

Local and State Employment Law Updates: Wage Posters

Labor & Employment Law Update

on March 11, 2022



Below are some of the latest state updates and posters -

NEW JERSEY

The State of New Jersey has issued a new Wage and Hour Law Abstract in connection with its amendment of the statutory minimum wage rate. Accordingly, employees are not to be paid less than the state minimum wage

schedule provided.

Overtime is payable at a rate of 1.5 times the employee's regular hourly rate for hours worked in excess of 40 hours per week. The following employees are exempt from overtime: (i) executive, administrative and professional; (ii) farm workers; and (iii) limousine drivers.

Employees specifically covered by the Abstract include those in the following occupations: (i) first processing of farm products; (ii) hotel and motel; (iii) food service (restaurant industry); and (iv) seasonal amusement. Exempt employees include (i) full-time students employed by the college or university at which they are enrolled; (ii) outside sales persons; (iii) car salesmen; (iv) part time employees primarily engaged in caring for children in the home of the employer; and (v) minors under 18 years of age, subject to certain exceptions. Summer camp counselors and employees, and those employed at conferences and retreats operated by any nonprofit or religious corporation or association are also exempt from minimum wage and overtime rates from June through September.

Employers who violate the minimum wage rate may be charged with a disorderly persons violation and upon conviction, required to pay a fine of not less than \$100.00 nor more than \$1,000.00. The Commissioner may also collect

administrative penalties.

This poster must be displayed conspicuously in the workplace.

NEW MEXICO

The City of Santa Fe has issued new guidance on its Living Wage Ordinance and updated its corresponding poster. As of March 1, 2022, all workers within Santa Fe must be paid a living wage of \$12.95 per hour.

The following employers are required to pay the living wage:

- City contractors with contracts requiring performance of services but excluding purchases of goods, provided the contract meets a certain threshold;
- Businesses receiving certain economic assistance; and
- Businesses required to have a business license or registration in Santa Fe and nonprofit organizations, except for those whose primary source of funds is from Medicaid waivers, for all hours worked within city limits.

With respect to tipped workers: any tips or commissions received and retained by tipped workers is counted as wages and credited towards an employer's satisfaction of the living wage. This includes tips that have been pooled among workers.

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