

Migrant labor  
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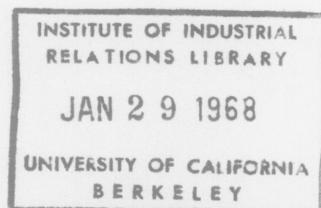
Legislative Document (1966)

No. 38

(STATE OF NEW YORK  
legislature.

**REPORT**  
**OF THE**  
**JOINT LEGISLATIVE COMMITTEE**  
**ON**  
**MIGRANT LABOR**

**1966**



STATE OF NEW YORK

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REPORT

OF THE

JOINT LEGISLATIVE COMMITTEE

ON

MIGRANT LABOR

1966



## LETTER OF TRANSMITTAL

*To the Legislature of the State of New York:*

Pursuant to concurrent resolution adopted in the Assembly and the Senate June 3, 1965, the Joint Legislative Committee on Migrant Labor respectfully submits this report covering the work of its investigation to and including the present date, March 31, 1966.

ASSEMBLYMAN ARTHUR HARDWICK, JR., *Chairman*

ASSEMBLYMAN FRANK WALKLEY, *Secretary*

SENATOR WILLIAM C. THOMPSON, *Vice-Chairman*

JEROME L. WILSON

JAMES H. SHAW, JR.

KENNETH WILLARD

JOSE RAMOS-LOPEZ

SALVADORE R. ALMEIDA

## PERSONNEL OF THE COMMITTEE

### *The Committee:*

ASSEMBLYMAN ARTHUR HARDWICK, JR., *Chairman\**  
SENATOR WILLIAM C. THOMPSON, *Vice-Chairman*  
SENATOR JAMES H. SHAW, JR.  
SENATOR KENNETH WILLARD  
SENATOR JEROME L. WILSON  
ASSEMBLYMAN FRANK WALKLEY  
ASSEMBLYMAN JOSE RAMOS-LOPEZ  
ASSEMBLYMAN SALVADORE R. ALMEIDA

### *Ex-Officio:*

SENATOR EARL W. BRYDGES, *President Pro Tem, The Senate*  
SENATOR JOSEPH ZARETZKI, *Minority Leader, The Senate*  
SENATOR WARREN G. ANDERSON, *Chairman, Finance  
Committee, The Senate*  
ASSEMBLYMAN ANTHONY J. TRAVIA, *Speaker, The Assembly*  
ASSEMBLYMAN MOSES M. WEINSTEIN, *Majority Leader,  
The Assembly*  
ASSEMBLYMAN PERRY B. DURYEA, *Minority Leader,  
The Assembly*  
ASSEMBLYMAN HARVEY M. LIFSET, *Chairman, Ways and  
Means Committee, The Assembly*

### *Legal:*

E. DAVID DUNCAN

### *Research Director:*

LAWRENCE DELANEY

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\* Assemblyman Harvey M. Lifset resigned as Chairman January 18, 1966 to accept Chairman of Ways and Means Committee of the Assembly. Assemblyman Hardwick was appointed by Speaker Travia in Mr. Lifset's place.

## PRELIMINARY REPORT OF THE ACTIVITIES OF THE JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

The Joint Legislative Committee on Migrant Labor, in accordance with the directive setting up such Committee, hereby submits its preliminary report:

Under the direction of Committee Chairman, Harvey M. Lifset, migrant labor camps were inspected in Ulster, Orange and Dutchess Counties on October 13th, 14th, and 15th, and in Suffolk County, Long Island, on November 22, 1965, in the Assembly Parlor, State Capitol, Albany, N. Y. The testimony at this hearing was primarily in respect to consideration of mandatory compulsory workmen's compensation for all farm labor, a group now excluded. Many of the producers and growers have taken it out voluntarily. Testimony urging compulsory workmen's compensation was given, including the Executive Deputy Industrial Commissioner of the State of New York, Robert Helsby; by Mr. Donald Berger, New York State AFL-CIO, and a letter from the New York National Farmers Union. Opposition was expressed by Mr. Robert C. Greig, Vice President of the New York Farm Bureau; Mr. Augustine Marvin, New York State Grange and Mr. Edward Foster of the New York Farm Bureau.

A further hearing was held in Riverhead, Suffolk County, New York at the Board of Supervisors' Meeting Room on December 7, 1965. Testimony was given by the representatives of the Suffolk County Council of Churches; the Roman Catholic Diocese of Rockville Center; the Southold Economic Opportunity Council, recommending enactment of compulsory workmen's compensation for all farm laborers. There was no opposition to compulsory compensation expressed by any of the witnesses.

There was considerable testimony from the migrants as well as representatives of the various groups to the effect that the major complaints of the migrants related to problems with reference to their pay. Complaints including the fact that the migrants were not paid for "down-time" which was time when they were on the processing premises but the grading machines were not operating, that the records of the time they worked were not accurate, and that in many instances monies were withheld for social security and union dues when the migrants had no firm conviction that these monies ultimately found their way to the proper destination. There were also complaints concerning assaults.

The Committee has contacted the Social Security Administration representatives and understands that the Labor Department is also investigating some of the problems brought to light.

The Committee at this time recommends that compulsory workmen's compensation be extended to all farm workers whose employers have total payrolls of more than \$500.00 per year. A similar bill passed the Senate last year, but failed to be reported out in the Assembly. Opposition was expressed by many groups that the premium rates were based on an unrealistic factor. The Unemployment Insurance Rating Board has changed the basis for rating

effective July 1, 1965 and it is felt that this will solve many of the inequities. The opposition to compulsory workmen's compensation from farm owner and employer groups is based primarily on the contentions that extension of workmen's compensation will put New York State growers at a price disadvantage with other states in the country, and the premiums are not based on payroll figures. The Committee notes that New York has in the past pioneered enactment of much social legislation including compulsory workmen's compensation with no visible ill effects on our economy.

Conferences with representatives of the Labor Department indicate that the Rating Board felt that basing the premiums on payroll might be too cumbersome and impractical in view of the variety of activities that an agricultural laborer might engage in the course of a day's work. It was expressed that the system enacted last July was a reasonable compromise at this time.

The Committee would like to note that a prominent newspaper on Long Island, "Newsday" had the following to say in an editorial with respect to the activities of the Committee:

### **"THE MIGRANT WORKERS**

A good job has been done in Suffolk in assuring decent wages and living conditions to most of the migrants who work in its fields and potato plants, but inequities still exist. Some of these, including complaints of illegal deductions by unions from wages, and possible illegal deductions for Social Security for workers who do not have Social Security numbers, have been brought to light by the Joint Legislative Committee on Migrant Labor. The Committee has performed a valuable service. Migrants in particular need to be protected from exploitation. A check up from time to time is most useful."

It is the consensus of the Committee that :

- 1—A greater effort should be made to enforce the many excellent laws now in effect regarding health standards, labor, etc.
- 2—The Department of Agriculture and Markets is commended for its initiation of the Child Care Center Program. The Committee hopes this program will be expanded.
- 3—Many of the health departments in the various counties are doing an excellent job with respect to supervision of migrant camps.
- 4—That a major problem is the lack of sufficient personnel to properly enforce all the excellent laws already alluded to.
- 5—That the Committee investigate utilization of federal funds for the possibility of publicly supported migrant housing.

- 6—That as aforementioned, it is strongly recommended that compulsory workmen's compensation for all agricultural workers be passed at this current session.

HARVEY M. LIFSET, *Chairman*

WILLIAM C. THOMPSON, *Vice-Chairman*

ALONZO L. WATERS, *Secretary*

IVAN WARNER

JEROME L. WILSON

E. OGDEN BUSH

JOSE RAMOS-LOPEZ

ARTHUR HARDWICK, JR.

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**RESOLUTION ADOPTED IN THE ASSEMBLY JUNE 3, 1965  
AND IN THE SENATE JUNE 3, 1965 EXTENDING THE JOINT  
LEGISLATIVE COMMITTEE ON MIGRANT LABOR.**

WHEREAS, the matter of providing adequate labor for farmers, growers, and those generally engaged in agricultural pursuits within the State of New York and the furnishing of labor to the food processing plants during their season of peak employment continues to be a problem; and

WHEREAS, this problem is being met by thousands of migrant workers who come or are brought into New York State each year to assist in the cultivation, harvest and processing of field and orchard crops and in related agricultural pursuits; and

WHEREAS, the selection, housing and conduct of these migrant workers continues to present a real problem and concern to the residents of the areas where the labor camps housing these migrant workers exist, to farmers, growers and those generally engaged in agricultural pursuits, to law enforcement agencies and to the greater part of the migrant workers themselves; and

WHEREAS, a committee of the Legislature known as the Joint Legislative Committee on Migrant Labor was created by resolution adopted by the Assembly on March 18, 1952 and by the Senate on March 19, 1952; and

WHEREAS, the said Joint Legislative Committee has been continued to and including March 31, 1966 by resolution adopted in the Assembly on June 3, 1965 and by the Senate on June 3, 1965.

WHEREAS, it appears that there is a continuing need for specialized study and recommendation to the Legislature in connection with this problem, now, therefore, be it

*Resolved* (if the Senate concur), that the Joint Legislative Committee on Migrant Labor, created by resolution adopted by the Legislature on March 19, 1952 and last continued to and including March 31, 1966, by resolution adopted by the Assembly on June 3, 1965 and the Senate on June 3, 1965, be and the same hereby is further continued with all its powers and duties as presently existing including the power to conduct public hearings within or without the State of New York, take testimony, subpoena witnesses and compel their attendance and the production of books, records, statements, documents, as may be pertinent to the study of the committee, to and including March 31, 1966; and be it further

*Resolved* (if the Senate concur), that such committee shall, on or before December fifteenth, nineteen hundred sixty-five, submit its legislative recommendations, if any, to the Temporary President of the Senate and the Speaker of the Assembly, and on or before March 31, 1966, make a report of its activities to the Legislature; and be it further

*Resolved* (if the Senate concur), that the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby appropriated from the contingent fund of the Legislature for the necessary expenses of such committee, payable on the audit and warrant of the comptroller on vouchers certified and approved by the chairman of the committee in the manner provided by law; and be it further

*Resolved* (if the Senate concur), that so much of the funds heretofore appropriated and reappropriated and remaining unexpended for the use of the said committee be and the same hereby are reappropriated for the use of such committee payable on the audit and warrant of the comptroller on vouchers certified and approved in the manner provided by law.

## INTRODUCTION

As it has in other social legislation, New York State has pioneered in the field of laws passed to protect the interest of the 30,000 seasonal farm workers and, in many cases, their families who come in to New York State every year seeking agricultural employment.

## WHILE MUCH HAS BEEN DONE, MUCH REMAINS TO BE DONE!

The Joint Legislative Committee on Migrant Labor was created by the Legislature in 1952. Since that time, the committee has studied the condition of migrant farm laborers in all parts of New York State. Migrant camps have been visited—growers and officials of farm organizations have been consulted—the advice of church leaders active in efforts to aid the migrants spiritually and physically has been sought—county and community leaders and such groups as the NAACP have brought recommendations to the attention of the Joint Legislative Committee—public hearings have been held.

As a result of all this study and activity over the years, much helpful legislation has been proposed by the Joint Legislative Committee on Migrant Labor and much has been passed by the Legislature, with resulting benefits to the migrants and the communities in which they temporarily reside.

As a previous report of this committee noted:

“The New York Legislature, acting on the advice of the Joint Legislative Committee on Migrant Labor, has enacted into law many measures that have since become a pattern for federal legislation and emulated by other states.”

## LEGISLATION ENACTED

Since 1952, the Legislature has enacted, or state agencies acting within their powers have brought about the following improvements, among others:

Each labor camp of five or more persons comes under inspection of state agencies.

Migrant workers were granted the privilege of obtaining temporary permits to operate their own motor vehicles, by paying two dollars per year temporary permit.

Prices of goods for sale must be posted in all commissaries. This has eliminated excessive prices charged to the migrants in the past.

Payroll records must be kept.

An amendment to the sanitary code was adopted which sets more stringent regulations for labor camps before they will be certified by the appropriate health authorities of the state or counties.

Fire resistant houses for farm labor camps sleeping quarters will be mandatory by 1967 for all buildings used for fifteen or more persons.

Children of migrant workers, while residing in the state, attend the public schools in their neighborhoods. This is required by the Education Law and has been effectively enforced by the New York State Education Department. Information gathered by the Joint Legislative Committee in 1965 bore out substantial compliance with this law in the areas visited.

School Boards are provided full reimbursement for summer schools set up for migrant children.

The Department of Agriculture and Markets has set up migrant Child Care Centers in various parts of the state. These centers provide pre-school care for children of the migrants, while the mothers and fathers are busy working on the crops. The number of these Child Care Centers has increased from fifteen in 1964, serving 748 children, to twenty-five in 1965, serving 1,665 children.

The Joint Legislative Committee is particularly impressed with these Child Care Centers and the work done in them and urges that this program be greatly expanded with all possible speed.

And yet with all the work that has been done by the Legislature and by the various departments of State government, the migrant workers are still the most exploited and deprived group in our society.

The Joint Legislative Committee found considerable evidence on field trips in Suffolk, Orange, Ulster and Dutchess Counties and in a public hearing in Riverhead, in Suffolk County, that many of the excellent laws and regulations now in effect are not being properly enforced. This failure of enforcement is due, we believe, to insufficient personnel in the State departments concerned.

The Joint Legislative Committee in December of 1965, in a public hearing in Riverhead, in Suffolk County, New York, unearthed evidence of collection of union dues from migrant workers and withholding of social security from these same workers' pay, although the workers interviewed both publicly and privately said

they received no benefits from union membership and did not know their social security numbers, if any. Further, in these same labor camps in Suffolk County, there were repeated complaints of beatings of workers "who got out of line with the crew chiefs".

All these matters in Suffolk and elsewhere merit further investigation. As we noted earlier, while much has been done to improve conditions for migrant workers and their families in this State, much remains to be done before migrants can take their rightful place in a democratic society, with a sense and feeling of belonging.

The importance of continued effort to assure migrants who come in to New York State of just treatment, is emphasized here by a quotation from a recent book by Truam E. Moore, "The Slaves We Rent", Random House, Inc., 1965. Mr. Moore writes:

"In Rochester, New York, Negroes who witnessed and participated in the riots that tore up that city in July of 1964 said the agricultural migrants were a contributing cause to the trouble. The Negro section, as effectively Jim Crow as any in the South, is overcrowded with the resident population. When the seasonal workers arrive, they settle not only in the migrant camps but in the marginal housing in the Negro slum. The Southern migrants, illiterate, poor, desperate for work and housing, crowd and upset the already tense community."



## ORGANIZATION MEETING OF THE JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

The first meeting of the Joint Legislative Committee on Migrant Labor was held on September 22nd, 1965, in the Venetian Room of the DeWitt Clinton Hotel, Albany, New York, at 11 A.M. In attendance:

CHAIRMAN HARVEY M. LIFSET  
ASSEMBLYMAN ARTHUR HARDWICK, JR.  
LAWRENCE DELANEY — *Research Director*  
E. DAVID DUNCAN — *Counsel*  
HARRY HAIGHT — *Field Director of 1964 Committee*  
FLORENCE KAPNER, *Secretary*

Mr. Duncan gave a report on his recent trip with Mr. Haight to the Interdepartmental Committee Meeting held in Rochester, New York, on September 15 until September 17. Copy of report is attached. Mr. Haight, at the request of Chairman Lifset, gave an outline of his past experience with the previous Migrant Labor Committees and graciously answered any questions put to him by the committee members.

A tentative date of October 13-14-15 was set as a field trip and all agreed on that time; the counties to be visited would be Orange, Ulster and Dutchess; letters to be written to interested Assemblymen and Senators from those areas.

### FIELD TRIPS

The Joint Legislative Committee on Migrant Labor, under the direction of the Committee Chairman Harvey M. Lifset, inspected migrant labor camps in Ulster, Orange and Dutchess Counties on October 13, 14 and 15. The following were on this inspection.

CHAIRMAN HARVEY M. LIFSET  
ASSEMBLYMAN ARTHUR HARDWICK, JR.  
SENATOR WILLIAM C. THOMPSON  
E. DAVID DUNCAN — *Counsel*  
LAWRENCE DELANEY — *Research Director*  
IRVING WAXMAN — *Representative of Senator Brydges*  
FLORENCE KAPNER — *Secretary*  
ANN GEORGE — *Department of Agriculture and Markets*  
HORACE PUTNAM — *Executive Assistant to the Commissioner of the Department of Agriculture and Markets*

Assemblyman Jack Schlosser of Orange County and Mr. Stanley Holland of the Orange County Health Department participated in part of the inspection program.

Four migrant labor camps in Orange County, in the black dirt area were inspected. Farms in this area specialize in the production of lettuce, celery and onions. Later in the same day, four camps in Ulster County were inspected. These were farms engaged in the growing of apples. The trip was concluded on the 15th with a visit to labor camps in Dutchess County. Again, all apple producing farms.

In Ulster County, the committee was accompanied by an official of the Department of Health of Ulster County. In Dutchess County the committee was accompanied by Assemblyman Victor C. Waryas and officers of the County Health Department.

A Child Care Center operated by the Department of Markets was inspected at Marlboro, Ulster County.

The committee was guided and accompanied by the New York State Police throughout this tour.

The physical condition of the camps left something to be desired, although the owners of the camps blame the conditions on the occasional disorderly conduct of the migrant workers themselves.

It is obvious that in many cases the outside privies serving these camps had been cleaned just before the committee's visit. Apparently the camp owners were informed as to just when the inspection team from the Joint Legislative Committee was going to arrive.

On the brighter side, the Child Care Center at Marlboro, Ulster County, operated by the Department of Agriculture and Markets, was well run and really served the interests of the pre-school age children attending.

Everywhere the committee went in these three counties, we found that the children of the migrants, who were soon to leave New York State to return to their home states, were attending the public school in their locality.

### **FIELD INSPECTION TRIP IN SUFFOLK COUNTY, RIVERHEAD, NEW YORK**

The committee inspected labor camps and a cauliflower packing plant and a potato grading plant in the area.

Sanitary conditions were found superior to those observed in some other parts of the State. For example, flush toilets are the law in Suffolk County and this is rigidly enforced by the Suffolk County Department of Health.

In the course of the committee's activities that day, we did hear complaints from some of the migrant workers themselves as to the conditions in some of the grading and packing plants, specifically they complained of having union dues deducted from their salary, although so far as some of them knew, there was no union where

they were working. Also, there is evidence that social security was being withheld from these workers, although none of them had, to their knowledge, any social security number.

Further information on this is referred to hereafter in the report of the public hearing held at Riverhead, New York, on December 7, 1965. Present for the field trip and public hearing in Riverhead were the following: Chairman Harvey M. Lifset; Assemblyman Arthur Hardwick, Jr.; Research Director Lawrence Delaney; Counsel E. David Duncan; Irving Waxman, Representative of Senator Brydges; William Conway, Representative of Assemblyman Satriale. Accompanying the above were Assemblyman Prescott Huntington; Assemblyman Elect Peter Costigan; Assemblyman Elect Charles Melton; Assemblyman Elect John Burns; Senator Elect Leon Giuffreda and reporters from *Newsday*, the *New York Times*, the *Long Island Daily Press* and the *Riverhead News Review*.

### FIELD INSPECTION TRIP BY COUNSEL E. DAVID DUNCAN

On September 15, 16 and 17, E. David Duncan, Counsel to the committee, attended a meeting of the Interdepartmental Committee on Farm and Food Processing, with Harry Haight, formerly Field Director of the Joint Legislative Committee on Migrant Labor. A copy of his report to Chairman Harvey M. Lifset follows:

"The headquarters for the meeting, which was convened primarily for an inspection of migrant farms in the western part of the State, was at the Trenholm Hotel just outside of Rochester, New York.

The other members of the Interdepartmental Committee who took part in this meeting and tour were from the Labor Department, Agriculture and Markets, Social Welfare, Education, and the Extension Service of the New York State College of Agriculture.

The first day's activities primarily concerned the inspection of farm labor camps at Holly, Waterport, Orleans and Medina, and also one of the new Child Care Centers located at Rockport.

The general consensus of the group with whom I was travelling was, as far as the farm labor camps were concerned, that we saw much better and newer facilities, with one exception. The Child Care Centers set up to take care of children of migrant workers during the daytime appear to have been approached with enthusiasm and dedication. It is my understanding that within the last year the number of Child Care Centers for the children of migrant workers has increased from 15 to 24, with the resultant increase in services to children in such matters as health care and with the collateral effect of releasing mothers to work on the migrant farms with the resultant increase in income to the migrant families.

On the second day of the tour, migrant farms were inspected at Wayland, Avoca, a second farm at Avoca, and a Child Care Center

at Avoca which serviced on the day upon which we visited, 19 children.

The general impression gathered from what was seen on this tour, along with comments by the representatives of the various departments who had seen migrant farms before, was that we were shown the cream or the best of the migrant camps as they are now set up. This proved disappointing to me, but human nature being what it is, it can be understood why local officials tend to show the best and not the worst.

On Thursday, September 16, a dinner business meeting was held at the Trenholm Hotel, which took in representatives of the departments heretofore mentioned and also crew chiefs and growers. A general discussion of the farm labor problems took place, with an exchange of views from all present including health and migrant labor officials. Points covered in the discussions, which lasted for a number of hours, included the problems of sanitation and one problem which is paramount in the minds of growers and officials alike—that is—the problem of supervision of facilities once they are set up.”

## PUBLIC HEARINGS

The Joint Legislative Committee on Migrant Labor conducted a public hearing in the Assembly Parlor, at the Capitol in Albany, Monday, November 22nd.

Testimony in this hearing was primarily in respect to consideration of mandatory compulsory workmen's compensation for all farm labor, a group now excluded. Two thirds of the producers and growers of the State have taken it out voluntarily. Testimony urging compulsory workmen's compensation was given by the Executive Deputy Industrial Commissioner of the State of New York, Mr. Robert D. Helsby; Mr. Donald Berger, New York State AFL-CIO, Reverend Theodore L. Conklin, Assistant General Secretary, New York State Council of Churches.

Opposition was expressed to compulsory workmen's compensation by Mr. Augustine Marvin, Legislative Representative, New York State Grange, Mr. Robert Greig, Vice President, New York Farm Bureau, and Mr. Edward Foster, representing the New York Farm Bureau.

Having heard the testimony pro and con, the committee recommends the establishment of mandatory workmen's compensation coverage of farm workers employed on farms in the prior calendar year at an agricultural payroll of five hundred (\$500.00) Dollars.

The committee would note that the opposition to compulsory workmen's compensation by the farm employer groups is based on the allegation that this legislation would leave New York State growers at a competitive disadvantage with growers from neighboring states. This argument has been used to thwart every piece of social legislation in other fields that was ever introduced in the Legislature of the State of New York.

**PUBLIC HEARING DECEMBER 7, 1965  
RIVERHEAD, SUFFOLK COUNTY, NEW YORK**

The meeting was held at the Board of Supervisors' Meeting Room, at the County Center, Riverhead, New York. Present were Chairman Harvey M. Lifset; Assemblyman Arthur Hardwick, Jr.; Research Director Lawrence Delaney; Counsel E. David Duncan; I. Irving Waxman, representing Senator Brydges; William Conway, representing Assemblyman Satriale; Mr. Vovjeda, Riverhead Town Supervisor; County Executive Dennisen; reporters from *Newsday*, the *New York Times* and the *Long Island News*. Also present were Assemblyman Prescott Huntington; Senator Elect Leon Guiffreda, Assemblyman Elect John Burns and Assemblyman Elect Charles Melton.

Testimony favorable to compulsory workmen's compensation was given by Mr. C. Roger Nelson, Chairman of the Suffolk County Council of Churches Migrant Committee; Reverend Arthur C. Bryant, Migrant Chairman, Suffolk County Human Relations Commission; Father Leland Hogan, a priest of the Diocese of Rockville Center; Reverend Buck Jones, Chaplain for Migrants, Suffolk County Council of Churches.

There was no spoken opposition to the proposal for compulsory workmen's compensation by any who attended this hearing.

All who spoke in favor of compulsory workmen's compensation also told the committee that there was a considerable body of evidence that some of the migrants working on the potato graders (machines that sort and wash potatoes for size and grade) were having one dollar a week dues deducted from their salary for alleged union dues, and ninety-eight cents a week deductions for social security. The witnesses felt that the union, which was allegedly receiving the dues, did nothing for the workers and quite probably, in some cases, the money was being illegally deducted by the crew chiefs and never being sent to the union at all. Also, the witnesses reported that they knew of numerous migrant workers who, while their social security was being withheld, they, the migrants, had no knowledge of social security and did not know their numbers, if any. The witnesses, however, could not or would not give the committee any specific cases of this misuse of union dues and social security money. The witnesses all recommended further investigation of these charges, either by our committee or by some other governmental agency.

The witnesses mentioned above also reported that a great deal of fear existed among the migrant workers in some of the camps—that if they stood up for their rights, they would be beaten.

**MIGRANTS THEMSELVES TESTIFY**

At this point, the committee heard from two migrant workers, Mr. Leroy Jones and Mr. Clinton Barba. It should be noted that this is the first time in many years, if not the first time ever, that

migrant workers have testified before the Joint Legislative Committee on Migrant Labor. Both witnesses testified that they never saw a union representative. Further, that when they were working on the potato grader, if the grader stopped operating, either because a potato truck did not come in, or the grader broke down, they were not paid for the time they had to stand around and wait. Their pay stopped as soon as the grader stopped. In some cases this meant fourteen hours work for eight hours pay.

This matter of union membership and dues paying without benefits is discussed elsewhere in this report, in a report from our Research Director, Mr. Lawrence Delaney.

The public hearings in Riverhead received widespread notice in the press, in *Newsday* and the *Long Island Press*, which are the two big daily papers on Long Island, and in the *Riverhead News Review*, a weekly. The committee would like to note that *Newsday* had the following to say in an editorial, with respect to the public hearing in Riverhead on December 7:

“The Migrant Workers. A good job has been done in Suffolk in assuring decent wages and living conditions to most of the migrants in its fields and potato plants, but inequities still exist. Some of these, including complaints of illegal deductions by unions from wages, and possible illegal deductions for social security for workers who do not have social security numbers, have been brought to light by the Joint Legislative Committee on Migrant Labor. The committee has performed a valuable service. Migrants in particular need to be protected from exploitation. A checkup from time to time is most useful.”

## JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR MEETING MARCH 21, 1966

On March 21 in the Court of Claims, on the second floor of the Capitol. Present at this meeting were the Chairman of the Joint Legislative Committee on Migrant Labor, Assemblyman Arthur Hardwick, Jr., Assemblyman Frank Walkley, Senator Kenneth Willard, Mr. Irving Waxman, Counsel to Senator Brydges, Mr. David Duncan, Counsel to the committee and Mr. Lawrence Delaney, Research Director of the committee. Not present were Senator William C. Thompson, Senator James H. Shaw, Jr., Assemblyman Jose Ramos-Lopez, Assemblyman Salvadore R. Almeda and Senator Jerome L. Wilson.

## LEGISLATION TO BE PROPOSED BY THE COMMITTEE WAS DISCUSSED:

A.P. 5654 A.I. 2350—Introduced by Mr. Lifset, co-sponsored by Mr. Hardwick. To amend the Workmen's Compensation Law in relation to coverage of farm laborers.

This Bill had already been approved by the Joint Legislative Committee and in fact had been approved by the same committee the previous year.

A.P. 5174 A.I. 5012—Introduced by Assemblyman Hardwick regulating the payment of wages to migrant workers and proper record keeping thereof. All present viewed this as a good Bill and the committee recommended its passage.

### THE FOLLOWING BILLS WERE DISCUSSED BUT PASSAGE IS NOT RECOMMENDED PENDING FURTHER STUDY:

A.P. 4917 A.I. 4755—Introduced by Assemblyman Hardwick in relation to health certificates for migrant workers to be obtained in home states.

A.P. 4587 A.I. 4433—Introduced by Assemblyman Ramirez in relation to availability of pay telephones for migrant workers at all camps.

A.P. 4588 A.I. 4434—Introduced by Assemblyman Ramirez in relation to written contracts for migrant laborers to be signed in home state before officials of said state.

A.P. 4989 A.I. 4827—Introduced by Assemblyman Ramirez mandating pay to migrant laborers in event of equipment breakdown.

### TABLE SHOWING ESTIMATED USE OF INTERSTATE WORKERS BY COUNTIES, COMPARISON OF 1965-1964-1967\*

	1965	1964	1957		1965	1964	1957
Albany .....	65	82	32	Niagara .....	450	450	450
Broome .....	120	40	165	Oneida .....	1,225	1,120	3,439
Cayuga .....	860	640	2,087	Onondaga .....	150	45	150
Chautauqua ....	300	350	275	Ontario-			
Chenango .....	45	100	1,200	Seneca-Yates ..	420	438	675
Clinton .....	15	90	25	Orange .....	1,083	975	325
Columbia .....	940	950	850	Orleans .....	1,950	2,700	3,000
Dutchess .....	700	810	750	Oswego .....	430	380	546
Erie .....	1,027	925	400	Otsego .....	121	122	200
Genesee .....	330	660	886	Steuben .....	1,900	2,425	2,750
Herkimer .....	215	105	1,613	Suffolk .....	3,750	4,100	5,300
Livingston .....	470	580	600	Ulster .....	1,870	2,043	2,200
Madison .....	80	190	1,650	Wayne .....	3,200	3,480	3,100
Monroe .....	975	835	1,200	Wymong .....	700	700	800
				Totals .....	23,391	25,335	34,668

\* In 1957 workers from the Island of Puerto Rico were not included in the interstate category as they were in 1964 and 1965. The 1957 data represent the peak year of interstate worker employment in New York State.

\* From 1965 Report on Farm Labor—New York State Department of Labor—Division of Employment.

## GOVERNOR'S ADVISORY COUNCIL ON FARM AND FOOD PROCESSING LABOR

MARCUS E. BUCKMAN, *Sodus, New York, Chairman*  
 HORACE M. PUTNAM, *Executive Assistant to the Commission, Department of Agriculture and Markets, Albany, New York, Executive Secretary*  
 ASSEMBLYMAN ARTHUR HARDWICK, JR., *Chairman, Joint Legislative Committee on Migrant Labor*  
 EDWARD S. FOSTER, *Executive Secretary, New York Farm Bureau, Ithaca, New York*  
 WINFIELD D. TYLER, *Secretary, New York State Cannery and Freezers Association, Inc., Rochester, New York*  
 REV. KENNETH A. ROADARMEL, *New York State Council of Churches, Syracuse, New York*  
 KENNETH TABOR, *Orient, New York*  
 FRANK L. PIXLEY, *Batavia, New York*  
 ROBERT GREIG, *Red Hook, New York*  
 ODELL CLARK *NAACP 120 West 28th Street, New York, New York*

There were three vacancies in this committee as of March 31, 1966. The Governor's Office will make these replacements.

## NEW YORK STATE INTERDEPARTMENTAL COMMITTEE ON FARM AND FOOD PROCESSING LABOR

The Interdepartmental Committee is composed of representatives of state departments and agencies that have a direct interest in migrant labor. They are:

- Department of Agriculture and Markets
- Department of Education
- Executive Department (Division of State Police)
- Department of Health
- Department of Labor (Division of Labor Standards, Division of Employment)
- Department of Motor Vehicles
- Department of Social Welfare
- New York State Joint Legislative Committee on Migrant Labor
- Extension Service, New York State College of Agriculture at Cornell University

The Joint Legislative Committee on Migrant Labor is represented on the Interdepartmental Committee by Assemblyman Arthur Hardwick, Jr., Chairman, J.L.C. Migrant Labor.

The following excerpts from the Interdepartmental Committee Report for 1965 which your Joint Legislative Committee finds of particular interest follow:

## DEPARTMENT OF AGRICULTURE AND MARKETS

DON J. WICKHAM, *Commissioner*

DANIEL M. DALRYMPLE, *Assistant Commissioner*

HORACE M. PUTNAM, *Executive Assistant to the Commissioner*

ANNE V. GEORGE

CHILD CARE SUPERVISORS

REPRESENTATIVES

As a member of the Interdepartmental Committee on Farm and Food Processing Labor, the Department of Agriculture and Markets is deeply concerned with all phases of the Migrant Labor Program and this year there was greatly increased activity in the field of health, labor, education, child care and social services.

Daniel M. Dalrymple, Assistant Commissioner, serves as the Chairman of the Committee, through appointment by the Governor. Horace M. Putnam, Executive Assistant to the Commissioner, serves as the Executive Secretary of the Committee and, with the Migrant Child Care Supervisor, represents the Department on the Committee. In addition, the Department provides the services of a secretary and carries the operating expenses of the committee in its budget.

The Executive Secretary also serves as the Executive Secretary of the Governor's Advisory Council on Farm and Food Processing Labor. This Council is composed of growers who employ migrant labor, representatives of church organizations and representatives of labor and social agencies. The Council serves in an advisory capacity to the Interdepartmental Committee.

The work of the State departments and agencies represented on the Interdepartmental Committee is coordinated by the Executive Secretary who acts as liaison between employer, employee and the department or agency concerned. He keeps informed on all federal and state laws and regulations which affect migrant labor and, when called upon, aids in solving any problems which may arise.

The Interdepartmental Committee works in close cooperation with the New York State Council of Churches. The Council, through its corps of chaplains and its various local committees, again in 1965, offered religious services and recreational activities in all areas of the the State.

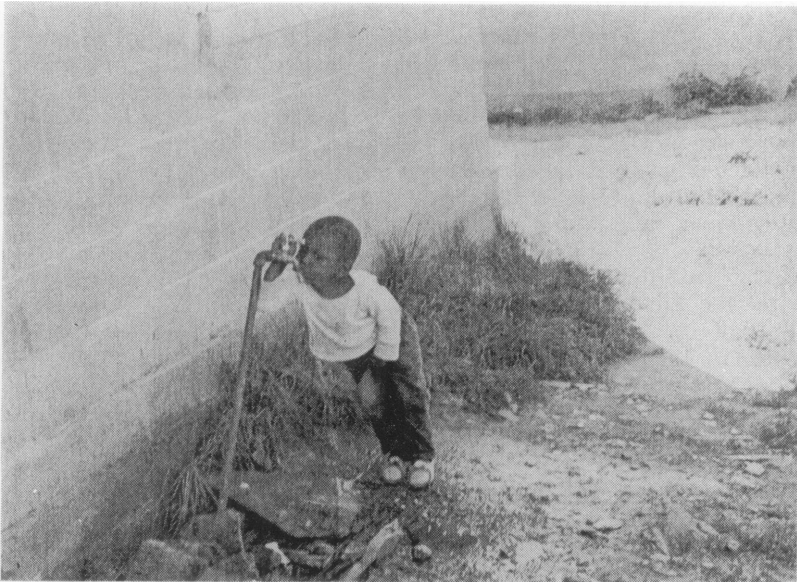
The Interdepartmental Committee again conducted its Migrant Education Program. Through the use of visual aids, the functions of the State departments and agencies which make up the committee were described. The migrants were informed of their rights under New York State laws, as well as their responsibilities. A total of 4,083 visits were made to farms, labor camps, commissaries and food processing plants. A total of 24,667 workers were employed on the fruit and vegetable farms visited.

The Executive Secretary set up a series of meetings which were held throughout the State during the early spring. These meetings

were attended by camp operators, farmer-employers, community members and others interested in migrant labor. Representatives of the Interdepartmental Committee were present to explain the work of their departments or agencies. A question and answer period followed each meeting.

The Executive Secretary visited all Child Care Centers and many farm labor camps throughout the State and attended many of the Migrant Education Programs, conducted by the Interdepartmental Committee. He served as a member of the New York State Division of Housing for developing a code for transient housing; also as a member of the Advisory Committee on Day Care, of the Department of Social Welfare, and attended meetings of that committee.

The Executive Secretary appeared before church, school, farm and civic groups to explain the migrant program, as carried on in New York State. He also represented New York State at meetings of the Continuing Committee of the Council of State Governments, which is made up of representatives of East Coast States, interested in establishing uniform rules and regulations for that area. He serves as a consultant to the National Migrant Committee of the Division of Home Missions of the New York State Council of Churches.



**THE CHILD CARE PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND MARKETS HAS BEEN HIGHLY PRAISED BY YOUR J.L.C. IN THE PAST AND YOUR PRES-  
ENT COMMITTEE REGARDS THIS EFFORT AS ONE OF THE  
BRIGHT SPOTS IN NEW YORK STATE EFFORTS ON BE-  
HALF OF MIGRANTS.**

### ***CHILD CARE PROGRAM***

When the New York State Migrant Child Care Program was aligned with the Economic Opportunity Program in 1965, the door was opened to an expansion long recognized as essential.

Under the State-Federal arrangement, New York increased its appropriation for this work to \$92,457. The Office of Economic Opportunity provided \$171,075.

This made possible a greatly enlarged program, with ten additional centers in operation and the enrollment of children reaching 1665, compared to fifteen centers and an enrollment of 748 children the previous year. The time of operation of the centers was increased, with one center remaining open until December 31st.

Under the New York State Migrant Child Care Program, child care centers, or day nurseries, are set up to care for the children of those seasonal farm workers who are so very necessary to the agricultural economy of the State.

Migrant Child Care Centers are staffed by undergraduates and graduates from both southern and northern colleges, with an integrated staff planned for each Center. These staff members receive a week of intensive training in child development, group care of children and general procedures. The State Migrant Child Care Supervisor, who serves as the Project Director, or an Area Supervisor visits each Center at least once each week to advise and assist the staff.

An innovation this year was the hiring of migrant women from the farm labor camps for work in the Centers. They received on-the-job training and were paid at the rate of \$1.25 per hour. These women proved to be excellent workers and the number will be increased next year. In many of the communities in which Centers were operated, local women and college students were hired for the cooking and to help with the care of the children.

Migrant Child Care Centers are licensed by the New York State Department of Social Welfare and must meet all requirements as to quarters, staff and daily routines. The Centers are open six days a week, and children from eight weeks to 14 years of age may attend while their parents are at work. This may be from six o'clock in the morning until as late as nine o'clock in the evening, depending upon weather and crop conditions.

A day's program at a Child Care Center includes both indoor and outdoor play, rest periods, arts and crafts, reading, music, games, painting, sewing, cooking and other activities designed to provide the children with new experiences, skills and vocabularies. If necessary, the children are served breakfast when they arrive at the

Center. A hot, well-balanced noon-day meal is provided, as well as mid-morning and mid-afternoon snacks. Supper is also provided when the children remain late.

Child Care Centers may be sponsored by local growers, grower-cooperatives, county or local migrant committees or groups of interested citizens in a community. In many instances, the sponsors locate suitable quarters for the Centers and often provide volunteer services.

The Child Care Program furnishes all food, furniture, supplies and equipment, pays for gas, electricity, salaries, transportation, insurance, etc. Centers may be housed in any suitable building. Farm houses, school buildings, church basements and remodeled barns have been used. The Centers may be located in a farm labor camp or at some central point to which the children are transported.

The Department of Agriculture and Markets, along with its overall responsibility for the Child Care Program, works in close liaison with The Department of Education to provide coordinated child care-summer school programs for these children.

Under such coordinated programs, all of the children are brought to the schools early in the day, where they are cared for by the child care staff until it is time for those children of school age to attend classes. Again, at the close of the school session, the children return to the Center where they are given supervised recreation and a program of arts and crafts until their parents return from the fields.

In this way, the children are not left alone in camp for several hours, following the school session, to get into mischief or even to suffer physical harm. All-day care of the children, through these coordinated programs, enables both parents to work and thereby increase the family income. It is also of help to the growers and processors in providing additional workers.

The Department of Agriculture and Markets each year enters into contract with the New York State Federation of Growers' and Processors' Association, Inc., to operate the Child Care Centers, under the department's direct supervision. This corporation has the necessary personnel and equipment to carry out this responsibility.

Migrant Child Care Centers in operation during the 1965 season were located at Albion, Amsterdam (2), Avoca, Batavia (2), Brockport, Cutchogue, Frankfort, King Ferry, Marlboro (2), New Paltz, Ontario, Pine Island, Port Byron (2), Prattsburg, Scottsville, Sherrill, Sodus, Utica, Westmoreland, West Winfield and Williamson.

Every effort will be made to further expand the Child Care Program during the coming year.

The efforts of the Department of Education in furthering summer schools for children of migrants are also worthy of commendation.

The Department of Education Report for 1965 follows:

## DEPARTMENT OF EDUCATION

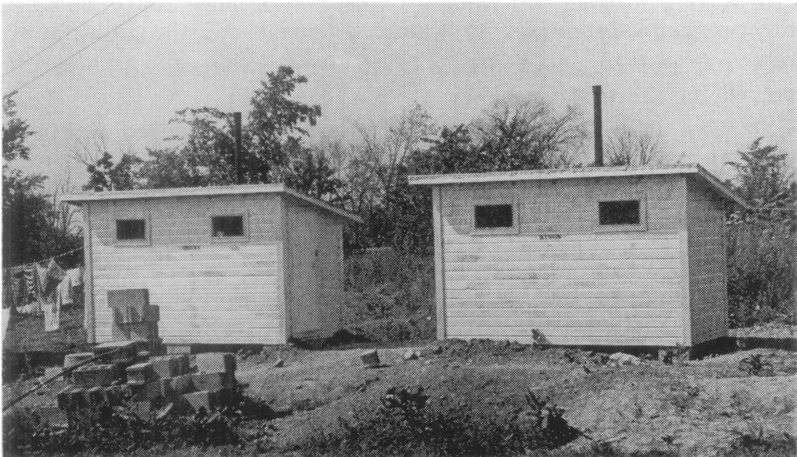
DR. JAMES E. ALLEN, JR., *Commissioner*  
EWALD B. NYQUIST, *Deputy Commissioner*  
WALTER CREWSON, *Associate Commissioner*  
R. PRATT KRULL, JR.

The summer months of 1965 witnessed one of the most dramatic growths in programs for the children of seasonally employed agricultural workers. Tripled over 1964, the program served 1,542 children in 26 school districts across the State of New York. Programs ranged from East Cutchogue at the Eastern end of Long Island, North to Mooers, seven miles from Canada, our Northern neighbor, and West across our State to Farnham on Lake Erie. A total of 105 classes were organized serving migrant children from the ages of 4 to 14.

In almost all instances, enrollment exceeded predicted and planned upon numbers by 10 to 30 percent. This wave of children was accommodated through flexible and adaptable administration in the local schools.

Working as teams, adjoining school districts assisted one another in both the planning and implementation of their programs. In many instances, phases of programs were coordinated by co-terminous districts—field trips and enrichment programs were jointly sponsored. Only one school district, which was prepared to implement a program for migrant children, did not conduct a program. The children did not materialize when the crew chief's wife became ill enroute from Florida and the whole crew with their families returned South.

With relatively few problems and an increase in local community awareness and acceptance of their responsibility of a national problem, the 26 migrant school programs were conducted in the following communities:



<i>School</i>	<i>County</i>	<i>No. of Classes</i>	<i>Registration</i>
*N Amsterdam	Montgomery	4	47
* East Cutchogue	Suffolk	1	16
N Farnham	Erie	3	46
*N Frankfort-Schuyler	Herkimer	2	18
N Hempsted	Nassau	2	29
N Highland	Ulster	3	48
N Lyons	Wayne	6	94
* Marlboro	Ulster	6	81
N Mooers	Clinton	2	21
N Newburgh	Orange	12	142
N North Rose	Wayne	7	103
N Nyack	Rockland	4	44
* Port Bryon	Wayne	1	15
N Red Creek	Wayne	1	10
N Savannah	Wayne	2	25
* Sherrill	Oneida	3	27
N Sodus	Wayne	8	130
N South Orangetown	Rockland	6	61
N Southern Cayuga	Cayuga	3	57
N Spring Valley	Rockland	6	70
* Warwick	Orange	3	65
N Wayne	Wayne	2	36
* Westmoreland	Oneida	4	120
N West Winfield	Herkimer	2	41
* Williamson	Wayne	4	70
N Wolcott	Wayne	8	126
		105	1542

N—New Migrant School in 1965.

\*—School Center which also had a Day Care Center.

An analysis of the table on the preceeding page points out the following:

A. Average class size was about 15 children per class. This is considered too large. At a Statewide Evaluation Conference of last summer's program, teachers and administrators consistently advocated a class size range of between 10 and 12 children. To exceed this number would, they felt, compromise the purpose of the program—intensive, individual attention for the children.

B. Of the 26 school districts operating programs, 16 were involved for the first time.

C. Ten Day Care Centers were operated in conjunction with existing programs, making it possible to:

1. Provide a full-day experience for each child.
2. Economize transportation and other services.
3. Increase the total program impact.

Although a few school administrators were reluctant to initiate Day Care Centers, it is obvious that from a purely administrative viewpoint, advantages far outweigh disadvantages. In terms of the children themselves, which should be our sole criterion, there is no question as to the desirability of a total, coordinated, full-day program.

Beginning in 1956 with Pilot Programs in Albion and East Cutchogue, the programs have increased to last year's high, serving 1,542 children in 26 school districts. This tremendous increase in 1965 was made possible by a grant of \$225,000 from the Office of Economic Opportunity, under Title 111-B. This grant, when coupled with \$80,000 as New York State's share, provided total operating budget of \$335,000.

<i>Year</i>	
1956	80 pupils
1957	89 pupils
1958	98 pupils
1959	135 pupils
1960	277 pupils
1961	350 pupils
1962	371 pupils
1963	355 pupils
1964	400 pupils
1965	1542 pupils

The identification of migrant children in school districts throughout the State of New York has been greatly facilitated by school census data obtained by the School Social Services Section, State Education Department. Through the efforts of Mr. Robert Minnich and Mr. Henry Kunze, of this Section, it has been possible to pinpoint locations of these children in school districts and to ascertain the age-grade distribution. This past fall, 3,125 minors resided in migrant labor camps of the State. Of these children, 2,427 were school age. The bulk of these school age children were found in grades K-7, inclusive.

Two techniques were employed to evaluate last summer's programs. They were:

1. Visits by a Supervisor of Elementary School Supervision. At this time, informal evaluations were conducted, and constructive suggestions provided.

2. On November 16 and 17, a Statewide Evaluation Conference was held at Syracuse, New York. Attending were 70 people representative of the 26 school districts and communities which operated summer programs. Participants included representatives of chief school administrators, teachers, parents, principals, food processors, growers, the Council of Churches, Community Action Organizations, the New York State Office of Economic Opportunity, the New York State Interdepartmental Committee on Farm and Food Processing Labor, Volunteers in Service to America (VISTA), local Migrant Committees, and the New York State Education Department.

At the present time, the Bureau of Elementary School Supervision has a proposal filed with the Office of Economic Opportunity in Washington, D.C., which, if funded under Title 111-B, would make it possible for expansion and extension of programs for

migrant boys and girls. As presently visualized, this program would provide for 176 classes in 44 school districts throughout the State. Additional staffing would be possible during the fall months in those schools which have a large number of migrant boys and girls remaining. Many remain in the schools until November, before moving on to other areas of our Nation.

1. The New York State Education Department will continue its leadership role in the development of an expansion of programs for migrant children in cooperation with other state agencies.

2. There is need for the initiation of a summer workshop for teachers who work with migrant and other disadvantaged children. Such a workshop is presently being planned at the State University College—Geneseo. It would provide intensive work sessions for 25 teachers during a four-week period.

3. Continued emphasis must be placed on the importance of the involvement of parents in the summer school programs.

4. The success of past programs may be directly accounted for by the fine leadership exhibited by local Boards of Education, chief school administrators, and others in accepting their responsibility for the boys and girls.

The Department of Labor of the State of New York is responsible for overseeing so much that pertains to migrant labor in this State, that we give the Department's Report for 1965 to the Interdepartmental Committee on Farm and Food Processing Labor in full:

## **DEPARTMENT OF LABOR**

*Dr. M. P. Catherwood, Industrial Commissioner*

*Herbert W. Crispell, Executive Deputy Industrial Commissioner*

*Daniel A. Daly, Richard K. Klatt, Representatives*

### ***DIVISION OF LABOR STANDARDS***

The Division of Labor Standards is responsible for the enforcement of the Laws relating to child labor, wage payment, farm labor camp commissaries, the registration of contractors, growers, food processors, and others who may utilize the services of farm and food processing workers, and the record keeping requirements applicable to such persons.

#### ***Public Relations***

An educational program was begun early in the spring to acquaint employers, employees and the public with the laws that apply to farm and food processing employment. Mass media were used throughout the State. Staff members spoke at regional meetings of various farm groups and to children in schools. Staff met with officials of the State Council of Churches, the Migrant Ministers Conference, the U. S. Department of Labor, the U. S. Department of Health, Education, and Welfare, and with repre-

sentatives of other states to review and discuss farm labor problems.

State Education Department representatives assisted in the preparation and distribution of brochures and posters about farm work permits and how to obtain them. The posters were displayed in the schools, youth centers, and public buildings throughout the State.

The application forms for the registration of growers and contractors, with summaries of applicable laws, were mailed early in April to those on record engaged in farm or food processing work. Applicants for commissary permits were incorporated in the applications for certificates of registration. A supply of the forms also was furnished to the Division of Employment for distribution to those whose services might be recruited.

Copies of the approved applications for a certificate of registration were sent to the various agencies that are represented on the Interdepartmental Committee on Farm and Food Processing Labor.

### ***Farm Labor Information Program***

There are approximately 20,000 seasonal farm workers who come into New York State yearly to help harvest and process a variety of agricultural products. While their needs are many, basically they require education and knowledge. These needs have been recognized by the New York State Interdepartmental Committee on Farm and Food Processing Labor. Under its sponsorship, the Farm Information Program was established in 1962, operated by teams of specially-trained field representatives from the Department of Labor. These men were dispatched to farm labor camps throughout the State to talk directly with the workers, explaining the workers' rights and responsibilities while temporary residents of New York State.

This program has proven of great benefit to the seasonal farm workers.

In 1965, the Interdepartmental Committee on Farm and Food Processing Labor continued its sponsorship of the Farm Information Program geared to worker understanding of the laws and regulations of the State agencies affecting his daily life. These were outlined, defined and explained.

Through the use of visual aids, the functions of each of the seven State agencies of the Interdepartmental Committee were described to the worker. The staff workers supplied information, advised and counseled the seasonal farm workers collectively and, where required, individually. The rights of the seasonal workers were delineated in simple language; similarly, the responsibilities of the worker to himself, his family and to the community were outlined.

The Interdepartmental Committee also recognized the lack of recreational and leisure time activity in the camps. Last year, the Committee added recreational elements to its program.

In 1965 the Information Program was carried out in the following major farm areas:

<i>Counties</i>	<i>Camps</i>	<i>Workers</i>
Niagara, Erie .....	3	150
Monroe, Wayne, Orleans, Livingston, Ontario, Yates ....	25	2104
Cayuga, Oswego .....	12	378
Steuben .....	23	1543
Oneida, Madison, Herkimer .....	12	1214
Columbia, Ulster, Dutchess .....	10	116
Orange .....	8	105
TOTALS	93	5610

### ***Inspections***

A total of 4,083 visits were made to farms, labor camps, commissaries, and food processing establishments in connection with the farm labor program. A total of 24,667 persons were employed on the fruit and vegetable farms that were inspected.

### ***Farm Labor Registration:***

#### ***Where Services of Farm Labor Contractors Were Utilized***

Every farm labor contractor was required to obtain a Certificate of Registration from the Industrial Commissioner. The farm labor contractor submitted an application furnishing information on wages, working conditions, housing, and such other matters as the Commissioner prescribed. Fingerprints of the applicant also were submitted. The application was countersigned by each grower or processor who planned to utilize the contractor's services, stating that the information therein was true to the best of his knowledge and belief.

When the completed application was approved, the Industrial Commissioner issued a Certificate of Registration to the farm labor contractor and a separate Certificate of Registration to each grower or processor who planned to utilize the contractor's services. No grower or processor could utilize the services of a farm labor contractor unless the grower or processor had such a certificate and unless the contractor was registered. The contractor was required to keep his certificate in his immediate personal possession for display upon the request of the Industrial Commissioner's representatives. Copies of the approved applications were provided to the contractor for posting conspicuously in any camp where the workers covered by the application were housed.

The services of any certified farm labor contractor could be utilized for five days or less by any grower or processor, provided that within 24 hours after the contractor began work, he prepared a supplemental application, had it countersigned by the grower or processor, submitted it to the Industrial Commissioner and posted a copy at the job location.

During the 1965 season, 364 contractors were issued 731 certificates of registration authorizing them to perform services for 567 growers or processors. Eighteen percent of these contractors were new registrants.

Seventy-seven violations were reported against contractors for failure to obtain certificates of registration. Seventy-six growers and processors were reported in violation for utilizing the services of unlicensed contractors. Seven violations were reported against contractors for failure to comply with the conditions contained in the certificate application and eight violations for failure to post a copy of the application in the camp where the workers were housed.

### ***Growers or Processors not Utilizing Services of a Farm Labor Contractor***

A grower or processor who did not utilize the services of a farm labor contractor, but who brought into the State five or more seasonal farm or food processing workers, was required to obtain a Certificate of Registration from the Commissioner. In the application, the grower or processor furnished information on wages, working conditions, housing, and such other matters as the Commissioner prescribed. The Department provided to the grower or processor copies of the approved application for posting conspicuously on the premises.

Three hundred six certificates of registration were issued to such growers. Twenty-three violations were reported for failure to register. Eleven violations were reported for failure to post a copy of the application in the camp and two violations were reported for failure to comply with the conditions contained in the certificate application.

### ***Farm Labor Camp Commissaries***

No person was permitted to operate a farm labor camp commissary or allow the operation of such commissary without a permit from the Industrial Commissioner. Each permit-holder was required to post, in a conspicuous place in the commissary, the permit and the current prices of all goods sold or leased. The prices charged could not exceed the prices listed on the poster. Two hundred ninety permits were issued in 1965. Twenty-three violations were reported for failure to obtain the necessary permit; ten violations for failure to post the permit; and eight violations for failure to post the prices.

### ***Revocations — Suspensions — Denials of Registrations — Permits***

The Industrial Commissioner may refuse, revoke, or suspend a registration or permit when he finds that the registrant violated any provision of the Labor or Penal Law, or has been convicted of any crime or offense except traffic infractions, or has made false statements in his application. Sixteen applications for farm labor contractor certificates of registration were denied and five certificates were revoked. Six applications for permits to operate farm labor camp commissaries were denied and one was revoked.

### *Payroll Records — Wage Statements*

Every farm labor contractor was required to keep payroll records showing for each worker the wage rates, wages earned, number of hours worked, or if the worker was paid on a piecework basis, the number of units produced, all withholdings from wages, and the net wages paid. For children twelve to fourteen years old, a record of the number of hours worked was required regardless of whether the employment was hourly or piecework. The law required each contractor to give to each worker with every payment of wages, a written statement showing exactly the same information entered on the payroll record as set forth in the preceding sentences.

When a farm labor contractor failed to comply with the requirements for posting a copy of the application and those relating to the keeping of payroll records and to the giving of wage statements to the workers, the Commissioner notified the grower or processor who utilized the services of the contractor, and he, the grower or processor, then became responsible.

Growers and processors not using contractors were required to keep the payroll records and give the statements in the same manner as described above for farm labor contractors.

Fourteen violations for failure to keep proper payroll records and 13 violations for failure to provide wage statements were reported against contractors. Two violations for failure to keep proper payroll records were reported against growers.

### *Wage Payment*

All employees, including farm workers, must be paid their wages weekly or in full every two weeks with no deductions except those authorized by law. The Labor Law authorizes the Industrial Commissioner to investigate and adjust wage claims for unpaid wages. Nine violations were reported for failure to pay wages as required by law.

### *Child Labor*

Children between the ages of 14 and 16 were required to obtain farm work permits before they could work. The employer signed the permit which the minor kept in his possession.

Children under 14 years of age were not permitted to work except that children 12 years and older could work on the home farms of their parents or guardians, and except that children 12 years of age and over who presented farm work permits could assist in the hand harvest of berries, fruits, and vegetables, for a period of four hours in any work day between the hours of 9 A.M. and 4 P.M. They could work only at times when school was not in session and if they were accompanied by a parent or had presented the written consent of a parent, or party with whom they resided, to their employer.

There were 562 children under 16 years of age employed on the fruit and vegetable farms that were inspected in 1965. Forty-nine

children were found illegally employed, including three who were under 12 years of age. Seventeen children who were 12 and 13 years of age were illegally employed either because they had no permits, worked illegal hours or did not have the consent of a parent to work. Twenty-nine children 14 and 15 years of age were illegally employed because they did not have farm work permits.

### *Hearings*

Sixty-eight calendar hearings were held in connection with violations that were reported. Thirty-three hearings were held relating to the issuance, denial, or revocation of certificates of registration and commissary permits.

## **DIVISION OF EMPLOYMENT SEASONAL LABOR RECRUITMENT AND SUPPLY**

The Farm Employment Service section of the State Department of Labor's Division of Employment is responsible for assisting farmers and food processors in the recruitment and placement of workers in agricultural and food processing industries, and assisting workers in locating jobs in those industries.

Termination of Public Law 78 which had made available thousands of Mexican Nationals for agricultural employment and the advent of the Federal Farm Labor Contractor Registration Act were two significant factors having a direct impact upon the availability of seasonal agricultural workers in 1965. These factors, coupled with the continued high level of prosperity and employment in non-agricultural industries, resulted in fewer workers being available for agriculture. Employers were cognizant of the non-availability of qualified workers and made noticeable efforts to provide increases in wage rates, improved housing and transportation facilities, and better working conditions. Yet peak demand periods of short duration found workers in insufficient numbers during the fall harvest, which resulted in some crop loss.

Intensified efforts to recruit more local workers through use of radio, press and personal contacts did result in use of approximately 1,000 more locals at peak than in the previous year. This partially offset the decline of about 2200 interstate workers from a peak of 21,500 in 1964 to 19,300 in 1965. Only 280 foreign workers were employed in the apple harvest, the lowest number since World War II.

New York State representative took 212 orders for 9,441 workers with predesignated crew leaders to Florida in 1965; this was 23 fewer crews representing 1,431 fewer workers than the previous year. In addition, there were also open orders for 54 crews of 2,775 workers. A total of twelve states participated in the Florida Recruitment Itinerary and had 1,382 orders for 60,259 workers; this was an increase of 165 crews and 5,300 workers over 1964. The representatives interviewed 654 contractors representing only

26,477 workers, or 54 crews with 6,320 workers less than the previous year. New York representatives were able to commit 200 crews of 9,212 workers to jobs in this state. The demand was greater; the supply was less.

Variable and frequent unfavorable weather combined with a deteriorating work force to cause an extremely tight labor situation throughout the season, but particularly during the heavy fall crop harvest when some losses occurred.

## RECOMMENDATIONS

Your Joint Legislative Committee recommends the passage of Assembly Bill Int. 2350 Pr. 5654, introduced by Mr. Lifset, co-sponsored by Mr. Hardwick. A copy of the Bill and an explanation of the need for it is attached.

Your Committee also recommends the passage of Assembly Bill Int. 5012 Pr. 5174, introduced by Assemblyman Hardwick. A copy of the Bill and explanation of the need for it is attached.

Although unionization of migrant workers is laudable, field investigations by your committee disclosed that in some cases, the migrant workers, although ostensibly in a union, were not obtaining the benefits that normally result from membership in unions. It is therefore recommended that your committee continue its investigation into the field of agricultural unions, for the purpose of determining the feasibility of legislation to protect migrant and agricultural workers in this matter.

Field investigation by your committee disclosed that in many cases, in the operation of farm labor camps, although complying with the standards of the State Sanitary Code in the setting up of camp facilities, the camps commenced to deteriorate immediately because of poor maintenance.

The responsibility for maintenance appears to be passed back and forth between the grower, crew chief and the migrant worker.

It is recommended that the committee conduct a further investigation into this situation for the purpose of proposing legislation to fix responsibility of maintenance, where it does not always exist.

As noted elsewhere, your committee was much impressed by the operation of the Child Welfare Centers of the Department of Agriculture and Markets. These centers have expanded considerable in the past year. Every effort should be made to continue and expand this operation.

In view of the low wage scale of migrant laborers, as disclosed by field investigations of your committee, and after due consideration being given to the factor of keeping New York State farmers competitive, and it being evident that there is a critical shortage of migrant labor in New York State, it is recommended that your committee investigate the subject of extending the coverage of the New York State Minimum Wage Act to include farm laborers.

Your committee has noted on its field inspection trips that regulations of the various governmental agencies protecting migrant laborers have not been carried out in many instances. This is apparently due to insufficient staffing and other problems.

It is recommended that appropriate action be taken and, if necessary, additional funds be provided, to insure that the statutes and regulations establishing proper conditions of health, housing and working conditions for migrant laborers be strictly enforced.

### **EXPLANATION OF CHANGES, PROPOSED COMPULSORY WORKMEN'S COMPENSATION — APPLIED TO MIGRANT LABOR**

The main purpose of this legislation is to have Workmen's Compensation made mandatory for agricultural workers of growers who, in any given prior year, had an agricultural payroll of \$500 or more. It should be noted that at this time two-thirds of the New York State farmers have voluntary Workmen's Compensation. It should be noted, also, that according to statistics furnished by the New York State Labor Department, in the year 1959 45% of New York State farmers had an agricultural payroll of less than \$500. Therefore, it is felt that the small marginal farmer is protected by the proposed legislation, and yet a large percentage of both migrant and domestic agricultural workers will be protected.

In New York State, the New York Compensation Insurance Rating Board sets up certain rates for different types of agricultural endeavor. In the past, there was much criticism of legislation similar to the Bill enclosed herein, on the grounds that the rating system was unfair. In the past year, the New York Compensation Insurance Rating Board changed its rate structure, which has considerably lessened the opposition of farm groups to the rating system. The changes implemented by this Board were the changing of potato growers from a classification calling for a higher rate into another rate more commensurate with the type of risk more particular to the potato growing industry.

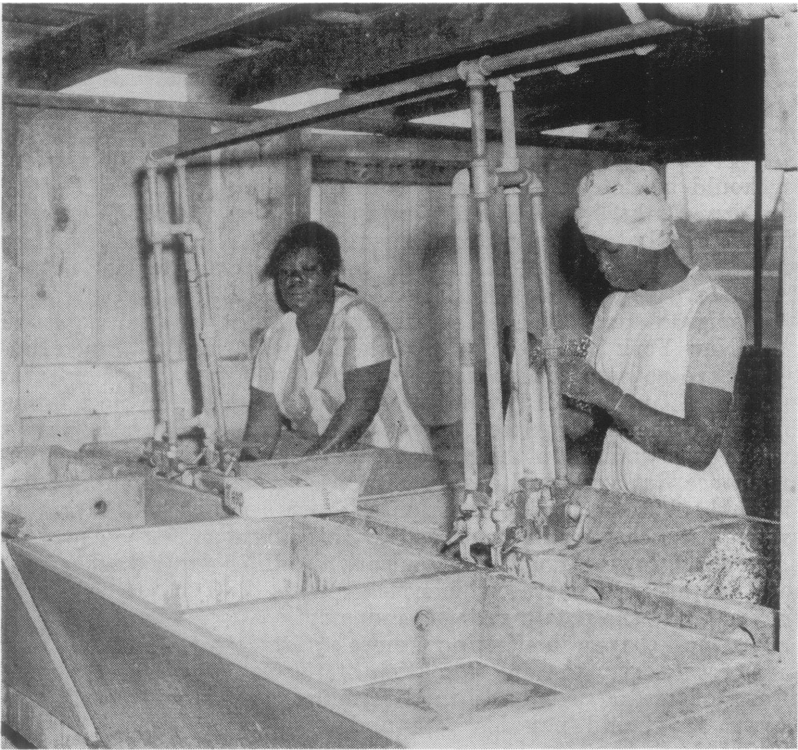
A second change in effecting a more equitable rate to a particular farmer was from the determination of the rate applied to him by means of an acreage basis in determining what agricultural endeavor he should pay his rate under, to a yardstick based on annual farm product income as a means of classification.

This is not to say that opposition of farm groups within this State has subsided. At public hearings held in the Capitol at Albany on November 22, 1965, by the Joint Legislative Committee on Migrant Labor, representatives of the New York State Farm Bureau and New York State Grange still opposed the enclosed legislation, in spite of the changes made by the New York Compensation Insurance Rating Board.

The migrant agricultural workers and domestic agricultural workers, although in a very hazardous occupation, have long been

denied the protection of mandatory Workmen's Compensation in the State, which has in other fields been a leader in the achievement of protection of the rights of the working men and women.

The committee feels that with the practical standard of the \$500 remuneration in the prior year, the migrant laborer who comes into our State will, upon passage of this Bill, be finally given the equal protection of the law that is now accorded to other workers.



## STATE OF NEW YORK

IN ASSEMBLY  
January 26, 1966

Intro. 2350  
Print 2400, 5654

Introduced by Mr. LIFSET—Multi-Sponsored by Mr. HARDWICK—(at request of Joint Legislative Committee on Migrant Labor)—read once and referred to the Committee on Labor and Industries—reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading

## AN ACT

**To amend the workmen's compensation law, in relation to coverage of farm laborers**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision four of section two of the workmen's compensation law, as last amended by chapter five hundred thirty-nine of the laws of nineteen hundred sixty-four, are hereby amended to read as follows:

4. "Employee" means a person engaged in one of the occupations enumerated in section three or who is in the service of an employer whose principal business is that of carrying on or conducting a hazardous employment upon the premises or at the plant, or in the course of his employment away from the plant of his employer; "employee" shall also mean for the purposes of this chapter civil defense volunteers who are personnel of volunteer agencies sponsored or authorized by a local office under regulations of the civil defense commission, to the extent of the provisions of groups seventeen and nineteen; and for the purposes of this chapter only a newspaper carrier boy under the age of eighteen years as defined in section thirty-two hundred nineteen-a of the education law, and shall not include [farm laborers or] domestic servants except as provided in section three of this chapter, and except where the employer has elected to bring such employees under the law by securing compensation in accordance with the terms of section fifty of this chapter. The term "employee" shall not include persons who are members of a supervised amateur athletic activity operated on a non-profit basis, provided that said members are not also otherwise engaged or employed by any person, firm or corporation participating in said athletic activity, *nor shall it include the spouse or minor child under the age of eighteen years of an employer who is a farmer unless the services of such spouse or minor child shall be engaged by said employer under an express contract of hire, nor shall it include farm laborers except as provided in group fourteen-b of section three of this chapter. If a farm labor contractor recruits or supplies farm laborers for work on a farm, such farm laborers shall for the purposes of this chapter be deemed to be employees of the owner or lessee of such farm.* The term "employee" shall not include baby sitters as defined in

subdivision three of section one hundred thirty-one and subdivision three of section one hundred thirty-two of the labor law or minors fourteen years of age or over engaged in casual employment consisting of yard work and household chores in and about a one family owner-occupied residence or the premises of a non-profit, non-commercial organization, not involving the use of power-driven machinery. The term "employee" shall not include persons engaged by the owner in casual employment consisting of yard work, household chores and making repairs to or painting in and about a one-family owner-occupied residence.

§ 2. Group thirteen or subdivision one of section three of such law, as last amended by chapter three hundred seventy-five of the laws of nineteen hundred forty-three, is hereby amended to read as follows:

Group 13. Work at:

Awning erection	Lumbering <sup>1</sup> , except operations
Blasting	by a farmer on his own farm
Bleaching	or a farm tenant on a farm
Boiler covering	rented by him solely for the
Bookbinding	production of firewood or logs
Booming timber or logs	cut to dimension lengths and
Bottling	the transportation of same to
Bricklaying	market or to a point of ship-
Building, care, maintenance and	ment for sale to the general
salvage	public, provided not more
Cable laying or repair,	than four persons are engaged
underground	by a single employer <sup>2</sup>
Canning	Marble cutting
Carpentry	Marine wrecking
Clam cultivating, harvesting,	Milling
opening or planting	Mining
Cleaning clothes, streets	Multigraphing
Concreting	Oyster cultivation, planting
Cork cutting	harvesting or opening
Decorating	Ore reduction
Disinfecting	Painting
Dredging	Papering
Dyeing	Paving
Electrotyping	Photo-engraving
Embossing	Picture hanging
Engraving	Lithographing
Excavation	Pipe covering
Glazing	Plastering
Grave digging	Plumbing
Heating	Printing
Ice distribution, harvesting	Rafting
or storage	Renovating
Landscape gardening	River-driving
Lighting windows	Road building
or buildings	Roofing

Salvaging of buildings or contents	Structural carpentry
Sea food cultivation, harvesting or planting	Subaqueous construction
Shaft sinking	Pile driving
Ship building	Tree moving, planting, trimming and surgery
Smelting	Tunneling
Stereotyping	Undertaking
Stone crushing, cutting, dressing, grinding or setting	Upholstering
Storage of all kinds and storage for hire	Subway construction
Street cleaning or construction	Warehousing
	Well digging or drilling
	Window cleaning
	Wrecking, marine

§ 3. Subdivision one of section three of such law is hereby amended by inserting therein a new group, to be group fourteen-b, to read as follows:

Group 14-b. Employment as a farm laborer as provided herein. A farmer shall provide coverage under this chapter for all farm laborers employed during any part of the twelve consecutive months beginning April first of any calendar year preceded by a calendar year in which the cash remuneration paid to all farm laborers aggregated five hundred dollars or more.

§ 4. Group eighteen of subdivision one of section three of such law, as last amended by chapter two hundred thirty-three of the laws of nineteen hundred sixty-one, is hereby amended to read as follows:

Group 18. All other employments, except persons engaged in a teaching or nonmanual capacity in or for a religious, charitable or educational institution, notwithstanding the definition of employment in subdivision five of section two, not hereinbefore enumerated, carried on by any person, firm or corporation in which there are engaged or employed one or more employees regularly, in the same business or in or about the same establishment either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers[, ] and domestics other than those within the coverage of this chapter pursuant to [group] groups fourteen-b and twelve respectively of this subdivision, private or domestic chauffeurs other than those employed as such in cities of two million inhabitants or over, unless the employer has elected to bring such employees under the law by securing compensation in accordance with the terms of section fifty of this chapter and persons engaged in voluntary service not under contract of hire. A duly ordained, commissioned or licensed minister, priest or rabbi, a sexton, a christian science reader, or a member of a religious order, shall not be deemed to be employed or engaged in employment under the terms of this section. [All persons employed, either by direct employment or by contract, in logging or wood cutting operations, conducted by a farmer on his own farm, consisting of

selling timber, cutting it into dimension lengths and taking it to market or to a point for shipment or transportation, shall not be deemed to be employed or engaged in employment under the terms of this section, provided not more than four persons are so employed by such farmer at one time, and provided further that this exemption shall not extend to the sawing of such timber or wood into lumber.】 Recipients of charitable aid from a religious or charitable institution who perform work in or for the institution which is incidental to or in return for the aid conferred, and not under any express contract of hire, shall not be deemed to be employed or engaged in employment under the terms of this section. All persons who are members of a supervised amateur athletic activity operated on a non-profit basis shall not be deemed to be employed or engaged in employment under the terms of this section, provided that said members are not also otherwise engaged or employed by any person, firm or corporation participating in said athletic activity. The terms "religious, charitable or educational institution" mean a corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual.

§ 5. This act shall take effect October first, nineteen hundred sixty-six.

#### **EXPLANATION OF PROPOSED CHANGES TO SECTION 212A OF THE LABOR LAW, EFFECTING WRITTEN STATEMENTS FURNISHED MIGRANTS BY FARM LABOR CONTRACTORS AND GROWERS**

Field investigation by your committee disclosed that Social Security had been withheld from migrant wages in some cases, but had never been forwarded to the migrant's account in the United States Social Security Office. Thereafter, when this was discovered, there was no available name and address of the farm labor contractor, or the grower, which made the recovery of said funds possible.

An additional problem sought to be remedied by these amendments is the problem of deductions withheld from migrant wages without explanation and itemization, which can lead to fraud perpetrated upon the migrants by unscrupulous farm labor contractors and growers. Such items as "dues" referring to non-existent unions, without naming the so-called union, is one example of wrongful activity which your committee feels could be partially remedied by this Bill.

It is therefore recommended that the annexed Bill be passed by the Legislature.

## STATE OF NEW YORK

IN ASSEMBLY  
February 15, 1966

Intro. 5012  
Print 5174

Introduced by Mr. HARDWICK—read once and referred to the Committee on Labor and Industries

## AN ACT

**To amend the labor law, in relation to payment of wages to migrant laborers**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Paragraph d of subdivision two of section two hundred twelve-a of the labor law, as amended by chapter five hundred fifty of the laws of nineteen hundred sixty-three, is hereby amended to read as follows:

d. Every farm labor contractor shall give to each worker with every payment of wages a written statement showing the employer's name and address, the employee's name, the worker's wage rate, wages earned, number of hours worked, or if the worker is paid on a piecework basis the number of units produced, except that in the case of employees in the twelve to fourteen year-old age bracket, the number of hours worked shall be shown, regardless of whether employment be on hourly or piecework basis, all withholdings and other deductions fully itemized and explained from wages, and the net wages paid.

§ 2. This act shall take effect June first, nineteen hundred sixty-six.

The following bills pertaining to migrant labor are not recommended for passage at this time. The committee feels that further study is needed.



## STATE OF NEW YORK

IN ASSEMBLY                      Intro. 4755  
February 15, 1966              Print 4917

Introduced by Mr. HARDWICK—read once and referred to the Committee  
on Labor and Industries

## AN ACT

**To amend the labor law, in relation to health certificates for migrant laborers**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The labor law is hereby amended by inserting therein a new section, to be section two hundred twelve-d, to read as follows:

§ 212-d. Health certificates for migrant laborers. Every farm labor contractor or grower or processor shall, before bringing into the state any out-of-state migrant farm or food processing worker or workers, cause each such worker to obtain a certificate of health from the health department of the political subdivision in which any such worker is recruited, at the expense of such farm labor contractor or grower or processor. Any farm labor contractor or grower or processor who brings or causes to be brought into this state any such out-of-state worker or workers without such certificate of health shall be financially responsible for such worker's transportation back to the state of recruitment whether or not such out-of-state worker or workers actually perform any services.

§ 2. This act shall take effect on June first, nineteen hundred sixty-six.

## STATE OF NEW YORK

IN ASSEMBLY  
February 14, 1966

Intro. 4434  
Print 4588

Introduced by Mr. RAMIREZ—read once and referred to the Committee on Labor and Industries

## AN ACT

**To amend the labor law, in relation to requiring written contracts for migrant laborers**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The labor law is hereby amended by inserting therein a new section, to be section two hundred twelve-c, to read as follows:

§ 212-c. Written contracts for migrant laborers. Every farm labor contractor and every grower or processor who does not utilize the services of a farm labor contractor, shall before bringing into the state any out-of-state migrant farm or food processing worker or workers shall, in each instance, prior to the importation of such worker or workers enter into a written contract with each such worker which shall provide (1) hourly rate of wages (2) necessary deductions (3) length of employment (4) guarantee of return transportation to state of recruitment upon completion of contracted employment. Every such contract shall be signed by the farm labor contractor or the grower or processor, as the case may be, and the worker, in the presence of an officer of the state employment services, labor department or comparable office in the state where such contract is signed and such officer shall stamp such contract with the official seal of such service or department. Every farm labor contractor or grower or processor, as the case may be, shall deliver a copy of such contract to the worker at the time of such signing. Every such contract shall be countersigned by the commissioner before such worker may commence his employment in this state.

§ 2. Section two hundred twelve-c of such law is hereby re-numbered to be section two hundred twelve-d.

§ 3. This act shall take effect June first, nineteen hundred sixty-six.

## STATE OF NEW YORK

IN ASSEMBLY	Intro. 4433
February 14, 1966	Print 4587

Introduced by Mr. RAMIREZ—read once and referred to the Committee on Labor and Industries

## AN ACT

**To amend the labor law, in relation to availability of telephone for use of migrant laborers**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred twelve-c of the labor law is hereby amended by inserting therein a new subdivision, to be subdivision four-a, to read as follows:

4-a. Every grower or processor shall cause to be installed a public pay telephone, for the convenience and use of such workers in cases of emergency, in every farm labor camp. Such telephone shall be installed in such place where privacy of conversation is assured and shall be available at all times.

§ 2. This act shall take effect June first, nineteen hundred sixty-six.

## STATE OF NEW YORK

IN ASSEMBLY  
February 15, 1966

Intro. 4827  
Print 4989

Introduced by Mr. RAMIREZ—read once and referred to the Committee on Labor and Industries

## AN ACT

**To amend the labor law, in relation to payment of wages to migrant laborer in event of equipment breakdown**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The labor law is hereby amended by inserting therein a new section to be section two hundred twelve-d, to read as follows:

§ 212-d. Payment of wages in event of breakdown of equipment. Notwithstanding any other provision of any general or special law to the contrary, every grower or processor shall, in the event of breakdown of equipment which idles a migrant laborer, pay to such migrant worker his regular hourly rate for the first hour for which he is idled by such a breakdown and one-half his regular hourly wage rate for each such subsequent hour. Such hourly payments shall only be for those hours in which the employee would in the usual cause of events be employed.

§ 2. This act shall take effect immediately.

A. I. 1886

A. P. 1906

Introduced by Assemblyman HARDWICK

**Purpose to amend the education law, in relation to employment of certain children in the harvest of berries, fruits and vegetables on farms, when school is not in session, etc.**

This Bill has not been considered by full committee but its passage has been urged by certain members.

The AFL-CIO has this to say in regard to the Bill:

In 1960, the Education and Child Labor Laws were amended so as to permit the employment of children in the harvesting of berries, fruits and vegetables on farms when school is not in session. This Bill would repeal the 1960 enactment. The Child Labor Section of the law was recodified in 1962 but no change was made in the provisions of this section.

The amendments enacted in 1960 give the State's sanction to the employment of children twelve and thirteen years of age at harvesting berries, fruits and vegetables. This is not idyllic, healthful work, but instead arduous, "stoop" labor unsuitable and detrimental to the children's well-being.

The law lacks adequate safeguards for the protection of these very young children — even its unduly limited "safeguards" would be impossible to enforce. It constitutes a dangerous weakening of the state's laws for the protection of children. Moreover, it serves as a precedent for further undermining of the law's safeguards.

The present law is of the greatest advantage to the large commercial farms rather than the small family ones. There on those large "factories in the field", in the ordinary course of harvest operations, the children are transported to the fields by truck — together with the adult crews which leave early in the morning and do not return until late in the afternoon. In the nature of these operations — and because what really is being sought is cheap labor — it is unreasonable to assume that the four hour work day limit set forth in the law actually is observed.

Moreover, there can be no real enforcement; the farms are far flung, the children hard to locate, and even if located, the inspector would have an almost impossible job in determining how long the child worked, since the law now permits four hours of work out of a possible seven hour period, but the employer is not required to post the child's regular working hours. In addition, the law fails to require adequate supervision.

The State Department of Labor reported in 1961, for the first year that this amendment was in effect that of 897 children under sixteen years of age employed on farms in New York State in 1960, 181 were illegally employed. This means that of the total number of children under sixteen employed in farm work, over 20% were illegally employed. This is an increase in violations over 1959.

This backward-looking, exploitative amendment should be promptly repealed.

Print 1906

Intro. 1886

**IN ASSEMBLY**

January 19, 1966

Introduced by Mr. HARDWICK—read once and referred to the Committee on Labor and Industries

**AN ACT**

**To amend the education law, in relation to employment of certain children in the harvest of berries, fruits and vegetables on farms when school is not in session and repealing certain provisions of the education law and the labor law relating thereto**

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Paragraph e of subdivision two of section thirty-two hundred fifteen of the education law is hereby repealed.

§ 2. Paragraph e of subdivision two of section thirty-two hundred fifteen of the education law is hereby repealed.

§ 3. Subdivision three of section thirty-two hundred twenty-five of such law, as last amended by chapter three hundred seventy of the laws of nineteen hundred sixty-three, is hereby amended to read as follows:

3. An employment certificate to be designated as a "farm work permit" shall be issued for employment in farm service to a minor from fourteen to sixteen years of age<sup>1</sup>, or for employment pursuant to paragraph d of subdivision two of section one hundred thirty of the labor law of a minor over twelve years of age<sup>2</sup>, in the same manner as a standard employment certificate except that no schooling record may be required and except that neither a pledge of employment nor the name of the employer shall be required for its issuance. Such permit shall authorize the minor's employment for farm service during vacation periods, during release from school by local school authorities of such minor for farm work as provided by this chapter, before and after school hours, and on days when attendance in school is not required. Such permit shall be valid only when signed by the employer and subject only to the condition that it shall not be valid for work in or in connection with a factory.

§ 4. This act shall take effect June first, nineteen hundred sixty-six.

NOTE. The provisions of the labor law and education law proposed to be repealed by sections one and two of this bill permit the employment of minors between the ages of twelve and fourteen in the harvest of berries, fruits and vegetables on farms when school is not in session.