

December 7, 1965

R.S. 34:11-4 et seq.

LEGISLATIVE HISTORY OF R.S. 34:11-4 et seq
(Labor - Payment of wages)

COPY NO. I

for material
see copy 2+3

For at least a decade, bills to revise various parts of law on payment of wages were introduced. They reached a floodtide in 1964:

- 1964 - S155, S157, S156, A766, A393, A392, A391.
- 1965 - A374.

L. 1965, Chapter 173 - A620

Introduced March 22 by McDermott (and 8 others). *Fiscal note*

No statement.

April 26 - Assembly Committee Amendment adopted.

May 3 - Assembly Amendment adopted.

We searched the following without success:

N.J. Dept. of Labor. Annual Report, 1954-1961.

New Jersey Labor Herald. August, October 1965.

New Jersey Business. April-October 1965.

~~Vertical file - N.J. - Wages.~~

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No hearings or reports were located on this legislation.

See also ~~_____~~ article
"State Participation in Wage Collections"

RS/PC

in

974.90

L123

1970d.

Devine, James W
State participation in wage
collections. 1970

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 620

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1965

By Assemblymen McDERMOTT, McDONOUGH, LA CORTE, COLLINS,
EVERETT, MORAITES, KIMMELMAN, GENOVA and CRABIEL

Referred to Committee on Labor and Industrial Relations

AN ACT to revise the law relating to payment of wages, repealing sundry sections of, and supplementing article 1 of chapter 11 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act:

2 a. "Employer" means any individual, partnership, association, joint
3 stock company, trust, corporation, the administrator or executor of the estate
4 of a deceased individual, or the receiver, trustee, or successor of any of the
5 same, employing any person in this State.

6 For the purposes of this act the officers of a corporation and any agents
7 having the management of such corporation who knowingly permit the cor-
8 poration to violate the provisions of sections 2 and 3 of this act shall be
9 deemed to be the employers of the employees of the corporation.

10 b. "Employee" means any person ***[hired by or on behalf of]*** *suffered*
11 *or permitted to work by** an employer, except *that** independent contrac-
12 tors *and** subcontractors, ***[domestics and outside salesmen]*** *shall not be*
12A *considered employees.**

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

13 ***[c.** “Outside salesmen” means any employee who is regularly engaged
 14 away from his employer’s place of business in making sales or obtaining
 15 orders or contracts for services or for the use of facilities for which a con-
 16 sideration will be paid by the customer or client.]*

17 ***[d.]** *c.* “Wages” means the direct monetary compensation for labor or
 18 services rendered by an employee, where the amount is determined on a time,
 19 task, piece, or commission basis excluding any form of supplementary incen-
 20 ***[tive pay]** * *tives and bonuses* which ***[is]** * *are* calculated independently
 21 of regular wages and paid in addition thereto.

22 ***[e.]** *d.* “Commissioner” means the Commissioner of Labor and In-
 23 dustry.

1 2. Except as otherwise provided by law, every employer shall pay the
 2 full amount of wages due to his employees at least twice during each cal-
 3 endar month, on regular pay days designated in advance by the employer,
 4 in lawful money of the United States or with checks on banks where suit-
 5 able arrangements are made for the cashing of such checks by employees
 6 without difficulty and for the full amount for which they are drawn. An
 7 employer may establish regular paydays less frequently than semimonthly
 8 for *bona fide* executive ***[and]** * *, supervisory *and other special classifi-*
 9 *cations of* employees provided that the employee shall be paid in full at least
 10 once each calendar month on a regularly established schedule.

11 If a regular payday falls on a nonwork day payment shall be made on
 12 the ****[preceding]**** *next following* work day**, *except where it is other-*
 12A *wise provided for in a collective bargaining agreement.***

13 The end of the pay period for which payment is made on a regular pay-
 14 day shall be not more than 10 working days before such regular payday,
 15 provided that if the regular payday falls on a nonwork day payment shall
 16 be made on the preceding work day.

1 3. Whenever an employer discharges an employee, or when the work of
 2 an employee is suspended as a result of a labor dispute, or when an employee
 3 for any reason whatsoever is laid off, or whenever an employee quits, re-

4 signs, or leaves employment for any reason, the employer shall pay the
5 employee all wages due not later than the regular payday for the pay period
6 during which the employee's termination, suspension or cessation of employ-
7 ment (whether temporary or permanent) took place, as established in ac-
8 cordance with section 2 of this act; or, in the case of employees compen-
9 sated in part or in full by an incentive system, a reasonable approximation
10 of all wages due, until the exact amounts due can be computed; provided,
11 however, that when any employee is suspended as a result of a labor dispute
12 and such labor dispute involves those employees who make up payrolls, the
13 employer may have an additional 10 days in which to pay such wages. Such
14 payment may be made either through the regular pay channels or by mail
15 if requested by the employee.

1 4. No employer may withhold or divert any portion of an employee's
2 wages unless:

3 a. The employer is required or empowered to do so by New Jersey or
4 United States law, or

5 b. The amounts withheld or diverted are for:

6 (1) Contributions authorized either in writing by employees, or under
7 a collective bargaining agreement, to employee welfare, insurance, hospital-
8 ization, medical and/or surgical, pension, retirement, and profit-sharing
9 plans.

10 (2) Contributions authorized either in writing by employees, or under
11 a collective bargaining agreement, for payment into company-operated thrift
12 plans; or security option or security purchase plans to buy securities of
13 the employing corporation, an affiliated corporation, or other corporations at
14 market price or less, provided such securities are listed on a stock exchange
15 or are marketable over the counter.

16 (3) Payments authorized by employees for payment into employee per-
17 sonal savings accounts, such as payments to a credit union, saving fund
18 society, savings and loan or building and loan association; and payments to
19 banks for Christmas, vacation, or other savings funds; provided all such
20 deductions are approved by the employer.

21 (4) Payments for company products purchased **in accordance with a*
22 *periodic payment schedule contained in the original purchase agreement**;
23 payments for employer loans to employees; **in accordance with a periodic*
24 *payment schedule contained in the original loan agreement**; payments for
25 safety equipment **[or damaged company equipment, tools or property]**;
25A payments for the purchase of United States Government bonds; and pay-
25B ments to correct payroll errors; provided all such deductions are approved
25c by the employer.

26 (5) Contributions authorized by employees for organized and generally
27 recognized charities, provided the deductions for such contributions are ap-
28 proved by the employer.

29 (6) Labor organization dues and initiation fees, and such other labor
30 organization charges **[as are required]* *permitted** by law.

31 (7) Such other contributions*, *deductions** and payments as the Com-
32 missioner of Labor and Industry may authorize by regulation as proper and
33 in conformity with the intent and purpose of this act, if such deductions are
34 approved by the employer.

1 5. a. In the event of the death of an employee all wages due the deceased
2 employee may, upon proper demand on the employer, be paid, in the absence
3 of actual notice of the pendency of probate proceedings, without requiring
4 letters testamentary or of administration in the following order of preference
5 to decedent's:

6 (1) surviving spouse,

7 (2) children 18 years of age and over in equal shares, or to the
8 guardian of children under 18 years of age,

9 (3) father and mother or survivor,

10 (4) sisters and brothers,

11 or to the person who pays the funeral expenses.

12 b. Payments under subsection a. of this section made after presentation
13 of proof of relationship shall be a release and discharge of the employer to
14 the amount of such payment.

1 6. Every employer shall:

2 a. Notify his employees at the time of hiring, of the rate of pay, and of
3 the regular payday designated by the employer in accordance with section 2
4 of this act.

5 b. Notify his employees of any changes in the pay rates or pay days
6 prior to the time of such changes.

7 c. Furnish each employee with a statement of deductions made from
8 his wages in accordance with section 4 of this act for each pay period such
9 deductions are made.

10 d. Keep posted in a place accessible to his employees an abstract of this
11 act furnished by the commissioner, and

12 e. Make such records as to the persons employed by him, including wage
13 and hour records and preserve such records for such periods of time, as
14 the commissioner shall prescribe by regulation as necessary or appropriate
15 for the enforcement of the provisions of this act**, *provided that records of*
16 *the number of hours worked shall not be required as to any person employed*
17 *in a bona fide executive, administrative or professional capacity or in the*
18 *capacity of outside salesman 18 years of age or older where the wages of such*
19 *person or persons are not determined by the number of hours worked**.*

1 7. It shall be unlawful for any employer to enter into or make any agree-
2 ment with any employee for the payment of wages of any such employee
3 otherwise than as provided in this act, except to pay wages at shorter in-
4 tervals than as herein provided, or to pay wages in advance. Every agree-
5 ment made in violation of this section shall be deemed to be null and void,
6 and the penalties in this act provided may be enforced notwithstanding such
7 agreement; and each and every employee with whom any agreement in
8 violation of this section shall be made by any such employer, or the agent
9 or agents thereof, shall have a right of civil action against any such em-
10 ployer for the full amount of his wages in any court of competent jurisdic-
11 tion in this State.

1 8. a. In case of a dispute over the amount of wages, the employer shall
2 pay, without condition and within the time set by this act, all wages, or parts

3 thereof, conceded by him to be due, leaving to the employee all remedies to
4 which he might otherwise be entitled, including those provided under this
5 act, as to any balance claimed.

6 b. The acceptance by an employee of a payment under this section shall
7 not constitute a release as to the balance of his claim and any release re-
8 quired by an employer as a condition to payment shall be in violation of this
9 act and shall be null and void.

1 9. a. The commissioner shall enforce and administer the provisions of
2 this act and the commissioner or his authorized representatives are em-
3 powered to hold hearings and otherwise to investigate charges of violations
4 of this act and to institute actions for penalties hereunder.

5 b. The commissioner or his authorized representatives are empowered to
6 enter and inspect such places, question such employees and investigate such
7 facts, conditions or matters as they may deem appropriate to determine
8 whether any person has violated any provision of this act or any rule or
9 regulation issued hereunder or which may aid in the enforcement of the pro-
10 visions of this act.

11 c. The commissioner or his authorized representatives shall have power
12 to administer oaths and examine witnesses under oath, issue subpoenas, com-
13 pel the attendance of witnesses, and the production of papers, books, accounts,
14 records, payrolls, documents, and testimony, and to take depositions and
15 affidavits in any proceeding before said commissioner.

16 d. In case of failure of any person to comply with any subpoena lawfully
17 issued, or on the refusal of any witness to testify to any matter regarding
18 which he may be lawfully interrogated, it shall be the duty of the County
19 Court, on application by the commissioner, to compel obedience by proceed-
20 ings for contempt, as in the case of disobedience of the requirements of a
21 subpoena issued from such court or a refusal to testify therein.

1 10. Any employer who knowingly and willfully violates any provisions of
2 this act shall be guilty of a misdemeanor and, upon conviction thereof, shall
3 be punished by a fine of not less than \$100.00 nor more than \$500.00 for
4 violations thereof.

1 11. The commissioner is authorized to propose and issue, from time to
2 time, rules and regulations to implement the provisions of this act. Such
3 proposed rules and regulations shall be published and made available to the
4 public with notice that the same shall become effective on a specified date,
5 not earlier than 60 days from publication thereof, and that a public hearing
6 on the proposed rule or regulation shall be held at a place, date and time
7 specified, on a date not earlier than 15 days from the date published copies
8 are made available to the public. At any public hearing held under this
9 section, all interested parties shall have the right to present testimony either
10 orally or in writing, and the commissioner shall consider all testimony
11 offered before promulgating a final rule or regulation.

1 12. Nothing in this act shall be deemed to require any employer to
2 amend, change, revise or suspend any pay practice, procedure, policy or
3 system that **[was in effect on the effective date]** **is authorized or per-*
4 *mitted under any provision** of this act.

1 13. The following sections of the Revised Statutes are repealed: 34:11-4,
2 34:11-6, 34:11-7, 34:11-23, 34:11-24 and 34:11-27 to 34:11-30, inclusive.

1 14. This act shall take effect immediately but shall remain inoperative for
2 60 days thereafter.

ASSEMBLY, No. 620

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1965

By Assemblymen McDERMOTT, McDONOUGH, LA CORTE, COLLINS,
EVERETT, MORAITES, KIMMELMAN, GENOVA and CRABIEL

Referred to Committee on Labor and Industrial Relations

AN ACT to revise the law relating to payment of wages, repealing sundry sections of, and supplementing article 1 of chapter 11 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act:

2 a. "Employer" means any individual, partnership, association, joint
3 stock company, trust, corporation, the administrator or executor of the estate
4 of a deceased individual, or the receiver, trustee, or successor of any of the
5 same, employing any person in this State.

6 For the purposes of this act the officers of a corporation and any agents
7 having the management of such corporation who knowingly permit the cor-
8 poration to violate the provisions of sections 2 and 3 of this act shall be
9 deemed to be the employers of the employees of the corporation.

10 b. "Employee" means any person hired by or on behalf of an employer,
11 except independent contractors, subcontractors, domestics and outside sales-
12 men.

13 c. "Outside salesmen" means any employee who is regularly engaged
14 away from his employer's place of business in making sales or obtaining
15 orders or contracts for services or for the use of facilities for which a con-
16 sideration will be paid by the customer or client.

✓ 17 d. "Wages" means the direct monetary compensation for labor or serv-
18 ices rendered by an employee, where the amount is determined on a time,
19 task, piece, or commission basis excluding any form of supplementary incen-
20 tive pay which is calculated independently of regular wages and paid in
21 addition thereto.

22 e. "Commissioner" means the Commissioner of Labor and Industry.

1 2. Except as otherwise provided by law, every employer shall pay the
2 full amount of wages due to his employees at least twice during each cal-
3 endar month, on regular pay days designated in advance by the employer,
4 in lawful money of the United States or with checks on banks where suit-
5 able arrangements are made for the cashing of such checks by employees
6 without difficulty and for the full amount for which they are drawn. An
7 employer may establish regular paydays less frequently than semimonthly
8 for executive and supervisory employees provided that the employee shall
9 be paid in full at least once each calendar month on a regularly established
10 schedule.

11 If a regular payday falls on a nonwork day payment shall be made on
12 the preceding work day.

13 The end of the pay period for which payment is made on a regular pay-
14 day shall be not more than 10 working days before such regular payday,
15 provided that if the regular payday falls on a nonwork day payment shall
16 be made on the preceding work day.

1 3. Whenever an employer discharges an employee, or when the work of
2 an employee is suspended as a result of a labor dispute, or when an employee
3 for any reason whatsoever is laid off, or whenever an employee quits, re-
4 signs, or leaves employment for any reason, the employer shall pay the
5 employee all wages due not later than the regular payday for the pay period
6 during which the employee's termination, suspension or cessation of employ-
7 ment (whether temporary or permanent) took place, as established in ac-
8 cordance with section 2 of this act; or, in the case of employees compen-
9 sated in part or in full by an incentive system, a reasonable approximation

10 of all wages due, until the exact amounts due can be computed; provided,
11 however, that when any employee is suspended as a result of a labor dispute
12 and such labor dispute involves those employees who make up payrolls, the
13 employer may have an additional 10 days in which to pay such wages. Such
14 payment may be made either through the regular pay channels or by mail
15 if requested by the employee.

1 4. No employer may withhold or divert any portion of an employee's
2 wages unless:

3 a. The employer is required or empowered to do so by New Jersey or
4 United States law, or

5 b. The amounts withheld or diverted are for:

6 (1) Contributions authorized either in writing by employees, or under
7 a collective bargaining agreement, to employee welfare, insurance, hospital-
8 ization, medical and/or surgical, pension, retirement, and profit-sharing
9 plans.

10 (2) Contributions authorized either in writing by employees, or under
11 a collective bargaining agreement, for payment into company-operated thrift
12 plans; or security option or security purchase plans to buy securities of
13 the employing corporation, an affiliated corporation, or other corporations at
14 market price or less, provided such securities are listed on a stock exchange
15 or are marketable over the counter.

16 (3) Payments authorized by employees for payment into employee per-
17 sonal savings accounts, such as payments to a credit union, saving fund
18 society, savings and loan or building and loan association; and payments to
19 banks for Christmas, vacation, or other savings funds; provided all such
20 deductions are approved by the employer.

21 (4) Payments for company products purchased; payments for employer
22 loans to employees; payments for safety equipment or damaged company
23 equipment, tools or property; payments for the purchase of United States
24 Government bonds; and payments to correct payroll errors; provided all
25 such deductions are approved by the employer.

26 (5) Contributions authorized by employees for organized and generally
27 recognized charities, provided the deductions for such contributions are ap-
28 proved by the employer.

29 (6) Labor organization dues and initiation fees, and such other labor
30 organization charges as are required by law.

31 (7) Such other contributions and payments as the Commissioner of Labor
32 and Industry may authorize by regulation as proper and in conformity with
33 the intent and purpose of this act, if such deductions are approved by the
34 employer.

1 5. a. In the event of the death of an employee all wages due the deceased
2 employee may, upon proper demand on the employer, be paid, in the absence
3 of actual notice of the pendency of probate proceedings, without requiring
4 letters testamentary or of administration in the following order of preference
5 to decedent's:

6 (1) surviving spouse,

7 (2) children 18 years of age and over in equal shares, or to the
8 guardian of children under 18 years of age,

9 (3) father and mother or survivor,

10 (4) sisters and brothers,

11 or to the person who pays the funeral expenses.

12 b. Payments under subsection a. of this section made after presentation
13 of proof of relationship shall be a release and discharge of the employer to
14 the amount of such payment.

1 6. Every employer shall:

2 a. Notify his employees at the time of hiring, of the rate of pay, and of
3 the regular payday designated by the employer in accordance with section 2
4 of this act.

5 b. Notify his employees of any changes in the pay rates or pay days
6 prior to the time of such changes.

7 c. Furnish each employee with a statement of deductions made from
8 his wages in accordance with section 4 of this act for each pay period such
9 deductions are made.

10 d. Keep posted in a place accessible to his employees an abstract of this
11 act furnished by the commissioner, and

12 e. Make such records as to the persons employed by him, including wage
13 and hour records and preserve such records for such periods of time, as
14 the commissioner shall prescribe by regulation as necessary or appropriate
15 for the enforcement of the provisions of this act.

1 7. It shall be unlawful for any employer to enter into or make any agree-
2 ment with any employee for the payment of wages of any such employee
3 otherwise than as provided in this act, except to pay wages at shorter in-
4 tervals than as herein provided, or to pay wages in advance. Every agree-
5 ment made in violation of this section shall be deemed to be null and void,
6 and the penalties in this act provided may be enforced notwithstanding such
7 agreement; and each and every employee with whom any agreement in
8 violation of this section shall be made by any such employer, or the agent
9 or agents thereof, shall have a right of civil action against any such em-
10 ployer for the full amount of his wages in any court of competent jurisdic-
11 tion in this State.

1 8. a. In case of a dispute over the amount of wages, the employer shall
2 pay, without condition and within the time set by this act, all wages, or parts
3 thereof, conceded by him to be due, leaving to the employee all remedies to
4 which he might otherwise be entitled, including those provided under this
5 act, as to any balance claimed.

6 b. The acceptance by an employee of a payment under this section shall
7 not constitute a release as to the balance of his claim and any release re-
8 quired by an employer as a condition to payment shall be in violation of this
9 act and shall be null and void.

1 9. a. The commissioner shall enforce and administer the provisions of
2 this act and the commissioner or his authorized representatives are em-
3 powered to hold hearings and otherwise to investigate charges of violations
4 of this act and to institute actions for penalties hereunder.

5 b. The commissioner or his authorized representatives are empowered to
6 enter and inspect such places, question such employees and investigate such

7 facts, conditions or matters as they may deem appropriate to determine
8 whether any person has violated any provision of this act or any rule or
9 regulation issued hereunder or which may aid in the enforcement of the pro-
10 visions of this act.

11 c. The commissioner or his authorized representatives shall have power
12 to administer oaths and examine witnesses under oath, issue subpoenas, com-
13 pel the attendance of witnesses, and the production of papers, books, accounts,
14 records, payrolls, documents, and testimony, and to take depositions and
15 affidavits in any proceeding before said commissioner.

16 d. In case of failure of any person to comply with any subpoena lawfully
17 issued, or on the refusal of any witness to testify to any matter regarding
18 which he may be lawfully interrogated, it shall be the duty of the County
19 Court, on application by the commissioner, to compel obedience by proceed-
20 ings for contempt, as in the case of disobedience of the requirements of a
21 subpoena issued from such court or a refusal to testify therein.

1 10. Any employer who knowingly and willfully violates any provisions of
2 this act shall be guilty of a misdemeanor and, upon conviction thereof, shall
3 be punished by a fine of not less than \$100.00 nor more than \$500.00 for
4 violations thereof.

1 11. The commissioner is authorized to propose and issue, from time to
2 time, rules and regulations to implement the provisions of this act. Such
3 proposed rules and regulations shall be published and made available to the
4 public with notice that the same shall become effective on a specified date,
5 not earlier than 60 days from publication thereof, and that a public hearing
6 on the proposed rule or regulation shall be held at a place, date and time
7 specified, on a date not earlier than 15 days from the date published copies
8 are made available to the public. At any public hearing held under this
9 section, all interested parties shall have the right to present testimony either
10 orally or in writing, and the commissioner shall consider all testimony
11 offered before promulgating a final rule or regulation.

1 12. Nothing in this act shall be deemed to require any employer to
2 amend, change, revise or suspend any pay practice, procedure, policy or
3 system that was in effect on the effective date of this act.

1 13. The following sections of the Revised Statutes are repealed: 34:11-4,
2 34:11-6, 34:11-7, 34:11-23, 34:11-24 and 34:11-27 to 34:11-30, inclusive.

1 14. This act shall take effect immediately but shall remain inoperative for
2 60 days thereafter.

FISCAL NOTE TO
ASSEMBLY, No. 620

STATE OF NEW JERSEY

DATED: MARCH 29, 1965

This bill revises the laws governing the payment of employees' wages and is designed to modernize the procedures with current payroll practices. If adopted, it would do away with the processing of permits to pay by check, now required under existing laws governing payment of wages.

The Department of Labor and Industry estimates that an annual saving, as indicated below, can be realized if the bill is adopted.

	Current Fiscal Year	Next Fiscal Year	Following Fiscal Year
Salaries:			
Clerk typist	\$3,200 00	\$3,360 00	\$3,528 00
Clerk stenographer	3,300 00	3,465 00	3,638 00
Senior clerk (1/2 of time)	2,400 00	2,520 00	2,646 00
Total salaries	<u>\$8,900 00</u>	<u>\$9,345 00</u>	<u>\$9,812 00</u>
Materials and Supplies:			
Printing and office	1,250 00	1,375 00	1,512 00
Services:			
Telephone and postage	900 00	900 00	1,089 00
Total estimated savings	<u>\$11,050 00</u>	<u>\$11,710 00</u>	<u>\$12,413 00</u>

The bill would not become operative until 60 days after being signed into law.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 620

STATE OF NEW JERSEY

ADOPTED APRIL 26, 1965

Amend page 1, section 1, line 10, omit "hired by or on behalf of", insert "suffered or permitted to work by".

Amend page 1, section 1, line 11, before "independent", insert "that"; after "contractors", insert "and".

Amend page 1, section 1, lines 11 and 12, omit "domestics and outside salesmen", insert "shall not be considered employees".

Amend page 1, section 1, lines 13 to 16, omit.

Amend page 2, section 1, line 17, omit "d", insert "e".

Amend page 2, section 1, line 20, omit "tive pay", insert "tives and bonuses"; omit "is", insert "are".

Amend page 2, section 1, line 22, omit "e", insert "d".

Amend page 2, section 2, line 8, before "executive", insert "bona fide", after "executive", omit "and", insert a comma; before "employees", insert "and other special classifications of".

Amend page 3, section 4, line 21, after "purchased", insert "in accordance with a periodic payment schedule contained in the original purchase agreement".

Amend page 3, section 4, line 22, after "employees", insert "in accordance with a periodic payment schedule contained in the original loan agreement".

Amend page 3, section 4, lines 22 and 23, after "equipment", omit "or damaged company equipment, tools or property".

Amend page 4, section 4, line 30, omit "as are required", insert "permitted".

Amend page 4, section 4, line 31, after "contributions", insert ", deductions".

Amend page 7, section 12, line 3, omit "was in effect on the effective date", insert "is authorized or permitted under any provision".

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ASSEMBLY, No. 620

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1965

By Assemblymen McDERMOTT, McDONOUGH, LA CORTE, COLLINS,
EVERETT, MORAITES, KIMMELMAN, GENOVA and CRABIEL

Referred to Committee on Labor and Industrial Relations

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5 same, employing any person in this State.

6 For the purposes of this act the officers of a corporation and any agents
7 having the management of such corporation who knowingly permit the cor-
8 poration to violate the provisions of sections 2 and 3 of this act shall be
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10 b. "Employee" means any person ***hired by or on behalf of*** *suffered*
11 *or permitted to work by** an employer, except *that** independent contrac-
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12A *considered employees.**

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

13 ***[c.** “Outside salesmen” means any employee who is regularly engaged
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 15 orders or contracts for services or for the use of facilities for which a con-
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17 ***[d.]** *c.* “Wages” means the direct monetary compensation for labor or
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 2 full amount of wages due to his employees at least twice during each cal-
 3 endar month, on regular pay days designated in advance by the employer,
 4 in lawful money of the United States or with checks on banks where suit-
 5 able arrangements are made for the cashing of such checks by employees
 6 without difficulty and for the full amount for which they are drawn. An
 7 employer may establish regular paydays less frequently than semimonthly
 8 for *bona fide* executive ***[and]** *,* supervisory *and other special classifi-*
 9 *cations of* employees provided that the employee shall be paid in full at least
 10 once each calendar month on a regularly established schedule.

11 If a regular payday falls on a nonwork day payment shall be made on
 12 the preceding work day.

13 The end of the pay period for which payment is made on a regular pay-
 14 day shall be not more than 10 working days before such regular payday,
 15 provided that if the regular payday falls on a nonwork day payment shall
 16 be made on the preceding work day.

1 3. Whenever an employer discharges an employee, or when the work of
 2 an employee is suspended as a result of a labor dispute, or when an employee
 3 for any reason whatsoever is laid off, or whenever an employee quits, re-
 4 signs, or leaves employment for any reason, the employer shall pay the

5 employee all wages due not later than the regular payday for the pay period
6 during which the employee's termination, suspension or cessation of employ-
7 ment (whether temporary or permanent) took place, as established in ac-
8 cordance with section 2 of this act; or, in the case of employees compen-
9 sated in part or in full by an incentive system, a reasonable approximation
10 of all wages due, until the exact amounts due can be computed; provided,
11 however, that when any employee is suspended as a result of a labor dispute
12 and such labor dispute involves those employees who make up payrolls, the
13 employer may have an additional 10 days in which to pay such wages. Such
14 payment may be made either through the regular pay channels or by mail
15 if requested by the employee.

1 4. No employer may withhold or divert any portion of an employee's
2 wages unless:

3 a. The employer is required or empowered to do so by New Jersey or
4 United States law, or

5 b. The amounts withheld or diverted are for:

6 (1) Contributions authorized either in writing by employees, or under
7 a collective bargaining agreement, to employee welfare, insurance, hospital-
8 ization, medical and/or surgical, pension, retirement, and profit-sharing
9 plans.

10 (2) Contributions authorized either in writing by employees, or under
11 a collective bargaining agreement, for payment into company-operated thrift
12 plans; or security option or security purchase plans to buy securities of
13 the employing corporation, an affiliated corporation, or other corporations at
14 market price or less, provided such securities are listed on a stock exchange
15 or are marketable over the counter.

16 (3) Payments authorized by employees for payment into employee per-
17 sonal savings accounts, such as payments to a credit union, saving fund
18 society, savings and loan or building and loan association; and payments to
19 banks for Christmas, vacation, or other savings funds; provided all such
20 deductions are approved by the employer.

21 (4) Payments for company products purchased **in accordance with a*
22 *periodic payment schedule contained in the original purchase agreement**;
23 payments for employer loans to employees; **in accordance with a periodic*
24 *payment schedule contained in the original loan agreement**; payments for
25 safety equipment **[or damaged company equipment, tools or property]**;
25A payments for the purchase of United States Government bonds; and pay-
25B ments to correct payroll errors; provided all such deductions are approved
25c by the employer.

26 (5) Contributions authorized by employees for organized and generally
27 recognized charities, provided the deductions for such contributions are ap-
28 proved by the employer.

29 (6) Labor organization dues and initiation fees, and such other labor
30 organization charges **[as are required]* *permitted** by law.

31 (7) Such other contributions*, *deductions** and payments as the Com-
32 missioner of Labor and Industry may authorize by regulation as proper and
33 in conformity with the intent and purpose of this act, if such deductions are
34 approved by the employer.

1 5. a. In the event of the death of an employee all wages due the deceased
2 employee may, upon proper demand on the employer, be paid, in the absence
3 of actual notice of the pendency of probate proceedings, without requiring
4 letters testamentary or of administration in the following order of preference
5 to decedent's:

6 (1) surviving spouse,

7 (2) children 18 years of age and over in equal shares, or to the
8 guardian of children under 18 years of age,

9 (3) father and mother or survivor,

10 (4) sisters and brothers,

11 or to the person who pays the funeral expenses.

12 b. Payments under subsection a. of this section made after presentation
13 of proof of relationship shall be a release and discharge of the employer to
14 the amount of such payment.

1 6. Every employer shall:

2 a. Notify his employees at the time of hiring, of the rate of pay, and of
3 the regular payday designated by the employer in accordance with section 2
4 of this act.

5 b. Notify his employees of any changes in the pay rates or pay days
6 prior to the time of such changes.

7 c. Furnish each employee with a statement of deductions made from
8 his wages in accordance with section 4 of this act for each pay period such
9 deductions are made.

10 d. Keep posted in a place accessible to his employees an abstract of this
11 act furnished by the commissioner, and

12 e. Make such records as to the persons employed by him, including wage
13 and hour records and preserve such records for such periods of time, as
14 the commissioner shall prescribe by regulation as necessary or appropriate
15 for the enforcement of the provisions of this act.

1 7. It shall be unlawful for any employer to enter into or make ~~any~~ agree-
2 ment with any employee for the payment of wages ~~of~~ any such employee
3 otherwise than as provided in this act, except to pay wages at shorter in-
4 tervals than as herein provided, or to pay wages in advance. Every agree-
5 ment made in violation of this section shall be deemed to be null and void,
6 and the penalties in this act provided may be enforced notwithstanding such
7 agreement; and each and every employee with whom any agreement in
8 violation of this section shall be made by any such employer, or the agent
9 or agents thereof, shall have a right of civil action against any such em-
10 ployer for the full amount of his wages in any court of competent jurisdic-
11 tion in this State.

1 8. a. In case of a dispute over the amount of wages, the employer shall
2 pay, without condition and within the time set by this act, all wages, or parts
3 thereof, conceded by him to be due, leaving to the employee all remedies to
4 which he might otherwise be entitled, including those provided under this
5 act, as to any balance claimed.

6 b. The acceptance by an employee of a payment under this section shall
7 not constitute a release as to the balance of his claim and any release re-
8 quired by an employer as a condition to payment shall be in violation of this
9 act and shall be null and void.

1 9. a. The commissioner shall enforce and administer the provisions of
2 this act and the commissioner or his authorized representatives are em-
3 powered to hold hearings and otherwise to investigate charges of violations
4 of this act and to institute actions for penalties hereunder.

5 b. The commissioner or his authorized representatives are empowered to
6 enter and inspect such places, question such employees and investigate such
7 facts, conditions or matters as they may deem appropriate to determine
8 whether any person has violated any provision of this act or any rule or
9 regulation issued hereunder or which may aid in the enforcement of the pro-
10 visions of this act.

11 c. The commissioner or his authorized representatives shall have power
12 to administer oaths and examine witnesses under oath, issue subpoenas, com-
13 pel the attendance of witnesses, and the production of papers, books, accounts,
14 records, payrolls, documents, and testimony, and to take depositions and
15 affidavits in any proceeding before said commissioner.

16 d. In case of failure of any person to comply with any subpoena lawfully
17 issued, or on the refusal of any witness to testify to any matter regarding
18 which he may be lawfully interrogated, it shall be the duty of the County
19 Court, on application by the commissioner, to compel obedience by proceed-
20 ings for contempt, as in the case of disobedience of the requirements of a
21 subpoena issued from such court or a refusal to testify therein.

1 10. Any employer who knowingly and willfully violates any provisions of
2 this act shall be guilty of a misdemeanor and, upon conviction thereof, shall
3 be punished by a fine of not less than \$100.00 nor more than \$500.00 for
4 violations thereof.

1 11. The commissioner is authorized to propose and issue, from time to
2 time, rules and regulations to implement the provisions of this act. Such

3 proposed rules and regulations shall be published and made available to the
4 public with notice that the same shall become effective on a specified date,
5 not earlier than 60 days from publication thereof, and that a public hearing
6 on the proposed rule or regulation shall be held at a place, date and time
7 specified, on a date not earlier than 15 days from the date published copies
8 are made available to the public. At any public hearing held under this
9 section, all interested parties shall have the right to present testimony either
10 orally or in writing, and the commissioner shall consider all testimony
11 offered before promulgating a final rule or regulation.

1 12. Nothing in this act shall be deemed to require any employer to
2 amend, change, revise or suspend any pay practice, procedure, policy or
3 system that ***[was in effect on the effective date]*** **is authorized or per-*
4 *mited under any provision** of this act.

1 13. The following sections of the Revised Statutes are repealed: 34:11-4,
2 34:11-6, 34:11-7, 34:11-23, 34:11-24 and 34:11-27 to 34:11-30, inclusive.

1 14. This act shall take effect immediately but shall remain inoperative for
2 60 days thereafter.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 620
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 3, 1965

Amend page 2, section 2, line 12, omit "preceding", and insert "next following"; after "work day", insert ", except where it is otherwise provided for in a collective bargaining agreement."

Amend page 5, section 6, line 15, after "act", add the following: ", provided that records of the number of hours worked shall not be required as to any person employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman 18 years of age or older where the wages of such person or persons are not determined by the number of hours worked".

ASSEMBLY, No. 374

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1965

By Assemblymen McDERMOTT, McDONOUGH, La CORTE, COLLINS,

GENOVA, KIMMELMAN, EVERETT and MORAITES

Referred to Committee on Labor and Industrial Relations

AN ACT to revise the law relating to payment of wages, repealing sundry sections of, and supplementing article 1 of chapter 11 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act:

2 a. "Employer" means any individual, partnership, association, joint
3 stock company, trust, corporation, the administrator or executor of the estate
4 of a deceased individual, or the receiver, trustee, or successor of any of the
5 same, employing any person in this State.

6 For the purposes of this act the officers of a corporation and any agents
7 having the management of such corporation who knowingly permit the cor-
8 poration to violate the provisions of sections 2 and 3 of this act shall be
9 deemed to be the employers of the employees of the corporation.

10 b. "Employee" means any person suffered or permitted to work by an
11 employer, except independent contractors and subcontractors.

12 c. "Wages" means the direct monetary compensation for labor or serv-
13 ices rendered by an employee, whether the amount is determined on a time,
14 task, piece, commission, or other basis of calculation.

15 d. "Commissioner" means the Commissioner of Labor and Industry.

1 2. Every employer shall pay the full amount of wages due to his em-
2 ployees at least twice during each calendar month, on regular pay days des-
3 igned in advance by the employer, in lawful money of the United States
4 or with checks on banks where suitable arrangements are made for the cash-
5 ing of such checks by employees without difficulty and for the full amount
6 for which they are drawn. The commissioner may, upon application, permit
7 an employer to establish regular paydays less frequently than semimonthly
8 for executive or other special situation employees provided that the employee
9 shall be paid in full at least once each calendar month on a regularly
10 established schedule.

11 If a regular payday falls on a nonwork day payment shall be made on
12 the preceding work day.

13 The end of the pay period for which payment is made on a regular pay-
14 day shall be not more than 10 calendar days before such regular payday,
15 provided that if the regular payday falls on a nonwork day payment shall
16 be made on the preceding work day.

1 3. a. Whenever an employer discharges an employee, the employer shall
2 pay the employee's wages in full at the next regular payday.

3 b. When work of any employee is suspended as a result of a labor dis-
4 pute, or when an employee for any reason whatsoever is laid off, the em-
5 ployer shall pay in full to such employee not later than the next regular pay-
6 day, as designated under section 2. of this act, wages earned at the time of
7 suspension or layoff.

8 c. Whenever an employee quits or resigns, the employer shall pay the
9 employee's wages no later than the next regular payday, as provided under
10 section 2. of this act, either through the regular pay channels or by mail if
11 requested by the employee, except that if the employee gives at least one pay
12 period's notice of intention to quit the employer shall pay all wages earned
13 by the employee at the time of quitting.

1 4. No employer may withhold or divert any portion of an employee's
2 wages unless:

3 a. The employer is required or empowered to do so by New Jersey or
4 United States law, or

5 b. The deductions are for :

6 (1) Contributions authorized, in writing, by employees or under a col-
7 lective bargaining agreement to employee welfare and pension plans.

8 (2) Deductions authorized, in writing, by employees or under a collective
9 bargaining agreement for payment into company-operated thrift plans; or
10 security option or security purchase plans to buy securities of the employing
11 or an affiliated corporation at market price or less provided such securities
12 are listed on a stock exchange or are marketable over the counter.

13 (3) Deductions authorized, in writing, by employees for payment into
14 employee personal savings accounts such as payments to a credit union; pay-
15 ments to a saving fund society; savings and loan or building and loan associa-
16 tion; payments to banks for Christmas, vacation, or other savings funds; and
17 payroll deductions for the purchase of United States Government bonds.

18 (4) Contributions authorized, in writing, by the employees for organ-
19 ized and generally recognized charities.

20 (5) Labor organization dues, assessments and initiation fees, and such
21 other labor organization charges as are authorized by law.

22 (6) Such other deductions as the Commissioner of Labor and Industry
23 may authorize by regulation as proper and in conformity with the intent and
24 purpose of this act.

1 5. a. In the event of the death of an employee all wages due the deceased
2 employee may, upon proper demand on the employer, be paid, in the absence
3 of actual notice of the pendency of probate proceedings, without requiring
4 letters testamentary or of administration in the following order of preference
5 to decedent's :

6 (1) surviving spouse,

7 (2) children 18 years of age and over in equal shares, or to the
8 guardian of children under 18 years of age,

9 (3) father and mother or survivor,

10 (4) sisters and brothers,

11 or to the person who pays the funeral expenses.

12 b. Payments under subsection a. of this section shall be a release and
13 discharge of the employer to the amount of such payment.

1 6. Every employer shall:

2 a. Notify his employees in writing, at the time of hiring of the rate of
3 pay, and of the day, hour and place of payment,

4 b. Notify his employees in writing or through a posted notice maintained
5 in a place accessible to his employees of any changes in the arrangements
6 specified above prior to the time of such changes,

7 c. Make available to his employees in writing or through a posted notice
8 maintained in a place accessible to his employees employment practices and
9 policies with regard to vacation pay, sick leave, and comparable matters,

10 d. Furnish each employee with an itemized statement of deductions made
11 from his wages under section 4 for each pay period such deductions are
12 made,

13 e. Keep posted in a place accessible to his employees an abstract of this
14 act furnished by the commissioner, and

15 f. Make such records as to the persons employed by him, including wage
16 and hour records, preserve such records for such periods of time, and make
17 such reports therefrom to the commissioner, as the commissioner shall pre-
18 scribe by regulation as necessary or appropriate for the enforcement of the
19 provisions of this act.

1 7. It shall be unlawful for any employer to enter into or make any agree-
2 ment with any employee for the payment of wages of any such employee
3 otherwise than as provided in this act, except to pay wages at shorter in-
4 tervals than as herein provided. Every agreement made in violation of this
5 section shall be deemed to be null and void, and the penalties in this act
6 provided may be enforced notwithstanding such agreement; and each and
7 every employee with whom any agreement in violation of this section shall be
8 made by any such employer, or the agent or agents thereof, shall have a right

9 of civil action against any such employer for the full amount of his wages in
10 any court of competent jurisdiction in this State.

1 8. a. In case of a dispute over the amount of wages, the employer shall
2 pay, without condition and within the time set by this act, all wages, or parts
3 thereof, conceded by him to be due, leaving to the employee all remedies to
4 which he might otherwise be entitled, including those provided under this
5 act, as to any balance claimed.

6 b. The acceptance by an employee of a payment under this section shall
7 not constitute a release as to the balance of his claim and any release re-
8 quired by an employer as a condition to payment shall be in violation of this
9 act and shall be null and void.

1 9. a. The commissioner shall enforce and administer the provisions of
2 this act and the commissioner or his authorized representatives are em-
3 powered to hold hearings and otherwise to investigate charges of violations
4 of this act and to institute actions for penalties hereunder.

5 b. The commissioner or his authorized representatives are empowered to
6 enter and inspect such places, question such employees and investigate such
7 facts, conditions or matters as they may deem appropriate to determine
8 whether any person has violated any provision of this act or any rule or
9 regulation issued hereunder or which may aid in the enforcement of the pro-
10 visions of this act.

11 c. The commissioner or his authorized representatives shall have power
12 to administer oaths and examine witnesses under oath, issue subpoenas, com-
13 pel the attendance of witnesses, and the production of papers, books, accounts,
14 records, payrolls, documents, and testimony, and to take depositions and
15 affidavits in any proceeding before said commissioner.

16 d. In case of failure of any person to comply with any subpoena lawfully
17 issued, or on the refusal of any witness to testify to any matter regarding
18 which he may be lawfully interrogated, it shall be the duty of the County
19 Court, on application by the commissioner, to compel obedience by proceed-

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20 ings for contempt, as in the case of disobedience of the requirements of a
21 subpoena issued from such court or a refusal to testify therein.

1 10. Any employer who knowingly and willfully violates any provisions of
2 this act shall be guilty of a misdemeanor and, upon conviction thereof, shall
3 be punished by a fine of not less than \$100.00 nor more than \$500.00 for
4 each separate offense.

1 11. The commissioner is authorized to make and issue, from time to time,
2 rules and regulations to implement the provisions of this act. Such proposed
3 rules and regulations shall be published and made available to the public with
4 notice that the same shall become effective on a specified date, not earlier
5 than 30 days from publication thereof, and that a public hearing thereon shall
6 be held at a place specified, on a date not earlier than 15 days from the date
7 published copies are made available to the public.

1 12. The following sections of the Revised Statutes are repealed: 34:11-4,
2 34:11-6, 34:11-7, 34:11-23, 34:11-24 and 34:11-27 to 34:11-30, inclusive.

1 13. This act shall take effect immediately.

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STATEMENT

This bill is designed to modernize existing laws governing the payment of employees wages in keeping with current payroll procedures. The computation and payment of wages and fringe benefits has always been a source of potential friction between an employer and his employees. With the development of centralized accounting practices in industry there has been a corresponding increase in the number of potential disputes on employee wage payments to the detriment of harmonious labor relations.

The existence of definite and readily understandable standards will contribute to labor peace by avoiding the possibility of disputes over so basic an issue.

SENATE, No. 155

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1964

By Senator STAMLER

Referred to Committee on Labor and Industrial Relations

AN ACT concerning claims for wages and employment benefits and amending sections 34:11-57 and 34:11-58 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-57 of the Revised Statutes is amended to read as
2 follows:

3 34:11-57. As used in this article:

4 "Commissioner" means the Commissioner of Labor *and Industry* or
5 any person or persons in the department designated in writing by him for
6 the purposes of this article.

7 "Employee" means any natural person who works for another for hire.

8 "Employer" means any person, partnership, firm or corporation em-
9 ploying another for hire.

10 "Wages" means any moneys due an employee from the employer
11 whether payable by the hour, day, week, semimonthly, monthly or yearly and
12 shall include commissions, bonus, [and] piecework compensation *and any*
13 *other benefits arising out of an employment contract.*

1 2. Section 34:11-58 of the Revised Statutes is amended to read as
2 follows:

3 34:11-58. The commissioner is authorized and empowered to investi-
4 gate any claim for wages due an employee and in such investigation may

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

5 summon the defendant, subpoena witnesses, administer oaths, take testimony
6 and shall upon such hearing make a decision or award where the sum in con-
7 troversy, exclusive of costs, does not exceed ~~[\$200.00]~~ \$300.00.

8 Such decision or award shall be a judgment when a certified copy thereof
9 is filed with the court of common pleas of the county where defendant re-
10 sides.

11 Such judgment shall be entered in the same manner and have the same
12 effect and be subject to the same proceedings as are judgments rendered
13 in suits duly heard and determined by courts of competent jurisdiction.

1 3. This act shall take effect immediately.

STATEMENT

At present, the average weekly wages of hourly workers in New Jersey is in excess of \$100.00. This proposed increase in the authority of the Wage Collection Division to secure the payment of wages up to \$300.00 owed to an employee, without resort to a civil suit and its attendant costs, is designed to make more meaningful the protection afforded by the existing law.

SENATE, No. 156

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1964

By Senator STAMLER

Referred to Committee on Labor and Industrial Relations

AN ACT concerning the frequency of payment of wages and salaries and the payment of severance compensation in certain cases, amending section 34:11-4, and supplementing article 1 of chapter 11 of Title 34, of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-4 of the Revised Statutes is amended to read as
2 follows:

3 34:11-4. *As used in this section "wage" or "wages" means and re-*
4 *fers to the compensation to employees based upon an hourly rate; "sal-*
5 *ary" or "salaried" means and refers to the compensation to employees*
6 *based upon other than an hourly rate. Except as otherwise provided by*
7 *law, every person, firm, association or partnership doing business in this*
8 *State, and every corporation organized under or acting by virtue of or*
9 *governed by the provisions of Title 14, Corporations, General, or by the*
10 *provisions of the act entitled "An act concerning corporations" (Revision*
11 *1896), approved April 21, 1896, in this State, shall pay at least [every 2*
12 *weeks] at the intervals hereinafter provided, in lawful money of the United*
13 *States to each and every employee engaged in his, their or its business, or*
14 *to the duly authorized representative of such employee, the full amount of*

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

15 wages *or salary* earned and unpaid in lawful money to such employee, up
16 to within [12] 10 days of such payment. *The intervals referred to above in this*
17 *section are (a) at least weekly for wage earners and (b) at least semimonthly*
18 *for salaried employees.* If, however, at any time of payment, any employee
19 shall be absent from his regular place of labor and shall not receive his
20 wages through a duly authorized representative, he shall be entitled to such
21 payment at any time thereafter upon demand.

22 It shall not be lawful for any such person, firm, association, partner-
23 ship or corporation to enter into or make any agreement with any em-
24 ployee for the payment of the wages of any such employee otherwise than
25 as provided by this section, except to pay such wages at shorter intervals
26 than [every 2 weeks] *those specified.* Every agreement made in violation
27 of this section shall be deemed to be null and void, and the penalties pro-
28 vided for in section 34:11-6 of this Title may be enforced notwithstand-
29 ing such agreement; and each and every employee with whom any agree-
30 ment in violation of this section shall be made by any such person, firm,
31 association, partnership or corporation, or the agent or agents thereof,
32 shall have his action and right of action against any such person, firm,
33 association or corporation for the full amount of his wages in any court
34 of competent jurisdiction in this State. Any such person, firm, partner-
35 ship, association or corporation that can reasonably satisfy the commis-
36 sioner that he, they or it have a paid-up cash capital invested in this State
37 of not less than \$200,000.00, and that arrangements have been made with a
38 banking institution for the payment in full of any negotiable check issued for
39 the payment of wages, may, with the written consent of the commissioner,
40 pay any such wages by negotiable check instead of in lawful money. Any
41 person, firm, association, partnership or corporation may, within the written
42 consent of the Commissioner of Labor and Industry, pay the wages of his,
43 their or its employees by check if he, they or it furnish satisfactory proof
44 to the commissioner of his, their or its financial responsibility and file with
45 the commissioner a bond running to the commissioner for the benefit of said

46 employees in double the amount of the maximum weekly payroll paid by him,
47 them or it during the calendar year preceding the date of the filing thereof
48 conditioned upon the payment by the bank upon which any such check is
49 drawn immediately upon proper presentation of such check and secured by a
50 surety authorized to do business in New Jersey and approved by the Com-
51 missioner of Banking and Insurance, which bond and the terms thereof may
52 be enforced by an action at law either by the commissioner or, with the writ-
53 ten consent of the commissioner, by any aggrieved employee. Any person,
54 firm, association, partnership, or corporation shall, as a condition precedent
55 to the obtaining of the written consent of the commissioner under this sec-
56 tion, make suitable arrangements for the cashing of such checks by employees
57 without difficulty and for the full amount for which they are drawn.

58 This section shall not apply to employees engaged in agricultural work
59 or as watermen.

1 2. This act shall take effect 90 days after enactment.

STATEMENT

The purpose of the proposed amendments are twofold:

(1) To reduce from 12 days pay to 10 the amount of an employee's earnings that may be withheld by an employer on any given payday.

(2) To require employers to pay hourly workers every week and salaried employees at least semimonthly.

SENATE, No. 157

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1964

By Senator STAMLER

Referred to Committee on Labor and Industrial Relations

AN ACT concerning payment of wages due to a deceased employee in certain cases and amending section 34:11-30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-30 of the Revised Statutes is amended to read as
2 follows:

3 34:11-30. *Upon written request therefor by a person entitled thereto*
4 *under this section*, it shall be lawful for an employer, not less than 30 days
5 after the death of an employee to whom is owing wages or salary not exceed-
6 ing **[\$75.00]** *\$300.00*, to pay, *and the employer shall pay*, the same to such
7 employee's surviving wife, child or children, father or mother, sister or
8 brother, preferring such persons in the order named, without letters of ad-
9 ministration having been issued upon the estate of such deceased employee
10 and if no such persons survive then to the undertaker for his services, such
11 sum as shall be due him, and the residue if any to physician, boarding house
12 keeper and nurse, pro rata, upon bills furnished verified by affidavit, and
13 payment made as by this section provided shall be a full release and dis-
14 charge to the employer from any claims for wages or salary so due and paid.

1 2. This act shall take effect immediately.

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

S 157

STATEMENT

As the average weekly wage of hourly employees in New Jersey is in excess of \$100.00, the proposed increase in the amount of wages owed a deceased employee, which may be paid by the employer directly to the deceased employee's beneficiaries, is designed to conform existing law with current earnings levels.

ASSEMBLY, No. 766

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 9, 1964

By Assemblymen McDERMOTT, LA CORTE, COLLINS, McDONOUGH,
GENOVA, KIMMELMAN and BURKE

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning payment of wages due to a deceased employee in certain cases
and amending section 34:11-3 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-30 of the Revised Statutes is amended to read as follows:
2 34:11-30. Upon written request therefor by a person entitled thereto
3 under this section, it shall be lawful for an employer, not less than 30 days
4 after the death of an employee to whom is owing wages or salary not exceed-
5 ing \$300.00, to pay, and the employer shall pay, the same to such employee's
6 surviving **[wife]** *spouse*, child or children, father or mother, sister or brother,
7 preferring such persons in the order named, without letters of administra-
8 tion having been issued upon the estate of such deceased employee and if no
9 such persons survive then to the undertaker for his services, such sum as
10 shall be due him, and the residue if any to physician, boarding house keeper
11 and nurse, pro rata, upon bills furnished verified by affidavit, and payment
12 made as by this section provided shall be a full release and discharge to the
13 employer from any claims for wages or salary so due and paid.

1 2. This act shall take effect immediately.

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

CHAPTER 92 LAWS OF N. J. 1964

APPROVED May 29, 1964

ASSEMBLY, No. 392

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1964

By Assemblymen McDERMOTT, McDONOUGH, COLLINS and LA CORTE

Referred to Committee on Labor and Industrial Relations

AN ACT concerning claims for wages and employment benefits and amending sections 34:11-57 and 34:11-58 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-57 of the Revised Statutes is amended to read as
2 follows:

3 34:11-57. As used in this article:

4 "Commissioner" means the Commissioner of Labor *and Industry* or
5 any person or persons in the department designated in writing by him for
6 the purposes of this article.

7 "Employee" means any natural person who works for another for hire.

8 "Employer" means any person, partnership, firm or corporation em-
9 ploying another for hire.

10 "Wages" means any moneys due an employee from the employer
11 whether payable by the hour, day, week, semimonthly, monthly or yearly and
12 shall include commissions, bonus, [and] piecework compensation *and any*
13 *other benefits arising out of an employment contract.*

1 2. Section 34:11-58 of the Revised Statutes is amended to read as
2 follows:

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

3 34:11-58. The commissioner is authorized and empowered to investi-
4 gate any claim for wages due an employee and in such investigation may
5 summon the defendant, subpoena witnesses, administer oaths, take testimony
6 and shall upon such hearing make a decision or award where the sum in
7 controversy, exclusive of costs, does not exceed [~~\$200.00~~] \$300.00.

8 Such decision or award shall be a judgment when a certified copy thereof
9 is filed with the court of common pleas of the county where defendant
10 resides.

11 Such judgment shall be entered in the same manner and have the same
12 effect and be subject to the same proceedings as are judgments rendered in
13 suits duly heard and determined by courts of competent jurisdiction.

1 3. This act shall take effect immediately.

STATEMENT

At present, the average weekly wages of hourly workers in New Jersey is in excess of \$100.00. This proposed increase in the authority of the Wage Collection Division to secure the payment of wages up to \$300.00 owed to an employee, without resort to a civil suit and its attendant costs, is designed to make more meaningful the protection afforded by the existing law.

CHAPTER 93 LAWS OF N. J. 1965
APPROVED May 29, 1964

ASSEMBLY, No. 393

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1964

By Assemblymen McDERMOTT, McDONOUGH, COLLINS and LA CORTE

Referred to Committee on Labor and Industrial Relations

AN ACT concerning payment of wages due to a deceased employee in certain cases and amending section 34:11-30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-30 of the Revised Statutes is amended to read as
2 follows:

3 34:11-30. *Upon written request therefor by a person entitled thereto*
4 *under this section*, it shall be lawful for an employer, not less than 30 days
5 after the death of an employee to whom is owing wages or salary not
6 exceeding **[\$75.00]** \$300.00, to pay, *and the employer shall pay*, the same
7 to such employee's surviving wife, child or children, father or mother, sister
8 or brother, preferring such persons in the order named, without letters of
9 administration having been issued upon the estate of such deceased employee
10 and if no such persons survive then to the undertaker for his services, such
11 sum as shall be due him, and the residue if any to physician, boarding house
12 keeper and nurse, pro rata, upon bills furnished verified by affidavit, and
13 payment made as by this section provided shall be a full release and dis-
14 charge to the employer from any claims for wages or salary so due and paid.

1 2. This act shall take effect immediately.

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

STATEMENT

As the average weekly wage of hourly employees in New Jersey is in excess of \$100.00, the proposed increase in the amount of wages owed a deceased employee, which may be paid by the employer directly to the deceased employee's beneficiaries, is designed to conform existing law with current earnings levels.

ASSEMBLY, No. 391

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1964

By Assemblymen McDERMOTT, COLLINS, LA CORTE and McDONOUGH

Referred to Committee on Labor and Industrial Relations

AN ACT concerning the frequency of payment of wages and salaries and the payment of severance compensation in certain cases, amending section 34:11-4, and supplementing article 1 of chapter 11 of Title 34, of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:11-4 of the Revised Statutes is amended to read as
2 follows:

3 34:11-4. *As used in this section "wage" or "wages" means and re-*
4 *fers to the compensation to employees based upon an hourly rate; "sal-*
5 *ary" or "salaried" means and refers to the compensation to employees*
6 *based upon other than an hourly rate. Except as otherwise provided by*
7 *law, every person, firm, association or partnership doing business in this*
8 *State, and every corporation organized under or acting by virtue of or*
9 *governed by the provisions of Title 14, Corporations, General, or by the*
10 *provisions of the act entitled "An act concerning corporations" (Revi-*
11 *sion 1896), approved April 21, 1896, in this State, shall pay at least*
12 **[every 2 weeks]** *at the intervals hereinafter provided, in lawful*
13 *money of the United States to each and every employee engaged in his,*
14 *their or its business, or to the duly authorized representative of such em-*

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

15 ployee, the full amount of wages *or salary* earned and unpaid in lawful money
16 to such employee, up to within **[12]** 10 days of such payment. *The in-*
17 *tervals referred to above in this section are (a) at least weekly for wage*
18 *earners and (b) at least semimonthly for salaried employees.* If, however,
19 at any time of payment, any employee shall be absent from his regular place
20 of labor and shall not receive his wages through a duly authorized repre-
21 sentative, he shall be entitled to such payment at any time thereafter upon
22 demand.

23 It shall not be lawful for any such person, firm, association, partner-
24 ship or corporation to enter into or make any agreement with any em-
25 ployee for the payment of the wages of any such employee otherwise than
26 as provided by this section, except to pay such wages at shorter intervals
27 than **[every 2 weeks]** *those specified.* Every agreement made in violation
28 of this section shall be deemed to be null and void, and the penalties pro-
29 vided for in section 34:11-6 of this Title may be enforced notwithstand-
30 ing such agreement; and each and every employee with whom any agree-
31 ment in violation of this section shall be made by any such person, firm,
32 association, partnership or corporation, or the agent or agents thereof,
33 shall have his action and right of action against any such person, firm,
34 association or corporation for the full amount of his wages in any court
35 of competent jurisdiction in this State. Any such person, firm, partner-
36 ship, association or corporation that can reasonably satisfy the commis-
37 sioner that he, they or it have a paid-up cash capital invested in this State
38 of not less than \$200,000.00, and that arrangements have been made with a
39 banking institution for the payment in full of any negotiable check issued for
40 the payment of wages, may, with the written consent of the commissioner,
41 pay any such wages by negotiable check instead of in lawful money. Any
42 person, firm, association, partnership or corporation may, within the written
43 consent of the Commissioner of Labor and Industry, pay the wages of his,
44 their or its employees by check if he, they or it furnish satisfactory proof
45 to the commissioner of his, their or its financial responsibility and file with

46 the commissioner a bond running to the commissioner for the benefit of said
47 employees in double the amount of the maximum weekly payroll paid by him,
48 them or it during the calendar year preceding the date of the filing thereof
49 conditioned upon the payment by the bank upon which any such check is
50 drawn immediately upon proper presentation of such check and secured by a
51 surety authorized to do business in New Jersey and approved by the Com-
52 missioner of Banking and Insurance, which bond and the terms thereof may
53 be enforced by an action at law either by the commissioner or, with the writ-
54 ten consent of the commissioner, by any aggrieved employee. Any person,
55 firm, association, partnership, or corporation shall, as a condition precedent
56 to the obtaining of the written consent of the commissioner under this sec-
57 tion, make suitable arrangements for the cashing of such checks by employees
58 without difficulty and for the full amount for which they are drawn.

59 This section shall not apply to employees engaged in agricultural work
60 or as watermen.

1 2. This act shall take effect 90 days after enactment.

STATEMENT

The purpose of the proposed amendments are twofold:

1. To reduce from 12 days' pay to 10 the amount of an employee's earnings that may be withheld by an employer on any given payday.

2. To require employers to pay hourly workers every week and salaried employees at least semimonthly.

State Participation
In
Wage Collections,

*by James W. Deane,
"Reference, Wage Collection
Division
Wage &
Hours
Bureau"*

State intervention in the collection of employee's wages is not a new concept; there having been legislative enactments since the mid-eighteen hundreds. However, the most important piece of legislation insofar as collection is concerned dates back to 1934,¹ which was before enactment of the minimum wage law of 1966.²

The first such instance of State participation occurred in 1935, concerning a claim for wages in the amount of \$5.00, representing two (2) days' pay @ \$2.50 per day for fifteen (15) hours a day from 5:30 a.m. till 8:00 p.m.; giving a weekly wage of \$15.00. The claimant canvassed and sold bakery goods. Happily, the claim was honored; the \$5.00 being paid to the New Jersey Department of Labor; Wage Collection Division, which paid the claimant in turn by check #1. on the same amount, all of which was acknowledged by complainant on the back of the Summons & Complaint issued under the Department of Labor, State of New Jersey.³

#1. Cf. L of 1934, Chap. 91, Sec. 1, et seq.

#2. Cf. L of 1966, Chap. 113, as amended by L of 1967; Chap. 89, L of 1968; Chap. 19, and L of 1969, Chap. 308, among other things.

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1970d

Rec'd 11/70

The Commissioner of Labor & Industry obviously has jurisdiction over a vast number of activities,⁴ and the Wage Collection Court, although considerably down the ladder, being a division of the Wage & Hour Bureau, is in direct descendency from the Director of the latter Bureau; thus a very important arm of the Bureau.⁵

It is persuasively clear to writer that the concept of State intervention in wage collections has tremendous sociological value; it being very unlikely that many persons are aware of the anti-social features coming to light prior to a time when the wage claim may reach the stage of requiring attention of the Wage Collection Court...⁶
 Factors for instance, of non-payment of wages via bad check; non-payment of overtime;⁷ employment of youth in hazardous occupations,⁸ or at less than minimum wages; or the tardy payment of wages at other

-
- #4. Other agencies are an Administrative Bureau; Bureau of Engineering & Safety; a Mechanics Inspection Bureau; Migrant Labor Bureau; Bureau of Statistics & Research; the Wage & Hour Bureau; Rehabilitation Commission; and Employment Security.
- #5. Cf. Chart; Report on the Dept. of Labor & Ind., Commission on Efficiency & Economy in State Gov., '68, N.J. State Library, Trenton, N.J. 874.90
- #6. The giving of a bad check not only is in contrvention of the law but violates Sec. 34:11-4.2 concerning Time & Mode of Payment; Paydays
- #7. Statutory provisions concerning overtime are in Chap. 113, Laws of '66, and Regulations No 3. Regulation No 4 exempts certain persons from overtime.
- #8. Cf Pamphlet Laws 1940; c. 153, Sec. 17., and appropriate Regulations.

than at regularly established times.⁹ These are but a few of illegal features found in the course of processing claims for wages. Obviously, then, the Wage Collection Court is an important force in enforcement techniques of the Bureau; the Court not ruling on such violations but submitting them to the proper personnel of the Bureau for appropriate action with the possible assistance of a Deputy-
10
attorney general.

The mere possibility of collection of unpaid wages acts as an incentive to these persons to make known any improper labor practices otherwise untold. The Commission on Efficiency & Economy in State Government, just mentioned above, pointed-out very aptly
11.
the advantage of direct collections of back wages, saying:

The bureau's present policy employs direct collection of back wages due from employees and subsequent payment to employees by the State... No payments are made until 10 to 30 days after receipt of the employer's check, as a means of ensuring that payments will not be made against a worthless check. The intent of payment by the State is to make sure that employees get their money. Yet there is no legal prohibition against direct payments by employers (30% of employers made direct payments in fiscal year 1966), and no failure to make payments under that procedure were reported

#9. Cf. Sec. 34:11-4.2

#10. Cf. Report on the Dept. of Labor & Industry., Supra, pp.88-91

#11 Cf. Above Report, supra, p. 95.

A further social-economic advantage in having a Wage Collection Court, not generally mentioned in assaying the Court's function, even in the computation of costs of administration, is the money saved by not having such small claims take-up the attention of courts of greater jurisdiction where overloading is frequent. In this regard, it is noteworthy that very few awards go into appeal as they might were action taken under Statute.

Variations in claims for wages such as in the first wage collection Hearing in 1935, mentioned at the beginning of this paper, illustrate not only the multitude of recent changes in labor legislation, but the part played by the Wage Collection Court in enforcement.

-
- #12 Cf. Sec. 34:11-58, Revised Statutes of N.J., which authorizes and empowers the Commissioner to "hear any wage claims for wages...where the sum in controversy does not exceed three hundred dollars (\$300)."
- #13 Cf. Sec. 34:11-6, Wage Collection Act.; also Sec. 34:11-66
- #14 Cf. In 1966, when Chap. 113 was enacted, and through 1968, when amendments were effected to labor laws, there were numerous newspaper articles on changes made and proposed; Nwk. Star Ledger, Nov. 27, '66 - "Wage tug-of-war to cover overtime"; Nwk Eve. News, Nov. 28, '66 - "Chamber Blasts State Wage Law"; Trenton Eve. Times, Nov. 29, '66 - "overtime changes due in wage law", etc. In N.J. Bus., June 1963, an article was published titled "What Everyone Should know about Minimum Wages, etc. Also, refer to article about Labor Legislation, cited supra, at page 469, in the Book of States. The latter Council is expected to have a new edition coming out in June, '70

The variety in claims for "wages" is without number, each claim being different factually. However, some idea of what each may involve is set-out by way of example with the thought that some of the enforcement problems may be seen:

	<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
1)	\$65.	1969-'70	Non-payment of Vacation pay

Possible Disposition

The New Jersey Wage & Hour Law defines "wages" as being any moneys due an employee from an employer for services rendered... The Statute does not specifically mention "vacation" pay as being required to be paid by an employer. This means that the complainant must show a policy of so paying this type of remuneration; or, a provision in a Union contract for such, should there be such a contract. See also, Regulation No 2.

	<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
2).	\$300.	3/5/70 - 3/25/70	Regular time-40 hrs., & overtime.

Possible Disposition

At present, the minimum wage rate in New Jersey for employees covered under the N.J. Wage & Hour Law is \$1.50 per hour. See Sec. 34:11-56a4; Chap. 113, L of N.J., '66. Certain occupations such as domestics in homes, persons under the age of 18, and 'outside salesmen', were exempt from such rates fixed by Statute. In April, 1968, Laws of that year, salesmen of motor vehicles, inside or outside, were excluded from coverage in the Wage & Hour Act. Under Chapter 58, L. of N.J., '68. Chapters 113 & 89, L of N.J., were amended to exclude minimum wages and overtime from calculation in summer camps, conferences and retreats operated by non-profit or religious corporations or associations. Overtime and exemptions from same are covered by Regulations 3 & 4. Section 34:11-56a4, sets out what constitutes overtime: "1 and $\frac{1}{2}$ times such employee's regular hourly wage for each hour of working time in excess of 40 hours, in any week".

	<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
3)	\$100.	1969-'70	Holidays

Possible Outcome

Nothing in the laws "require an employer to pay an employee for hours the employee is not required to be at his place of work because of holidays, vacation, lunch hours, illness and similar reasons". See Regulations 2, Chap. 113, L of N.J., '66.

Claimant would have to demonstrate either a special agreement to so pay for such holidays, or a policy of so paying in the past, or a union contract affording such holidays as a union member.

	<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
4)	\$200.	1970	Employment Agcy. fee

Possible Outcome

Agency fees, in writer's opinion, come within Regulation No 2, above, issued under the L of '66, Chap. 113, wherein it is said that an employer shall not be required to pay an employee for hours an employee is "not required to be at his place of work...and similar reasons". It is, of course, the practice of many firms to pay agency fees usually with the proviso that the employee remain with the firm for a certain period of time, and prove himself satisfactory, etc. The employer, though he is not required to do so, may have so agreed, and it is up to the claimant to so prove that he is within the exception.

	<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
5)	\$300.	1969-'70	Commissions

Possible Outcome

Commissions fall under the definition of wages, under 34:11-1 of the New Jersey State Wage & Hour Law; Chap. 113, Laws of '66, wherein it is said: "'wages' means any moneys due an employee from an employer for services rendered...including commissions, bonus, and piece work..." There are usually special features of "drawings" vs commissions, and the need for delivery of the subject of the sale. Custom, practice in the particular trade involved, questions of whether there has been a resignation or a discharge, etc. Sec. 34:11-58 requires that the amt. in controversy cannot exceed \$300., as it does here.

<u>Amount Claimed</u>	<u>Period Covered</u>	<u>Complaint</u>
6). \$50.	March - April, '70	Sum withheld from wages by setoff

Possible Disposition

Section 34:11-4.4 forbids the diversion or withholding of any portion of an employee's wages with certain exceptions, such as being required to do so under law-Taxes, for instance; authorized contributions by written agreement or collective bargaining agreement; or payments authorized by agreement such as employee loans under a periodic payment schedule; bond purchases, etc.

Were the sum involved in the example one representing a theft of articles belonging to the employer, then the latter would have to prove that the employee was responsible for their loss.

Some Random Figures

It is abundantly clear from the few examples just given that the role of the Wage Collection Court is far from being a perfunctory one. Besides acting judicially, it plays an important part administratively, as labor legislation increases. Moreover, the claims made in the Wage Collection Court have increased; as is indicated by the random comparisons given below:

<u>Fiscal Year</u>	<u>Monthly Average Caseload</u>	<u>Amount</u>
#15 July 1, '61 to June 30, '62	82	\$7752.00
July 1, '64 to June 30, '65	99	15051.00
July 1, '68 to June 30, '69	110	16094.00
July 1, '69 to May 25, '70 (Above year is incomplete)	130	20997.00

In the fiscal year 1964-'65, there were seven (7) cases appealed to higher courts. In 1968-'69, there were 8 appeals.

#15 These figures do not take into account other statistics such as the number of claims pending otherwise; claims allowed or disallowed; claims paid prior to Hearing; cases of service not made; money collected by awards; claims docketed and number of checks issued; all of which appear in the monthly Reports of the Wage & Hour Bureau.

It should also be noted that claims scheduled for hearing are carried-over from each preceding month, allowing for "continued", "reserved decision", "service not made", or "not-moved" cases. Thus, each month's figures cannot be considered independently.

Treatment of Wage Collection
In Other States

Many other States have wage-collection laws. #16

In Virginia, for instance, although there is no referee as in New Jersey, to make awards; all complaints are made in writing signifying complainant's permission for the Department of Labor & Industry to investigate. After both employer and employee are contacted to determine the validity of the claim, and it is found that the claim is valid, but the employer still refuses to pay, a warrant is obtained for Court action; in this instance, the local Commonwealth's Attorneys acting as the State's attorneys. #17

#16 Cf. Labor Legislation, 1966-'67, by Sylvia Weissbrodt, appearing at p. 469, The Book of The States, Council of State Governments. It was stated: "There is now a set of 27 laws that grant an administrative agency wage assignment authority."

At that time, the following States were cited as having assignment methods of collection:

Alaska, Arkansas, California, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Puerto Rico, Rhode Island, Utah, Virginia, Washington, and Wisconsin.

#17. Cf. The Virginia Wage Act was passed in '68 as a cumulative Supplement to the 1950 Code.

Among these States, New Hampshire has provisions similar to those in Virginia;^{#18} via assignment, in the event the employee does not wish to take action as he might do in any legal controversy.

The Illinois Wage Payment Law enacted in 1937,^{#19} likewise provides for assignment of wage claims.

North Dakota enacted a compiled set of Labor laws taking effect July 1, 1965.^{#20}

The statistics of wage collections in California are of interest: In 1969, the Division (Labor Law Enforcement) processed 39,848 wage claims in a total amount of \$11,360,422. The Division also processed 9,595 complaints for violations of the State Labor Code.* This information is contained in a letter from the Senior Deputy Labor Commissioner, Bryan Seale, Division of Law Enforcement, State of California-Human Relations Agency.

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- #18 Cf. Revised Statutes, annotated, Chap. 275, as Amended, by Laws of '50, '53 & '67. Under this State's enforcement provisions, "The Commissioner shall upon the request of the employee take an assignment in trust for such wages...and may bring any legal action necessary to collect such claim..." Any court of competent jurisdiction may hear such suit.
- #19 Cf. Illinois Revised Statutes, Ch. 48, Par. 30g-30m.
- #20 Cf. Chap. 34-14, North Dakota Century Code.

Observations

The closer the Wage collection features of the New Jersey Labor Laws are examined, the more one is impressed with their great administrative efficiency.

Courts of higher jurisdiction are not concerned with minor details such as the need to act in their judicial capacity to enforce wage awards or judgments. The tendency to allow suits to be brought in regular courts in other jurisdictions was surprising to writer. In New Jersey, the Commissioner, acting through his representative agents, may make a "decision or award where the sum in controversy...does not exceed three hundred dollars (\$300.)." In addition, "such decision or award shall be a judgment when a certified copy is filed with the County Court, Law Division, of the County where defendant resides."^{#21}

In so acting, the Commissioner acts as a Wage-collection forum; an administrative-judicial function, which operates to prevent small claims overburdening courts of higher jurisdictions. Since appeals from such decisions are very seldom, the system works well costwise and administratively.

The additional fact that small claims may be entertained as they are, before the Commissioner, does not preclude the latter, in New Jersey, from seeking action by way of assignment, also,^{#22.} as in other States.

Furthermore, the right to take civil action in a court of competent jurisdiction is not lost either to the wageearner.

#21. Cf. Section 34:11-58, entitled Investigation, Wage Claims; Testimony, Award & Judgment, Wage Collection Act.

#22. Cf. Section 34:11-56a26, Chap. 113, L of '66, as amended.