LABOR LAWS OF NEW YORK STATE, 1913

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649208982

Labor laws of New York State, 1913 by James M. Lynch

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

JAMES M. LYNCH

LABOR LAWS OF NEW YORK STATE, 1913



LABOR LAWS

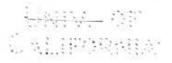
OF

NEW YORK STATE

1913

PRINTED IN ADVANCE FROM THE THIRTEENTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR

JAMES M. LYNCH



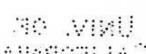
ALBANY
J. B. LYON COMPANY, PRINTERS
1913

HD 7835 17A4 0000Menro

INTRODUCTORY NOTE,

In this compilation are included all the laws in force concerning labor with amendments to and including 1913. Of first importance, of course, is the general Labor Law, but in addition to that statute there is a large number of laws which also directly or indirectly affect labor and these are given, classified by subjects, following the general Labor Law. The texts are given as in the Consolidated Laws of 1909 and 1910, or as since amended. References are given to all such amendments. For references to the sources, both original acts and amendments, of the various provisions as enacted in the Consolidated Laws, see a similar compilation in the Annual Report of the Commissioner of Labor for 1909 (Appendix VI).

In notes are given cross references to laws, and references to court decisions or opinions of the Attorney-General construing the laws. The latter may be found in the reports of the Attorney-General or in the reports of the Commissioner of Labor for the years indicated.



CONTENTS.

THE " LA	ABOR LAW" (Chapter 31 of the Consolidated Laws):	AGE
1.	Short title; definitions (§§ 1-2)	7
2.	General provisions (§§ 3–22)	9
3.	Department of labor (§§ 40-48)	
3-A.	. Industrial board (§§ 50–52)	23
4.	Bureau of inspection (§§ 53-61)	25
5.	Bureau of statistics and information (§§ 62-65)	30
6.	Factories (§§ 69-99-a)	31
7.	Tenement-made articles (§§ 100-106)	65
8.	Bakeries and confectionerics (§§ 110-117)	71
9.	Mines, tunnels and quarries and their inspection (§§ 119-136)	75
10.	Bureau of mediation and arbitration (§§ 140-148)	88
11.	Bureau of industries and immigration (§§ 151-156-a)	89
12.	Employment of women and children in mercantile establishments	
	(§§ 160-173)	
13.	Convict-made goods and duties of commissioner of labor relative	
	thereto (§§ 190–195)	
14.	Employer's liability (§§ 200-212)	
14-a.	Workmen's compensation in certain dangerous employments (§§ 215-	
	219-g)	
15.	Employment of children in street trades (§§ 220-227)	
16.	Laws repealed; when to take effect (§§ 240-241)	117
PENALTIE	IS FOR VIOLATION OF THE LABOR LAW	121
Сипь 1	ABOR:	
	rational restrictions	124
	ain employments of children prohibited	
	ng apprentice without guardian's consent	
	nent of wages to minors	
22		
	F LABOR:	1000
	ζ olerks	
	ic holidays	
	lay labor	
Vaca	ations of public employees	136
Duries /	AND LIABILITIES OF EMPLOYERS AND EMPLOYEES:	
	(See also Article 14 of Labor Law above.)	
	ility of railway companies for injuries to employees	
	ages for injuries causing death	
	inal liability for negligence	
	loyees not to dispose of materials furnished	
Corr	upt influencing of agents, employees or servants	139
	[3]	

CONTENTS.

POLITICAL AND LEGAL RIGHTS AND PRIVILEGES OF WORKINGMEN:	PAGE
Allowing time for employees to vote	. 140
Prohibiting coercion of voters by employers	. 140
Exemptions from attachment for debt (garnishee law)	
Taking security for usurious loans	. 143
Assignment of wages	. 143
Ordinary exemptions not valid against debts for wages	, 149
Making employees preferred creditors	
Liability of stockholders for wage debts	. 149
Making railroad corporations liable for wages due employees of contractors.	
Exempting certain employees from paying costs in suits for wages	
Married woman's right of action for wages	
PUBLIC WORK AND PUBLIC CONTRACTS:	
Empowering the Legislature to regulate the conditions of employment o	n
public work	
Laborers employed in the state service	
Semi-monthly payment of wages to state employees	
Fixing the compensation of employees of state prisons	
Fixing the compensation of employees of state armories	
Registration of laborers for municipal employment	
Fixing the compensation of employees of the street cleaning department i	
New York City	
Relief and pension fund for New York City street cleaners	
Prohibiting the sub-letting of public contracts	
Securing the payment of wages to employees of contractors upon canals	
Authorizing the eight-hour day on reservoir construction in New York City	
Prison Labor:	
Occupation and employment of convicts	164
Employment of prisoners in county jails	
Employment of prisoners in New York City prisons	
AGRICULTURAL LABOR:	
Providing for statistics of agricultural employment	. 171
RAILWAY LABOR:	
Safety of railway employees	. 172
Full erew law	. 176
Requiring the enclosure of street-car platforms,	. 177
Qualifications of engineers and telegraphers	. 178
Qualifications of street railway conductors, motormen, etc	. 178
Employment of intemperate persons on railways and steamboats	. 179
Misconduct of employees of elevated railroads	. 179
Regulating the wearing of uniforms and badges	. 180
Conductors and trainmen as special policemen	
Providing for bail of railway employees in case of accident	. 181
Unclaimed articles found in public vehicles to be sold for benefit of employee	es'
association	181
Complaints to public service commissions	182

INDUSTRIAL EDUCATION:	AGE
The apprentice system	184
Industrial training in the public schools	
Schools in labor camps.	191
Free lectures for working people	192
LICENSING OF TRADES:	
Licensing of engineers and pilots of vessels	191
Licensing of chauffeurs	194
Licensing of moving-picture machine operators	196
Licensing of steam engineers in New York City	198
Licensing of stationary firemen in New York City	201
TRADE UNIONS:	
Action by or against an unincorporated association	203
Authorizing the incorporation of labor organizations	204
Authorizing labor unions to maintain or construct halls, etc	204
Forbidding labor unions to discriminate against members of the national	
guard	
Preventing fraudulent representation in labor organizations	
Unauthorized use of badges, titles, etc	
Forbidding employers to cocree employees in regard to membership in labor	
unions,	
Making it unlawful to bribe representatives of labor unions	207
INDUSTRIAL DISPUTES:	
The right to strike; intimidation; picketing; boycotting; blacklisting; ex-	
clusive or " union shop " agreements	
Conspiracy, intimidation, extortion, etc	
Anti-Pinkerton law	212
REGULATION OF EMPLOYMENT AGENCIES, BOARDING HOUSES, Erc.:	
Employment offices in cities	213
Sale of transportation tickets and receiving of deposits	
Regulating private banking.	227
Making fraud by a notary a misdemeanor	232
Sailors' boarding-houses to be licensed	233
Index	237

THE LABOR LAW.

CHAPTER 36 OF THE LAWS OF 1909, CONSTITUTING CHAPTER THIBTY-ONE OF THE CONSOLIDATED LAWS, AS AMENDED.

LABOR LAW.

Article 1. Short title; definitions (§§ 1-2).

- 2. General provisions (§\$ 3-22).
- Department of labor (§§ 40-48).
- 3-A. Industrial board (§§ 50-52).
- 4. Bureau of inspection (§§ 53-61).
- 5. Bureau of statistics and information (18 62-65).
- 6. Factories (§\$ 69-99-a).
- 7. Tenement-made articles (§§ 100-100).
- 8. Bakeries and confectioneries (\$\$ 110-117).
- 9. Mines, tunnels and quarries and their inspection (\$§ 119-136).
- 10. Bureau of mediation and arbitration (§§ 140-148).
- 11. Bureau of industries and immigration (§§ 151-156-a).
- Employment of women and children in mercantile establishments (§§ 160-173).
- Convict-made goods and duties of commissioner of labor relative thereto (§§ 190-195).
- 14. Employer's liability (§§ 200-212).
- Workmen's componention in certain dangerous employments (§§ 215-219-g). [Unconstitutional.]
- 15. Employment of children in street trades (§§ 220-227).
- 16. Laws repealed; when to take effect (\$\$ 240-241).

ARTICLE 1.

Short Title; Definitions.

- Section 1. Short title.
 - 2. Definitions.
 - § 1. Short title.—This chapter shall be known as the "Labor Law."
- § 2. Definitions.— Employee. The term "employee," when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

Employer. The term "employer," when used in this chapter, means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

Factory; work for a factory. The term "factory," when used in this chapter, shall be construed to include any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except power houses, barns, storage houses, sheds and other structures used in connection with railroad purposes, other than construction or repair shops, subject to the jurisdiction of the public service

commission under article three of the public service commissions law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more confractors or other third persons.

Factory building. The term "factory building," when used in this chapte", means any building, shed or structure which, or any part of which, is occupied by or used for a factory.

Mercantile establishment. The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Tenement house. The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement house and which is used for any of the purposes specified in section one hundred of this chapter.

Whenever, in this chapter, authority is conferred upon the commissioner of labor, it shall also be deemed to include his deputies or a deputy acting under his direction. [As am'd by L. 1913, ch. 519.]

"Tenant factory" is defined in § 94, post. The definition of "tenement house" here differs slightly from that in the Tenement House Law, ch. 61 of the Consolidated Laws, § 2.

The term "employer" includes the officers, agents and employees of municipalities (opinion of Attorney-General, September 29, 1913).

Gas and electric light plants, whether privately or municipally owned, and power houses, other than those used in connection with railroads, are "factories," but water works pumping stations are not (opinion of Attorney-General, September 29, 1913).

Departments, maintained in department stores, clothing stores and millinery shops in which articles are made, are factories (opinion of Attorney-General, May 23, 1913.)

A commercial ice house using machinery, etc., is a "factory:" Rabe v. Coasel. Ice Co., 151 U. S. C. C. A. 535 (1902). Bakeries and confectioneries are "factories:" see § 111, post; also laundries, § 92, post.

A tugboat is not a "business establishment" within the meaning of the definition of a factory: Shannahan v. Empire Engineering Corporation, 204 N. Y. 543.