

34:11-58 and 34:11-62

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:11-58 and 34:11-62

(Wage Claims--increase ceiling)

LAWS OF: 1985

CHAPTER: 135

Bill No: A1103

Sponsor(s): Patero and Bocchini

Date Introduced: February 6, 1984

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: Yes

Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 18, 1984

Senate: January 31, 1985

Date of Approval: April 12, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

135  
APPROVED 4-12-85

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1103

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1984

By Assemblymen PATERO and BOCCHINI

AN ACT concerning claims for wages and amending R. S. 34:11-58 and R. S. 34:11-62.

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

1 1. R. S. 34:11-58 is amended to read as follows:  
2 34:11-58. The commissioner is authorized and empowered to  
3 investigate any claim for wages due an employee and in such  
4 investigation may summon the defendant, subpoena witnesses,  
5 administer oaths, take testimony and shall upon such hearing  
6 make a decision or award where the sum in controversy, exclusive  
7 of costs, does not exceed **[\$300.00]** \***[\$1,000.00]**\* \*\$2,000.00\*.

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

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

1 2. R. S. 34:11-62 is amended to read as follows:  
2 34:11-62. Set-off; dismissal where balance due defendant exceeds  
3 \***[two hundred dollars]**\* \*\$1,000.00\*. If the defendant files a set-  
4 off against the plaintiff for more than **[two hundred dollars]**  
5 \$1,000.00 and at the trial it shall be proved that the balance ex-  
6 ceeding **[two hundred dollars]** \$1,000.00 is due the defendant then

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

**Matter printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted April 30, 1984.**

7 suit shall be dismissed unless the defendant consents to accept  
8 judgment for **two hundred dollars** *\$1,000.00* and costs in full  
9 settlement of this claim, but in no event shall a counterclaim for  
10 unliquidated damages be set up against plaintiff for wages in the  
11 wage collection **division** *section*.

1 3. This act shall take effect immediately.

---

9 claim, but in no event shall a counterclaim for unliquidated dam-  
10 ages be set up against plaintiff for wages in the wage collection  
11 **[division]** *section*.

1 3. This act shall take effect immediately.

---

#### STATEMENT

The current \$300.00 ceiling for claims against employers for unpaid wages has become obsolete. That statutory maximum amount has remained constant since 1964 even though the average weekly earnings of manufacturing production workers has increased more than threefold to approximately \$360.00 a week.

This bill would bring the ceiling for wage claims up to the more realistic level of \$1000.00. Further, in section 2, the bill increases from \$200.00 to \$1000.00 the amount necessary to trigger a dismissal of an employer set-off where moneys owed by employers to employees exceed moneys owed to employers by such employees.

In 1982, the wage collection section in the Department of Labor received nearly 1300 claims. Voluntary payments made by employers following departmental contact constituted \$139,061.18. Payments made to employees as a result of formal adjudication by department referees amounted to an additional \$69,647.21. Nevertheless, between one-third and one-half of all claims must be turned away because of the wage collection section's obsolete jurisdiction level.

A1103 (1985)

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1103**

with Assembly committee amendments

---

**STATE OF NEW JERSEY**

---

DATED: APRIL 18, 1984

As originally introduced, this bill would have raised the monetary ceiling for claims for unpaid wages which may be heard by the wage collection section from \$300.00 to \$1,000.00. The Assembly Labor Committee amended the bill to raise the limit to \$2,000.00. The bill would also increase the amount necessary to trigger dismissal of an employer's set-off from \$200.00 to \$1,000.00. The result would be that in cases where a defendant employer files a set-off against an employee for more than \$1,000.00, and it is proven that the employer is entitled to the balance above \$1,000.00, the set-off would be dismissed, unless the employer consents to accept \$1,000.00 and costs in full settlement of the claim.

The purpose of the bill is to expand the jurisdiction of the wage collection section in the Department of Labor so that it may investigate claims for unpaid wages exceeding \$300.00.

The present jurisdictional limit of \$300.00 has been in effect since 1964. In recent years, the wage collection section has had to turn away between one third and one half of all claims brought before it because of the monetary ceiling.

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1103**

[OFFICIAL COPY REPRINT]

---

**STATE OF NEW JERSEY**

---

DATED: NOVEMBER 19, 1984

This bill raises the monetary ceiling for claims for unpaid wages which may be heard by the wage collection section in the Department of Labor from \$300.00 to \$2,000.00. The bill also provides that in cases where a defendant employer files a set-off for more than \$1,000.00 (currently \$200.00) against a claimant employee, and it is proven that the employer is entitled to the balance above \$1,000.00, the suit would be dismissed, unless the employer consents to accept \$1,000.00 and costs in full settlement of the claim.