

ASSEMBLY, No. 15

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Raises minimum wage to \$15.00 per hour; indexes minimum wage to increases in consumer price index.

CURRENT VERSION OF TEXT

As introduced.



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

2

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

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

8 5. Every employer shall pay to each of his employees wages at
9 a rate of not less than \$5.05 per hour as of April 1, 1992 and, after
10 January 1, 1999 the federal minimum hourly wage rate set by
11 section 6(a)(1) of the federal "Fair Labor Standards Act of 1938"
12 (29 U.S.C. s.206(a)(1)), and, as of October 1, 2005, \$6.15 per hour,
13 and as of October 1, 2006, \$7.15 per hour, and, on the January 1
14 next following the effective date of P.L. , c. (C.) (pending
15 before the Legislature as this bill), \$15.00 per hour 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. On the September 30 next
23 following the date on which the minimum wage rate is set at \$15.00
24 per hour pursuant to P.L. , c. (C.) (pending before the
25 Legislature as this bill), and on September 30 of each subsequent
26 year, the State minimum wage rate shall be increased, effective the
27 following January 1, by any increase during the one year prior to
28 that September 30 in the consumer price index for all urban wage
29 earners and clerical workers (CPI-W) as calculated by the federal
30 government. The wage rates fixed in this section shall not be
31 applicable to part-time employees primarily engaged in the care and
32 tending of children in the home of the employer, to persons under
33 the age of 18 not possessing a special vocational school graduate
34 permit issued pursuant to section 15 of P.L.1940, c.153 (C.34:2-
35 21.15), or to persons employed as salesmen of motor vehicles, or to
36 persons employed as outside salesmen as such terms shall be
37 defined and delimited in regulations adopted by the commissioner,
38 or to persons employed in a volunteer capacity and receiving only
39 incidental benefits at a county or other agricultural fair by a
40 nonprofit or religious corporation or a nonprofit or religious
41 association which 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
45 not apply to employees engaged to labor on a farm or employed in a
46 hotel or to an employee of a common carrier of passengers by motor

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 bus or to a limousine driver who is an employee of an employer
2 engaged in the business of operating limousines or to employees
3 engaged in labor relative to the raising or care of livestock.

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

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

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

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

1 from adopting the ordinance, resolution, regulation or rule, or
2 entering into the agreement.

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

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill raises the minimum wage in the State of New Jersey to
11 \$15.00 per hour and indexes that minimum to increases in the
12 consumer price index.

13 Specifically, the bill provides that, beginning on the January 1
14 next following the bill's effective date, employers must pay their
15 employees \$15.00 per hour for 40 hours of working time in any
16 week and 1 1/2 times the employee's regular hourly wage for each
17 hour of working time in excess of 40 hours in any week, with
18 certain exceptions. The bill also provides that, on the September 30
19 next following the date on which the minimum wage rate is set at
20 \$15.00 per hour, and on September 30 of each subsequent year, the
21 State minimum wage rate will be increased, effective the following
22 January 1, by any increase during the one year prior to that
23 September 30 in the consumer price index for all urban wage
24 earners and clerical workers (CPI-W) as calculated by the federal
25 government.