

NOVEMBER 20, 1951.

HON. PERCY A. MILLER, JR.,
Commissioner of Labor,
State House,
Trenton, New Jersey.

FORMAL OPINION—1951. No. 36.

DEAR COMMISSIONER:

I am in receipt of your letter requesting an opinion as to the effect of R. S. 34:6-1 and 34:2-24 upon an establishment that receives and completes the preparation of laundered goods for customers after sending them out to another place for washing.

Your communication presents two questions. The first question is whether an establishment that receives soiled wearing apparel and bedclothes and has same laundered by another concern and receives the wet wash for ironing, pressing and preparation of the finished product for delivery to the customer is a laundry as is contemplated under R. S. 34:2-24. The second question is whether the establishment which accepts the soiled wearing apparel and bedclothes and has same laundered by another concern and receives the wet wash for ironing, pressing and preparation of the finished product for delivery to customers is a workshop as is referred to in R. S. 34:6-1.

As to the first question: An establishment which receives soiled apparel and bedclothes and has same laundered by another concern and receives the wet wash for ironing, pressing and preparation for delivery to customers is a laundry as referred to in R. S. 34:2-24.

Section 34:2-24 of the New Jersey Revised Statutes reads as follows:

"No female shall be employed or permitted to work in any manufacturing or mercantile establishment, bakery, laundry or restaurant more than ten hours in any one day or more than six days, or fifty-four hours in any one week."

It must therefore be determined what was meant to be a laundry. "Laundry" as defined in R. S. 34:2-1 means any place where laundry work is carried on regularly. We must therefore determine what is laundry work and whether the performance of part of the entire process of the laundering of clothing is to be considered a laundry. I can find no case in the State of New Jersey defining the word. The dictionaries define "laundry" as an establishment or place where laundering is done, and an establishment or room for washing and ironing of clothes (Standard Dictionary, Funk and Wagnalls, Websters New International Dictionary).

In examining the cases of other states, I find one that is somewhat parallel to the situation before us and in my opinion is dispositive of this question. The Supreme Court of Rhode Island, in the case of *State vs. Wah Lee*, 144 Atlantic, page 159, 49 R. I. 491, decided that an establishment for starching, ironing and preparing for delivery to customers, clothes washed by a wet wash laundry was a "public laundry" within the act. Chief Justice Sweetland, speaking for the court, said,

"Whatever may be the etymological derivation of the word, in the social and domestic life of to-day the popular and ordinary meaning of the term 'laundry,' used in connection with the word 'public,' is that of a place to which the public are invited to deliver soiled clothes to be washed, dried, starched, ironed, and subjected to the processes ordinarily employed to render soiled

clothes suitable for further use. An establishment which performs all or any considerable portion of those services for the public is in common acceptation 'a public laundry.' We know of no general term other than that of a 'public laundry' which would properly designate a place where all of such services are rendered save that of washing the clothes."

As to the second question: An establishment that receives soiled wearing apparel and bedclothes and sends same out for wet wash and upon their return starches, irons and prepares them for delivery to the customers is not a workshop as is referred to in R. S. 34:6-1.

Section 34:6-1 of the Revised Statutes provides in part that for certain purposes,

"Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall under the supervision and direction of the commissioner be provided * * *"

The problem presented is, what is a workshop? Reference to dictionaries, lexicons and cases in other states discloses a wide range of definitions of the word "workshop." Our New Jersey Supreme Court, in the case of *Griffith vs. Mountain Ice Co.*, 74 N. J. L., page 272 defines "factories and workshops" to be a place where machinery is employed in the work of fabrication. In this case Justice Garrison, speaking for our New Jersey Supreme Court, construed Section 3 of the General Statutes, page 2345 (General Act approved 1885) as it applied to an establishment employing outdoor conveyors, and said,

"We think that the defendant's plant does not come within the statutory language 'factories and workshops,' not only because those words import a building in which the machinery is so placed as to be dangerous to operatives, but also, and chiefly, because such words in their statutory context imply that the places to which they refer are those where machinery is employed in the work of fabrication, i. e., of making or manufacturing something. Such is the common meaning of a factory or workshop."

Moreover, R. S. 34:2-1 defines "manufacturing establishment" as any place where articles for use or consumption are regularly made; and the same section defines bakeries, laundries, mercantile establishments and restaurants, thus distinguishing them from manufacturing establishments. Furthermore, the Legislature, in providing for registration of industries, enacted R. S. 34:6-141, which reads in part as follows:

"persons engaged in any productive industry within the supervision of the Department as a factory, workshop, mill, newspaper plant, printery or commercial laundry to register same with the commissioner before the commencement of business * * *."

By specifying laundry as a separate industry coming under the supervision of the Department of Labor, the Legislature obviously intended to distinguish between a workshop and a laundry.

Very truly yours,

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Attorney General.

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Deputy Attorney General.