

WAGE ORDER NO. 13 LAUNDRY, CLEANING AND DYEING OCCUPATIONS

12:57-5.1 Scope of subchapter

This subchapter shall apply to the minimum wage rate paid to all minors engaged in laundry, cleaning and dyeing occupations, irrespective of the nature of the business of the employer or the location of the place where the work is being performed.

12:57-5.2 Definitions

"Laundry, cleaning and dyeing occupations" means any activity of a minor or any capacity in the marking, sorting, washing, cleansing, collecting, ironing, assembling, packaging, pressing, receiving shipping or delivery, or any other activity including clerical work, directly incidental or essential to the laundering, cleaning or renovating of any articles of clothing, napery, blanket, rugs, carpets, draperies, bed clothing fabric, textile, fur or leather, when such activity is not performed in the original process of manufacturing.

12:57-5.3 Minimum wage

Minors under 18 years of age at laundry, cleansing and dyeing occupations shall be paid not less than the statutory minimum wage rate.

12:57-5.4 Overtime 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, N.J.A.C. 12:56-7.

12:57-5.5 Regular hourly wage

(a) "Regular hourly wage" means 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.

(b) The regular rate of pay at which the employee is employed shall not be less than the minimum rate established by N.J.A.C. 12:57-5.3.

(c) When an employee is paid on a piece work basis or any other basis than an hourly rate the regular hourly wage shall be determined by dividing the total of the hours worked during the week into the employee's total earnings exclusive of part time bonuses for the week and exclusive of wages earned at overtime rates as such rates are defined.

(d) The total computed earnings shall include commissions, bonuses and all compensation paid by the employer, except overtime pay.

12:57-5.6 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 hourly wage.

12:57-5.7 Travel Time

An employee who is required or authorized to travel from one establishment to another after the beginning or before the ending of his or her work day shall be compensated for travel time at not less than the employee's regular hourly wage and shall be reimbursed for travel expense.

12:57-5.8 Piece Work

No minor employed on a piece work basis or any basis other than a time basis shall for any week of employment be paid less than the amount that the employee would earn for the hours of employment at the minimum wage applicable.

12:57-5.9 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 provision of N.J.S.A. 34:11-56A.17(b), has been obtained by the employer from the Division of Wage and Hour Compliance.

12:57-5.10 Records

(a) Every employer shall keep the following records for each minor employee:

1. Full name, address and occupational classification;
2. Date of birth;
3. A true and accurate record of hours worked each day including record of starting and stopping time, meal periods, total daily and weekly hours and amount of wages paid for each pay period.
4. Such other records as are essential in determining an employee's regular hourly wage and the amount of overtime wages earned and paid.

(b) Records shall be dated showing the payroll ending date by month, day and year, and all records shall be kept as to enable representatives of the Division of Wage and Hour Compliance to determine readily whether or not the employer is complying with the orders of the commissioner.

(c) Such records shall be open to inspection by the commissioner at any reasonable time, and sworn copies shall be supplied to the commissioner on demand.

12:57-5.11 Posting

The notice issued by the Division of Wage and Hour Compliance setting forth the provisions of this subchapter shall be posted in a conspicuous place in every room where minors are employed at laundry, cleaning, and dyeing occupations.

PENALTIES FOR VIOLATION

Any employer who violates any provisions of this order shall be guilty of a disorderly persons violation and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00.

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 equal to not less than 10% or more than 25% any payment made to the commissioner.

ENFORCED BY

DIVISION OF WAGE AND HOUR COMPLIANCE
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