WHO HIRE ONLY FEW WORKERS FOR A FEW DAYS. IRONICALLY MOST WORKERS SUCH AS YOUNG HIGH SCHOOL AND COLLEGE STUDENTS WORKING DURING SUMMER VACATION WILL NEVER EVEN QUALIFY FOR BENEFITS.

LET US REMEMBER, TOO, THAT UNEMPLOYMENT COMPENSATION IN SUCH VERY NARROW CIRCUMSTANCES, WOULD ENCOURAGE OTHER PART-TIME WORKERS NOT TO GO BACK TO WORK AS LONG AS UNEMPLOYMENT COMPENSATION IS AVAILABLE. WE ARE SURE THE COMMITTEE IS AWARE THAT MANY NEW JERSEY SEASONAL AND FULL-TIME WORKERS ARE ALREADY COVERED UNDER UNEMPLOYMENT COMPENSATION. THE ADDED COST OF THIS PROGRAM TO SMALL FARMERS WOULD BE HIGHLY COUNTER-PRODUCTIVE TO THEM AND TO NEW JERSEY AGRICULTURE.

S-1604 TO REGISTER FARM LABOR CREW LEADERS IS SIMPLY A PROPOSAL THAT IS NOT NECESSARY AND WOULD ADD MORE TO BOTH PUBLIC COSTS AND THE COSTS OF FARMERS STRIVING TO DEFEND THEMSELVES AGAINST ANOTHER AGENCY. CREW LEADERS ARE ALREADY REGISTERED UNDER A STRINGENT FARM LABOR CONTRACTOR REGISTRATION ACT. FARMERS, AND FARM WORKERS, HAVE FOUND SO HIGH A DEGREE OF VINDICTIVENESS AND BUREAUCRACY IN THE INTERPRETATION AND ENFORCEMENT OF THE FEDERAL ACT THAT CHANGES BY THE CONGRESS ARE CERTAIN TO COME. OBVIOUSLY, THEY SEE NO NEED FOR A BAD DUPLICATE OF A BAD LAW ON THE STATE LEVEL.

FINALLY, WE SAY THAT ENACTMENT OF S-1606 TO REQUIRE FARM EMPLOYERS TO PAY TIME-AND-A-HALF FOR WORK PERFORMED OVER 40 HOURS A WEEK, WOULD COME DANGEROUSLY CLOSE TO WIPING OUT SMALL FARMS IN NEW JERSEY.

IT IS NOT JUST STATED OPINION, IT IS AN EXIOM THAT FARMERS CANNOT OPERATE ON A 40 HOUR WORK WEEK.

A FARMER HAS ONLY ONE PAY DAY A YEAR -- THE DAY HE GETS PAID FOR HIS HARVEST.

THERE IS NOTHING THIS LEGISLATURE NOR ANYBODY ELSE CAN DO TO BRING THE SUNSHINE CLOSER, TO REGULATE THE RAINFALL, CHANGE THE SEASONS, OR DRAW OUT THE HARVEST BEYOND NATURE'S GIVING. AND THESE CONDITIONS APPLY TO FARMER AND FARMWORKER ALIKE.

MOST WORKERS SEEK EXTRA HOURS DURING THE HARVEST TO MAXIMIZE INCOME OVER RELATIVELY SHORT PERIODS OF TIME. WE WOULD REMIND THIS COMMITTEE THAT NEW JERSEY AGRICULTURE DOES NOT OPERATE IN A VACUUM. ITS PRODUCE COMPETES WITH APPLES FROM MICHIGAN AND NEW YORK: WITH PEACHES FROM GEORGIA AND SOUTH CAROLINA: WITH TOMATOES FROM OHIO AND CALIFORNIA: WITH VEGETABLE CROPS FROM THE GREAT LAKES STATES, AND IT COMPETES WITH THOSE AREAS FOR THE WORKERS TO HARVEST THOSE CROPS. NO OTHER STATE, NO OTHER AREA OF OUR COMPETITION, REQUIRES OVERTIME PAYMENT FOR FARM WORK. SUCH A PROPOSAL WOULD HAVE A DIRECT BEARING ON THE DEMISE OF THE FAMILY FARMS ^{IN} THE PEOPLE OF THIS STATE WANT PRESERVED.

IN SUM, WE SEE EACH OF THESE BILLS AS NOT ONLY NEEDLESS, BUT DESTRUCTIVE. WE SEE THEM CONSTRUCTED TO DISCRIMINATE AGAINST FARMERS AS A CLASS, AND PROMOTED BY NAME-CALLING, NOT SOCIAL GAIN. WE BELIEVE THEY WOULD BE ESPECIALLY COUNTER-PRODUCTIVE TO FARM WORKERS THEMSELVES, SINCE THEY WOULD APPRECIABLY REDUCE THE ECONOMIC BASE FROM WHICH FARM EMPLOYMENT GROWS.

WE THINK THAT THOSE STANDING TO GAIN FROM THESE BILLS ARE FEDERALLY-FUNDED AGENCIES WHO HAVE MADE A PROJECT OUT OF NEW JERSEY AGRICULTURE, AND WHO WOULD SLOGANIZE RATHER THAN SOLVE ITS BASIC PROBLEMS. AND WE SAY THAT AS THEY GAIN -- THE REST OF US LOSE.

NEW JERSEY AGRICULTURE IS OUR HOME. MOST OF US HAVE BEEN HERE FOR GENERATIONS. WE WANT TO STAY. WE WANT TO FARM. WE WANT TO PROVIDE GOOD JOBS FOR WORKERS, TO MAINTAIN THE GREAT GREEN SPACES OF THIS STATE.

WE ASK THAT YOU NOT PUT THIS FORCE IN MOTION AGAINST US - TO FORCE US TO GO TO MACHINES, TO FORCE US TO GET OUT OF LABOR-INTENSIVE CROPS, AND TO ULTIMATELY FORCE MANY OF US OUT OF AGRICULTURE ALTOGETHER. SUCH A LOSS WOULD BE IRRETRIEVABLE, NOT ONLY TO FARMERS, BUT TO ALL OF US.

35X

Jan.26,1981

Dear Senator,

The Coalition for the Rights of N.J. Farmworkers seek your support for Senate bills S-1603 through S-1606 which would help to secure for farmworkers the basic rights guaranteed to nearly every other worker in our society. It is because of your demonstrated commitment and concern for the labor force that gives us the confidence that you will take appropriate action on these bills.

Enclosed is a packet of information and testimony on these labor bills. Almost all of the bills have received unanimous bi-partisan support from the Senate Labor, Industry & Professions Committee. Please note that these bills have received new numbers since the time that testimony was given in July recommending their release. The bill numbers were amended as follows: S-1603 (formerly S-1271); S-1604 (formerly S-1269); S-1605 (formerly S-1270); S-1606 (formerly S-1268). We hope this information will be helpful to you and that if you wish to have additional information that you will not hesitate to call.

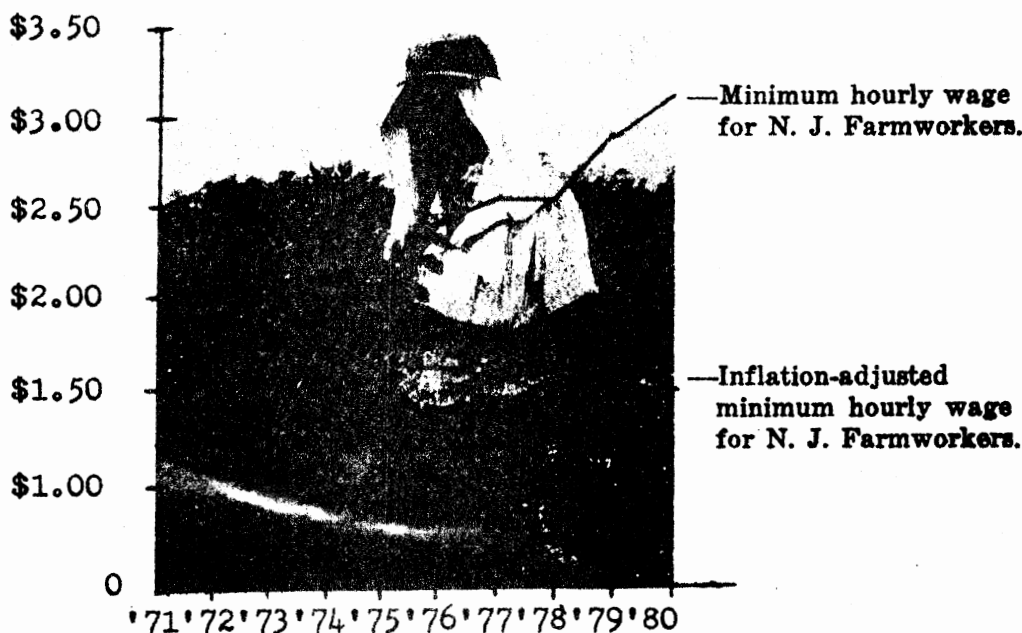
Your assistance is crucial to urge favorable consideration of these much needed employee protections. The cruelty of abuse which surrounds farmworkers today is all too reminiscent of the price sweat-shop workers paid for their freedom at the turn of the century. Your vote can make a very important difference for the 18,000 farmworkers of New Jersey, who put food on our table every day.

Thank you for your consideration.

Sincerely Yours,

The Coalition for the Rights of
N.J. Farmworkers

COALITION FOR THE RIGHTS OF NEW JERSEY FARMWORKERS



For some 18,000 farmworkers who harvest New Jersey's crops, inflation literally means less to eat, less to wear and little or no money for medical care. They are among the poorest of this nation's working poor, enduring chronic and frequently severe deprivation. The following statistics on the health of farmworkers in the U. S., comparable to those of many poor nations in the world, reveal the tragic consequences of their poverty:

- death rate from influenza and pneumonia is as high as 200 % above the national average.
- death rate from tuberculosis is 250 % higher.
- infant mortality is 125 % higher.
- life expectancy is 49 years.

In New Jersey, as in other states, farmworkers' legal rights, as limited as they are, are regularly violated. Minimum wage and housing laws are poorly enforced by state and federal agencies. Crew leaders continue to exploit farmworkers. Unemployment compensation discriminates against them. They are frequently isolated in labor camps without telephones or transportation.

The Coalition for the Rights of New Jersey Farmworkers is educating the people of New Jersey to the plight of the state's farmworkers and their living and working conditions. The Coalition includes farmworkers, labor organizations, church organizations, legal assistance organizations, and other concerned groups and individuals. The Coalition sponsors legislation, monitors enforcement procedures, publishes a newsletter, develops educational materials and seeks funding to support its work.

We would like your support. For more information on the Coalition and how you and your group can help, contact

COALITION FOR THE RIGHTS OF NEW JERSEY FARMWORKERS

176 W. STATE ST., TRENTON, N. J. 08608

(609) 396-9546 or (201) 675-8600

SUMMARY OF THE BILLS

S-1603 Unemployment Compensation Law:

This bill is designed to end inequities in employment coverage for unemployment insurance compensation between the industrial and agricultural sectors of the work force. Currently, all industrial employers who pay more than \$1,000 a year in wages are required to pay unemployment insurance tax contributions for their employees, while agricultural employers must pay for such coverage only if they pay more than \$20,000 in wages in a calendar quarter or have more than ten workers for 20 weeks. Ending this discrimination against farmworkers will not disrupt the state's agricultural production. Indeed, most agricultural employers who are not legally required to make unemployment insurance contributions have voluntarily elected such coverage over the last three years, because they recognize this coverage helps provide a stable agricultural labor force. The problem is that this year these employers will be experience rated and expected to carry their share of the costs of such benefits as do employers elsewhere in the economy. The result may well be chaos as agricultural workers who believe themselves covered for unemployment insurance discover their employers have discontinued such coverage. This proposal to help end discrimination in New Jersey is not a radical or an untested solution; California, with half the nation's agricultural labor force has covered agricultural workers on the same terms as industrial workers since 1976.

S-1604 State Crew Leader Registration Act:

New Jersey has recognized the need to protect farmworkers by requiring regulation of the middleman brokers of agricultural labor since 1961. The law, as amended in 1971 and 1975, currently requires registration of crew leaders with the state and disclosure in writing to their workers of the terms and conditions of employment. S-1604 would augment enforcement of disclosure provisions of this law to farmworkers by allowing farmworkers to institute court enforcement proceedings where crew leaders mislead them as to terms and conditions of employment. This bill has received bi-partisan support in the Senate Labor, Industry & Professions Committee.

S-1605 Truth in Farm Employment Act:

This bill is modeled on the existing Truth in Renting Act and requires the Department of Labor and Industry to prepare an English and Spanish summary of farmworkers' legal rights in relation to their employment which would be distributed by employers to workers and posted by them at appropriate locations. This bill, which has consistently received unanimous bi-partisan support in the Senate Labor, Industry & Professions Committee, ensures that those non-English speaking agricultural laborers who are responsible for keeping food on our tables will understand their basic rights.

S-1606 New Jersey State Wage and Hour Law:

This bill addresses the continuing inequity in denying farmworkers overtime pay for more than 40 hours of work in a week. Most New Jersey farmworkers continue to receive, at best, the minimum wage, while that wage rate has in real inflation-adjusted dollars declined over the last 10 years. If we are committed to keeping New Jersey as the Garden State, we must ensure and pay for a stable and experienced agricultural labor force. This is particularly important at a time when high energy costs nationwide are making the long distance shipment of fruits and vegetables a far higher cost than the cost of labor to grow such fruits and vegetables and providing an opportunity for the Garden State to utilize its proximity to the country's major population centers.



New Jersey Farm Workers

Farm workers are a minority population contending with all forms of injustice: racism; alienation; powerlessness. The political and social isolation which surrounds farm workers flows directly from the desperate poverty which chases lonely individuals and frequently entire families from farm to farm. Some 20,000 workers come each season to harvest New Jersey's valuable fruit and vegetable crops.

The demography of the farm worker population in New Jersey demonstrates that those who work its farms are predominantly poor, Hispanic, Black and increasingly urban. A 1975 study of the farm worker population showed it to be 52% Puerto Rican, 24% Black, 23% white. In recent years, the number of Mexican and Mexican-American workers has steadily risen, though their total numbers are considerably less than the others. Small, but increasingly, numbers of Haitians, Vietnamese and Thais have also reportedly worked on New Jersey farms in recent years. With the substantial immigration of Cubans in 1980, it is probable that another group of unemployed urban workers will seek employment on New Jersey farms next season.

Historically, New Jersey farmers have utilized several sources of labor: southern migrants; Puerto Rican contract and non-contract workers; seasonal laborers from the rural towns near the farms; and workers bussed in daily from the cities.



As many as 8-10,000 day-haul workers are bussed to the farms by crew leaders during the peak of the season from inner-city ghettos of Philadelphia, Camden, and Trenton. Some crew leaders recruit as far north as Newark and New York City.

The second largest group is the 6-8,000 Puerto Ricans. Some of these workers come under contract to New Jersey growers; most now come on their own, having established through a friend or relative a contact with a farmer who needs workers.

The third largest group is comprised of local residents, many of them having settled out of the migrant stream, holding other jobs during the winter. The smallest group is those workers migrating from the South.

New Jersey farmers have benefitted from the diverse and ample work force these groups represent. Each group is organized into a separate labor system and the farmer maintains these divisions by keeping the workers separated in the field. As a result, little progress in living and working conditions among farm workers has occurred.

WORKING CONDITIONS

In recent years, despite a rising minimum wage, the incomes of farm workers in this state have not improved. Currently the minimum wage is \$3.10 per hour but with today's rate of inflation, farm workers have less purchasing power than they did in 1971, when their minimum wage was \$1.60 per hour. Moreover, enforcement of the minimum wage laws in New Jersey hardly guarantees that all workers on farms receive the minimum wage.

During one day of blueberry picking on a farm in Chatsworth, New Jersey, two investigative reporters in July 1978 cited "several major violations of state and federal statutes" and reported that the crew of "about 250 tired workers... made (on the average) \$10 to \$12 for... ten hours of stoop labor." If the crew had been paid the minimum wage of \$2.50 per hour, to which they were legally entitled and the farmer was legally obligated to pay, the average pay would have been \$25-\$30.

Children often work with their parents in the fields. Workers are routinely exposed to toxic chemicals, particularly pesticides.



The desperate conditions of farm workers in New Jersey only begin with wages. Overtime pay for farm workers does not exist, though workers may work up to 60-80 hours a week during peak season.

Unemployment coverage hardly exists; even when farmers carry the coverage and workers pay into the fund, the migratory nature of agricultural employment and the limitations of the law prevent many from collecting.

Crew leaders continue to exploit the workers they recruit, using various physical and psychological means to do so. Living conditions in labor camps generally violate local, state and federal health and safety standards. Farm workers are frequently isolated in camps with telephones or transportation.

HEALTH CONDITIONS

While no investigation has adequately documented the consequences of the impoverishment of farm workers in New Jersey, a recent national survey of the health of migrant farm laborers provides an indication of what would most likely be found:



- work-related accident rate is 300% higher than the national rate;
- incidence of infections, parasitic diseases and diseases of respiratory and digestive systems is 200-500% above the national average;
- death rate from tuberculosis is 250% higher;
- infant mortality is 125% higher;
- life expectancy is 49 years.

ENFORCEMENT

The state and federal agencies, responsible for monitoring and investigating farm workers, either neglect or ignore the civil and human rights of the workers.

In the area of labor camp inspections, for example, legal protection from substandard housing has gotten progressively worse. Since the Occupational Health and Safety Administration took over the inspection of labor camps from the state in the early 1970's, the number of yearly camp inspections has drastically dropped.

The New Jersey Department of Labor and Industry, responsible for enforcing the wage and work laws on farms, is also negligent in protecting farm workers from the abuses and excesses of some growers and crew leaders. In 1977 the State Department of Labor and Industry's Office of Wage and Hour compliance inspected 600 farms, cited 275 of them for violations, but attempted to prosecute only three growers.

THE LOCAL COMMUNITY

Farm workers usually cannot turn to the local community for support. The residents of New Jersey's rural communities are generally suspicious and fearful of the workers. Local police and judges are too frequently blinded by the concerns of the local communities and the interests of the area growers. The local

newspapers are filled with reports of violence involving farm workers on and off the farms.

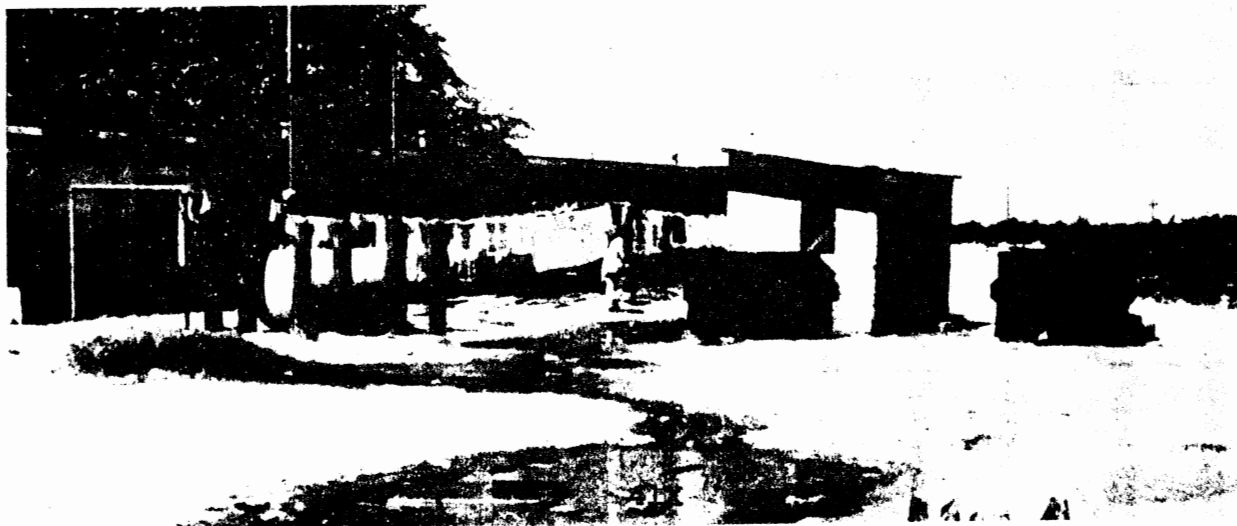
Considerable cultural and social barriers separate farm workers from local residents. Most farm workers in New Jersey are Puerto Rican or Black. The appearance, customs, language and poverty of the workers set them apart from the local people.

They also encounter injustice; at the hands of the police, in the local courts and in the local public's estimation of them. Violence of all kind breeds in these conditions.

The poverty and injustice surrounding farm workers in New Jersey, or elsewhere, flows from their utter powerlessness. Historically, farm workers have lacked organization and have never had representation at any level of government. Most farm workers are not permanent residents of New Jersey; they do not vote. They do not have enough wealth or enough organization to make their concerns known and felt. Economics, geography and culture too frequently divide the workers.

New Jersey farmers, on the other hand, have always been well organized and represented in Trenton and Washington. The Farm Bureau has been a strong lobby for the growers' interest.

The New Jersey Department of Agriculture, whose board is dominated by farmers and whose secretary is virtually appointed by farmers, along with the



public-financed research/extension complex at Rutgers' Cook College, provides valuable service to the state's growers.

Most legislators from the farmer-dominated southern districts guard against legislation aimed at improving farm workers' living and working conditions and introduce and guide bills favorable to farmer interests.

POLITICAL CONSCIOUSNESS

Over the past few years farm workers in New Jersey have begun to awaken to a political consciousness. In 1978 farm workers and their supporters staged a successful demonstration on the steps of the State House which, according to most observers, ensured that for the first time in New Jersey history, farm workers would receive minimum wage coverage equal to that of other workers.

In late 1979, the COALITION FOR THE RIGHTS OF NEW JERSEY FARM WORKERS, a public education and lobbying group, reviewed and, with the participation of farm workers, developed a lobbying campaign and organizing building strategy.

At the same time, the Comité de Apoyo por las Tranakadores Agrícolas (CATA) began organizing self-help support committees on farms in New Jersey and in rural villages and barrios of Puerto Rico.

Important developments have already resulted from the work of these two organizations. In Trenton, four pieces of farm worker legislation have been introduced in the Senate and Assembly.

Also, the first farm worker strike in New Jersey history occurred at the Sunny Slope Farms, Inc. near Bridgeton in August. The striking workers demanded an increase in wages and, though Sunny Slope eventually broke the strike through a combination of contested legal maneuvers and the use of day-haul workers bussed in from Philadelphia, neither the strikers nor their organization was broken.

The political consciousness of New Jersey's farm workers is finally developing. Of course, the farm lobby is still much stronger and justice is a long way off in the future. But the struggle for civil and human rights is born and nurtured in adversity.

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Mark Carlson, Report on New Jersey Farm Workers, New Jersey Council of Churches, 116 No. Oraton Pky. E. Orange, NJ 07017, 1978. \$6.50 each.

ADDITIONAL INFORMATION OR ASSISTANCE

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This article was prepared for IMPACT by John Ripton, a consultant to the Coalition for the Rights of New Jersey Farmworkers.

AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY
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201-642-2084



TESTIMONY for the Senate Labor, Industry and
Professions Committee

To: Committee Senators and the Press
From: Judith Murciano, Legislative Director
American Civil Liberties Union
Re: Truth in Farm Employment Act, S-1270, sponsored by
Senator Eugene Bedell

The American Civil Liberties Union vigorously supports the Truth in Farm Employment Act, S-1270, and urges its passage, along with the passage of bills S-1268 through S-1271, by the Senate Labor, Industry, and Professions Committee. Though there are many compelling, humanitarian arguments based on egalitarian principles which recommend this bill, I will respect the Committee's time constraints and will restrict my comments to some of the more technically substantive aspects of S-1270. In brief, I will discuss why the Truth in Farm Employment Act is necessary and how it fulfills needs not adequately addressed in earlier farmworkers' legislation.

One of the greatest strengths the Truth in Farm Employment Act possesses is its bilingual provision, as expressed in Section 5, line 3. At the present time, some of the posters on Workman's Compensation are printed in Spanish as well as English. This is not a requirement and often, most of the posters detailing the various farmworkers' rights are not printed and displayed in Spanish. According to the Department of Agriculture statistics, 75-85% of the farmworker population in New Jersey is Hispanic. Many of these individuals

- are denied access to a knowledge of their rights because of a language
Emil Oxteld, President • Harris David, Dorothy Dugger, Alex Rosen, M.D., Vice Presidents • Kalman Barson, Treasurer • Edward F. Rogers, Secretary
Executive Director • Pat McDorman, Deborah Shapiro, Membership Directors • Judith A. Murciano, Legislative Director • Staff Counsel

barrier.

A second, essential reason which merits support of S-1270, is its efficiency of construction. By incorporating in one statement farmworkers' rights as outlined in the numerous required posters--such as those on unemployment and disability compensation, minimum wage and hour law, and wage and payment law--this bill offers an elucidation of general rights and an opportunity to summarize the updated rights upheld in court decisions, but not yet codified into law (i.e. This month's court decision in the Vasquez case on eviction of farmworkers). This would not duplicate the effects of the Farm Labor Contract Act, because it is a general rather than a particular explication of rights. The allusion, in Section 2, line 1, to the Administrative Procedure Act allows the relevant rights to be discussed in a public forum.

The rational means of distribution, as described in Section 6, further advocates the impressive comprehensiveness of this legislation. Distributing the statement of rights to farmworkers, in addition to posting such a statement, provides a more secure system for assuring farmworkers' access to its provisions. No longer will farmworkers be dependent on posters which often fall victim to inclement conditions or malicious vandalism. It is more rational to hand farmworkers a copy of their rights at the time of their recruitment than the method employed in the present system. ^{Today,} Occasionally, officers from the Division of Wages and Hour of the Department of Labor & Industry

stop Farm Labor Transports responsible for carrying six thousand to ten thousand day-haulers to the field ^{and} distribute farmworkers' rights immediately before these workers will occupy their hands in picking berries. It is impractical to presume these copies of rights will be retained in the field.

The Truth in Farm Employment Act is designed to be self-funded as is the successful legislation it is patterned after, the Truth in Renting Act. Funding would not be imposed on the public. The nominal expense of printing copies of rights summarized and inclusive on single sheets of paper (in other words, each farmworker would only receive one sheet of paper rather than a booklet of pages) would be defrayed by the farmers' purchase of these copies at cost. Evidence for its promise for effective implementation may be averred by examination of the Truth in Renting Act.

Finally, the proposed legislation is a cogent testament to enforcement of the serious issues it raises. Unlike the existing situation, which requires over-burdened field inspectors to cite violations of poster laws among a list of numerous categories of possible violations in over 150,000 workplaces, Section 7, lines 8-9 in S-1270, allow for individual enforcement. The self-enforcing option of the bill further reduces costs presently incurred by inspectors.

In summary, the American Civil Liberties Union enthusiastically acclaims the impressive qualities of the Truth in Farm Employment Act

and strongly respects the principles which motivate its composition. The strengths of S-1270: the bilingual requirement in printing; the efficiency of construction; the rational means of distribution; the practical consideration of self-funding and self-enforcing; all these factors, advocate the wisdom of its support by the legislature.

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TESTIMONY OF ARTHUR N. READ, CAMDEN REGIONAL
LEGAL SERVICES, FARMWORKERS' DIVISION,
BEFORE
THE NEW JERSEY STATE SENATE COMMITTEE ON LABOR,
INDUSTRY AND PROFESSIONS, JUNE 23, 1980
IN SUPPORT OF SENATE NO. 1269 and SENATE NO. 1271

GENTLEMEN:

I am a staff attorney with the Farmworkers' Division of Camden Regional Legal Services. I am appearing before you today to testify on behalf of the Coalition for the Rights of New Jersey Farmworkers on Senate No. 1269 and Senate No. 1271, and further to express our support for Senate No. 1268 and Senate No. 1270.

The farm labor bills before this committee are all aimed at either remedying aspects of the laws which currently discriminate against farm workers or at better protecting and enforcing the rights of farmworkers. Thus, for example, Senate No. 1269 is aimed at providing a mechanism for farm workers to remedy violations of their rights under the state Crew Leader Registration Act and the purpose of Senate No. 1270 is to better inform farm workers of their rights under the law. Both Senate No. 1268 and Senate No. 1271 are aimed at remedying discrimination against farm workers compared to other workers. Senate No. 1268 remedies the discrimination against payment of overtime benefits and Senate No. 1271 remedies the discrimination against farm workers in provision of unemployment insurance benefits.

SENATE 1269

I wish first to turn to Senate 1269. This bill would amend the New Jersey Crew Leader Registration Act (N.J.S.A. 34:8A-7 et seq.) in order to provide for more effective enforcement of this act while avoiding the need for the state to expend more money to hire the additional personnel required to more effectively enforce this act and other existing farm worker protective legislation.

Laws that protect workers are only as effective as the procedures that exist to enforce these laws and the penalties that exist to deter non-compliance. The fact is that the Department of Labor and Industry and the Attorney General's office do not have sufficient manpower and money to effectively enforce

the state crew leader act and other protective labor laws for agricultural workers. The Department of Labor and Industry and the State Attorney General's office can afford to bring enforcement proceedings in only a small minority of those cases where violations are found. The Department of Labor and Industry, for example, in the three year period between 1976 and 1979 discovered 7,467 violation of labor laws in agricultural work places, but was only able to commence 226 prosecutions for these violations. In discussions with our office and representatives of the Puerto Rican Congress of New Jersey last summer, the Attorney General indicated that any reorganization of his staff for better enforcement of agricultural labor laws would have to be within constraints of existing manpower resources available for this area because of budgetary restraints. While this is certainly understandable, it also forcefully suggests the need for better alternate enforcement routes.

Senate 1269 addresses this problem in a manner similar to that which has been incorporated into the federal Farm Labor Contractor Registration Act, 7 U.S.C. 2053. It would create a private damage action for farm workers who have been abused by violations of the state Crew Leader Registration Act. This act provides that persons who act as crew leaders must be registered with the Department of Labor and Industry and must provide proof of their good character. It protects workers by requiring crew leaders to provide workers with basic information concerning their employment at the time of recruitment. This information includes (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing, and insurance to be provided by him, (4) the wage rates to be paid by him, and (5) the charges to be made by the crew leader for his services. These required disclosures to farm workers are very important in ensuring that farm workers will not agree to accept employment only to later find that the terms of that employment were grossly different from the terms which the worker was lead to expect. It is farm workers who are injured by such misleading information and both Senate 1269 and the existing federal Farm Labor Contractor Registration Act recognize this by creating a private damage action for violations of this act.

The disclosure aspects of the State Crew Leader Act are especially subject to more effective enforcement through actions initiated by aggrieved workers as state Department of Labor and Industry spokesmen are not in nearly as effective a position as the farm workers themselves to know if disclosures under the act were given. In numerous situations where workers complain to our office that crew leaders lied to them at the time of recruitment, it turns out on further examination that the crew leaders failed to comply with the Act's requirements. Where workers are in a position to institute damage actions, it is possible for them to be compensated for the crew leader's misleading statements.

SENATE 1271

Senate 1271 is a very important bill which would end the current discrimination against farm workers in coverage for unemployment benefits. The current system of coverage for unemployment insurance covers only those farms with either large payrolls (\$20,000 in a single calendar quarter) or relatively large numbers of workers over a long period of time (10 or more workers for a minimum of 20 weeks). This, at a time when every other employer in the State of New Jersey must cover its workers for unemployment insurance so long as they pay at least \$1,000 in wages in a calendar year. We believe there is no excuse for continuing the discrimination against farm workers.

My office represents large numbers of farm workers who suffer from the current patchwork pattern of unemployment insurance coverage. These workers may work for several months for employers that are covered for unemployment insurance coverage during which time both the workers and their employers will make contributions for unemployment insurance. However, because these same farm workers also work for part of the farm season for agricultural employers who are not covered for unemployment insurance, they receive no unemployment insurance benefits or receive greatly reduced benefits. For example, a farm worker who works 28 or more weeks in agriculture and earns in excess of \$3,000 may, nonetheless, receive no unemployment benefits where only 19 of these weeks and \$2,150 are in employment with a covered employer. In many cases, farm workers do not discover that they worked for employers who were not covered for unemployment insurance until later in the year when they apply for unemployment insurance.

The present patchwork coverage also creates administrative problems requiring regular employer audits to determine if a farm employer should be mandatorily covered for unemployment insurance. It also slows payment of unemployment benefits while the coverage of employers is determined.

Although the fear that unemployment insurance would be too costly for employers was one of the bases for denying unemployment insurance coverage to farm workers for many years, it is interesting to note that an increasing percentage of New Jersey farmers whose workers are not mandatorily covered for unemployment insurance have "voluntarily" elected such coverage. These farmers have recognized that extension of unemployment insurance is critical in the creation and continuation of the stable agricultural work force which all persons concerned with agriculture realize is so critical to agriculture in this state.

Unemployment insurance coverage helps create a stable agricultural workforce in a number of different ways. The voluntary quit disqualification in the unemployment insurance laws provides a powerful inducement to workers, who have agreed to work with a particular farmer throughout a growing season, to remain through the close of the season. It also insures that skilled

agricultural workers will have sufficient income during periods of unemployment to remain in agriculture and thus means that they will be available to return to work the following season. Everyone connected with agriculture recognizes that such skilled workers and dedicated workers are essential to well run and managed agricultural operations. A study by Daymon W. Thatch and William E. Adams on Agricultural Operations that Have Voluntarily Elected Unemployment Insurance in New Jersey (Rutgers University, Department of Agriculture, March 1977) concluded that such employers voluntarily elected unemployment insurance because they felt it benefited the employers, especially since it made it possible for the employers to keep their most efficient workers.

As a result of the increasing voluntary election of coverage for unemployment insurance by agricultural employers, an increasing portion of the agricultural workforce in this state has become eligible for unemployment benefits. However, there is a danger that unless this coverage is made mandatory, many of these agricultural employers may opt out of the unemployment system when they complete their three years at a flat 3.4% contribution and are experience rated based upon their unemployment insurance claims payments. This would mean that such employers would be allowed to opt out of the unemployment insurance fund at the time they would begin to pay their fair share of contributions. This would be a very unfortunate result.

Other jurisdictions such as California, the District of Columbia, Rhode Island, Puerto Rico, and the Virgin Islands cover all farm workers, and Minnesota offers far broader coverage of farm workers than New Jersey. California with nearly 25,000 covered agricultural employers and nearly 250,000 covered agricultural workers is especially significant since it has successfully extended coverage for unemployment insurance contributions to all agricultural employers since January 1976.

A recent study concerning the coverage of agricultural workers for unemployment compensation prepared for the National Commission on Unemployment Compensation recommends that the Commission should recommend amendment of the Federal Unemployment Tax Act to extend coverage to agricultural workers "on the same basis as non-agricultural workers are presently covered". See Philip Booth Coverage of Agricultural Workers Under Unemployment Compensation: To National Commission on Unemployment Compensation, June 1979. This report stressed several advantages of equal coverage for farm workers and other categories of workers: (1) protection to farm workers would be maximized and workers would no longer be uncertain whether or not particular employers were covered employers; (2) "an additional advantage, for which the data are suggestive, although not conclusive, is that not only administrative costs but benefit costs, as a percentage of wages, would be lower... (since) the workers covered in the smaller farm units have had steadier work and are less likely to draw benefits than the employers of larger units", and (3) "only by making farm wage identical with that of the non-agricultural sector, can we

move rapidly to achieve more prompt processing of claims and payment of benefits to interstate migratory workers." See pp. VI.13-VI.14.

In 1976 and 1977 the federal Supplemental Unemployment Insurance Assistance program extended unemployment insurance coverage to farm workers regardless of the size of farming operation in which they worked. The current patchwork unemployment insurance coverage has no rational basis and is a source of great difficulty both to farm workers, who are concerned with insuring that they will work for employers who care sufficiently to cover them for unemployment benefits, and to those who must administer claims for unemployment benefits. It is time that agricultural workers, who are overwhelmingly Hispanic and Black, cease being treated as second class citizens and are recognized as valuable and productive workers.

Farmworkers Rights Project

A Project of the Civil Liberties Education and Action Fund of the American Civil Liberties Union of New Jersey

TESTIMONY OF ANGEL DOMINGUEZ
PROJECT DIRECTOR FOR THE
FARMWORKERS' RIGHTS PROJECT,
AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

BEFORE THE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE
OF THE NEW JERSEY SENATE
IN SUPPORT OF BILL S-1268

Mr. Chairman and members of the committee:

According to New Jersey Department of Agriculture figures, some twenty thousand farmworkers contributed to the cultivating and harvesting of Garden State crops at peak season last summer. Accompanying this almost invisible work force were the same problems that have plagued farmworkers for years. Alarming reports appeared in the news media detailing their difficult working conditions, poor housing, inadequate health care, low pay, and gross civil rights violations. In addition to their ongoing hardships, the New Jersey farmworker now is confronted by the current economic reality. Wages have not increased as fast as prices have gone up. Farmworkers' wages went up only as required by minimum wage laws; thus giving them a 7% wage increase while inflation is up 18%. For New Jersey farmworkers, inflation means "HARD TIMES".

Gentlemen, I have come here today to talk about the hard facts affecting the living and working conditions of farmworkers.

I have spent the last 10 years of my life working on behalf of New Jersey farmworkers. During this time, I have come to know the many issues affecting agriculture in general and farmworkers in particular.

Therefore, I wholeheartedly support Senate Bills S-1268 through S-1271, and emphasize my support for Senate Bill S-1268 which provides farmworkers payments of time and one-half for each hour worked in excess of 40 hours in any week.

Unpredictable weather and crop perishability create unique problems for farmers and farm workers alike. Crops must be cultivated delicately and harvested rapidly when they ripen. Weather only makes their progress more unpredictable. But while much has

been said of the farmer's inability to achieve maximum profit under these conditions, little is known of the even harsher demands the unique characteristics of farming makes upon the farm worker and his own ability to forge a living.

During pre-harvest, farm workers are caught in a trap of limited work and costly isolation. Farmers must have workers available whether or not there is work. Whenever a crop's particular growing pattern requires attention or a sudden streak of good weather facilitates field work, there must be workers immediately on hand to do the necessary work. At pre-harvest time, fortunate workers will get around 25 hours of work while others may get none at all, despite being ready and more than willing to work.

For those at a farm with no work, part-time employment elsewhere is not an option. The farmer wants the worker available on the premises. A worker cannot seek part-time employment at neighboring farms because their needs are likely to be similar to the worker's original employer. And in the small rural communities of New Jersey, there are no non-agricultural jobs available for the Spanish-speaking farm worker. As a result, he remains isolated in his labor camp where he must somehow continue to pay for food, shelter, and living expenses until work becomes available or harvest time arrives.

While the overtime provision of Bill S-1268 will not be applied so frequently during pre-harvest, its value to farm workers becomes readily apparent during harvest season.

At harvest time, the farmer needs the farm workers to work up to 60-70 hours per week until the harvest is done. He must have an immediate, skilled work force to harvest the crop quickly before it spoils. Nevertheless, the workers are paid only the minimum wage (currently at \$3.10 per hour) despite often working 10 hour days seven days a week. The workers endure this grueling pace because it is during harvest time they can compensate for the pre-harvest lack of work.

Consequently, the farmer has the best of two worlds in his work demands of his employees. The farm workers must suffer a loss of income during pre-harvest season and then work long hours during peak season for minimum wages -- and no overtime.

Bill S-1268 does two things. First, it gives farm workers the same rights enjoyed by almost all other workers to receive extra compensation for extra work. Second, by allowing farm workers to receive the extra money they justly earn during peak season, the Bill allows farm workers to compensate for the time they lost during pre-harvest season to the benefit of the farmer.

Bill S-1268 provides simple justice for New Jersey farm workers. It has been said that without farmers there would be no food. But without farm workers and the justice they deserve, there would not be farmers nor would there be food in the Garden State.

CHARLES H. MARCIANTE
PRESIDENT

EDWARD B. PULVER
SECRETARY-TREASURER

PELLETTIERI AND RABSTEIN
ZAZZALI, ZAZZALI AND WHIPPLE
GENERAL COUNSEL

RICHARD A. LYNCH
EXEC. VICE PRESIDENT EMERITUS



"The world is divided into those who want to become someone and those who want to accomplish something. There is less competition in the second category."

Jean Monnet 1888-1979

FRANK ARMENANTE
MICHAEL BAVARO
JOHN BRADY
NICHOLAS CAPRIO
VINCENT COLUCCI
DOMINICK DE BENEDETTO
FRANK DE VITO
JAMES DILLON
FRANK ESPOSITO
WILLIAM FAULKNER

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Re: FARMWORKERS:

Bills Before Senate Labor, Industry and Professions Committee

Monday June 23, 1980 10:30 a.m.

Room 320

I, Charles Marciante, President of the N. J. State AFL-CIO, come before you to urge your committee's approval of Senate 1268, which deletes the exclusion of farmworkers from the requirement of time and one-half for each hour worked in excess of forty hours in any one week and S.1271, which provides farm workers with unemployment compensation insurance.

The approval of these two bills will finally put the farmworkers on equal economic status with the vast majority of other workers in this state.

It is unconscionable, to try to justify the reasons for the economic discrimination that exists against the farmworkers.

A group of dedicated hard workers, upon whom the entire population of New Jersey depends for their daily subsistence.

These men do not enjoy the same work day priveleges of other workers. They must work fast - produce more - not because of employer demands - but because of the demands of Mother Nature. They must work within the bounds of atmospheric conditions - speeding to outrace daylight, weather, and seasonal factors.

Was not Daylight Savings Time introduced to provide more working time for farmworkers? But there was no comparable economic consideration.

Farmworkers in this state cannot enjoy a 52 hour week - they fall victims to the vagaries of the weather - they must go to where the crops are.

How can we deny the farmworkers who keep our bread baskets full - and of others too.

The members of the N. J. AFL-CIO cannot find or rationalize any compelling reasons against these bills.

To further obliterate the almost total discrimination against the farmworkers, and to make up for lost time in granting rights to farmworkers equal to other workers - we urge your favorable consideration of S.1269:

An emendment to the State "Crew Leader Registration Act" allowing farmworkers to bring civil actions for violations of the Act.

and S.1270

This bill "Truth in Farm Employment Act," requires the Commissioner of Labor & Industry to prepare and distribute a statement concerning the rights of farmworkers.

Mr. Chairman, and committee members, without being redundant, the N. J. AFL-CIO cannot surmise any reasonable arguments against this needed legislation.

We again urge your approval of S.1268, S.1269, S.1270 and S.1271.

I thank you for your patience.

Respectfully

Charles H. Marciante

The New Jersey Council of Churches

116 North Oraton Parkway • East Orange, New Jersey 07017 • (201) 675-8600

June 23, 1980

TESTIMONY OF REV. DUDLEY E. SARFATY ON BEHALF OF NEW JERSEY FARMWORKERS FOR THE COALITION FOR THE RIGHTS OF N.J. FARMWORKERS

Mr. Chairman and members of the Committee:

I come on behalf of the churchpeople of our Council to simply introduce to you our great concern about one of the most forgotten groups in our society.

This year is the 60th anniversary of the beginning of concern in our country for the people who raise and harvest our food. And we believe that a healthy partnership of farmer, farmworker and consumer is the only thing that can keep New Jersey green, and keep its third largest industry alive.

It was in New Jersey that Mrs. Lowery of Churchwomen United, a constitutional predecessor of our present Council of Churches, began, not only in our state, but in the whole nation, the active participation of Church people in an active concern for the conditions under which the people who make our eating possible both live and work.

Over those years there has been an increase of interest in this problem at varying times, and sometimes the good people of the general public have come to think that all of the problems have been solved.

Yet, in New Jersey, the problems of human suffering and degradation continue, with the particular group about which we are concerned develop one complex of problems when another seems on the way to solution.

Our best estimates are that some twenty thousand resident and movable farm laborers are in our state each summer, with a peak population pressing thirty three thousand at the height of our harvest season.

The diverse coalition which comprises the membership of the organization of which the Council of Churches is glad to belong and which I am proud to chair urgently asks your help. -30-

AFRICAN METHODIST EPISCOPAL CHURCH, New Jersey Conference • AFRICAN METHODIST EPISCOPAL ZION CHURCH, New Jersey Conference • AMERICAN BAPTIST CHURCHES OF NEW JERSEY • CHRISTIAN CHURCH, Northeastern Area Association • EPISCOPAL CHURCH, Diocese of Newark, Diocese of New Jersey • GENERAL BAPTIST CONVENTION OF NEW JERSEY • LUTHERAN CHURCH IN AMERICA, New Jersey Synod • OLD ROMAN CATHOLIC CHURCH • REFORMED CHURCH IN AMERICA, Particular Synod of New Jersey • RELIGIOUS SOCIETY OF FRIENDS, New York Yearly Meeting • THE SALVATION ARMY • UNITED CHURCH OF CHRIST, Central Atlantic Conference • UNITED METHODIST CHURCH, New Jersey Conference • UNITED PRESBYTERIAN CHURCH IN THE U.S.A., Synod of the Northeast



PUERTO RICAN CONGRESS OF NEW JERSEY

JAIME VAZQUEZ
Chairman

REV. ALFONSO A. ROMAN
Executive Director

Statement by Jaime Vázquez, Chairman,
before the New Jersey Senate Committee
on Labor, Industry and Professions
on Monday, June 23 with regard to
Senate Bills 1268, 1269, 1270 & 1271.

Gentlemen:

Eight years ago the Puerto Rican Congress of New Jersey conducted a tour of agricultural labor camps in Gloucester, Salem, Cumberland, and Atlantic Counties to substantiate our charges then that conditions in some labor camps were akin to "armed concentration camps". Much to everyone's surprise we made those charges stick, as a review of the public record will attest.

Of this Committee, only Senators Wallwork, Bedell, and Kennedy were members then of the New Jersey Legislature when the Puerto Rican Congress first petitioned this body in 1972 to bring about important changes in the regulation of the infamous crewleaders and oppressive agricultural work-sites.

These changes have been terribly slow in coming. Infact, I blame the New Jersey Legislature for the adverse changes that the past 8 years have brought to New Jersey agriculture.

We have now a system of agriculture which is machine extensive whereas earlier it was labor intensive. Instead of delicious asparagus, strawberries, and tomatoes, we now have fields and fields of soybeans. Our thriving canning industry stands idle as mute testimony to the unanticipated consequences that this

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body's inactions have wrought! That many farmers are going back to the old crops is good news. Let us help them by stabilizing the labor force, by passing the legislation before you.

We at the Puerto Rican Congress learned a long time ago that when farmer and workers pull together as equals over common concerns, everything is possible. We learned this when together with the College of Medicine and Dentistry of New Jersey we operated a rural health project in South Jersey. How exciting then it was to see farmer and worker, and even some wives of farmers, take their turn to receive our health services.

Today, Gentlemen, I come before you to ask you to finally set things in balance. Since 70% of farmworkers are Hispanic you can understand why we give this such a high priority. Bill #1268 will finally end the historic discrimination against farmworkers for overtime. Stabilize the agricultural workforce by affirming overtime compensation and you help farmers!

Bill #1269 will improve the enforcement of crewleader regulation without an increase of cost to the State. This bill parallels federal legislation.

Bill #1270 will maximize worker-farmer relations because all concerned will know what is permitted and what is not, in both English and Spanish, right at the time of recruitment and throughout the employment process. It will pull together all existing protective statutes and decisions, including the recent Supreme Court decision that farmworkers cannot be precipitously removed from labor camps.

Bill #1271 is crucial given today's economy. The heart of this bill is on page 8 lines 290, 291 and 292. Since New Jersey agriculture is and has always been a welter of small-scale farming enterprises, it is important that the monetary threshold be held at \$1,000.00.

Finally, I want to commend Senator Bedell for sponsoring this important legislation. Sir, we salute you.

NEWS *from the* NEW JERSEY STATE INDUSTRIAL UNION COUNCIL, AFL-CIO

375 Murray Hill Parkway, • East Rutherford, N. J. 07073 • (201) 933-9494

Testimony by: Maurice M. Veneri, President
New Jersey State Industrial Union Council AFL-CIO

Submitted to the Senate Labor, Industry and Professions Committee
June 23, 1980

Dear Mr. Chairman and members of this Committee:

I am appearing here today on behalf of the N.J. Industrial Union Council, AFL-CIO to express our support for S1268- S1271 and to emphasize our strong support for S1268 and S1271. For too long farmworkers have been discriminated against by being excluded from receiving the overtime pay received by virtually all other workers. Agricultural workers have received few of the rights and protections that those of us in the industrial sector have been able to achieve through long struggles on behalf of our workers. Farmworkers have been unorganized and politically powerless for many years and we recognize that it is the responsibility of organized labor to assist farmworkers in obtaining the rights & protections of other workers.

Likewise, there is no reason why large numbers of farmworkers should be discriminated against in coverage for unemployment insurance benefits. Since 1976 when supplemental unemployment benefits were first extended to farmworkers, the federal government has recognized that farmworkers should receive unemployment benefits. Moreover, the current law leaves many farmworkers employed part or all of the season on uncovered employment. There is no valid reason whatsoever why all farm employers should not contribute to the unemployment insurance fund the same as all other employers. We all know that the unemployment insurance fund has a large deficit, but this should not be used as a continuing reason to discriminate against farmworkers.

