

34:11-56a20

LEGISLATIVE HISTORY CHECKLIST
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(Wage and hour law - record-keeping)

NJSA: 34:11-56a20

LAWS OF: 1993 **CHAPTER:** 91

BILL NO: S946

SPONSOR(S) Cardinale and others

DATE INTRODUCED: June 11, 1992

COMMITTEE: **ASSEMBLY:** Labor
SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** March 8, 1993
SENATE: October 29, 1992

DATE OF APPROVAL: March 24, 1993

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

KBG:pp

[FIRST REPRINT]

SENATE, No. 946

STATE OF NEW JERSEY

INTRODUCED JUNE 11, 1992

By Senators CARDINALE, SCOTT, Haines,
Matheussen and Adler

1 AN ACT concerning the records of hours worked by certain
2 executive, administrative and professional employees and
3 amending P.L.1966, c.113.

4

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

7 1. Section 21 of P.L.1966, c.113 (C.34:11-56a20) is amended to
8 read as follows:

9 21. Every employer of employees subject to this act shall keep
10 a true and accurate record of the hours worked by each and the
11 wages paid by him to each and shall furnish to the commissioner
12 or the director or their authorized representative upon demand a
13 sworn statement of the same. Such records shall be open to
14 inspection by the commissioner or the director or their
15 authorized representative at any reasonable time. No employer
16 shall be found guilty of violating this provision for failure to keep
17 a true and accurate record of the hours worked by outside
18 salesmen, buyers of poultry, eggs, cream [or] ¹ milk or other
19 perishable commodities in their natural or raw state [or] ²
20 homeworkers legally employed in accordance with the laws of
21 this State or any person employed in a bona fide executive,
22 administrative or professional capacity ¹, except that no
23 exemption from record keeping pursuant to this section in regard
24 to any person employed in a bona fide executive, administrative
25 or professional capacity shall be construed to permit an employer
26 to pay wages at a rate which violates the provisions of section 5
27 of P.L. 1966, c. 113 (C. 34:11-56a4)¹.

28 (cf: P.L.1966, c.113, s.21)

29 2. This act shall take effect immediately.

30

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34 Amends requirement concerning records kept of hours worked by
35 executive, administrative and professional 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted October 1, 1992.

SENATE, No. 946
STATE OF NEW JERSEY

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21 this State or any person employed in a bona fide executive,
22 administrative or professional capacity.

23 (cf: P.L.1966, c.113, s.21)

24 2. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill amends the "New Jersey State Wage and Hour Law" to
30 provide that employers shall not be penalized for failing to keep
31 records of the hours worked by their executive, administrative
32 and professional employees.

33 Currently, the "New Jersey State Wage and Hour Law"
34 requires employers to keep records of the hours worked by their
35 executive, administrative or professional employees. Executive,
36 administrative and professional employees are subject to the
37 minimum wage provisions of that law but they are not subject to
38 the law's overtime payment provisions.

39 Finally, the bill amends the law to provide that employers shall
40 not be required to keep records of the hours worked by buyers of
41 perishable commodities.

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

Matter underlined thus is new matter.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 946

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1993

The Assembly Labor Committee reports favorably Senate Bill No. 946(1R).

This bill amends the "New Jersey State Wage and Hour Law" to provide that employers shall not be penalized for failing to keep records of the hours worked by their executive, administrative and professional employees. However, the bill does provide that even though employers are not required to keep a record of the hours worked by persons employed in bona fide executive, administrative or professional capacities, they will nonetheless be required to pay those persons at least the minimum wage.

The bill also amends that law to exempt employers of all buyers of perishable commodities, and not just buyers of poultry, eggs or cream, from keeping records of the hours worked by these buyers.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 946

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 946.

This bill amends the "New Jersey State Wage and Hour Law" to provide that employers shall not be penalized for failing to keep records of the hours worked by their executive, administrative and professional employees. However, the committee amendment to the bill provides further that even though employers are not required to keep a record of the hours worked by persons employed in bona fide executive, administrative or professional capacities, they will nonetheless be required to pay those persons at least the minimum wage.

The bill also amends that law to exempt employers of all buyers of perishable commodities, and not just buyers of poultry, eggs or cream, from keeping records of the hours worked by these buyers.