

**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.2000 d.424, effective September 22, 2000.  
See: 32 N.J.R. 2644(a), 32 N.J.R. 3855(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 57, Wage Orders for Minors, expires on March 21, 2006. See: 37 N.J.R. 4172(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Chapter 57, Wage Orders for Minors, was repealed and Chapter 57, Wage Orders for Minors, was adopted as new rules by R.1980 d.431, effective November 1, 1980.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General Provisions, was recodified as Subchapter 1, General Provisions, and N.J.A.C. 12:57-1.3 through 12:57-1.6 were repealed by R.1990 d.521, effective November 5, 1990.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: 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 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, 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".

## 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

## SUBCHAPTER 6. LIGHT MANUFACTURING AND APPAREL OCCUPATIONS

### 12:57-6.1 Scope

This subchapter shall apply to the minimum wage rates paid to all minors engaged in light manufacturing and apparel occupations regardless of the nature of the business of the employer or the location of the place where the work is being performed.

### 12:57-6.2 Definitions

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

“Apparel industry” means the making or otherwise producing of apparel, designed or intended to be worn by any individual.

“Light manufacturing” means a type of employment where the process or operation of making wares or any material produced and within compliance of the prohibitive occupations for minors as cited at N.J.S.A. 34:2-21.17 regardless of the location of the place where the work is being performed.

“Minimum wage” means the current statutory minimum wage rate as cited at N.J.S.A. 34:11-56a.4.

“Minor” means a person under the age of 18 years old.

### 12:57-6.3 Minimum wage rate

Minors employed in the apparel industry or light manufacturing as defined in N.J.A.C. 12:57-6.2 shall be paid not less than the statutory minimum wage rate.

### 12:57-6.4 Wage rate

Overtime, at the rate of not less than one and one-half times the regular rate at which the employee is actually employed, shall be paid to each minor for hours worked in

excess of 40 in any one week, except that the overtime rate shall not apply to an executive, professional or administrative employee who is paid for his or her services in accordance with N.J.A.C. 12:56-7.

### 12:57-6.5 Piece work

Minors employed on a piece work basis shall be employed at piece work rates which yield to each such employee rates not less than the applicable statutory minimum wage rate.

### 12:57-6.6 Waiting time

No minor required to report for work shall be paid for less than one hour in any one day at the basic hourly rate of pay.

### 12:57-6.7 Individuals with disabilities

No minor whose earning capacity has been impaired by physical or mental disability shall be paid at less than the minimum wage, until a special license, in accordance with the provisions of N.J.S.A. 34:11-56a17(b), has been obtained by the employer from the Division of Wage and Hour Compliance.

New Rule, R.2000 d.424, effective October 16, 2000.

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

Former N.J.A.C. 12:57-6.7, Posting, recodified to N.J.A.C. 12:57-6.8.

### 12:57-6.8 Posting

This subchapter or an abstract thereof shall be posted in a conspicuous place in every room where minors are employed at the occupations covered by this subchapter. A copy of such abstract may be obtained from:

New Jersey Department of Labor  
Division of Wage and Hour Compliance  
PO Box 389  
Trenton, New Jersey 08625-0389

Recodified from N.J.A.C. 12:57-6.7 and amended by R.2000 d.424, effective October 16, 2000.

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