

CHAPTER 56

WAGE AND HOUR

Authority

N.J.S.A. 34:1-20, 34:1A-3(e), 34:2-21.64, 34:11-56a et seq., specifically 34:11-56a5 and 34:11-56a19.

Source and Effective Date

R.2000 d.423, effective September 22, 2000. See: 32 N.J.R. 2643(a), 32 N.J.R. 3855(a).

Executive Order No. 66(1978) Expiration Date

Chapter 56, Wage and Hour, expires on September 22, 2005.

Chapter Historical Note

Chapter 56, New Jersey State Wage and Hour Law, was adopted and became effective prior to September 1, 1969.

Chapter 56, New Jersey State Wage and Hour Law, was repealed and Chapter 56, Wage and Hour, was adopted as new rules by R.1980 d.430, effective November 1, 1980. See: 12 N.J.R. 484(e), 12 N.J.R. 666(c).

Pursuant to Executive Order No. 66(1978), Chapter 56, Wage and Hour, was readopted as R.1985 d.524, effective September 26, 1985. See: 17 N.J.R. 2008(a), 17 N.J.R. 2561(b).

Pursuant to Executive Order No. 66(1978), Chapter 56, Wage and Hour, was readopted as R.1990 d.520, effective September 26, 1990, and N.J.A.C. 12:56-14.10 was recodified as Subchapter 17, Uniforms, and Subchapter 16, Payroll Deductions for Mass Transportation, was recodified as Chapter 55, Wage Payments, by R.1990 d.520, effective November 5, 1990. See: 22 N.J.R. 2235(a), 22 N.J.R. 3379(b).

Subchapter 10, Employment of Learners, Apprentices and Students, was repealed and Subchapter 10, Employment of Learners; Sub-Minimum Wage, was adopted as new rules by R.1992 d.328, effective August 17, 1992. See: 24 N.J.R. 2129(b), 24 N.J.R. 2924(a).

Pursuant to Executive Order No. 66(1978), Chapter 56, Wage and Hour, was readopted as R.1995 d.553, effective September 22, 1995, and Subchapter 10, Employment of Learners; Sub-Minimum Wage, was repealed and Subchapter 18, School-to-Work Program, was adopted as new rules by R.1995 d.553, effective October 16, 1995. See: 27 N.J.R. 2868(a), 27 N.J.R. 3958(a).

Subchapter 19, Employment in the Trucking Industry, was adopted as R.1996 d.375, effective August 5, 1996. See: 28 N.J.R. 1475(a), 28 N.J.R. 3798(c).

Subchapter 20, Employment of Skilled Mechanics, was adopted as R.1996 d.376, effective August 5, 1996. See: 28 N.J.R. 1476(a), 28 N.J.R. 3800(a).

Pursuant to Executive Order No. 66(1978), Chapter 56, Wage and Hour, was readopted as R.2000 d.423, effective September 22, 2000. See: Source and Effective Date. See, also, section annotations.

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APPENDIX A. AVAILABILITY OF STANDARDS
REFERRED TO IN THIS CHAPTER

SUBCHAPTER 1. GENERAL PROVISIONS

12:56-1.1 Purpose; scope

(a) The purpose of this subchapter is to establish rules to effectuate N.J.S.A. 34:11-56a et seq., the New Jersey State Wage and Hour Law (Act), to provide sanctions for non-compliance, and to protect established wage rates.

(b) The chapter is applicable to:

1. Wages and hours subject to the Act; and
2. Wages paid to an employee for services rendered.

(c) This chapter shall not apply to:

1. Volunteers; or
2. Patients.

New Rule, R.1990 d.520, effective November 5, 1990.

See: 22 N.J.R. 2235(a), 22 N.J.R. 3379(b).

Repealed existing 12:56-1.1, Title and citation, 12:56-1.2, Purpose, 12:56-1.3, Scope, and 12:56-1.4, Validity.

12:56-1.2 Violations

(a) A violation of the Act shall occur when an employer:

1. Willfully hinders or delays the Commissioner in the performance of the duties of the Commissioner in the enforcement of this chapter;
2. Fails to make, keep and preserve any records as required under the provisions of this chapter;
3. Falsifies any such record;
4. Refuses to make any such record accessible to the Commissioner upon demand;
5. Refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this chapter to the Commissioner upon demand;
6. Pays or agrees to pay wages at a rate less than the rate applicable under this chapter or any wage order issued pursuant thereto;
7. Requests, demands, or receives, either for himself, herself or any other person, either before or after a worker is engaged in public or private work at a specified rate of wages, the following: