

CHAPTER 61

WAGE COLLECTION

Authority

N.J.S.A. 34:1-20, 34:1A-3(c) and 34:11-57 et seq., as amended by P.L. 1991, c.205.

Source and Effective Date

R.1991 d.608, effective December 16, 1991. See: 23 N.J.R. 2947(a), 23 N.J.R. 3814(a).

Executive Order No. 66(1978) Expiration Date

Chapter 61, Wage Collection, expires on December 16, 1996.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:61-1.1 Purpose; scope

(a) The purpose of this subchapter is to establish rules to effectuate N.J.S.A. 34:11-57 et seq., the New Jersey State Wage Collection Law, to empower the Commissioner of Labor means of collecting wages due.

(b) The chapter is applicable to:

- 1. Wages and hours subject to the New Jersey State Wage Collection Law;
- 2. Wages paid to an employee for services rendered; and
- 3. Time and mode of payment.

(c) This chapter shall not apply to:

- 1. Volunteers; or
- 2. Patients.

12:61-1.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Commissioner” means the Commissioner of Labor or any person or persons in the Department designated in writing by him or her for the purposes of this article.

“Employee” means any natural person who works for another for hire.

“Employer” means any person, partnership, firm or corporation employing another for hire.

“Wages” means any moneys due an employee from the employer whether payable by the hour, day, week, semi-monthly, monthly or yearly and shall include commissions, bonus, piecework compensation and any other benefits arising out of an employment contract.

12:61-1.3 Powers of the Commissioner

(a) The Commissioner of Labor or his or her representative is authorized and empowered to investigate any claim for wages due an employee. In conducting such investigation, the Commissioner or his or her representative may do the following:

- 1. Summon the defendant;
- 2. Subpoena witnesses;
- 3. Administer oaths; and
- 4. Take testimony.

(b) The Commissioner of Labor or his or her duly authorized representative shall upon such proceeding make a decision or award when the sum in controversy, exclusive of costs, does not exceed \$10,000.

(c) Such decision or award as mentioned in (b) above shall be a judgment when a certified copy thereof is filed with the Superior Court.

(d) The Commissioner of Labor is authorized to supervise payments of amounts due to employees.

(e) The Commissioner or his or her representative shall make the final decision of the Department.

(f) Appeals of the final decision of the Department shall be made to the Superior Court of New Jersey, Law Division pursuant to N.J.S.A. 34:11-63 and Rule 4:74-8 of the New Jersey Rules of Court.

Amended by R.1995 d.319, effective June 19, 1995. See: 27 N.J.R. 1520(a), 27 N.J.R. 2409(a).

Deleted former (b) to (d); relettered former (e) to (g) as (b) to (d); and added new (e) and (f).

12:61-1.4 Administrative fees

(a) The employer shall pay the Commissioner an administrative fee on all payment of gross amounts due employees pursuant to N.J.S.A. 34:11-58.

(b) A schedule of fees are as follows:

1. First violation—10 percent of the amount due an employee;
2. Second violation—18 percent of the amount due an employee;
3. Third and subsequent violations—25 percent of the amount due an employee.

(c) All payments shall be made payable to the Commissioner of Labor, Wage Collection Trust Fund by certified check or money order in a form suitable to the Commissioner of Labor.

(d) All fees shall become part of the judgment as mentioned in 12:61-1.3(d).