

43:21-11.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:21-11.2 (Farmers-- post certain unemployment information)

LAWS OF: 1989

CHAPTER: 29

BILL NO: A1840

SPONSOR(S): Foy

Date Introduced: Pre-filed

Committee: Assembly: Labor, Industry and Professions

Senate: Labor, Industry and Professions

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 14, 1988

Senate: January 23, 1989

Date of Approval: February 17, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: Yes

For background see:

974.90 New Jersey. Commission to study the Hiring, Employment and Compensation
M636 of Agricultural Labor in N.J.
1987a Final report, June 30, 1987.
Trenton, 1987.

(OVER)

974.90 New Jersey. Commission to study the Employment and Compensation of
M636 Agricultural Labor.
1985 Public hearing, held 7-18-85.
Trenton, 1985.

rdv

[FIRST REPRINT]
ASSEMBLY, No. 1840

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman FOY

1 AN ACT requiring employers of agricultural laborers to post
certain employment information and supplementing Title 43 of
3 the Revised Statutes.

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

7 1. a. An employer or contracting agent of an employer who
employs any employee covered by subparagraph (I) of paragraph
9 (1) of subsection (i) of R.S. 43:21-19 shall post, in a conspicuous
location or locations accessible to all employees, a notice which
11 shall contain in English and Spanish the following or a
substantially similar statement prescribed by the Commissioner
13 of Labor: "¹[Under the New Jersey unemployment compensation
law, an unemployed worker must accept suitable work when
15 offered to be eligible for unemployment benefits. If you are
working under a contract and your employer offers additional,
17 suitable work when that contract expires, you will not be eligible
for unemployment benefits unless you accept that work,
19 regardless of the provisions of your contract] Attention Farm
Laborer: Any individual seeking unemployment benefits on the
21 basis of the production and harvesting of agricultural crops is
required under law to accept an offer of continuing suitable work
23 with his current employer following the completion of the
contract of hire if no other suitable work is offered. Failure to
25 accept work under these conditions may result in a denial of
benefits until the worker is employed for four weeks and earns six
27 times his weekly benefit rate.¹ If you have any questions about
eligibility under the New Jersey "unemployment compensation
29 law," you may contact the New Jersey Department of Labor."

31 b. An employer who fails to post a notice as required under
subsection a. of this act shall ¹[,for each day during which the
notice is not posted, be guilty of an offense punishable by an

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALA committee amendments adopted February 8, 1988.

1 administrative penalty not to exceed \$200.00 for each violation]
2 be issued by the Department of Labor a written warning for the
3 first violation of subsection a. of this section, and shall be fined
4 up to \$25.00 for the second violation and up to \$100.00 for the
5 third violation and each subsequent violation of subsection a. of
6 this section¹. A penalty imposed by the commissioner pursuant
7 to this act shall be final, unless within 15 days after receipt of
8 notice thereof by certified mail, the person charged with the
9 violation takes exception to the determination that the violation
10 for which the penalty is imposed occurred, in which event final
11 determination of the penalty shall be made as a declaratory ruling
12 under section 8 of P.L. 1968, c. 110 (C. 52:14B-8) and subject to
13 review in the ¹[Appellate Division of]¹ Superior Court ¹of the
State of New Jersey¹.

14 ¹c. The Department of Labor shall provide to each employer
15 covered by this section a copy or copies of the notice prescribed
16 by subsection a. of this section.¹

17 2. This act shall take effect immediately.

18

19

20 LABOR AND EMPLOYMENT
21 Unemployment Compensation

22

23 Requires farmers to post notice concerning certain
24 unemployment information.
25

1 2. This act shall take effect immediately.

3

STATEMENT

5

7 This bill requires employers who hire workers to perform
8 agricultural services to post a notice containing a prepared
9 statement about the provisions of the "unemployment
10 compensation law," R.S. 43:21-1 et seq., related to rejection of
11 suitable work and benefit eligibility. Under the bill, employers of
12 agricultural labor are required to post, in a conspicuous location
13 accessible to all employees, a notice explaining in English and
14 Spanish that benefit eligibility under the "unemployment
15 compensation law" is contingent upon the employee's acceptance
16 of suitable work when offered. Any employer who fails to post
17 the notice in accordance with the provisions of the bill is guilty
18 of an offense punishable by an administrative penalty not to
19 exceed \$200.00 for each day during which the employer is in
20 violation.

21

LABOR AND EMPLOYMENT

Unemployment Compensation

23

24 Requires farmers to post notice concerning certain
25 unemployment information.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1840

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1988

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 1840.

As amended, this bill requires employers of agricultural laborers to post a notice which states in English and Spanish that an unemployed worker must accept suitable work, when offered, to be eligible for benefits under the State's "unemployment compensation law," R.S. 43:21-1 et seq. An employer who fails to post the notice is subject under the bill to a fine, not to exceed \$25.00 for a second violation and \$100.00 for the third and each subsequent violation, and which is to be imposed administratively and is subject to review in the Superior Court of New Jersey.

The committee amendments: (1) modify the penalty provisions of the bill to impose a written warning for a first violation, a \$25.00 fine for a second violation, and a \$100.00 fine for a third violation; and (2) remove a reference to the Appellate Division of Superior Court and, thereby, allow appeals of penalties imposed under the bill to be brought to the appropriate lower court.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1840

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1988

The Senate Labor, Industry and Professions Committee reports favorably Assembly Bill No. 1840 [1R].

This bill requires employers of agricultural laborers to post a notice which states in English and Spanish that an unemployed worker must accept continuing suitable work with his current employer following the completion of the contract of hire if no other suitable work is offered to be eligible for benefits under the State's "unemployment compensation law," R.S.43:21-1 et seq., without requalifying for benefits by working four weeks and earning six times his weekly benefit rate. An employer who fails to post the notice is subject under the bill to a written warning for a first violation and to a fine of not more than \$25 for a second violation and of not more than \$100 for the third and each subsequent violation. The fines are to be imposed administratively and are subject to review in the Superior Court of New Jersey.

The Department of Labor is required to provide such employers copies of the notice prescribed by the bill.