

SENATE, No. 784

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 24, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Raises minimum wage to \$8.50, then makes annual adjustments based on increases in the Statewide average weekly wage.

CURRENT VERSION OF TEXT

As introduced.



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

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

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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 \$8.50 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 increase which occurs during the
26 preceding calendar year in the Statewide average weekly wage paid
27 to all workers subject to the "unemployment compensation law"
28 (R.S.43:21-1 et seq.) and the adjustment shall become effective on
29 July 1 of each year. The wage rates fixed in this section shall not
30 be applicable to part-time employees primarily engaged in the care
31 and tending of children in the home of the employer, to persons
32 under the age of 18 not possessing a special vocational school
33 graduate permit issued pursuant to section 15 of P.L.1940, c.153
34 (C.34:2-21.15), or to persons employed as salesmen of motor
35 vehicles, or to persons employed as outside salesmen as such terms
36 shall be defined and delimited in regulations adopted by the
37 commissioner, or to persons employed in a volunteer capacity and
38 receiving only incidental benefits at a county or other agricultural
39 fair by a nonprofit or religious corporation or a nonprofit or
40 religious association which conducts or participates in that fair.

41 The provisions of this section for the payment to an employee of
42 not less than 1 1/2 times such employee's regular hourly rate for
43 each hour of working time in excess of 40 hours in any week shall
44 not apply to employees engaged to labor on a farm or employed in a
45 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
21 industry employer" means any business or establishment primarily
22 operating for the purpose of conveying property from one place to
23 another by road or highway, including the storage and warehousing
24 of goods 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

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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 increases New Jersey's hourly minimum wage rate to
11 \$8.50 on July 1, 2008 and then requires that, starting in calendar
12 year 2009, the minimum wage rate be adjusted annually, based on
13 any increase in the Statewide average weekly wage, with the
14 adjustment taking effect on July 1 of each year.