

CHAPTER 57**WAGE ORDERS FOR MINORS****Authority**

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

Source and Effective Date

R.2006 d.89, effective January 26, 2006.
See: 37 N.J.R. 4172(a), 38 N.J.R. 1190(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 57, Wage Orders for Minors, expires on July 25, 2011. See: 43 N.J.R. 554(a).

Chapter Historical Note

Chapter 57, Wage Orders for Minors, was adopted and became effective prior to September 1, 1969.

Chapter 57, Wage Orders for Minors, was repealed and Chapter 57, Wage Orders for Minors, was adopted as new rules by R.1980 d.431, effective November 1, 1980. See: 12 N.J.R. 485(a), 12 N.J.R. 666(d).

Pursuant to Executive Order No. 66(1978), Chapter 57, Wage Orders for Minors, was readopted as R.1985 d.523, effective September 26, 1985. See: 17 N.J.R. 2009(a), 17 N.J.R. 2561(c).

Pursuant to Executive Order No. 66, Chapter 57, Wage Orders for Minors, was readopted as R.1990 d.521, effective September 26, 1990, and Subchapter 1, General Provisions, was recodified as Subchapter 1, General Provisions, and N.J.A.C. 12:57-1.3 through 12:57-1.6 were repealed by R.1990 d.521, effective November 5, 1990. See: 22 N.J.R. 2240(a), 22 N.J.R. 3382(a).

Pursuant to Executive Order No. 66(1978), Chapter 57, Wage Orders for Minors, was readopted as R.1995 d.548, effective September 22, 1995. See: 27 N.J.R. 2872(a), 27 N.J.R. 3962(a).

Subchapter 6, Light Manufacturing and Apparel Occupations, was adopted as R.1997 d.359, effective September 2, 1997. See: 29 N.J.R. 2620(a), 29 N.J.R. 3843(a).

Pursuant to Executive Order No. 66(1978), Chapter 57, Wage Orders for Minors, was readopted as R.2000 d.424, effective September 22, 2000. See: 32 N.J.R. 2644(a), 32 N.J.R. 3855(b).

Chapter 57, Wage Orders for Minors, was readopted as R.2006 d.89, effective January 26, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**12:57-1.1 Purpose; scope**

(a) The purpose of this chapter is to define and clarify certain sections of N.J.S.A. 34:11-56a et seq.

(b) This chapter shall apply to the wage rates for the employment of minors subject to N.J.S.A. 34:11-34 et seq.

(c) This chapter shall apply to minors employed in mercantile occupations, beauty culture occupations, and laundry, cleaning and dyeing occupations.

(d) Other wage orders and regulations for minors under 18 years of age are provided for under N.J.A.C. 12:56-11, 13 and 14, Wage and Hour.

Amended by R.1990 d.521, effective November 5, 1990.

See: 22 N.J.R. 2240(a), 22 N.J.R. 3382(a).

Restructured N.J.A.C. 12:57-1.2, "Purpose" as subsection (a) under new "Purpose; scope" and N.J.A.C. 12:57-1.3, "Scope" as subsections (b)-(d).

Prior amendments for recodified sections are as follows:

For N.J.A.C. 12:57-1.2:

Amended by R.1981 d.226, effective July 9, 1981.

See: 13 N.J.R. 307(a), 13 N.J.R. 441(c).

Revised N.J.S.A. cite to 34:11-56a et seq. from 34:11-34 et seq.

For N.J.A.C. 12:57-1.3:

Amended by R.1981 d.226, effective July 9, 1981.

See: 13 N.J.R. 307(a), 13 N.J.R. 441(c).

(a): "34:11-56a et seq." was "34:11-34 et seq."

(c) added.

Amended by R.1995 d.548, effective October 16, 1995.

See: 27 N.J.R. 2872(a), 27 N.J.R. 3962(a).

12:57-1.2 Violations and penalties

(a) An employer or his or her agent, or the officer or agent of any corporation, is a disorderly person, if he or she discharges or in any other manner discriminates against any employee because the employee has served or is about to serve on a wage board or has testified or is about to testify before a wage board or in any other investigation or proceeding or because the employer believes that the employee may serve on a wage board or may testify before a wage board or in any investigation or proceeding under this chapter and shall be guilty of a disorderly person offense and upon conviction be punished by a fine of not more than \$500.00.

(b) An employer or the officer or agent of any corporation is a disorderly person if he or she pays or agrees to pay to any minor less than the rates applicable to such minor under a mandatory minimum fair wage order and shall be guilty of a disorderly person offense and upon conviction be punished by a fine of not more than \$500.00 or by imprisonment of not more than 90 days or by both such fine and imprisonment. Each week, in any day of which an employee is paid less than the rate applicable to him or her under a mandatory minimum fair wage order; and each employee so paid, shall constitute a separate offense.

(c) An employer or the officer or agent of any corporation is a disorderly person if he or she fails to keep the records required or to furnish such records to the Commissioner upon request and shall be guilty of a disorderly person offense and upon conviction be punished by a fine of not more than \$500.00 and each day of such failure to keep the records or to furnish same as required shall constitute a separate offense.

Amended by R.1981 d.226, effective July 9, 1981.

See: 13 N.J.R. 307(a), 13 N.J.R. 441(c).

Amended to comply with N.J.S.A. 2C:43-3 et seq. regarding fine.

Amended by R.1990 d.521, effective November 5, 1990.

See: 22 N.J.R. 2240(a), 22 N.J.R. 3382(a).

Recodified from N.J.A.C. 10:57-1.6. Stylistic revisions.

Amended by R.1995 d.548, effective October 16, 1995.

See: 27 N.J.R. 2872(a), 27 N.J.R. 3962(a).

SUBCHAPTER 2. DEFINITIONS

12:57-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Act" means New Jersey State Wage and Hour Law, N.J.S.A. 34:11-56a et seq.

"Commissioner" means the Commissioner of the Department of Labor and Workforce Development or his or her designee.

"Division of Wage and Hour Compliance" means the Division of Wage and Hour Compliance within the Labor Standards and Safety Enforcement program area of the New Jersey State Department of Labor and Workforce Development, PO Box 389, Trenton, N.J. 08625.

"Employee" means any individual employed by an employer.

"Employer" means any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

"Minor" means any person under the age of 18 years.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

Amended by R.1990 d.521, effective November 5, 1990.

See: 22 N.J.R. 2240(a), 22 N.J.R. 3382(a).

Deleted definitions with N.J.A.C. citations. Stylistic revisions.

Amended by R.2000 d.424, effective October 16, 2000.

See: 32 N.J.R. 2644(a), 32 N.J.R. 3855(b).

Inserted "Division of Wage and Hour Compliance"; and deleted "Office of Wage and Hour Compliance".

Amended by R.2006 d.89, effective February 21, 2006.

See: 37 N.J.R. 4172(a), 38 N.J.R. 1190(b).

Added "and Workforce Development" to definitions "Commissioner" and "Division of Wage and Hour Compliance".

SUBCHAPTER 3. MERCANTILE OCCUPATIONS

12:57-3.1 Scope

This subchapter shall apply to the minimum wage rates paid to all minors engaged in mercantile occupations, irrespective of the nature of the business of the employer or the location of the place where the work is being performed.

Amended by R.1990 d.521, effective November 5, 1990.

See: 22 N.J.R. 2240(a), 22 N.J.R. 3382(a).

12:57-3.2 Definitions

(a) "Mercantile occupation" means:

1. Any employment in or for any industry or business selling or offering for sale any type of merchandise, wares, goods, articles or commodities.

2. All work connected with the soliciting of sales or opportunities for sale and the distributing of such merchandise, wares, goods, articles or commodities and the rendering of services incidental to the sale, use or upkeep of the same whether performed on the employer's premises or elsewhere; or