

ASSEMBLY, No. 1774

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Raises minimum wage to \$8.25, then makes annual adjustments based on CPI increases.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT increasing the minimum wage and amending P.L.1966,
2 c.113.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1966, c.113 (C.34:11-56a4) is amended to
8 read as follows:

9 5. Every employer shall pay to each of his employees wages at
10 a rate of not less than **[\$5.05 per hour as of April 1, 1992 and, after**
11 **January 1, 1999 the federal minimum hourly wage rate set by**
12 **section 6(a)(1) of the federal "Fair Labor Standards Act of 1938"**
13 **(29 U.S.C. s.206(a)(1)), and, as of October 1, 2005, \$6.15 per hour,**
14 **and as of October 1, 2006,] \$7.15 per hour as of October 1, 2006,**
15 **and not less than \$8.25 per hour as of July 1, 2008,** for 40 hours of
16 working time in any week and 1 1/2 times such employee's regular
17 hourly wage for each hour of working time in excess of 40 hours in
18 any week, except this overtime rate shall not include any individual
19 employed in a bona fide executive, administrative, or professional
20 capacity or, if an applicable wage order has been issued by the
21 commissioner under section 17 (C.34:11-56a16) of this act, not less
22 than the wages prescribed in said order. Commencing with
23 calendar year 2009, the commissioner shall, no later than March 31
24 of each year, adjust the minimum hourly wage rate set forth in this
25 section in direct proportion to any rise which occurs during the
26 preceding calendar year in the Consumer Price Index for all urban
27 consumers in the New York City and the Philadelphia areas as
28 reported by the United States Department of Labor and the
29 adjustment shall become effective on July 1 of each year. The wage
30 rates fixed in this section shall not be applicable to part-time
31 employees primarily engaged in the care and tending of children in
32 the home of the employer, to persons under the age of 18 not
33 possessing a special vocational school graduate permit issued
34 pursuant to section 15 of P.L.1940, c.153 (C.34:2-21.15), or to
35 persons employed as salesmen of motor vehicles, or to persons
36 employed as outside salesmen as such terms shall be defined and
37 delimited in regulations adopted by the commissioner, or to persons
38 employed in a volunteer capacity and receiving only incidental
39 benefits at a county or other agricultural fair by a nonprofit or
40 religious corporation or a nonprofit or religious association which
41 conducts or participates in that fair.

42 The provisions of this section for the payment to an employee of
43 not less than 1 1/2 times such employee's regular hourly rate for
44 each hour of working time in excess of 40 hours in any week shall

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 not apply to employees engaged to labor on a farm or employed in a
2 hotel or to an employee of a common carrier of passengers by motor
3 bus or to a limousine driver who is an employee of an employer
4 engaged in the business of operating limousines or to employees
5 engaged in labor relative to the raising or care of livestock.

6 Employees engaged on a piece-rate or regular hourly rate basis to
7 labor on a farm shall be paid for each day worked not less than the
8 minimum hourly wage rate multiplied by the total number of hours
9 worked.

10 Full-time students may be employed by the college or university
11 at which they are enrolled at not less than 85% of the effective
12 minimum wage rate.

13 Notwithstanding the provisions of this section to the contrary,
14 every trucking industry employer shall pay to all drivers, helpers,
15 loaders and mechanics for whom the Secretary of Transportation
16 may prescribe maximum hours of work for the safe operation of
17 vehicles, pursuant to section 31502(b) of the federal Motor Carrier
18 Act, 49 U.S.C.s.31502(b), an overtime rate not less than 1 1/2 times
19 the minimum wage required pursuant to this section [and
20 N.J.A.C.12:56-3.1]. Employees engaged in the trucking industry
21 shall be paid no less than the minimum wage rate as provided in this
22 section [and N.J.A.C.12:56-3.1]. As used in this section, "trucking
23 industry employer" means any business or establishment primarily
24 operating for the purpose of conveying property from one place to
25 another by road or highway, including the storage and warehousing
26 of goods and property. Such an employer shall also be subject to the
27 jurisdiction of the Secretary of Transportation pursuant to the
28 federal Motor Carrier Act, 49 U.S.C.s.31501 et seq., whose
29 employees are exempt under section 213(b)(1) of the federal "Fair
30 Labor Standards Act of 1938," 29 U.S.C s.213(b)(1), which
31 provides an exemption to employees regulated by section 207 of the
32 federal "Fair Labor Standards Act of 1938," 29 U.S.C.s.207, and the
33 Interstate Commerce Act, 49 U.S.C.s.501 et al.

34 The provisions of this section shall not be construed as
35 prohibiting any political subdivision of the State from adopting an
36 ordinance, resolution, regulation or rule, or entering into any
37 agreement, establishing any standard for vendors, contractors and
38 subcontractors of the subdivision regarding wage rates or overtime
39 compensation which is higher than the standards provided for in
40 this section, and no provision of any other State or federal law
41 establishing a minimum standard regarding wages or other terms
42 and conditions of employment shall be construed as preventing a
43 political subdivision of the State from adopting an ordinance,
44 resolution, regulation or rule, or entering into any agreement,
45 establishing a standard for vendors, contractors and subcontractors
46 of the subdivision which is higher than the State or federal law or
47 which otherwise provides greater protections or rights to employees

1 of the vendors, contractors and subcontractors of the subdivision,
2 unless the State or federal law expressly prohibits the subdivision
3 from adopting the ordinance, resolution, regulation or rule, or
4 entering into the agreement.

5 (cf: P.L.2005, c.70, s.1)

6

7 2. This act shall take effect immediately.

8

9

10

STATEMENT

11

12 This bill increases New Jersey's hourly minimum wage rate to
13 \$8.25 on July 1, 2008 and then requires that, starting in calendar
14 year 2009, the minimum wage rate be adjusted annually, based on
15 any increase in the Consumer Price Index (CPI), with the
16 adjustment taking effect on July 1 of each year.