

CHAPTER 210

APPAREL INDUSTRY REGISTRATION

Authority

N.J.S.A. 34:1-20, 34:1A-3(e) and 34:6-144 et seq.

Source and Effective Date

R.2007 d.150, effective April 12, 2007.
See: 38 N.J.R. 4982(a), 39 N.J.R. 1748(a).

Chapter Expiration Date

Chapter 210, Apparel Industry Registration, expires on April 12, 2012.

Chapter Historical Note

Chapter 210, Apparel Industry Registration System, was adopted as R.1988 d.439, effective September 6, 1988. See: 20 N.J.R. 1334(b), 20 N.J.R. 2306(a).

Chapter 210, Apparel Industry Registration System, was repealed and a new Chapter 210, Apparel Industry Registration, was adopted as R.1991 d.607, effective December 16, 1991. See: 23 N.J.R. 2951(a), 23 N.J.R. 3816(b).

Pursuant to Executive Order No. 66(1978), Chapter 210, Apparel Industry Registration, was readopted as R.1996 d.555, effective November 6, 1996. See: 28 N.J.R. 4162(a), 28 N.J.R. 5077(a).

Chapter 210, Apparel Industry Registration, was readopted as R.2001 d.432, effective October 25, 2001. See: 33 N.J.R. 3305(a), 33 N.J.R. 3899(b).

Chapter 210, Apparel Industry Registration, was readopted as R.2007 d.150, effective April 12, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISION

12:210-1.1 Purpose and scope

(a) The purpose of this subchapter is to establish a registration system which requires apparel industry manufacturers and contractors to register with the Department as a condition of doing business in the State.

(b) This subchapter is applicable to all apparel industry manufacturers and contractors who conduct business within the State of New Jersey.

12:210-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Apparel industry” means the making, cutting, sewing, finishing, assembling, pressing or otherwise producing of apparel, designed or intended to be worn by any individual and sold or offered for sale for that purpose, but does not include cleaning, pressing or tailoring services performed upon apparel sold or offered for sale at retail.

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Contractor” means any person who contracts to perform in this State the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section of component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. “Contractor” shall include, but not be limited to, a subcontractor, jobber or wholesaler, but shall not include a production employee employed for wages who does not employ others.

“Department” means the State Department of Labor and Workforce Development.

“Manufacturer” means any person who contracts with a contractor to perform in this State the cutting, sewing, finishing, assembling, pressing or producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose, or who cuts, sews, finishes, assembles, presses or otherwise produces in this State any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. “Manufacturer” shall not include a production employee employed for wages who does not employ others.

“Production employee” means any person who is employed by a contractor or manufacturer directly to perform the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose.

Amended by R.2007 d.150, effective May 7, 2007.
See: 38 N.J.R. 4982(a), 39 N.J.R. 1748(a).

In the definitions “Commissioner” and “Department”, inserted “and Workforce Development”.

12:210-1.3 Registration

(a) Prior to engaging in the apparel industry business in this State, a manufacturer or contractor shall register with the Department by completing a form prescribed by the Commissioner.

(b) The registration form shall contain, but not be limited to, the following information for all manufacturers and contractors.

1. The structure of the business, that is, sole proprietorship, partnership or corporation;
2. The manufacturer's or contractor's name and principal business address in the State; and the name and address of each person with a financial interest in the manufacturer's or contractor's business and the amount of that interest, except that if the manufacturer or contractor is a publicly traded corporation, only the names and addresses of the corporate officers shall be required;
3. The tax identification number;
4. If the registrant is a contractor the registrant must list all manufacturers to whom the registrant will be subcontracting this work. The list shall contain the name, address and tax identification (I.D.) numbers of the manufacturers and/or subcontractors; and
5. A certified list of all violations of any of New Jersey's labor laws or regulations for the period of three years prior to this current application must accompany the registration form.

(c) Divisions, subsidiary corporations or related companies may be named and included under one omnibus registration.

(d) The Commissioner shall issue a certificate of registration upon receipt of the following:

1. A manufacturer's or contractor's completed registration form;
2. Documentation which is suitable to the Commissioner or his or her authorized representative that the manufacturer or contractor has paid any surety bond required pursuant to N.J.S.A. 34:6-150;
3. Documentation that the registrant has workers' compensation coverage for his or her production employees working in the State; and
4. Payment of the \$300.00 registration fee made payable to the Commissioner of Labor, Apparel Registration.

(e) New manufacturers or contractors shall file the initial registration upon the commencement of business in the apparel industry in this State. The registration shall be valid until January 15 of the following year.

(f) The certificate of registration shall be renewed by January 15 of each year.

(g) The Commissioner may prorate the initial annual registration fee if the certificate of registration is for a period of less than 12 months. The prorated registration fees are as follows:

1. Six months to 12 months—\$300.00;

2. Three months to six months—\$150.00; and
3. Up to three months—\$75.00.

Amended by R.1996 d.555, effective December 2, 1996.
See: 28 N.J.R. 4162(a), 28 N.J.R. 5077(a).

12:210-1.4 Apparel Industry Unit

(a) There is established an Apparel Industry unit, comprised of Departmental personnel, to enforce all State labor laws which affect the apparel industry.

(b) The Apparel Industry Unit has the power to:

1. Inspect manufacturers and contractors, with respect to their production employees, for compliance with:
 - i. The registration requirements of N.J.A.C. 12:210-1.3;
 - ii. State wage and hour, unemployment compensation, temporary disability, workers' compensation, child labor and industrial homework laws; and
 - iii. All orders and assessments of civil penalties by the Commissioner;
2. Investigate and conduct inspections of a manufacturers' or contractors' locations, books, records and premises to ensure compliance with this subchapter; and
3. Take any action necessary to implement the provisions of this subchapter.

(c) The Apparel Industry Unit members shall receive special training with regard to the State labor laws to enable them to enforce the provisions of this subchapter.

12:210-1.5 Violations; penalties

(a) The following acts constitute violations of this subchapter:

1. Failure to comply with the registration requirements pursuant to N.J.A.C. 12:210-1.3;
2. Performing services or representing oneself as being registered to perform apparel industry services without holding a valid registration;
3. Contracting for the performance of an apparel industry service with a manufacturer or contractor who is known to have failed to register, renew its registration, or whose registration has been revoked; and
4. Failure to comply, for the second time in three years, with an order of the Commissioner concerning registration compliance.

(b) The following civil penalties may be imposed by the Commissioner for committing the violations in (a)1 through 4 above.