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## RULE ADOPTIONS

### LABOR AND WORKFORCE DEVELOPMENT DIVISION OF WAGE AND HOUR COMPLIANCE

*46 N.J.R. 2113(a)*

*N.J.A.C. 12:56-3.1*

#### Notice of Administrative Changes

##### Minimum Wage

**Take notice** that the Department of Labor and Workforce Development has requested, and the Office of Administrative Law has agreed to permit, administrative changes to *N.J.A.C. 12:56-3.1(a)*. In pertinent part, that subsection states that "except as provided in *N.J.A.C. 12:56-3.2*, every employee shall, effective January 1, 2014, be paid not less than \$ 8.25 per hour, the minimum hourly wage rate set by section 6(a)(1) of the Federal 'Fair Labor Standards Act of 1938' (29 U.S.C. § 206(a)(1)), or the rate provided under *N.J.S.A. 34:11-56a4*, whichever is greatest." Pursuant to *N.J.A.C. 12:56-3.1(b)*, on an annual basis, on or about September 30, the Department shall revise the minimum hourly wage rate, "based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics." *N.J.A.C. 12:56-3.1* indicates further that the Department shall annually, (1) through a public notice published in the New Jersey Register, provide the new CPI-adjusted minimum hourly wage rate, and (2) no later than September 30 of each year, publish the afore-mentioned public notice on the Department's website. The percent increase in the CPI-W, U.S. City Average, for the one-year period, August 2013 through August 2014, is 1.59 percent. That is, the CPI-W, U.S. City Average, in August 2013 was 230.359, and in August 2014 it was 234.030. Consequently, the change in the index over the one-year period equals 3.671, or an increase of 1.59 percent ( $3.671/230.359 \times 100$ ). Using as a base for the calculation the current New Jersey minimum hourly wage rate of \$ 8.25 (since as of this date, \$ 8.25 is greater than both the minimum hourly wage rate set by section 6(a)(1) of the Federal Fair Labor Standards Act and the rate provided under *N.J.S.A. 34:11-56a4*), a 1.59 percent increase (rounded to the nearest penny) is \$ 0.13, yielding an adjusted State minimum hourly wage rate, effective January 1, 2015, of \$ 8.38. Therefore, pursuant to *Article 1, Paragraph 23, of the New Jersey Constitution*, and *N.J.A.C. 12:56-3.1(b)*, the State minimum hourly wage rate, effective January 1, 2015, must be changed from \$ 8.25 to \$ 8.38. This requires making two administrative changes to *N.J.A.C. 12:56-3.1(a)*: (1) the date, January 1, 2014, must be replaced by the date, January 1, 2015, and (2) the amount, \$ 8.25, must be replaced by the amount, \$ 8.38.

This notice is published pursuant to *N.J.A.C. 1:30-2.7*.

**Full text** of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

12:56-3.1 Statutory minimum wage rates for specific years

(a) Except as provided in *N.J.A.C. 12:56-3.2*, every employee shall, effective January 1, [2014] **2015**, be paid not less than [\$ 8.25] **\$ 8.38** per hour, the minimum hourly wage rate set by section 6(a)(1) of the Federal "Fair Labor Standards Act of 1938" (*29 U.S.C. § 206(a)(1)*), or the rate provided under *N.J.S.A. 34:11-56a4*, whichever is greatest.

(b)-(c) (No change.)