

34:11-56a 4
AND 56a 4.3

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:11-56a4; 34:11-56a4.3

Laws of 1974 Chapter 63

Bill No. A 1040

Sponsor(s) Baer

Date Introduced January 31

Committee: Assembly Labor Relations

Senate Conference & Coordinating

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 13

Senate June 13

Date of approval July 3

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes

Following were printed:

Reports Yes No

Hearings Yes No

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ASSEMBLY, No. 1040

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblyman BAER

Referred to Committee on Labor Relations

AN ACT to amend *and supplement* the "New Jersey State Wage and Hour Law," 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:*

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

3 5. Every employer shall pay to each of his employees wages at
4 a rate of not less than ***[\$1.75]** *\$2.00* per hour *as of the effective*
5 *date of this amendatory and supplementary act, and \$2.20 per hour*
6 *as of January 1, 1975,** for 40 hours of working time in any
6A week and one and one-half times such employee's regular hourly
6B wage for each hour of working time in excess of 40 hours in
7 any week, except this overtime rate shall not include any individual
8 employed in a bona fide executive, administrative, or professional
9 capacity or, if an applicable wage order has been issued by the
10 commissioner under section 17 (C. 34:11-56a16) of this act, not less
11 than the wages prescribed in said order. The wage rates fixed in
12 this section shall not be applicable to *part-time* employees **[engaged**
13 **in domestic service]** *primarily engaged in the care and tending of*
14 *children* in the home of the employer, to persons under the age
15 of 18 not possessing a special vocational school graduate permit
16 issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15)
17 or to persons employed as salesmen of motor vehicles; or to persons
18 employed as outside salesmen as such **[term]** *terms* shall be defined
19 and delimited in regulations adopted by the commissioner.

20 The provisions of this section for the payment to an employee
21 of not less than one and one-half times such employee's regular
22 hourly rate for each hour of working time in excess of 40 hours
23 in any week shall not apply to employees ***[engaged to labor on a**

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

24 farm, or **]** *engaged to labor on a farm, or* employed in a hotel
 25 or to an employee of a common carrier of passengers by motor
 26 bus **[** *or employees engaged in labor relative to the raising or care*
 26A *of livestock]* *or employees engaged in labor relative to the rais-*
 26B *ing or care of livestock*.

27 **[** *Day haul employees]* *Employees* engaged on a piece-rate
 28 basis to labor on a farm shall be paid for each day worked not less
 29 than the minimum hourly wage rate multiplied by the total number
 30 of hours worked. **[** *For the purposes of this act, day haul em-*
 31 *ployees shall mean persons employed to labor on a farm on a daily*
 32 *basis without provision for living quarters at the place of his em-*
 33 *ployment.]*

1 **2. The provisions of this act shall be applicable to wages covered*
 2 *by wage orders issued pursuant to section 17 of P. L. 1966, c. 113*
 3 *(C. 34:11-56a 16).**

1 **[2.]** **3.* This act shall take effect **[**immediately**]** *30 days*
 2 *after its enactment*.*

ASSEMBLY, No. 1040

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblyman BAER

Referred to Committee on Labor Relations

AN ACT to amend the "New Jersey State Wage and Hour Law,"
approved June 17, 1966 (P. L. 1966, c. 113).

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2 read as follows:

3 5. Every employer shall pay to each of his employees wages at
4 a rate of not less than \$1.75 per hour for 40 hours of working time
5 in any week and one and one-half times such employee's regular
6 hourly wage for each hour of working time in excess of 40 hours in
7 any week, except this overtime rate shall not include any individual
8 employed in a bona fide executive, administrative, or professional
9 capacity or, if an applicable wage order has been issued by the
10 commissioner under section 17 (C. 34:11-56a16) of this act, not less
11 than the wages prescribed in said order. The wage rates fixed in
12 this section shall not be applicable to *part-time* employees [engaged
13 in domestic service] *primarily engaged in the care and tending of*
14 *children* in the home of the employer, to persons under the age
15 of 18 not possessing a special vocational school graduate permit
16 issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15)
17 or to persons employed as salesmen of motor vehicles; or to persons
18 employed as outside salesmen as such [term] *terms* shall be defined
19 and delimited in regulations adopted by the commissioner.

20 The provisions of this section for the payment to an employee
21 of not less than one and one-half times such employee's regular
22 hourly rate for each hour of working time in excess of 40 hours
23 in any week shall not apply to employees engaged to labor on a
24 farm, or employed in a hotel or to an employee of a common carrier

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

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2

25 of passengers by motor bus or employees engaged in labor relative
26 to the raising or care of livestock.

27 Day haul employees engaged on a piece-rate basis to labor on a
28 farm shall be paid for each day worked not less than the minimum
29 hourly wage rate multiplied by the total number of hours worked.

30 For the purposes of this act, day haul employees shall mean persons
31 employed to labor on a farm on a daily basis without provision for
32 living quarters at the place of his employment.

1 2. This act shall take effect immediately.

STATEMENT

This bill extends minimum wage protection to full time domestic service workers.

LA. 1040
ASSEMBLY

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1040

—◆—
STATE OF NEW JERSEY
—◆—

DATED: APRIL 18, 1974

Sponsor requests that statement appended to and printed with the bill be omitted.

FROM THE OFFICE OF THE GOVERNOR

100
301

July 3, 1974

FOR FURTHER INFORMATION

IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Wednesday bills which increase the minimum wage in New Jersey and provide other benefits to workers.

The bills are:

- S 402, sponsored by Senator Joseph P. Merlino, D-Mercer, which increases the minimum wage from \$1.75 to \$2.00 per hour, effective in 90 days, and to \$2.20 per hour effective January 1.

- A 1040, sponsored by Assemblyman Byron M. Baer, D-Bergen, which extends the minimum wage guarantee to all farm workers, and to domestic workers other than those engaged Part-time in the care and tending of children.

- A 1163, sponsored by Assemblyman Robert M. Ruane, D-Essex, which eliminates the exemption to the prevailing wage law for municipalities with a population of less than 25,000.

- A 1236, sponsored by Assemblyman Ruane, which eliminates the absolute five-year statute of limitations on the filing of claims for occupational diseases and workmen's compensation benefits, and provides that a two-year statute of limitations begins only when a worker knows the nature of the disability and its relation to the employment.

Byrne said increasing the minimum wage is especially important in a time of soaring inflation. He noted the new law allows New Jersey to provide greater protection than the federal minimum wage law.

"And by extending minimum wage benefits to domestic workers, we are ensuring that a large segment of our working population will be guaranteed a liveable income," he said.
