

CHAPTER 216 LAWS OF N. J. 1967  
APPROVED 10-5-67  
[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 555

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1967

By Assemblymen TANZMAN, POLICASTRO and WILENTZ

Referred to Committee on Labor and Industrial Relations

AN ACT to supplement "An act concerning minimum wage standards; providing for the enforcement of such standards and the orders and regulations made with respect thereto; prescribing penalties for the violation thereof, and supplementing Title 34 of the Revised Statutes," approved June 17, 1966 (P. L. 1966, c. 113).

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

3 1. **\*\***[Any action commenced on or after the date of the enact-  
4 ment of this act to enforce any cause of action for unpaid minimum  
5 wages, unpaid overtime compensation, or other damages, under  
6 this act must be commenced within 2 years after the cause of action  
7 accrued, and every such action shall be forever barred unless com-  
8 menced within 2 years after the cause of action accrued.]\*\* *\*\*No*  
9 *claim for unpaid minimum wages, unpaid overtime compensation,*  
10 *or other damages under this act shall be valid with respect to any*  
11 *such claim which has arisen more than 2 years prior to the com-*  
12 *mencement of an action for the recovery thereof.\*\** In determining  
13 when an action is commenced, the actions shall be considered to  
14 be commenced on the date when a complaint is filed with the Com-  
15 missioner of the Department of Labor and Industry\***[.]**\* *\*or\**  
16 *the Director of the Wage and Hour Bureau, \***[or]**\* *\*and notice of*  
17 *such complaint is served upon the employer; or, where an audit by*  
18 *the Department of Labor and Industry discloses a probable cause*  
19 *of action for unpaid minimum wages, unpaid overtime compensa-*  
20 *tion, or other damages, and notice of such probable cause of action*  
21 *is served upon the employer by the Director of the Wage and Hour*  
22 *Bureau; or where a cause of action is commenced\** in a court of  
23 appropriate jurisdiction.*

24 2. In any action or proceeding commenced prior to or on or after  
25 the date of the enactment of this act based on any act or omission

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

1 prior to or on or after the date of the enactment of this act, no  
2 employer shall be subject to any liability or punishment for or on  
3 account of the failure of the employer to pay minimum wages or  
4 overtime compensation under this act, if he pleads and proves that  
5 the act or omission complained of was in good faith in conformity  
6 with and in reliance on any written administrative regulation,  
7 order, ruling, approval or interpretation by the Commissioner of  
8 the Department of Labor and Industry or the Director of the Wage  
9 and Hour Bureau, or any administrative practice or enforcement  
10 policy of such department or bureau with respect to the class of  
11 employers to which he belonged. Such a defense, if established,  
12 shall be a complete bar to the action or proceeding, notwithstand-  
13 ing, that after such act or omission, such administrative regula-  
14 tion, order, ruling, approval, interpretation, practice, or enforce-  
15 ment policy is modified or rescinded or is determined by judicial  
16 authority to be invalid or of no legal effect.

17 3. This act shall take effect immediately.

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6 this act must be commenced within 2 years after the cause of action  
7 accrued, and every such action shall be forever barred unless com-  
8 menced within 2 years after the cause of action accrued. In deter-  
9 mining when an action is commenced, the actions shall be considered  
10 to be commenced on the date when a complaint is filed with the  
11 Commissioner of the Department of Labor and Industry, the Di-  
12 rector of the Wage and Hour Bureau, or in a court of appropriate  
13 jurisdiction.

14 2. In any action or proceeding commenced prior to or on or after  
15 the date of the enactment of this act based on any act or omission  
16 prior to or on or after the date of the enactment of this act, no  
17 employer shall be subject to any liability or punishment for or on  
18 account of the failure of the employer to pay minimum wages or  
19 overtime compensation under this act, if he pleads and proves that  
20 the act or omission complained of was in good faith in conformity  
21 with and in reliance on any written administrative regulation,  
22 order, ruling, approval or interpretation by the Commissioner of  
23 the Department of Labor and Industry or the Director of the Wage  
24 and Hour Bureau, or any administrative practice or enforcement  
25 policy of such department or bureau with respect to the class of

1 employers to which he belonged. Such a defense, if established,  
2 shall be a complete bar to the action or proceeding, notwithstand-  
3 ing, that after such act or omission, such administrative regula-  
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3 1. Any action commenced on or after the date of the enactment  
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5 wages, unpaid overtime compensation, or other damages, under  
6 this act must be commenced within 2 years after the cause of action  
7 accrued, and every such action shall be forever barred unless com-  
8 menced within 2 years after the cause of action accrued. In deter-  
9 mining when an action is commenced, the actions shall be considered  
10 to be commenced on the date when a complaint is filed with the  
11 Commissioner of the Department of Labor and Industry\***[.]**\* *\*or\**  
12 *the Director of the Wage and Hour Bureau, \***[or]**\* *\*and notice of*  
13 *such complaint is served upon the employer; or, where an audit by*  
14 *the Department of Labor and Industry discloses a probable cause*  
15 *of action for unpaid minimum wages, unpaid overtime compensa-*  
16 *tion, or other damages, and notice of such probable cause of action*  
17 *is served upon the employer by the Director of the Wage and Hour*  
18 *Bureau; or where a cause of action is commenced\** in a court of  
19 appropriate jurisdiction.*

20 2. In any action or proceeding commenced prior to or on or after  
21 the date of the enactment of this act based on any act or omission  
22 prior to or on or after the date of the enactment of this act, no  
23 employer shall be subject to any liability or punishment for or on  
24 account of the failure of the employer to pay minimum wages or  
25 overtime compensation under this act, if he pleads and proves that

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

1 the act or omission complained of was in good faith in conformity  
2 with and in reliance on any written administrative regulation,  
3 order, ruling, approval or interpretation by the Commissioner of  
4 the Department of Labor and Industry or the Director of the Wage  
5 and Hour Bureau, or any administrative practice or enforcement  
6 policy of such department or bureau with respect to the class of  
7 employers to which he belonged. Such a defense, if established,  
8 shall be a complete bar to the action or proceeding, notwithstand-  
9 ing, that after such act or omission, such administrative regula-  
10 tion, order, ruling, approval, interpretation, practice, or enforce-  
11 ment policy is modified or rescinded or is determined by judicial  
12 authority to be invalid or of no legal effect.

13 3. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 555

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STATE OF NEW JERSEY

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ADOPTED MARCH 13, 1967

Amend page 1, section 1, line 11, after "Industry", omit the comma, insert "or".

Amend page 1, section 1, line 12, after "Bureau," delete "or", and insert the following: "*and notice of such complaint is served upon the employer; or, where an audit by the Department of Labor and Industry discloses a probable cause of action for unpaid minimum wages, unpaid overtime compensation, or other damages, and notice of such probable cause of action is served upon the employer by the Director of the Wage and Hour Bureau; or where a cause of action is commenced*".

ASSEMBLY COMMITTEE AMENDMENTS TO

**ASSEMBLY, No. 555**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 3, 1967

Amend page 1, section 1, lines 3 to 8, delete "Any action commenced on or after the date of the enactment of this act to enforce any cause of action for unpaid minimum wages, unpaid overtime compensation, or other damages, under this act must be commenced within 2 years after the cause of action accrued, and every such action shall be forever barred unless commenced within 2 years after the cause of action accrued.", and insert in lieu thereof "No claim for unpaid minimum wages, unpaid overtime compensation, or other damages under this act shall be valid with respect to any such claim which has arisen more than 2 years prior to the commencement of an action for the recovery thereof."