

**RESOLUTION ESTABLISHING A JUNIOR FIREMAN AUXILIARY**  
**PURSUANT TO N.J.S.A. 40A: 14-95**

WHEREAS, N.J.S.A. 40A:14-95 authorizes the Commissioners to establish an Auxiliary to any Volunteer Fire Department or Company within the Fire District to be known as the Junior Firemen's Auxiliary; and

WHEREAS, pursuant to and in accordance with N.J.S.A. 40A:14-98, the Commissioners of Fire District No. 4 in the Township of Howell have promulgated Rules and Regulations to govern the activities of a Junior Fireman's Auxiliary which include the training of the Auxiliary members for eventual membership in the Howell Fire Co #2 [fire/rescue company] and provide that no Junior Fireman shall be required to perform duties which would expose him/her to the same degree of hazard as a regular member of the South Wall Fire Company No. 1; and

WHEREAS, the Commissioners of Fire District No. 4 have determined that the establishment of a Junior Firemen's Auxiliary is beneficial to the District in that it assists in the development of fire fighters for the future;

NOW THEREFORE BE IT RESOLVED, by the Board of Fire Commissioners of Fire District No. 4 of the Township of Howell, County of Monmouth, State of New Jersey, that it establish an Auxiliary known as the Ransom - Howell Fire Co #2 Junior Firemen's Auxiliary.

BE IT FURTHER RESOLVED, that this Resolution take effect immediately.

**BE IT FURTHER RESOLVED**, that daily supervisory control over the junior personnel be delegated to the Chief, and other officers in the chain of command as structured by the Board;

**BE IT FURTHER RESOLVED**, that the within Resolution shall be effective immediately upon passage;

**BE IT FURTHER RESOLVED**, that any resolution or part of a resolution inconsistent herewith are hereby repealed or otherwise revoked;

**BE IT FURTHER RESOLVED**, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid same shall not effect the remainder of this Resolution;

**BE IT FURTHER RESOLVED**, that notwithstanding anything set forth herein to the contrary the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder;

**BE IT FURTHER RESOLVED**, that an original signed, conformed and compared copy of this resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

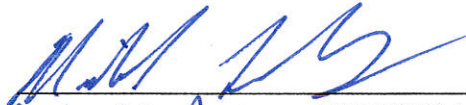
CERTIFICATION

I, Michael L. Acampora, do hereby certify that the foregoing is a true and compared copy of an original Resolution now on file and of record in the Fire District office which was duly adopted at a public meeting held on the 10<sup>th</sup> day of March 2015.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

I do further certify that the Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey is composed of - 5 - members, and that - 5 - members were present and - 5 - voted affirmatively for the adoption of the Resolution and - 0 - voted against the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Commissioners of Fire District No. 4, on this 10<sup>th</sup> day of March 2015.

  
\_\_\_\_\_  
Michael L. Acampora, SECRETARY  
Board of Fire Commissioners  
Township of Howell

**COMMISSIONERS, FIRE DISTRICT NO. \_\_\_\_\_**  
**TOWNSHIP OF \_\_\_\_\_**

**JUNIOR FIREMEN AUXILIARY**  
Policy No.

The Commissioners recognize the importance of recruitment of new volunteers in order to maintain sufficient manpower to fulfill the mandated responsibilities of providing fire protection, prevention and extinguishment of fire hazards within the District. The New Jersey Legislature has provided that a District may, by Resolution, create a Junior Firemen's Auxiliary for any fire company serving under the jurisdiction of the District. The Commissioners find that the creation of a Junior Firemen's Auxiliary is a worthwhile endeavor to assist in recruitment and development of firefighters for the future. The Board shall create and support a Junior Firemen's Auxiliary within the District and shall promulgate rules and regulations necessary to effectuate the operation of the Auxiliary in compliance with N.J.S.A. 40A:14-95 et seq. and all laws, rules and regulations, procedures, directives or otherwise pertaining to the employment of minors.

Legal References: N.J.S.A. 40A:14-95 et seq.  
N.J.S.A. 40A:14-37  
N.J.S.A. 41A:14-38  
N.J.S.A. 34A:15-10

1<sup>st</sup> Reading:

Effective Date:

2<sup>nd</sup> Reading:

COMPANY NO. 1  
JUNIOR FIREMEN'S AUXILIARY

I, \_\_\_\_\_, parent or legal Guardian of \_\_\_\_\_, a minor who was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and who has applied for membership in the \_\_\_\_\_, Junior Firemen's Auxiliary, hereby grant my permission for \_\_\_\_\_ to join the Junior Firemen's Auxiliary pursuant to N.J.S.A. 40A:14-98 et seq. I acknowledge receipt of the Rules and Regulations promulgated by the Commissioners of Fire District No. \_\_\_\_\_ governing the activities of the Junior Firemen's Auxiliary.

I further acknowledge that \_\_\_\_\_ is 14 years of age or older and that \_\_\_\_\_ has been issued an employment certificate (working papers) which are attached hereto.

**WITNESS**, my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
WITNESS

STATE OF NEW JERSEY :  
  :ss  
COUNTY OF :

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the Subscriber, a Notary Public of the State of New Jersey, personally appeared, \_\_\_\_\_, who I am satisfied is the person mentioned in the within permission statement and acknowledgment and who executed the within Instrument, and thereupon he/she acknowledged that he/she signed, sealed and delivered the same as his/her voluntary act and deed for the uses and purposes therein expressed.

\_\_\_\_\_

**COMPANY NO. 1**  
**JUNIOR FIREMEN'S AUXILIARY**

**WE,** \_\_\_\_\_ and \_\_\_\_\_, parents or legal Guardians of \_\_\_\_\_, a minor who was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and who has applied for membership in the \_\_\_\_\_ \_\_\_\_\_, Junior Firemen's Auxiliary, hereby grant our permission for \_\_\_\_\_ to join the Junior Firemen's Auxiliary pursuant to N.J.S.A. 40A:14-98 et seq. We acknowledge receipt of the Rules and Regulations promulgated by the Commissioners of Fire District No. \_\_, Township of \_\_\_\_\_ governing the activities of the Junior Firemen's Auxiliary.

We further acknowledge that \_\_\_\_\_ is 14 years of age or older and that \_\_\_\_\_ has been issued an employment certificate (working papers) which are attached hereto.

**WITNESS,** our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_

\_\_\_\_\_  
WITNESS

\_\_\_\_\_

STATE OF NEW JERSEY :  
                                  :ss  
COUNTY OF :

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the Subscriber, a Notary Public of the State of New Jersey, personally appeared, \_\_\_\_\_ and \_\_\_\_\_, who I am satisfied are the people mentioned in the within permission statement and acknowledgment and who executed the within Instrument, and thereupon they acknowledged that they signed, sealed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

\_\_\_\_\_

## RULES AND REGULATIONS

### **INTENT AND PURPOSE:**

The Board of Fire Commissioners may provide by resolution for the establishment of an auxiliary to any such volunteer fire department or company to be known as the Junior Firemen's Auxiliary and to provide for the training of the Junior Firemen's Auxiliary members for eventual membership in \_\_\_\_\_ Fire Company No. \_\_\_ and to govern the activities of the Auxiliary.

### **PROCEDURES:**

#### **A. ELIGIBILITY**

1. No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 14 or more than 21 years of age.
2. Persons between the ages of 14 and 21 shall be required to obtain permission to join the Auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the presence of a Notary Public.
3. A Junior Fireman shall be on probation until the age of eighteen years and may be expelled from the Auxiliary for just cause.
4. No minor under 18 years of age shall be employed, permitted or suffered to work in about or in connection with any gainful occupation unless and until the person employing such minor shall procure and keep on file an employment certificate or special permit for such minor issued by the issuing officer of the school district in which the minor resides or of the district in

which the minor has obtained a promise of employment if the minor is a nonresident of the State

5. Minors between the ages of 14 and 16 may be permitted or suffered to work outside school hours and during school vacations.

6. No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under the age of 16 years of age be so employed, permitted or suffered to work before 7 a.m. or after 7 p.m.

7. No minor under 18 years of age shall be employed or permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period.

## B. TRAINING

1. Training shall include instruction concerning industrial fire systems; breathing apparatus; municipal water systems; hydrants and alternate water sources; care, testing and handling of fire hose; types and uses of hand held fire extinguishers; procedures for handling alarms; radio procedures; care, cleaning and basic maintenance of apparatus; preparation of knots for hoisting equipment and hand tools; theory of pumps and hydraulic fire systems and the use of ladders, including their care and testing. All training shall be done under the supervision of the Officers. Junior members shall not be permitted to operate any vehicle or any power tools.



2. No Junior Fireman shall participate in training that involves fire, smoke, toxic or noxious gas or hazardous materials or substances.

3. Junior members are permitted and expected to participate in drills.

### C. DUTIES

1. No Junior Fireman shall be required to perform duties which would expose the Junior Fireman to the same degree of hazard as a regular member of a Volunteer Fire Company or at any occupation hazardous or injurious to the life, health, safety or welfare of such minor.

2. Junior members will be assigned turn-out gear of which the helmet will be distinguished from helmets worn by Fire Fighters by color.

3. Junior members are permitted to respond to a fire call on the apparatus, but may only ride in the cab or in the jump seat of the apparatus. In no case shall a Junior firemen ride on the running board. While riding on the apparatus, all Junior members will wear full turn-out gear.

4. Junior members, while on the fire scene, are permitted to work under the supervision of the Officer in charge in safe areas of the fire ground.

5. Junior members are **NOT** permitted to enter a building until the fire is out, smoke cleared, and it has been deemed safe by an officer in charge.

6. Junior members shall **NOT** be permitted to respond to any hazardous material incident.

7. Junior members under the age of 16 shall NOT be permitted to or suffered to work in, about, or in connection with any power driven machinery.

8. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any highly inflammable substances.

9. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any radioactive substances and ionizing radiation.

10. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any carcinogenic substances.

11. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any occupation which involve the handling of infectious or contagious disease or the removal or disposal of waste generated in the treatment of those diseases.

12. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any toxic or hazardous substances.

13. Junior members under the age of 18 shall NOT be permitted to or suffered to work as an operator or helper with a circular saw, band saw or guillotine shears.

14. Junior members under the age of 18 shall NOT be permitted to or suffered to work in or about corrosive materials.

15. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with handling of any dangerous or

poisonous acids or dyes; injurious quantities of toxic or nontoxic dust, gases, vapors or fumes.

16. Junior members under the age of 18 shall NOT be permitted to or suffered to work in, about, or in connection with any exposure to benzol or any benzol compound which is volatile or which can penetrate the skin.

17. Junior members will assist in cleaning the apparatus, the station and under the direction of the Officer in charge, assist in returning equipment to the apparatus.

18. Actual use of the equipment shall be encouraged whenever it shall be deemed advisable by the Officer in charge to whom the Auxiliary is affiliated; provided that a Junior Fireman shall not be exposed to any danger, adequate supervision shall be provided and all possible safety precautions shall have been taken. In no case shall a Junior Firemen be permitted to operate any vehicle or any power tools.

19. Activities of Junior Firemen under 16 years of age shall be limited to:

- (1) attending meetings of the Junior Firemen's Auxiliary;
- (2) receiving instruction;
- (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and
- (4) observing firefighting activities, while under supervision.

#### D. INSURANCE

1. The Board may provide members of a Junior Firemen's Auxiliary with the same coverage as provided for the regular volunteer firemen of the District.

#### E.

1. A Junior Fireman shall comply with the constitution and By-Laws of the Commissioners of Fire District No. \_ and \_\_\_\_\_ Fire Company No. \_ with which his/her Auxiliary shall be affiliated.

2. A Junior Firemen shall obey the commands of the Fire Chief or any other officer in charge of a drill or other Company activity.

3. Upon reaching the age of 18 years, Junior Firemen shall make an application to the Fire Company and upon acceptance by said Company and approval by the majority of the full Board of Fire Commissioners shall be transferred to the appropriate adult membership.

4. The Board shall keep a record, in a form approved by the Department of Labor, which shall state the name, date of birth and address of each person under 19 years of age employed, the number of hours worked by said person on each day of the week, the hours of beginning and ending such work, the hours of beginning and ending meal periods, the amount of wages paid, and such other information as the department shall be regulation require. Such record shall be kept on file for a least one (1) year after the entry of the record and open to inspection of the Department of Labor, of attendance officers and of police officers.

5. The Board shall post and keep conspicuously posted in the establishment wherein any minor under 18 is employed, permitted or suffered to work a printed abstract of the Child Labor Law Act.

5. Junior members **SHALL** be permitted to attend the Fire Academy courses.

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such amounts as the governing body

r, custodian of mon-

shall be the custodian of the said district. Warrants signed by a treasurer shall be bonded. No business in New Jersey shall prescribe.

Treasurers shall cause his or her name to be audited each year, within 30 days after such audit shall be held at regular meeting, after the clerk of the municipality shall advertise such audit at a public hearing in said district. The cost shall be borne by the

district

municipality having a fire department may enlarge such fire department so as to include any other territory not includ-

such ordinance and law the additional territory of the district.

shall affect the terms or conditions of fire commissioners nor the bonds and conditions.

1971. Amended by

district

or, of at least 5% of the members of the municipality, whichever is the greater, to consider the dissolution of the municipality. Such an application shall fix a time for the municipal clerk to publish in a newspaper the notice of the dissolution of the municipality is an 10 days prior to

body of said municipality of the proposed

the fire district be dissolved. The fire district

treasury shall be disposed of as the said governing body shall direct.

L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1979, c. 381, § 3, eff. Feb. 5, 1980.

#### 40A:14-92. Cancellation of taxes or refunds on dissolution of fire district

In any municipality wherein a fire district is dissolved the governing body of the municipality may cancel unpaid tax levies for the fire district or refund fully or proportionately without interest any moneys paid by the taxpayers in said fire district to the collector of the municipality, but the total amount of any such refunds shall not exceed the amount of money on hand for the account of the fire district upon said dissolution.

L.1971, c. 197, § 1, eff. July 1, 1971.

#### 40A:14-93. Illegally created fire district; abatements or refunds

Upon a written application therefor, of at least 20 legal voters residing in a fire district, alleging that the fire district was not created in accordance with law, and upon a determination by the governing body that said allegation is fully supported by uncontradicted evidence and that taxes have been assessed on their property, the governing body of the municipality, by resolution, may abate and remit all of such unpaid taxes and authorize refunds of taxes paid to the taxpayers.

L.1971, c. 197, § 1, eff. July 1, 1971.

#### 40A:14-94. Formation of new municipalities; abolition of fire district; apportionment of assets and liabilities

A fire district shall be deemed abolished when the municipality in which it is located shall be divided and formed into or become part of 2 or more new municipalities.

Upon such abolition the governing bodies of the new municipalities and the treasurer or custodian of the funds of said fire district shall meet at a time and place to be designated by the clerk of the new municipality wherein the fire district or greater part thereof is located. The notice of the meeting shall be served personally or by certified mail upon each member of the board of said fire district, not less than 10 days prior to the meeting. At the meeting the property of the fire district shall be apportioned between or among said new municipalities in proportion to the aggregate value of the buildings and contents of such fire district located respectively therein as ascertained from the last assessment for said fire district.

A written report of such apportionment, signed by the members of the governing bodies present at said meeting, shall be made. The report shall set forth the current assets and liabilities and the division of the money and property of the fire district. The taxpayers of the respective new municipalities shall be liable to

pay their proportion of the debts, if any, of said fire district.

Upon the ascertainment of the amount of money to be paid and the property to be distributed and the manner of such payment and distribution to each municipality, the treasurer or custodian of funds of said fire district shall pay and transfer said moneys and property accordingly.

L.1971, c. 197, § 1, eff. July 1, 1971.

#### 40A:14-95. Establishment of Junior Firemen's Auxiliary

In any municipality or fire district in this State maintaining a volunteer fire department, or where there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district to provide, by ordinance or resolution, for the establishment of an auxiliary to any such volunteer fire department or company to be known as the Junior Firemen's Auxiliary.

L.1971, c. 197, § 1, eff. July 1, 1971.

#### 40A:14-96. Eligibility for membership in the Junior Firemen's Auxiliary

No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 14 or more than 21 years of age. Persons between the ages of 14 and 21 shall be required to obtain permission to join the auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.

L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1999, c. 318, § 1, eff. Jan. 6, 2000.

#### 40A:14-97. Insurance coverage for members

A fire district may provide members of a Junior Firemen's Auxiliary established as an auxiliary to a volunteer fire department or to an incorporated volunteer fire company within the fire district with the same coverage as provided for the regular volunteer firemen of the fire district under N.J.S. 40A:14-37 and 40A:14-38.

L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1979, c. 230, § 4, eff. Oct. 15, 1979.

#### 40A:14-98. Rules and regulations governing activities of Junior Firemen's Auxiliary

The governing body of the municipality or the board of commissioners of the fire district shall, before authorizing the establishment of any Junior Firemen's Auxiliary, formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the auxiliary for

eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or companies affording fire protection therein, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company. Activities of junior firemen under 16 years of age shall be limited to (1) attending meetings of the Junior Firemen's Auxiliary; (2) receiving instruction; (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and (4) observing firefighting activities, while under supervision.

*L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1999, c. 318, § 2, eff. Jan. 6, 2000.*

#### 40A:14-99. Blank

#### 40A:14-100. Section 40:47-51 of the Revised Statutes saved from repeal

Section 40:47-51 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided that cities and municipalities not having a paid fire department prior to March 1, 1886 may create and maintain such a fire department and are authorized to establish said department by referendum and provide for the appointment, powers and duties of a board of fire commissioners.]

*L.1971, c. 197, § 1, eff. July 1, 1971.*

#### 40A:14-101 to 40A:14-103. Repealed by L.1989, c. 157, § 1 (§ 40A:63-9), eff. Jan. 1, 1990

#### 40A:14-104, 40A:14-105. Repealed by L.1979, c. 326, § 2, eff. Jan. 18, 1980

#### 40A:14-105.1. Volunteer firemen's song

The song of the volunteer firemen of New Jersey shall be the words and music of the song entitled "The Volunteer" composed by Wayne Swezey.

*L.1982, c. 90, § 1, eff. July 28, 1982.*

### C. POLICE—COUNTIES

#### 40A:14-106. County police; establishment

The governing body of any county, adopting rules for the regulation of traffic upon the county highways and roads and for the enforcement of laws pertaining thereto, by ordinance or resolution, as appropriate, may create and establish a county police department and force and provide for its maintenance, regulation and control. Except as otherwise provided by law, the governing body may appoint a chief of the department and such other members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties. The governing body shall adopt and promulgate rules and regulations for the govern-

ment of the department and force and for the discipline of its members.

*L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1978, c. 69, § 1, eff. July 6, 1978; L.1981, c. 126, eff. April 27, 1981.*

#### 40A:14-106a. Removal, suspension, fine or reduction in rank for violation of internal rules and regulations; complaint; limitation on filing

A county law enforcement officer shall not be removed from the officer's employment or position, suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of a law enforcement unit unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules and regulations of the law enforcement unit is conducted directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against an officer shall not apply to a filing of a complaint by a private individual.

*L.1988, c. 145, § 2, eff. Nov. 1, 1988.*

#### 40A:14-106.1. First or second class counties; general authority by ordinance or resolution

The governing body of any first or second class county may, by ordinance or resolution, as appropriate, provide that the county police department and force shall have general authority, without limitation, to exercise the powers and duties as generally provided by law for police officers and law enforcement officers.

*L.1978, c. 69, § 2, eff. July 6, 1978. Amended by L.1981, c. 126, § 2, eff. April 27, 1981; L.1981, c. 462, § 1, eff. Jan. 1, 1982.*

#### 40A:14-106.2. Training for officers; necessity

All county police departments granted general authority shall provide the same training for their officers as is provided for regular municipal police officers. No county police officer shall operate under a general authority unless and until he has received the necessary training.

*L.1981, c. 126, § 3, eff. April 27, 1981.*

#### 40A:14-106.3. Inapplicability to county park department or system

Except as specifically provided, nothing contained in N.J.S. 40A:14-106 through N.J.S. 40A:14-110 shall apply to any county park police department or

eleven, shall be presumed to have been made with reference to the provisions of this article, and unless there be as a part of such contract an express statement in writing prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of this article are not intended to apply, then it shall be presumed that the parties have accepted the provisions of this article and have agreed to be bound thereby.

Every contract of hiring made or implied or in operation before the fourth day of July, one thousand nine hundred and eleven, shall be presumed to continue subject to the provisions of this article unless either party shall prior to accident, in writing, notify the other party to such contract that the provisions of this article are not intended to apply.

34:15-10. Employment of minors; extra compensation when illegally employed; exceptions

In the employment of minors, this article shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor. If the injured employee at the time of the accident or compensable occupational disease is a minor under 14 years of age employed in violation of the labor law or a minor between 14 and 18 years of age employed, permitted or suffered to work without an employment certificate or special permit if required by law or at an occupation prohibited at the minor's age by law, a compensation or death benefit shall be payable to the employee or his dependents which shall be double the amount payable under the schedules provided in R.S.34:15-12 and R.S.34:15-13.

The possession of such duly issued employment certificate shall be conclusive evidence for an employer that the minor has reached the age certified to therein and no extra compensation shall be payable to any minor engaged in an employment allowed by the law for the age and sex certified to in such certificate. If the certificate presented by the employee as one issued to that person shall have been really issued to another child and the real age of the employee shall be such that employment in any capacity or in the particular capacity the employee was employed by the employer was prohibited and if the employer shall show to the satisfaction of the Division of Workers' Compensation that the employer accepted the certificate in good faith as having been issued to the employee and could not have, despite reasonable diligence, discovered the fraud, in such event no extra compensation shall be paid to the employee illegally employed.

The employer alone and not the insurance carrier shall be liable for the extra compensation or death benefit which is over and above the amount of the compensation or death benefit provided under R.S.34:15-12 or R.S.34:15-13. Any provision in an insurance policy undertaking to relieve an employer from the liability for the extra compensation or extra death benefit shall be void.

Nothing in this chapter contained shall deprive an infant under the age of 18 years of the right or rights now existing to recover damages in a common law or other appropriate action or proceeding for injuries received by reason of the negligence of his or her master.

Nothing in this section regarding the payment of a compensation or death benefit in double the amount payable under the schedules provided in R.S.34:15-12 and R.S.34:15-13 shall apply to: members of a junior firemen's auxiliary established pursuant to N.J.S.40A:14-95; employees, of the age of 18 years or under, employed in summer camps operated by the Boy Scouts of America, the Girl Scouts of America, the Knights of Columbus, the Young Men's Christian Association, the Young Women's Christian Association, the Young Men's Hebrew Association, or any domestic corporation organized solely for religious or charitable purposes; student-learners employed in a cooperative vocational education program approved by the State Board of Education; persons, 18 years of age or younger, participating, under the supervision of the Palisades Interstate Park Commission, in volunteer programs in that part of the Palisades Interstate Park located in New Jersey; or persons, 18 years of age or younger, doing volunteer work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, or the New Jersey Natural Lands Trust, as authorized by the Commissioner of Environmental Protection, or for the New Jersey Historic Trust.

Amended by L.1940, c. 176, p. 539, § 1; L.1945, c. 74, p. 380, § 4; L.1956, c. 141, p. 563, § 1; L.1971, c. 416, § 1, eff. Jan. 20, 1972; L.1979, c. 283, § 4, eff. Jan. 10, 1980; L.1987, c. 259, § 2, eff. Sept. 4, 1987; L.1997, c. 199, § 1, eff. Sept. 13, 1997; L.1999, c. 152, § 50, eff. June 30, 1999.

34:15-11. Termination of contract

The contract for the operation of the provisions of this article may be terminated by either party upon sixty days' notice in writing prior to any accident.

34:15-12. Schedule of payments

Following is a schedule of compensation:

a. For injury producing temporary disability, 70% of the worker's weekly wages received at the time of the injury, subject to a maximum compensation of 75% of the average weekly wages earned by all employees covered by the "unemployment compensation law" (R.S. 43:21-1 et seq.) and a minimum of 20% of such average weekly wages a week. This compensation shall be paid during the period of such disability, not however, beyond 400 weeks. The amount of the maximum compensation shall be computed, determined, rounded out to the nearest dollar, and promulgated by the Commissioner of Labor on or before September 1 in each year based on said average weekly wages as of the calendar year preceding, and shall be effective as to injuries occurring in the calendar year