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State of New Jersey  
DEPARTMENT OF LABOR AND INDUSTRY,  
CARL HOLDERMAN, COMMISSIONER

Wage Board for Restaurant  
occupations.

July 15, 1955

PLEASE REPLY  
TO WRITER AT  
THIS ADDRESS

NOTICE - RE PUBLIC HEARING ON PROPOSED MINIMUM FAIR WAGE ORDER  
GOVERNING EMPLOYMENT OF WOMEN AND MINORS IN RESTAURANT OCCU-  
PATIONS.

To Whom it May Concern:

On June 28, 1955 I accepted the report of the Wage Board for Restaurant Occupations in New Jersey. I have conferred with the Wage Director concerning the report and the administrative regulations listed therein with the comment that they have been approved by the Board. I deem these administrative regulations appropriate to supplement the report of the Board and to safeguard the minimum fair wage standards to be established. Copy of this report, including these regulations, is submitted herewith. Proposed hearings will be held in relation to these matters at the following times and places:

- August 1, 1955 between 3:00 and 6:00 P.M.  
Senate Chamber, State House  
Trenton, New Jersey
- August 2, 1955 between 3:00 and 6:00 P.M.  
City Counsel Chamber, Room 201  
2nd Floor, City Hall  
Camden, New Jersey
- August 3, 1955 between 3:00 and 6:00 P.M.  
1060 Broad Street, Room 735  
Newark, New Jersey

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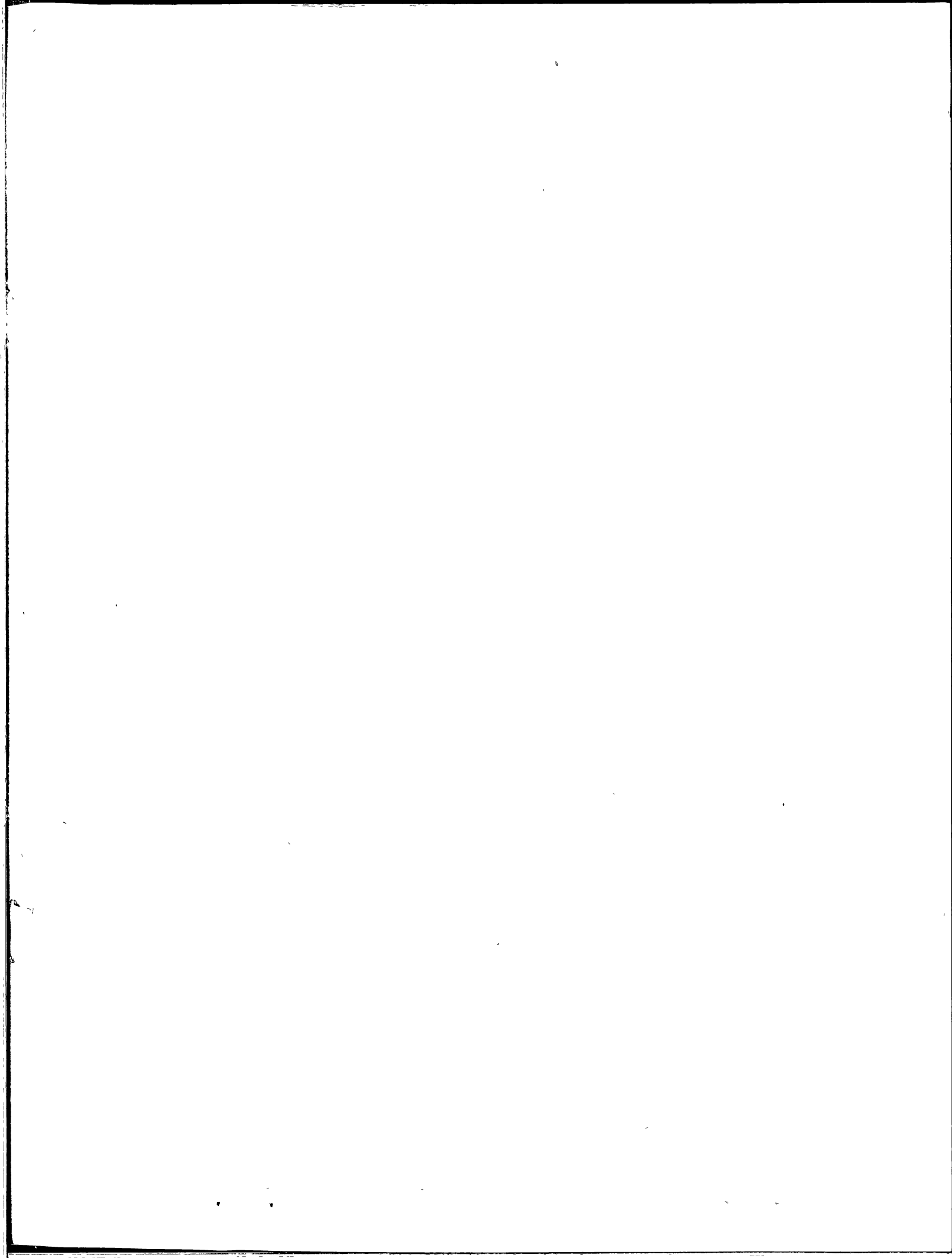
MAR 27 1968  
185 W. State Street  
Trenton, N. J.

At these hearings all persons favoring or opposing the recommendations and the administrative regulations may be heard. Persons desiring to be heard are requested to register with a representative of this Department at the places of meeting thirty (30) minutes prior to such meeting.

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*Carl Holderman*  
Carl Holderman  
Commissioner of Labor and Industry

CH:F/ed



**REPORT OF WAGE BOARD  
FOR  
RESTAURANT OCCUPATIONS**

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Trenton, New Jersey  
June 28, 1955

Hon. Carl Holderman  
Commissioner of Labor and Industry  
of the State of New Jersey  
Highway Building  
1035 Parkway Avenue  
Trenton, New Jersey

Dear Sir:

The Wage Board appointed by you under the provisions of Section 34:11-39 of the Revised Statutes of New Jersey for the purpose of making recommendations to you as provided for under the provisions of Section 34:11-45 R.S. as to minimum fair wage standards for women and minors in Restaurant Occupations, as those occupations were defined by you at the time of the Board's appointment, hereby submits its final and official report.

The Board has made a sincere and conscientious effort to perform all of its functions strictly in accordance with the provisions of the Statute under the provisions of which they were appointed and the "Rules and Regulations Governing the Procedure of a Wage Board" as promulgated by you in accordance with the provisions of Section 34:11-40 R.S. and filed with the Secretary of State of New Jersey on February 8, 1955, and to consider all matters before it fairly and thoroughly. The Board has made an earnest effort to give all interested parties an opportunity to be heard. This was done through the members of the Board representing interested parties, by news releases given to the press and by direct correspondence with persons believed to be interested.

The evidence and information presented to the Board by the "Wage Director" in accordance with Section 34:11-42 R.S. included statistical tables and information developed by a comprehensive study of wages paid to women and minors in the State of New Jersey, including wages paid to women and minors employed in Restaurant Occupations and wages paid to women and minors employed in work of like or comparable character to that performed by women and minors employed in Restaurant Occupations. All of this evidence was submitted under oath by representatives of the Wage and Hour Bureau of the Division of Labor who performed the actual work

of securing the information in the field survey and who performed the work of preparing the statistical tables and reports. Evidence submitted by the Wage Director also included documentary evidence concerning wages, hours, etc., taken from published reports of the United States Department of Labor. Additional testimony was given by the Wage Director concerning relevant circumstances affecting the value of service or class of service rendered.

In addition to the evidence and testimony submitted by the Wage Director and other personnel of the Wage and Hour Bureau, evidence and information was given by eight (8) other witnesses; two (2) representing employer organizations, two (2) representing employee organizations, three (3) representing the public and one (1) independent witness who testified in behalf of employees. Every person who indicated an interest in being heard or desired to be heard was invited to appear and all who did appear were heard.

The first matter dealt with in this report is the Board's recommendations to you as to minimum fair wage standards for women and minors in Restaurant Occupations. These recommendations are as follows:

1. That the basic minimum hourly rate for non service employees other than those the major portion of whose duties consist of serving food and or beverage to persons seated in automobiles and who do not receive meals be \$1.00 per hour,

and that

the basic minimum hourly rate for non service employees the major portion of whose duties consist of serving food and or beverage to persons seated in automobiles and who do not receive meals be eighty cents (80¢) per hour.

2. That the basic minimum hourly rate for women and minors employed in non service occupations other than those the major portion of whose duties consist of serving food and or beverage to persons seated in automobiles and who receive meals be eighty-seven cents (87¢) per hour,

and that

the basic minimum hourly rate for women and minors employed in non service occupations the major portion of whose duties consist of serving food and or beverage to persons seated in automobiles and who receive meals be sixty-seven cents (67¢) per hour.

3. That the basic minimum hourly rate for women and minors employed in service occupations and who do not receive meals be sixty-six cents (66¢) per hour.

4. That the basic minimum hourly rate for women and minors employed in service occupations and who receive meals be fifty-three cents (53¢) per hour.
5. That the basic minimum hourly rate for non service employees who receive full board and lodging be eighty-four cents (84¢) per hour,

and that

the basic minimum hourly rate for service employees who receive full board and lodging be fifty cents (50¢) per hour.

6. That the minimum wage to be paid to any employee for any day or part of a day on which the employee has been required or authorized to report for work and has reported for work be not less than four (4) times the basic minimum hourly rate established for the class of employment in which the employee is engaged.
7. That for any day in which there occurs more than one "Interval Off Duty" or "Spread of Hours" in excess of ten (10) hours, the employer shall pay to the employee not less than fifty cents (50¢) in addition to wages otherwise earned. The term "Interval Off Duty" means time during the work day other than working time, waiting time, travel time, and time off duty for any meal period of one (1) hour or less. The term "Spread of Hours" means the total time between the beginning and ending of a work day, including both working and non-working time.
8. That in no case shall gratuities from patrons or others be counted as part of the minimum wage.

During its deliberations the Board heard evidence and testimony and discussed matters which they believed to be relevant to New Jersey's Minimum Wage Law and its administration and arrived at certain opinions which they felt it proper to bring to your attention and to this end the following motions were passed by unanimous vote:

1. It is the unanimous and considered opinion of this Board that the New Jersey Minimum Wage Law and the Rules and Regulations promulgated establishing minimum fair wage rates for persons employed in the Restaurant Industry should be so written that the term "Restaurant Industry" should include any eating or drinking place, including those operated in a hotel or hotels, which prepares and offers food or beverage for human consumption either on any of its premises or by catering on or off its premises, banquets, box lunch or curb service to the

public, to employees, or to members or guests of members; but shall not include a person working in an institution not run for profit, who while so working shall be receiving from such institution benefits of a charitable or educational nature, or instruction and training in a recognized profession and whose work for such institution is an incident of his or her receipt of such benefits.

2. In view of the ever changing economic forces of our economy which continually affects the wage structure, this Board suggests to the Commissioner of Labor and Industry that the wage order for Restaurant Occupations be reviewed, and, if necessary revised every two (2) years.
3. It is the considered opinion of this Board that any wage of less than eighty-two cents (82¢) per hour for any woman or minor employed in occupations subject to the provisions of the New Jersey Minimum Wage Law is unreasonable and oppressive as the term unreasonable and oppressive is defined in Section 34:11-36 R.S.

IN RE: ADMINISTRATIVE REGULATIONS.

The Board considered sixteen (16) sample Administrative Regulations which they felt you might give consideration to. Each of these sample Administrative Regulations was approved by a motion passed. These sample Administrative Regulations are as follows:

1. OVERTIME RATES. As defined under the authority of Section 34:11-47 of the Revised Statutes of New Jersey, the term "Overtime Rates" means the hourly rates to be paid for hours worked in excess of forty (40) hours in any week by women and minors subject to minimum wage rates established by this Order. Any woman or minor subject to the provisions of this Order shall be paid not less than one and one-half times his or her regular hourly wage rate for each hour of overtime worked in any week.
2. REGULAR WAGE RATE. The term "Regular Wage Rate", as used in this Order, shall mean the amount that the employee is regularly paid for each hour of work. When an employee is paid on a piece work basis or any other basis than an hourly rate, the "Regular Wage Rate" shall be determined by dividing the total of the hours worked during the week into the employee's total earnings exclusive of overtime or part time bonuses for the week.
3. UNIFORMS. Any employer who requires an employee to furnish more than one style, type or color of uniform during any one year of his or her employment shall pay to each such employee in addition to his or her regular wages otherwise due the amount which employee is required

to pay for newly required uniform or uniforms and such additional payment shall be made to employee in the week in which the change is required. The term "Uniform" as used in this Order shall include any garment such as dress, apron, collar, cuffs or headdress which is worn by the employee either at the direction of the employer or as a condition of employment. It shall be a presumption that the employer has required his employees to wear uniforms if such garments are of a similar design, color or material, or form part of the decorative pattern of the establishment.

4. WAITING TIME. Time during regular working hours and at other periods when employees are required to wait on the premises and no work is provided by the employer shall be counted as working time and paid for at the employee's regular wage rate.
5. TRAVEL TIME. An employee who is required or instructed to travel from one establishment to another after the beginning or before the ending of his or her work day shall be compensated for such travel time at not less than the employee's regular wage rate and shall be reimbursed for carfare and bus fare.
6. DIVERSIFIED EMPLOYMENT. An employee who works at "Diversified Employment" shall be paid not less than the minimum fair rate for the highest paid occupation at which he or she works for each day during which he or she works at diversified employment. The term "Diversified Employment" means employment in both "servicc" and "non-service" occupations.
7. HANDICAPPED. No woman or minor whose earning capacity has been impaired may be paid at less than the minimum fair wage standard until a special license, in accordance with the provisions of Section 8 of the New Jersey Minimum Wage Law, has been obtained by the employer from the Minimum Wage Bureau of the Department of Labor and Industry.
8. RECORDS. The employer shall keep in a clear and orderly manner for each employee a true and accurate record showing, employee's name; address; occupational classification; hours worked each day; including record of starting and stopping time, meal periods, and "Intervals Off Duty"; total weekly hours and number of meals received each day; and the amount of wages paid for each period. Records shall also indicate dates on which employer requires employee to furnish uniform of changed style, type or color and cost thereof. Records shall also indicate which male employees are under the ages of twenty-one (21) years. Such records shall be kept on the premises in each establishment and must be available for inspection

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by any duly authorized representative of the Commissioner of Labor and Industry or the Director of the Minimum Wage Bureau at place of employment during regular hours of employment. All records must be so kept as to permit representatives of the Department of Labor to readily determine whether or not the orders of the Commissioner of Labor and Industry are being complied with.

9. LEARNERS. No woman or minor shall be paid less than the basic rates established by this Order by virtue of being a learner.
10. MEALS. The term "Meals" as used in this Order shall mean two or more meals per day furnished by the employer without charge to the employee. Such "Meals" shall provide adequate portions of a variety of wholesome, nutritious foods and shall include at least one of the type of foods from all four of the following groups:
  - (1) Fruits or vegetables
  - (2) Cereals, bread or potatoes
  - (3) Eggs, meat or fish
  - (4) Milk, tea or coffeeexcept that for breakfast group (3) may be omitted if both cereal and bread are offered in group (2). The choice of the items required shall be at the discretion of the employer.
11. EMPLOYEE. The term "Employee" as used in this Order shall mean any woman or minor gainfully employed at any occupation or occupations in the Restaurant Industry.
12. EMPLOYER. The term "Employer" as used in this Order shall include anyone acting directly or indirectly in the interest of any employer in relation to any employee in any Restaurant Occupation.
13. MINORS. The term "Minor" as used in this Order shall mean a person of either sex under the age of twenty-one (21) years.
14. The overtime rates established by this Order shall not apply in the case of any person employed on a weekly, monthly or yearly salary basis, whose salary reduced to a weekly basis is in excess of \$60.00 and whose employment is in a bona-fide supervisory or executive capacity.
15. Women and minors employed in or by a hotel are exempt from the provisions of this Order provided, however, that this exemption shall not include any woman or minor employed in a restaurant operated in a hotel catering to non-resident guests. The term non-resident

guests herein used means a guest not being furnished with lodgings.

16. No woman or minor because of race, creed or color shall be paid less than the minimum wage rates provided by the Order.

Respectfully Submitted,  
Wage Board for Restaurant Occupations

Frederic M. Adams  
Reverend Frederic M. Adams  
Chairman

Grace F. Reed (Mrs. Marion C.)  
Mrs. Marion C. Reed

William S. Macdonald  
Mr. William S. Macdonald

Samuel Warren  
Mr. Samuel Warren

Anthony Agnellino  
Mr. Anthony Agnellino

Arthur Chapin  
Mr. Arthur Chapin

Wallace A. Childs  
Mr. Wallace A. Childs

Jerry Del Vecchia  
Mr. Jerry Del Vecchia

James A. Millas  
Mr. James A. Millas

