

New Jersey Wage and Hour Law Governing Employment in

First Processing of Farm Product Occupations

Wages

All employees including those under the age of eighteen engaged in the first processing of farm products occupations within the State of New Jersey shall be paid at minimum wage rates of not less than \$13.00 an hour effective January 1, 2022.

Overtime Rates

Overtime at one and one-half times the regular hourly wage rate shall be paid for all hours worked in excess of 40 in a week except during the following exempt periods:

For 10 weeks, one and one-half the regular hourly wage rate shall be paid for all hours worked in excess of 48 in a week and all hours worked in excess of 10 in a day. For 10 weeks, one and one-half the regular hourly wage rate shall be paid for all hours worked in excess of 50 in a week and all hours worked in excess of 10 in a day. The weeks in which these modifications are applicable shall be determined by the employer and records kept to indicate exempt weeks. Overtime provisions shall not include any persons employed in a bona fide executive, administrative or professional capacity.

Hours of Work for Minors

Minors under 18 may not work more than 8 hours per day and 40 hours per week under the provisions of the Child Labor Law.

Definitions

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.

The term "First processing of farm products occupations" shall mean any activity as an employee in an establishment which is in an industry engaged primarily in the first processing of farm products during seasonal operations.

The term "Industry engaged primarily in first processing of farm products" shall mean an establishment which is primarily engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruit or vegetables for human consumption, during seasonal operations.

Penalties

Any employer who violates any provisions of this act shall be guilty of a disorderly persons offense 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 equal to not less than 10% or more than 25% of any payment due to 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. 1 promulgated under the provision 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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