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RULE ADOPTIONS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WAGE AND HOUR COMPLIANCE**

47 N.J.R. 2154(b)

Readoption: *N.J.A.C. 12:59*

Notice of Readoption

Industrial Home Work

Authority: *N.J.S.A. 34:6-120* et seq., specifically, *N.J.S.A. 34:6-137.17*.

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Effective Date: July 17, 2015.

New Expiration Date: July 17, 2022.

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and *N.J.S.A. 52:14B-5.1*, the rules at *N.J.A.C. 12:59* will expire on August 26, 2015.

A summary of *N.J.A.C. 12:59* follows:

N.J.A.C. 12:59-1.1 sets forth the purpose of the chapter and the authority by which the chapter is enacted.

N.J.A.C. 12:59-1.2 establishes that all New Jersey distributors of industrial home work must comply with the laws, rules, and regulations which govern the employment of women and minors in the home and factory.

N.J.A.C. 12:59-1.3 provides that the distribution of industrial home work to a home worker can only occur from a factory or business located in New Jersey.

N.J.A.C. 12:59-1.4 limits the number of home workers employed by one employer to one-third of his or her employees.

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N.J.A.C. 12:59-1.5 requires that an employer be in possession of a valid employer's permit before industrial home work can be distributed to workers and that the permit be kept on file on the premises from which the work is distributed.

N.J.A.C. 12:59-1.6 sets forth the methodology through which application forms for an employer's permit and home worker certificates can be obtained and filed.

N.J.A.C. 12:59-1.7 mandates that all employers of home workers must provide workers' compensation insurance coverage for their home workers.

N.J.A.C. 12:59-1.8 delineates the prerequisites which an employer must meet in order to utilize workers between the ages of 16 and 18 years old, while strictly forbidding the employment of any minor under 16 years of age to manufacture industrial home work, either at home or in a factory. This section also sets forth the hours during which minors may work, the break time which must be allotted to minors, the recordkeeping requirements to which an employer must adhere with regard to employees who are minors, and the mandate that employers must comply with all provisions of the State's child labor laws.

N.J.A.C. 12:59-1.9 lists the recordkeeping requirements that must be followed by an industrial home work employer with regard to his or her employees and business operations.

N.J.A.C. 12:59-1.10 provides that an industrial home worker must provide his or her employer with a written statement setting forth the hours worked each day on such articles or materials supplied by the employer to the worker.

N.J.A.C. 12:59-1.11 mandates that a female employee is not permitted to work more than 10 hours per day or 54 hours per week.

N.J.A.C. 12:59-1.12 addresses the applicability of the State's minimum wage law to industrial home work and sets forth the recordkeeping requirements for industrial home work employers under the minimum wage law.

N.J.A.C. 12:59-1.13 states that compliance with the State minimum wage law does not excuse an employer from failing to comply with the Federal Fair Labor Standards Act.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to *N.J.S.A. 52:14B-5.1.c(1)*, these rules are readopted and shall continue in effect for a seven-year period.