◉ FARM LABOR CREW LEADER LAW

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:8A-7 – 34:8A-17

GENERAL SUMMARY: Chapter 8A of the New Jersey labor laws regulates the business activities of farm labor crew leaders, in part by requiring such entities to register with the state and by prescribing specific obligations crew leaders must meet as a condition for issuance, maintenance and renewal of the registration certificate.

SPECIFIC TERMS AND CONDITIONS

REGISTRATION — No person may recruit, supply or hire farm or food processing laborers, or transport and direct any part of the work of such laborers, for direct or indirect compensation by any farm operator or worker, unless the person has a valid certificate of registration issued by the state. The farm labor crew leader registration requirement does not apply to the owner or operator of a farm or food processing plant who recruits or hires laborers solely for work in his or her own operation.

USE OF CREW LEADERS — It is unlawful for a farm operator to employ or use the services of a crew leader in New Jersey who is not in possession of a valid registration certificate.

CREW LEADER DUTIES — Among other responsibilities imposed by this law, crew leaders are obliged to observe the following duties:

Disclosure — At the time of recruitment, the crew leader must inform each worker regarding the location of employment, the crops and operations involved, the transportation, housing and insurance to be provided, the wage rates to be paid, and the charges to be assessed the worker for the crew leader's services.

Posting — Crew leaders are required to conspicuously display, and offer a copy thereof to each farmworker or head of a farmworker household under their supervision, a notice in Spanish and English summarizing the disclosure information mentioned above, as well as the name and address of the crew leader, the name and address of the farm operator where the work is to be performed, the anticipated duration of the job, and a schedule of the minimum pay for each hour of employment.

Payment — Whenever a crew leader is party to the disbursement of wages, he or she must pay all compensation due any migrant or seasonal farmworker on the same premises where the work was performed, and immediately upon termination of the period of employment.

Payroll Recordkeeping — Every crew leader who is involved in the disbursement of wages to any migrant or seasonal farmworker must keep a record of the place of work, gross pay, deductions, and the name and address of the worker. For each worker employed on a time basis, the record must include the number of hours worked daily and weekly and the wage rate per hour; for workers paid on a piece-rate basis, the crew leader must record the number of units of work performed, the wage rate per unit, and the total hours worked daily and weekly.

AUTHORIZATION TO TRANSPORT — A registration certificate cannot be issued to any applicant transporting migrant or seasonal farmworkers unless the applicant furnishes satisfactory proof of compliance with state motor vehicle regulatory requirements applicable to such transportation. If, however, the applicant affirms in writing the intention not to transport any such workers, a registration certificate bearing the words "Not Authorized To Transport" may be granted, at the discretion of the enforcement agency.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A crew leader may not discharge, discipline or discriminate in any manner against a migrant or seasonal farmworker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded under state or federal law. The anti-retaliation protection is enforceable through private civil action.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Agricultural Compliance Section, Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-984-3004).* The Department is charged with issuing farm labor crew leader registration certificates to eligible applicants and is authorized to investigate any complaint regarding a violation of the crew leader law. In connection with any such investigation, the Department may subpoena witnesses and documentary evidence. The statute expressly directs the Department to annually conduct random fact-finding compliance interviews with farmworkers employed by or under the supervision of a crew leader, and to perform inspections of crew leader records. In addition to the revocation or suspension of the registration certificate, a crew leader or anyone else who violates any provision of the law or its associated regulations is liable to both criminal prosecution and civil money penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Any seasonal farmworker aggrieved by an apparent violation of these provisions may take civil court action against the crew leader, using a private attorney or public legal service provider.