

STATE OF NEW JERSEY
DEPARTMENT OF LABOR & INDUSTRY
MIGRANT LABOR DIVISION

~~Commissioner of Labor~~ Commissioner of Labor
Percy A. Miller, Jr.



MIGRANT LABOR ACT
Chapter 71, P. L. 1945

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STATE OF NEW JERSEY
DEPARTMENT OF LABOR
MIGRANT LABOR DIVISION

HARRY C. HARPER, Commissioner of Labor



MIGRANT LABOR ACT

Chapter 71, P. L. 1945

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PREFACE

The Migrant Bill was approved by the 1945 State Legislature as part of the program of labor legislation proposed by Governor Walter E. Edge in his annual message. It was prepared after a survey and public hearings by the New Jersey Post-War Economic Welfare Commission.

The Bill was introduced February 5 by Assemblyman Gustave W. Huhn, was approved by the Legislature March 26 and signed by Governor Edge April 2. The Act was designated as Chapter 71, P. L. 1945.

The Act establishes a Division of Migrant Labor in the Department of Labor, consisting of the Commissioner of Labor and the Migrant Labor Board. This Board comprises five public members and the heads of seven State departments, and has the function of counseling with the Commissioner and passing upon general administrative policies of the Division and approving, prior to issuance, all rules, regulations and procedures.

This New Jersey Act was referred to as the "Magna Charta for Migrants" by then Secretary of Labor Frances Perkins.

Upon referral of migrant supervision to his department, Commissioner of Labor Harry C. Harper said:

"Having been hampered for several decades in coping with the migrant labor problems because of lack of legislation, New Jersey has recognized the importance of facing the issue squarely.

"In addition to placing the responsibility for enforcement in my department, the statute embodies new aspects of administration which, combined with a broad recognition of the varied factors that are encountered in any method of regulating the employment of migrant labor, definitely stamps this as a very progressive piece of legislation."

STATE OF NEW JERSEY
DEPARTMENT OF LABOR
MIGRANT LABOR DIVISION

HARRY C. HARPER, *Commissioner of Labor*

J. LYMAN BROWN

C. GEORGE KRUEGER

Administration

Deputy Commissioners

Director

JOHN G. SHOLL

Secretary-Supervisor

WILLIAM J. SINNIGER

Referee

MISS ALVINA FLEISCH

Secretary of Division

MEMBERS OF MIGRANT LABOR BOARD

By Appointment of Governor:

MR. JAY C. GARRISON, Farmer
Elmer

Chairman of Board

MR. JOHN M. SEABROOK, Farmer
Deerfield

MR. LEON B. SCHACHTER, *Camden*
President of Meat and Cannery
Workers Union, Local 56

MRS. LENORA B. WILLETTE,
Belleville
President of N. J. Women's
Government Study Council

REV. ROBERT D. SMITH,
Shrewsbury
Canon of Social Services of the
Protestant Episcopal Diocese
of New Jersey

By Designation in Act:

HARRY C. HARPER,
Commissioner of Labor

DR. JOHN H. BOSSHART,
Commissioner, Department of
Education

MR. WILLARD H. ALLEN,
Secretary, Department of Agricul-
ture

DR. SANFORD BATES,
Commissioner, Department of In-
stitutions and Agencies

MR. CHARLES H. ERDMAN, JR.,
Commissioner, Department of
Economic Development

COL. CHARLES H. SCHOEFFEL,
Superintendent, Department of
State Police

DR. J. LYNN MAHAFFEY,
Director, Department of Health

CHAPTER 71

AN ACT relating to labor camps, supplementing Title 34 of the Revised Statutes, and establishing a division of migrant labor in the Department of Labor, defining the functions, powers and duties of the division, and making an appropriation therefor.

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

ARTICLE I

1. Short title. This act shall be known as the **Migrant Labor Act.** C. 34:9A-1.

2. Definitions. As used in this act, unless the context clearly requires a different meaning: C. 34:9A-2. Definitions.

(a) "Migrant labor camp" or "camp" shall mean one or more tents, vehicles, buildings or structures, together with the tract of land appertaining thereto, used as living quarters by seasonal, temporary or migrant workers directly or indirectly in connection with any work or place where work is being performed, whether or not rent is paid or reserved in connection with the use or occupancy of such premises. Migrant labor camp.

(b) "Commissioner" shall mean the Commissioner of Labor or any of his authorized deputies, representatives, agents or employees. Commissioner.

(c) "Department" shall mean the Department of Labor. Department.

(d) "Division" shall mean the division of migrant labor established by this act. Division.

(e) "Board" shall mean the migrant labor board established by this act. Board.

(f) The terms "seasonal worker," "temporary worker" and "migrant worker" shall not include any person who is or shall have "Seasonal worker."

been a resident of this State and who has had or shall have had his all-year-round dwelling place in this State for one year or longer and who dwells in said all-year-round dwelling place while engaging in any seasonal or temporary work.

Words and phrases defined.

(g) All other words and phrases shall be defined and construed as provided by chapter one of Title 1 of the Revised Statutes.

C. 34:9A-3.
Migrant labor board.

3. There is hereby established in the Department of Labor a division of migrant labor, consisting of the Commissioner of Labor and a migrant labor board.

C. 34:9A-4.
Members of board.

4. The migrant labor board shall consist of the Commissioner of Education, Commissioner of Labor, Secretary of Agriculture, Commissioner of Institutions and Agencies, the Commissioner of Economic Development, the Superintendent of State Police, and the Director of Health, ex officio, or such deputy as any of them may respectively designate, and five additional members to be appointed by the Governor, with the advice and consent of the Senate, each to serve for a term of five years, except that of those first appointed, one shall be appointed to serve for a term of one year, one for two, one for three, one for four, and one for five years. Two of such additional members shall be appointed from among representatives of farmers and one from among representatives of organized labor in this State.

C. 34:9A-5.
Expenses.

5. Members of the migrant labor board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

C. 34:9A-6.
Chairman.

6. The board shall in all cases act by a majority vote of its membership. It shall select its chairman from among the members appointed by the Governor.

C. 34:9A-7.
Deputy commissioner of labor.

7. The Commissioner of Labor, except as herein otherwise provided, shall have the duties and exercise the powers of the division through such

deputy commissioner of labor as, with the approval of the board, he may designate.

8. The board shall:

C. 34:9A-8.

(a) Establish general administrative policies for the division;

Establish policies.

(b) Approve prior to issuance all rules, regulations and procedures not inconsistent with law to effectuate the provisions of this act;

Approve rules.

(c) Advise and consult with the commissioner concerning the work and activities of the division;

Advise.

(d) Facilitate and approve interdepartmental agreements and arrangements to effectuate the purposes of this act; and may authorize the transfer from appropriations for the purposes of the division such sums as may be necessary for the use of other spending agencies to effectuate such agreements or arrangements;

Approve agreements.

(e) Survey and study the operations of the division;

Study operations.

(f) Hold public hearings on matters pertaining to the work of the division;

Hold public hearings.

(g) Report annually, and at such other times as it may deem appropriate, to the Governor and the Legislature with respect to matters relating to the division;

Report.

(h) In its discretion, apply for and accept grants from the Federal Government or any agency thereof as may further the purposes of this act, and comply with the terms, conditions and limitations pertaining to such grants. Any moneys so received may be expended by the division, subject to any limitations imposed in the grant, to effectuate any of the purposes of this act, upon warrant of the Comptroller on vouchers certified or approved by the commissioner.

Apply and accept grants.

9. The division shall:

C. 34:9A-9.

(a) Enforce the provisions of article two of this act either directly or through interdepartmental agreements;

Enforce the provisions.

Enforce laws.

(b) Enforce all other applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments and wage claims, with respect to migrant labor camps;

Provide inspection service.

(c) Provide inspectional services to encourage minimum standards of housing and sanitation in migrant labor camps;

Advise and consult.

(d) Advise and consult with employers of migrant labor as to the ways and means of improving living conditions of migrant workers;

Standard of sanitation.

(e) In co-operation with the Department of Health, prescribe minimum standards of sanitation, and preventive and curative health services, not inconsistent with this act, for migrant workers;

Provide educational facilities.

(f) In co-operation with the Department of Education, provide, so far as possible, educational facilities for the children of migrant workers;

Protection.

(g) In co-operation with the Department of State Police, provide for a minimum standard of protection for migrant workers;

State camps.

(h) In co-operation with the Department of Economic Development, plan, locate and construct (as soon as conditions permit) experimental State camps for migrant workers; *provided, however*, that no such camp shall be located or constructed in any municipality where there is not located an industry or farm employing migrant labor without the consent of the governing body of said municipality.

Educational program.

(i) In co-operation with the Department of Agriculture, conduct an educational program for employers of migrant labor pertaining to the standards, methods and objectives of the division of migrant labor;

Welfare.

(j) In co-operation with the Department of Institutions and Agencies, help devise ways and means for resolving the welfare problems that require attention.

10. Inspectional services. Each camp shall from time to time be inspected by the division. Inspectors shall be trained and authorized to consult with and assist camp owners and operators with respect to the requirements of this act. Inspectors shall also ascertain and report to the commissioner all violations of this act, and perform such other duties as the commissioner shall direct.

C. 34:9A-10.
Inspectional
services.

11. Provision of preventive and curative public health services. The division through the Department of Health shall make surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps, and where such services are found inadequate, to determine desirable ways and means to make them available. The commission shall arrange, to the extent of the available appropriations, through the Department of Health for the provision of such supplementary services. Said services may be provided through the use of one or more traveling dispensaries, by a contract with physicians, dentists, hospitals or clinics, or in such other manner as may be recommended by the Department of Health.

C. 34:9A-11.
Preventive and
curative public
health services.

12. Communicable diseases. For the purpose of this act the commissioner may through the State Director of Health exercise the powers of a local board or health officer with respect to communicable diseases defined by chapter four of Title 26 of the Revised Statutes. The commissioner shall make such arrangements and agreements with the Department of Health and other interested departments and agencies as will facilitate the processing of notices of cases of communicable diseases in migrant labor camps and expedite the treatment of such cases.

C. 34:9A-12.
Communicable
diseases.

13. Notice of communicable diseases. It shall be the duty of the person in charge of a camp to report immediately to the local health authority the name and address of any individual in the camp known to have or suspected of having a communicable disease. Until official action in such case has been taken, strict isolation shall be maintained.

C. 34:9A-13.
Notice of
communicable
diseases.

Enforcement
of quarantine.

The person in charge of a migrant camp shall co-operate and assist in the enforcement of any quarantine or isolation measures imposed by any public authority having jurisdiction.

Food
poisoning.

Whenever there shall occur in any camp an outbreak of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the person in charge of the camp to report immediately the existence of such an outbreak or disease prevalence to the State Director of Health, district or local health officer verbally, or by telegram or telephone; such officer shall forthwith investigate the outbreak and shall report by telegram or telephone immediately the existence of such an outbreak to the commissioner or deputy commissioner in charge of the division. Local health officers shall exercise due diligence in ascertaining the existence of such outbreaks or the unusual prevalence of disease in camps.

C. 34:9A-14.
Construction
of camps.

14. Construction of camps. The division in cooperation with the Department of Economic Development, shall make field surveys and censuses adequate to determine the number, location and character of migrant agricultural workers, the needs of their employers, and the most desirable locations for public migrant labor camps. The commissioner may, as soon as a survey and census is completed and he finds a project to be feasible, contract with the public housing and development authority in the Department of Economic Development for the acquisition or construction of one or more camps. The division may operate such public camps or it may contract for their operation by such authority or by one or more municipalities.

C. 34:9A-15.
Personnel.

15. Personnel. The commissioner may appoint such professional, technical and clerical assistants and employees as may be necessary for the performance of his functions under this act.

C. 34:9A-16.
Regulations.

16. Regulations. The commissioner may, subject to approval of the board, make, modify and repeal

rules and regulations for the interpretation and application of the provisions of this act, and, in his discretion but subject to the approval of the board, he may temporarily suspend the operation of one or more sections of this act whenever he finds that material priorities or manpower shortages make it impracticable to comply therewith.

17. Civil penalties. As an alternative to any other sanctions herein or otherwise provided by law, the commissioner may impose a penalty not exceeding two hundred dollars (\$200.00) for any violation of this act or of any rule or regulation duly issued hereunder. He may proceed in a civil suit for the recovery of such penalty, for the use of the State, in any court of competent jurisdiction.

C. 34:9A-17.
Civil penalties.

18. Entry and inspection. The commissioner, his authorized officers and agents may, for the purpose of this act:

C. 34:9A-18.

(a) Enter public or private property to determine whether there exists any camp to which this article applies;

Enter public or private property.

(b) Enter and inspect all camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith;

Inspect camps.

(c) Enter and inspect the land adjacent to the camp to determine whether the sanitary and other requirements of this act have been or are being complied with.

Inspect land.

ARTICLE II

19. Prohibition of violations. No person shall construct, establish, maintain, or operate any camp in violation of any of the requirements of this act.

C. 34:9A-19.
Prohibition of violations.

20. Certified labor camps. Any person may apply to the division for a certificate of compliance of any camp with the requirements of this act. Such application shall be made on such forms and contain such information, drawings or photographs as the commissioner may deem necessary to enable him to determine the fact of compliance. A separate application shall be made and a separate cer-

C. 34:9A-20.
Certified labor camps.

tificate issued for each camp. If the commissioner finds from the application and such inspection as may be necessary that a camp fully complies with the requirements of this act, he shall issue a certificate to that effect. Any certificate so issued shall remain valid until revoked, and shall entitle the camp for which it is issued to be known and advertised as a "certified labor camp."

C. 34:9A-21.
Use of
certificate.

21. Use of certificate; revocation. No person shall display any certificate issued under this article in or about any premises other than the camp for which the certificate was issued; nor shall any person advertise, represent or describe any camp for which such a certificate has not been issued, or for which a certificate has been issued and subsequently revoked, as a certified labor camp. Whenever the commissioner finds that a camp for which a certificate has been issued no longer complies with the requirements of this act he shall revoke the certificate upon reasonable notice to the holder thereof.

C. 34:9A-22.
Shelter.

22. Shelter. Every camp shall provide sleeping places in reasonably good structural condition, including adequate provision against fire hazards, so as to shelter the occupants against the elements and to exclude ground dampness. Sleeping places shall be kept clean and free from vermin and matter of an infectious or contagious nature. The grounds around sleeping places shall be properly drained and shall be kept clean and free from accumulations of dirt, filth, garbage, and deleterious matter.

C. 34:9A-23.
Beds or bunks.

23. Beds or bunks. Each sleeping place shall be equipped with beds or bunks made of steel, canvas, or other sanitary material, so constructed as to afford reasonable comfort to the user, and so arranged as to allow a clear space of at least twenty inches, extending from the floor to the ceiling or roof, between each bed or bunk or tier thereof.

C. 34:9A-24.
Air and
privacy.

24. Air and privacy. Every sleeping place shall contain sufficient air space and partitions to insure an adequate supply of fresh air, and reasonable privacy for each occupant.

25. Food preparation. Every camp shall be provided with adequate stoves or similar cooking facilities. Every tent, or structure where food is cooked, prepared or served in a camp shall be kept in a clean and sanitary condition and the openings thereof shall be screened. All utensils, in which food is prepared or kept, or from which food is to be eaten, and all implements used in the eating of food shall be kept in a clean, unbroken, and sanitary condition.

C. 34:9A-25.
Food
preparation.

26. Water.

C. 34:9A-26.

(a) Each camp shall be provided with an adequate supply of potable water which is of safe sanitary quality.

Water potable
supply.

(b) Wells or springs used as sources of water supply shall have tight covers and be so constructed and located as to preclude their pollution by seepage from cesspools, privies, sewers, sewage treatment works, stables or manure piles, or pollution from surface drainage. The water from such sources shall be obtained by free gravity flow or by a metal pump with watertight connection to a concrete slab covering such well or spring. If the pump is situated adjacent to the well or spring, it shall be so located and connected as to prevent pollution of the water.

Pollution.

(c) Basins, pressure tanks or reservoirs used for the storage of drinking water subsequently distributed without treatment shall be so lined, curbed, covered, or otherwise protected as may be necessary to prevent pollution of the supply by surface water, and to preclude pollution of an accidental, incidental or willful nature. Water therefrom shall be delivered to the camp fixtures, if such fixtures are provided, by means of a watertight discharge pipe by gravity or by pumping.

Basin and
pressure tanks.

(d) No common drinking cup shall be used. If drinking fountains are provided they shall be of sanitary design and construction.

Drinking cup.

C. 34:9A-27.
Bathing.

27. Bathing facilities. Convenient and suitable bathing facilities of a reasonable nature to suit conditions, kept clean and sanitary, shall be provided for every camp.

C. 34:9A-28.
Toilets.

28. Toilets and privies.

(a) An adequate number of convenient and suitable privy or other toilet facilities, kept clean and sanitary shall be provided for every camp. A privy other than a water-closet shall consist of a pit at least two feet deep with a suitable shelter. The openings of the shelter and pit shall be inclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than one foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime or other similar substance.

Privies.

(b) Privies shall be so located, constructed and maintained that they shall not be offensive to the users, nor permit access of flies to the privy vaults nor by leakage or seepage offer a possible pollution of any water supply, adjacent surface waters or ground surfaces.

Sewage.

(c) Sewage disposal systems shall not allow exposure of sewage or sewage effluent on the surface of the ground.

C. 34:9A-29.
Garbage.

29. Garbage and wastes. All garbage, kitchen wastes, and rubbish in camps shall be deposited in suitable covered receptacles which shall be emptied daily or oftener if necessary, and the contents burned, buried, or otherwise disposed of in a manner which is not or does not become offensive or insanitary. All drainage from the kitchen sink shall be carried through a covered drain to a covered cesspool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

C. 34:9A-30.
Food and meals.

30. Milk, food and meals. Wherever milk, food or meals are prepared, served, furnished or offered for sale in a camp by the owner, operator or concessionaire,

(a) The kitchen and dining rooms shall be separated from sleeping quarters and toilets. Kitchen and dining rooms.

(b) The doors and windows of kitchens, dining rooms and mess halls shall be adequately screened against insects. Doors and windows screened.

(c) The kitchen and dining rooms shall be adequately equipped for the preparation and serving of food. Adequate equipment.

(d) Walls, floors and ceilings of kitchen and dining rooms shall be so constructed as to permit them to be readily cleaned and they shall be kept clean and in good repair. Walls.

(e) Adequate provisions shall be made for sanitary storage, handling, and protection of food and milk supplies until served or used. Sanitary storage.

(f) Adequate facilities, including a plentiful supply of hot water for washing of dishes and utensils, shall be provided; dishes and utensils shall be washed, cleansed and effectively disinfected promptly after each use. Hot water.

31. Responsibility. Every person or the agent or officer thereof, employing persons to work in or at camps to which this article applies and the superintendent or overseer in charge of the work in or at such camps shall carry out the provisions of this article. At every camp a responsible person shall be appointed to assist in keeping the camp clean. Nothing in this act shall be construed to subject any person other than the occupants of a labor camp to any civil or criminal penalty for acts of such occupants. C. 34:9A-31.
Responsibility.

32. Public nuisance. Any camp which does not conform to this article shall be deemed a public nuisance and if not made to conform within five days or within such longer period of time as may be allowed by the commissioner by written notice, shall be abated by proper suit brought by the Attorney-General upon request of the commissioner. C. 34:9A-32.
Public nuisance.

33. Peace officers. For the purpose of securing the enforcement of this article the officers and agents of the commissioner shall have the authority of peace officers to make arrests, to serve any C. 34:9A-33.
Peace officers.

process or notice throughout the State, and may exercise such other authority of peace officers as may become necessary in securing the enforcement of this article.

C. 34:9A-34.
Penalties.

34. Penalties. Any person, or the agent or officer thereof, who violates any provision of this article or of any rule or regulation duly issued under this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than two hundred dollars (\$200.00), or imprisonment for not more than sixty days, or both.

ARTICLE III

C. 34:9A-35.
Appropriation.

35. There is hereby appropriated to the division for the remainder of the current fiscal year ending June thirtieth, one thousand nine hundred and forty-five, for the purposes of this act, the sum of one hundred thousand dollars (\$100,000.00), of which twenty-five thousand dollars (\$25,000.00) or so much thereof as may be necessary shall be for the planning and construction of public migrant labor camps, and seventy-five thousand dollars (\$75,000.00) or so much thereof as may be necessary shall be for personal and contractual services, equipment and expenses; and any unexpended balances thereof are hereby appropriated, respectively, for the fiscal year ending June thirtieth, one thousand nine hundred and forty-six.

C. 34:9A-36.
Effective.

36. Sections one to seventeen, inclusive, and sections twenty, twenty-one, thirty-three and thirty-five of this act shall take effect immediately. The remaining sections of this act shall take effect September fifteenth, one thousand nine hundred and forty-five.

Approved April 2, 1945.

A copy of the Migrant Labor Code authorized under this Act
may be obtained by writing to:

DEPARTMENT OF LABOR
MIGRANT LABOR DIVISION

TRENTON 8, N. J.