

**SENATE CONCURRENT  
RESOLUTION No. 1**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED OCTOBER 1, 2012

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Amends Constitution to set minimum wage at \$8.25 per hour with annual adjustments for inflation.

**CURRENT VERSION OF TEXT**

As introduced.



1 **A CONCURRENT RESOLUTION** proposing to amend Article I of the  
2 New Jersey Constitution by adding a new paragraph thereto.

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4 **BE IT RESOLVED** by the Senate of the State of New Jersey (the  
5 General Assembly concurring):

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7 1. The following proposed amendment to the Constitution of  
8 the State of New Jersey is agreed to:

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10 **PROPOSED AMENDMENT**

11

12 Amend Article I of the State Constitution by the addition of the  
13 following paragraph:

14 23. All workers employed in the State have a right to be paid  
15 wages that are not oppressive or unreasonable and are sufficient to  
16 safeguard their health, efficiency, and general well-being and to  
17 protect them, as well as their employers, from the effects of serious  
18 and unfair competition resulting from wage levels detrimental to  
19 their health, efficiency and well-being. Following the establishment  
20 of an appropriate minimum wage rate, the making of regular, annual  
21 cost-of-living adjustments in that minimum wage will benefit  
22 workers by reducing the impact of inflation on them and benefit  
23 employers by providing small, manageable, incremental increases  
24 in the minimum wage which will end the historic pattern of large,  
25 sudden, disruptive increases in the minimum wage in very short  
26 time periods in between long periods without increases. Every  
27 employer shall, beginning the January 1 next following the date of  
28 the approval of this amendment by the people pursuant to Article IX  
29 of the Constitution, pay each employee a wage rate of not less than  
30 the rate required by the "New Jersey State Wage and Hour Law,"  
31 P.L.1966, c.113 (C.34:11-56a et seq.) on that date, or \$8.25 per  
32 hour, whichever is more, for the first 40 hours of working time in  
33 any week and one and one half times the employee's regular hourly  
34 wage for each hour of working time in excess of 40 hours in any  
35 week. On the September 30 next following the date of the approval  
36 of this amendment, and on September 30 of each subsequent year,  
37 the State minimum wage rate shall be increased effective the  
38 following January 1 by any increase during the one year prior to  
39 that September 30 in the consumer price index for all urban wage  
40 earners and clerical workers for all items as calculated by the  
41 federal government. If, at any time, the federal minimum hourly  
42 wage rate set by section 6 of the federal "Fair Labor Standards Act  
43 of 1938" (29 U.S.C. s.206) is raised to a level higher than the  
44 minimum wage set by this paragraph, the minimum wage set by this  
45 paragraph shall be immediately increased to the level of the federal  
46 minimum wage, and all subsequent increases based on increases in  
47 the consumer price index pursuant to this paragraph shall be applied  
48 to the minimum wage as increased to match the federal minimum

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1 wage. If the minimum wage required by the provisions of the “New  
2 Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et  
3 seq.) is increased by amendment of that law, all subsequent  
4 increases based on increases in the consumer price index pursuant  
5 to this paragraph shall be applied to the minimum wage as increased  
6 by the amendment of that law. The minimum wage requirements  
7 and overtime requirements of this paragraph shall apply to all  
8 categories of employees who were, on the date of the approval of  
9 this amendment, subject to the minimum wage requirements and  
10 overtime requirements of the “New Jersey State Wage and Hour  
11 Law,” P.L.1966, c.113 (C.34:11-56a et seq.), and those minimum  
12 wage or overtime requirements shall not apply to the respective  
13 categories of employees who were exempt from those minimum  
14 wage or overtime requirements on that date, except that that act  
15 may be amended to extend the scope of that act to categories of  
16 employees that were previously exempted from the minimum wage  
17 or overtime requirements. All remedies, penalties or other  
18 measures provided by that act as of that date for violations of the  
19 provisions of that act, and any remedies, penalties or other measures  
20 for violations of that act which are subsequently added by  
21 amendment to that act, shall be applicable to violations of this  
22 paragraph. No provision of this paragraph or the “New Jersey State  
23 Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.) shall  
24 be construed as prohibiting, at any level of government, the  
25 establishment, by collective bargaining agreement, law, or other  
26 means, of requirements or standards regarding wage rates, overtime,  
27 or other terms and conditions of employment which are more  
28 favorable to employees, or provide greater protections or rights to  
29 employees, than the requirements or standards of this paragraph,  
30 including prevailing wage and other requirements or standards  
31 pertaining to public contracts.

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33 2. When this proposed amendment to the Constitution is finally  
34 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
35 shall be submitted to the people at the next general election  
36 occurring more than three months after the final agreement and  
37 shall be published at least once in at least one newspaper of each  
38 county designated by the President of the Senate, the Speaker of the  
39 General Assembly and the Secretary of State, not less than three  
40 months prior to the general election.

41  
42 3. This proposed amendment to the Constitution shall be  
43 submitted to the people at that election in the following manner and  
44 form:

45 There shall be printed on each official ballot to be used at the  
46 general election, the following:

47 a. In every municipality in which voting machines are not used,  
48 a legend which shall immediately precede the question as follows:

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1 If you favor the proposition printed below make a cross (X), plus  
2 (+), or check (✓) in the square opposite the word "Yes." If you are  
3 opposed thereto make a cross (X), plus (+) or check (✓) in the  
4 square opposite the word "No."

5 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO SET A STATE MINIMUM WAGE WITH ANNUAL COST OF LIVING INCREASES</p> <p>Do you approve amending the State Constitution to set a State minimum wage rate of at least \$8.25 per hour? The amendment also requires annual increases in that rate as needed to keep pace with increases in the cost of living.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment to the State Constitution sets the State minimum wage at the level in effect under current law, or \$8.25 per hour, whichever is more. Cost of living increases would be added each year. Also, if the federal minimum wage rate is raised above the State rate, the State rate would be raised to match the federal rate. Future cost of living increases then would be added to that raised rate.</p> <p>Workers currently exempt from the State minimum wage law would continue to be exempt. But the amendment allows that law to be changed in the future to extend minimum wage coverage to workers who are now exempt. This amendment retains current penalties for violations of the State minimum wage law, but allows further penalties to be added in the future.</p>

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STATEMENT

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10 The purpose of this proposed constitutional amendment is to  
11 provide that workers have a right to be paid wages at rates which  
12 are not oppressive or unreasonable and are sufficient to safeguard  
13 their health, efficiency, and general well-being and to protect them,  
14 as well as their employers, from the effects of serious and unfair  
15 competition resulting from wage levels detrimental to their health,  
16 efficiency, and well-being. The amendment requires, following the  
17 establishment of a minimum wage rate appropriate to that purpose,

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1 the making of regular, annual cost-of-living increases in that  
2 minimum wage to benefit workers by reducing the impact of  
3 inflation on them and to benefit employers by providing small,  
4 manageable, incremental increases in the minimum wage, which  
5 will end the historic pattern of large, disruptive increases in the  
6 minimum wage in very short time periods in between long periods  
7 with no increases.

8 Specifically, this constitutional amendment, if approved by the  
9 voters of this State, would set a minimum wage, initially the  
10 minimum wage rate in effect under the existing State minimum  
11 wage law ("New Jersey State Wage and Hour Law," P.L.1966,  
12 c.113, C.34:11-56a et seq.) at the time of approval, or at \$8.25 per  
13 hour, whichever is more, and then provide annual cost of living  
14 increases based on increases in the consumer price index. The cost  
15 of living increases would be added to the initial rate and any  
16 subsequent increases in the minimum wage rate made by law. Also,  
17 if the federal minimum wage rate is raised above the State rate, the  
18 State rate would be raised to match the federal rate. Future cost of  
19 living increases then would be added to that rate.

20 The minimum wage and overtime requirements of the  
21 amendment would apply to all categories of employees subject to  
22 the existing State minimum wage law at the time of approval,  
23 except that the amendment allows subsequent changes in that law to  
24 extend its scope to currently exempted categories of employees.  
25 The amendment makes current penalties and remedies for violations  
26 of the State minimum wage law, and any added future penalties and  
27 remedies, apply to violations of the amendment.

28 The amendment sets minimum standards and does not preclude  
29 the establishment, by law, collective bargaining agreement, or other  
30 means, of higher standards, such as prevailing wage standards.