

New Jersey Wage and Hour Law Governing Employment in

Seasonal Amusement Occupations

Wages

Employees (not including minors under 18 years of age) engaged in seasonal amusement occupations within the state of New Jersey shall be paid at minimum wage rates of not less than:

Minimum Hourly Wage Rate: \$12.00 effective January 1, 2021

Overtime Rates (Exempt).

Employees, as set forth in Definitions and Administrative Regulations below, engaged in seasonal amusement occupations are exempt from the premium overtime provisions of N.J.S.A. 34:11-56a et seq.

Definitions

1. The term **“Regular Hourly Wage”** shall mean the amount that an employee is regularly paid for each hour of work as determined by dividing the total hours of work during the week into the employee’s total earnings for the week, exclusive of overtime premium pay.
2. The term **“Seasonal Amusement Occupations”** shall mean any activity as an employee in an establishment which is exclusively an amusement or recreational establishment, if it does not operate for more than seven months in any calendar year, or during the preceding calendar year, its average receipts for any consecutive six months of such year were not more than 33-1/3 per centum of its average receipts for the other six months of such year.

This term shall pertain to amusement rides and amusement device operators, cashiers who sell tickets for the rides and devices, and operators, of game concession, but *shall not include retail, eating, or drinking concessions*. This term does not pertain to camps, beach and swimming facilities, movie theatres, theatrical productions, athletic events, professional entertainment, pool and billiard parlors, circuses and outdoor shows, sport activities or centers, country club athletic facilities, bowling alleys, race tracks and like facilities which are not part of a diversified amusement enterprise.

3. Minors under 18 years of age must be paid the statutory minimum wage when employed in occupations covered by N.J.A.C. 12: 56- 11, 13 and 14; and N.J.A.C. 12: 57. Seasonal amusement occupations is covered by N.J.A.C. 12:56-12 and does not require minors under 18 years of age be paid the statutory minimum wage rate.

Penalties

Any employer who violates any provisions of this act shall be guilty of a disorderly persons violation and upon conviction shall be punished by a fine of not less than \$100 nor more than \$1,000.

As an alternative to or in addition to any other sanctions provided by law for violations the Commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation.

The employer shall also pay the Commissioner an administrative fee on wages equal to not less than 10% or more than 25% of any wage due to the employees.

Penalties for violation of this order are provided for by N.J.S.A. 34:11-56a22.

Effective Date

New Jersey State Wage and Hour Law - Order No. 2 promulgated under the provisions of N.J.S.A. 34:11-56a et seq. became effective June 2, 1967, and subsequently as amended at N.J.S.A. 34:11-56a4.

Enforced by: Division of Wage and Hour Compliance • NJ Department of Labor and Workforce Development • PO Box 389 • Trenton, NJ 08625-0389 • 609-292-2305

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