

DEPARTMENT OF LABOR AND INDUSTRY OF NEW JERSEY

Harry C. Harper, Commissioner

This Notice Must Be Posted and Kept Posted in All Rooms Where Women and Minors Are Employed

MINIMUM FAIR WAGE STANDARDS MANDATORY ORDER NO. 8

Governing Employment of Women and Minors in Retail Trade Occupations

NS/KAY
LI/WZ
no. 8

WAGES

Women and minors employed at Retail Trade Occupations shall be paid at minimum fair wage rates not less than those shown in the following schedule:

1. In those counties of the State of New Jersey defined in this Order as being in Zone "A", namely: Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Morris, Passaic and Union the basic minimum hourly wage rate shall be not less than 60c per hour.
 2. In those counties of the State of New Jersey defined in this Order as being in Zone "B", namely: Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Monmouth, Ocean, Salem, Somerset, Sussex and Warren the basic minimum hourly wage rate shall be not less than 55c per hour.
 3. The minimum wage to be paid to any employee in either Zone "A" or Zone "B" 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 shall be \$2.00. The minimum wage requirements of this paragraph shall not apply to minor students attending school; also the provisions of this paragraph shall not apply for any day for which it is established that the employer has made available to the employee the minimum number of hours of work agreed upon by the employer and the employee prior to the commencement of work on the day involved.
- 4. OVERTIME RATES:**
- (a) In those counties of the State of New Jersey defined in this Order as being in Zone "A" the minimum wage rate to be paid for hours worked in excess of forty in any one week shall not be less than 90c per hour.
 - (b) In those counties of the State of New Jersey defined in this Order as being in Zone "B" the minimum wage rate to be paid for hours worked in excess of forty-four in any one week shall not be less than 82½c per hour.

ADMINISTRATIVE REGULATIONS

1. **PIECE WORK OR COMMISSION.** Women and minors employed on a piece work or commission basis shall be employed at rates which yield to each such employee not less than the minimum fair wage standards established for time workers under this Mandatory Order. For any week during which a woman or minor is employed in Retail Trade Occupations on a piece work or commission basis, or any basis whatsoever other than an hourly or a time basis, the minimum amount of wage that shall be paid to such employee for such week shall be not less than the amount the employer would be required to pay if such employee were employed on an hourly or time basis. It shall be permissible in cases of commissioned employees that their minimum wage may be charged against their commissions earned.
2. **APPRENTICES AND LEARNERS.** No apprentice or learner shall be paid less than the applicable wage rate established by this Order except such as are specially licensed, in accordance with regulations concerning handicapped persons.
3. **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 Commissioner of Labor or his duly authorized representative.
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 at such employee's regular wage rate.
5. **RECORDS.** Every employer of women and minors shall keep a record of the name and address of each such employee subject to the provisions of this Order, together with a record of the ages of all minors, a true and accurate record of the amount
5. **RECORDS.** (Continued) paid each pay period to each woman and minor; hours worked each day (record of hours worked each day must be kept showing the actual starting and stopping time of each work period); and the total hours worked each pay period by each woman and minor.
6. **POSTING.** A notice issued by the Department of Labor setting forth the provisions of Mandatory Order No. 8 and administrative regulations shall be posted in a conspicuous place in every room where women and minors are employed at Retail Trade Occupations.
7. **TRAVEL TIME AND TRAVEL EXPENSE.** An employee who is required or authorized by the employer to travel, within the State of New Jersey, from one establishment to another shall be compensated for the travel time at the same rate as for working time and shall be reimbursed for carfare.
8. **EMPLOYMENT UNDER EXISTING MINIMUM WAGE ORDERS.** An employee in an establishment subject to the provisions of this Order employed in any week solely at occupations governed by another New Jersey State Minimum Wage Order shall not be covered by this Order but shall be governed by such other Minimum Wage Order.
9. **DIVERSIFIED EMPLOYMENT.** An employee who during any payroll period works at "diversified employment" shall be paid for the full payroll period at the highest minimum wage rate established by any New Jersey Minimum Wage Order for any occupation in which the employee was engaged during the pay period in question, provided, however, that in cases where the employer has kept an accurate record of the actual time the employee has been engaged in each covered occupation, the employee may be paid not less than the minimum wage earned at such occupation.

DEFINITIONS

1. **RETAIL TRADE OCCUPATIONS.** The term "Retail Trade Occupations", as herein used, shall include all employment in or for any industry or business selling or offering for sale any type of merchandise, wares, goods, articles or commodities to the consumer. They shall further include 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. All types of Retail Trade Occupations shall be covered by this general wage order unless and until specific types of retail trade occupations are governed by individual wage orders.
2. **EMPLOYEE.** The term "employee" shall mean any woman or minor gainfully employed at any occupation or occupations coming under the jurisdiction of Minimum Fair Wage Standards Mandatory Order No. 8, governing employment of women and minors in Retail Trade Occupations.
3. **EMPLOYER.** The term "employer", as herein used, shall mean the employer of women and minors subject to the provisions of Minimum Fair Wage Standards Mandatory Order No. 8 of Retail Trade Occupations.
4. **MINOR.** The term "minor" shall mean any person of either sex under twenty-one (21) years of age.
5. **WORKING TIME.** The term "working time" shall mean time for which wages shall be paid as required by the provisions of this Order and shall include both time worked and time of authorized attendance, whether or not work is provided and time spent in travelling, within the State of New Jersey, from one establishment to another which is authorized or requested by the employer.
6. **DIVERSIFIED EMPLOYMENT.** The term "diversified employment" means employment by one employer in Retail Trade Occupations and during the same time being employed in occupations either covered or not covered by other New Jersey State Minimum Wage Orders.
7. **BASIC MINIMUM HOURLY WAGE.** The term "basic minimum hourly wage" shall mean the minimum rate per hour that may be paid for such working time as does not require payment at overtime rates or at minimum rates established on any other than an hourly basis.

This Order as signed by me, Harry C. Harper, as Commissioner of Labor, on December 7, 1948, shall become effective on June 6, 1949, and shall be administered under my direction by the Minimum Wage Bureau of the Labor Division of the Department of Labor and Industry of the State of New Jersey.

Harry C. Harper

Commissioner of Labor and Industry

PENALTIES ESTABLISHED BY R.S. 34:11-55

VIOLATIONS AND PENALTIES. Any employer and his agent, or the officer or agent of any corporation, who 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 under or related to this article 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 article shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars. Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor

and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment of not less than ten nor more than ninety 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 under a mandatory minimum fair wage order, and each employee so paid, shall constitute a separate offense.

Any employer or the officer or agent of any corporation who fails to keep the records required under this article or to furnish such records to the commissioner or the director or his authorized representative upon request shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep the records or to furnish same as required shall constitute a separate offense.

NOTICE: IMPORTANT—Attention is called to Section 34:11-4 of the Revised Statutes of New Jersey requiring that wages be paid in full in lawful money at least once every two (2) weeks. Employers desiring to pay wages by check must first secure permit from the Commissioner of Labor and Industry.