Chapter 1 : Wages, Hours and Working Conditions

The Division of Wages and Hours is responsible for the administration and enforcement of Kentucky's minimum wage, overtime, wage payment, child labor, wage discrimination, and the equal opportunities provisions including the rights of the physically disabled.

Practical application[edit] The Fair Labor Standards Act applies to "employees who are engaged in interstate commerce or in the production of goods for commerce, or who are employed by an enterprise engaged in commerce or in the production of goods for commerce" [6] unless the employer can claim an exemption from coverage. Several exemptions exist that relieve an employer from having to meet the statutory minimum wage, overtime, and record-keeping requirements. The largest exceptions apply to the so-called " white collar " exemptions that are applicable to professional, administrative and executive employees. The Fair Labor Standards Act applies to "any individual employed by an employer" but not to independent contractors or volunteers because they are not considered "employees" under the FLSA. Some employers similarly mislabel employees as volunteers. Courts look at the "economic reality" of the relationship between the putative employer and the worker to determine whether the worker is an independent contractor. Courts use a similar test to determine whether a worker was concurrently employed by more than one person or entity; commonly referred to as "joint employers". For example, a farm worker may be considered jointly employed by a labor contractor who is in charge of recruitment, transportation, payroll, and keeping track of hours and a grower who generally monitors the quality of the work performed, determines where to place workers, controls the volume of work available, has quality control requirements, and has the power to fire, discipline, or provide work instructions to workers. In many instances, employers do not pay overtime properly for non-exempt jobs[clarification needed], such as not paying an employee for travel time between job sites, activities before or after their shifts, and preparation central to work activities. Employees employed in a ministerial role by a religiously affiliated employer are not entitled to overtime under the act. Children under eighteen cannot do certain dangerous jobs, and children under the age of sixteen cannot work during school hours. In general, as long as an employee is engaging in activities that benefit the employer, regardless of when they are performed, the employer has an obligation to pay the employee for the time. It also specified that travel to and from the workplace was a normal incident of employment and should not be considered paid working time. The act also stated that employees could only file a lawsuit for uncompensated time within two years of performing the work. Eisenhower urged Congress to amend the FLSA in order to increase the number of employees who are covered by minimum wage laws and to increase the minimum wage itself to ninety cents per hour. The amendment also specified that coverage is automatic for schools, hospitals, nursing homes, or other residential care facilities. Coverage is also automatic for all governmental entities at whatever level of government, no matter the size. Coverage does not apply to certain entities not organized for business, such as churches and charitable institutions. What could be considered a wage was specifically defined, and entitlement to sue for back wages was granted. For the first nine years of the EPA, the requirement of equal pay for equal work did not extend to persons employed in an executive, administrative or professional capacity, or as an outside salesperson. Therefore, the EPA exempted white-collar women from the protection of equal pay for equal work. The FLSA amendment also gave state and local government employees coverage for the first time. Some older workers were being denied health benefits based on their age and denied training opportunities prior to the passage of the ADEA. The act applies only to businesses employing more than twenty workers. Partial overtime exemption was repealed in stages for certain hotel, motel, and restaurant employees. However, the Small Business Job Protection Act of PL , which provided the minimum-wage increase, also detached tipped employees from future minimum-wage increases. State laws that grant higher hourly wages remain in force. Low-level working supervisors throughout American industries were reclassified as "executives" and lost overtime rights. The changes were sought by business interests, which claimed that the laws needed clarification and that few workers would be affected. The Bush administration called the new regulations "FairPay". Attempts in Congress to overturn the new regulations were unsuccessful. Conversely,

some low-level employees particularly administrative-support staff that had previously been classified as exempt were now reclassified as non-exempt. Although such employees work in positions bearing titles previously used to determine exempt status such as "executive assistant" , the amendment to the FLSA now requires that an exemption must be predicated upon actual job function and not job title. Employees with job titles that previously allowed exemption but whose job descriptions did not include managerial functions were now reclassified from exempt to non-exempt. It specifies that employers shall provide break time for nursing mothers to express milk and that "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public" should be available for employees to express milk. The bill, as proposed, would have applied to employers with 15 or more employees for employees as defined in the Fair Labor Standards Act. It would have increased employer liability under FLSA suits to the amount promised by the employer, rather than the minimum wage, prohibit pre-dispute arbitration agreements from precluding a claim of wage theft from court, make it possible to bring FLSA class action suits without the individual consent of workers who had their wages stolen, create automatic financial penalties for violations and create a discretionary ability for the Department of Labor to refer the violators to the Department of Justice for prosecution. The bill did not make it out of committee in either the House or the Senate.

Chapter 2 : Labour laws,rules, regulations in Thailand

The FLSA requires employers to keep records on wages, hours, and other items, as specified in DOL recordkeeping regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations.

All employers must define the terms of employment for their staff and employers with ten or more regular employees are required to specify working rules and regulations. These rules and regulations must be display on the work premises within 15 days from the date that the number of employees reaches ten employees or more and a copy must be submitted to the Department of Labor Protection and Welfare within seven days from the date that the employer announces or displays the working regulations. According to the employment law in Thailand, an agreement that has been established between the employee and employer should not be less than the minimum requirements or standards devised by law. An employer means a person who agrees to employ employees to work by paying wages and includes: A person who is authorized to employ people on behalf of the employer. A business is also deemed to be an employer if a contractual employer has sub-contracted the provision of work and payment of wages to it. An employee means a person who agrees to do work for an employer in return for wages, regardless of the description of his status. Employees in certain specified occupations, including those in agriculture, fisheries, the transporting or loading of goods for seagoing vessels, and other categories as prescribed by regulations, are subject to other forms of employment protection outside Labor Protection Act. The act also does not apply to central or local government entities or state enterprises but they have similar employment rights as to this Act under separate legislation. An employment agreement means a written or oral agreement which is clearly stated or implicitly understood, where a person referred to as the employee agrees to do work for another person referred to as the employer, and the employer agrees to pay wages throughout the period of work. The Ministry of Labor and Social Welfare is charged with implementing Labor Laws and performing Labor inspections throughout the country to provide a reasonable work environment and protects workers against labor exploitation and preserve their rights. Among the different acts that govern labor issues in Thailand are the following: This mainly concern about the rights and duties of employers and employees. It primarily establishes minimum standard practices in general labor force utilization, women and child labor utilization, remuneration, severance and employee welfare fund. It also prescribes the interventions by government officials in providing protection to labors so as to ensure fairness and sound occupational health for the maximum benefit of both employers and employees, which will ultimately be beneficial for the national development. The fund provides benefits to employees who are injured, sick, disabled, or die as a result or in the performance of their work. Actual and necessary medical expenses must be paid up to 35, baht for normal cases and 50, baht for serious injury. Employment rehabilitation expenses must be paid as necessary up to 20, baht and in case of death, funeral expenses will be paid at a maximum amount equal to times in minimum daily wage. This law covers enterprises with one or more employees. Contributions to the Social Security Fund from the government, the employer, and the employee are mandated. The Social Security Fund provides compensation to insured workers under six categories: In the first four categories, each party contributes 1. The contributions must be remitted to the Social Security Office within the 15th day of the following month. Effective January 1, , the Social Security Fund covers unemployment compensation. It establishes the right to collective bargaining in accordance with regulations and procedures set forth for submission of demand for changes or modifications of the conditions of employment, settlement of labor disputes, establishment of State Enterprise Labor Union for acquiring and protecting benefits for State Enterprise employment. This law also requires each State Enterprise to establish the state Enterprise Labor Relations Committee, which is a tripartite committee to set the minimum standards of the conditions for employment in State Enterprises. The aim is to create a good understanding and successful reconciliation between employers and employees which will result in a peaceful atmosphere and co-existence in the industry. This will ultimately be beneficial to the national development. Employees who engage in trade union activities may not be disciplined or dismiss for such activities.

Generally speaking, trade unions are not very active in Thailand. Disputes concerning the right or duties under and employment agreement or under the terms concerning the state of employment. Disputes concerning the rights or duties under the law relating to labor protection or the law relating to labor relations. Cases where the rights must be exercised through the court according to the law relating to labor protection or the law relating to labor relations. Cases of appeal against a decision of the competent official under the law relating to labor protection or of the Labor Relations Committee or the Minister under the law relating to labor relations. Cases arising from the ground of wrongful acts between the employers and the employees in connection with a labor dispute or in connection with the performance of work under an employment agreement. Labor disputes which the Minister of Interior requests the labor court to decide in accordance with the law relating to labor relations. A hire of services is a contract whereby a person, called the employee, agrees to render services to another person, called the employer, who agrees to pay remuneration for the duration of the services. This regulates employer-employee relations and protects their rights from binding themselves in the contract they agreed upon. This fund will provide benefits to employees on their retirement at the end of employment, upon death during employment, or in other cases to be set out in regulations. The essence of this Act is as follows: Expand job seeker protection approaches and activities to ensure fairness and appropriate assistance when job seekers are in trouble. Actively and seriously control and oversee private employment service businesses to ensure compliance to the following regulations: Local employment service provider must be a Thai national, and must deposit , Baht as a financial guarantee with the Registrar Officer as required by this Act. In case the employment service provider is a juristic person, such juristic person must be a Thai national, and its Manager must be qualified and does not possess prohibited characteristics. Overseas employment service provider must be a company limited or a public company having fully paid registered capital of not less than 1 Million Baht and a financial guarantee of 5 Million Baht deposited with the Central Employment Registrar Officer as required by this Act, and its Manager must be qualified. Establish requirements for overseas employment service providers to arrange for skill standard testing with appropriate authority for job seekers. According to this Act, aliens of the following 3 categories are qualified to apply for work permits: Alien who resides in the Kingdom of Thailand or is allowed temporary stay in the kingdom, but not as a tourist or a transit traveler. Alien who is allowed to work in the Kingdom according to the investment promotion laws or other laws. Alien who has been deported but is allowed to work in certain location in replacement of deportation or while awaiting deportation; alien who has illegal entry into the kingdom or is awaiting a forced transfer out of the Kingdom; and alien who was born in the kingdom but not granted Thai nationality or was denaturalized, is eligible to work in 27 occupations as stipulated in the Ministerial Announcement. Generally, when considering whether to allow foreign nationals into the country to work, the Department of Employment will look at things such as whether the work could be done by a Thai, whether the foreigner is appropriately qualified and whether the job fits the needs of Thailand. Companies that are entitled to investment promotion under the Investment Promotion Act will be able to obtain work permits for foreign nationals more easily, and there may be more flexibility on employment requirements. There is currently a general statutory requirement that a ratio of 4: All non-locals are subject to immigration controls and require employment visas before entering into employment in Thailand. The general rule is that a visa must be obtained from the Thai Embassy on the country of residence of the applicant before departure for Thailand. A local sponsor is required normally the employing company to support the application. In considering an application, the Immigration Department must be satisfied that there is no suitable local candidate for the position. Where the post involves a special skill or is of a senior nature, this is not normally a problem. As an incentive and to promote private sector involvement in skill development efforts, any private establishment that delivers any occupational skill training services to labor force or its own employees utilizing training curricula or activities endorsed by the Registrar, will be eligible for certain privileges as stipulated in this Act. Additionally, a Skill Development Fund had been established for use as a revolving fund for the promotion of skill development efforts. Minimum Wage Minimum daily wage varies depending upon location from Baht in some provincial areas to Baht in Bangkok. The enforcement of the new minimum daily wage rate was made in June 1, The wage-rates detailed are as follows:

Chapter 3 : Massachusetts law about wages | www.nxgvision.com

The Department of Labor (DOL) administers and enforces more than federal laws. These mandates and the regulations that implement them cover many workplace activities for about 10 million employers and million workers.

The masters, being fewer in number, can combine much more easily; and the law, besides, authorises, or at least does not prohibit their combinations, while it prohibits those of the workmen. We have no acts of parliament against combining to lower the price of work; but many against combining to raise it. In all such disputes the masters can hold out much longer. A landlord, a farmer, a master manufacturer, a merchant, though they did not employ a single workman, could generally live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long run the workman may be as necessary to his master as his master is to him; but the necessity is not so immediate. However, as a system of regulating the employment relationship, labour law has existed since people worked. In feudal England, the first significant labour laws followed the Black Death. Given the shortage of workers and consequent price rises the Ordinance of Labourers and the Statute of Labourers attempted to suppress sources of wage inflation by banning workers organisation, creating offences for any able-bodied person that did not work, and fixing wages at pre-plague levels. Yet conditions were improving as serfdom was breaking down. One sign was the beginning of the more enlightened Truck Acts , dating from , that required that workers be paid in cash and not kind. In slavery was declared to be illegal in R v Knowles, ex parte Somersett , [11] and the subsequent Slave Trade Act and Slavery Abolition Act enforced prohibition throughout the British Empire. Joint Stock Companies , building railways, canals and factories, manufacturing household goods, connecting telegraphs, distributing coal, formed the backbone of the laissez faire model of commerce. Industrialisation also meant greater urbanisation, and inevitably miserable conditions in the factories. The Factory Acts dating from required minimum standards on hours and conditions of working children. But people were also attempting to organise more formally. Initially, trade unions were suppressed, particularly following the French Revolution of under the Combination Act The Master and Servant Act and subsequent updates stipulated that all workmen were subject to criminal penalties for disobedience, and calling for strikes was punished as an "aggravated" breach of contract. But then the position was slowly liberalised and through the Trade Union Act and the Conspiracy, and Protection of Property Act trade unions were legitimised. However, with growing unrest and industrial action the House of Lords changed its mind. At the turn of the 20th century he notorious judgment of Taff Vale Railway Co v Amalgamated Society of Railway Servants , [16] made unions liable in economic tort for the costs of industrial action. Although a combination of employers in a company could dismiss employees without notice, a combination of employees in a trade union were punished for withdrawing their labour. The case led trade unions to form a Labour Representation Committee, which then became the UK Labour Party , to lobby for the reversal of the law. After their landslide victory in the general election , the Liberals , among whom David Lloyd George and Winston Churchill were rising stars, embarked on significant welfare reforms. These included the Trade Disputes Act , which laid down the essential principle of collective labour law that any strike "in contemplation or furtherance of a trade dispute" is immune from civil law sanctions. The Old Age Pensions Act provided pensions for retirees. The Trade Boards Act created industrial panels to fix minimum wages and the National Insurance Act levied a fee to insure people got benefits in the event of unemployment. Amid mass demonstrations across Germany, in the Versailles Treaty was signed. A new beginning was promised by the victors to their people. The Versailles Treaty created the International Labour Organization to draw up common standards between countries, for as it said, "peace can be established only if it is based on social justice ", and echoed the US Clayton Act in pronouncing that "labour should not be regarded merely as a commodity or an article of commerce". Within the UK the postwar settlement was to make a home fit for heroes. Whitley Councils extended the Trade Boards Act system to Joint Industrial Councils that encouraged non legally binding fair wage agreements, [20] while the Ministry of Labour actively organised and advised the growth of trade unions. The s and s were economically volatile. The Labour

Party had formed Parliamentary majorities in and , but achieved little in the way of reform, particularly after the onset of the Great Depression. By the Second World War and the Labour government of Clement Attlee , trade union membership was well established and collective agreements covered over 80 per cent of the workforce. Though the common law was sometimes comparatively progressive, [23] sometimes not, [24] the first statutes to prohibit discrimination focused on gender and race emerged in the s as the Civil Rights Act was passed in the United States. Discrimination in employment as in consumer or public service access was formally prohibited on grounds of race in , [25] gender in , disability in , sexual orientation and religion in and age in Much discrimination law is now applicable throughout the European Union, to which the UK acceded in Meanwhile, starting from the Contracts of Employment Act , workers gained a growing list of minimum statutory rights, such as the right to reasonable notice before a fair dismissal and a redundancy payment. Despite producing reports such as In Place of Strife and the Report of the committee of inquiry on industrial democracy [29] which would have made unions accountable to their members and created more direct workplace participation, reform did not take place. From , a new Conservative government took a strongly sceptical policy to all forms of labour law and regulation. During the s ten major Acts gradually reduced the autonomy of trade unions and the legality of industrial action. The wage councils were dismantled. A public campaign against the merits of unions paralleled the decline of membership and collective agreement coverage to under 40 per cent. Domestic led reform was minimal. The National Minimum Wage Act established a country-wide minimum wage, but did not attempt to reinvigorate the Wage Board system. The Employment Relations Act introduced a page procedure requiring employers to compulsorily recognise and bargain with a union holding support among workers, though union membership remained at a level steadily declining below 30 per cent. Employment rights and duties[edit] All UK workers enjoy a minimal charter of employment rights, [31] but compared to the EU average have longer working hours , more unequal pay , less time off for child care , and are less likely to have an occupational pension. UK courts and statutes, however, use a number of different terms for different rights, including "worker", "employee", "jobholder", "apprentice" or someone with an "employment relation". English courts view an employment contract as involving a relation of mutual trust and confidence , [37] which allows them to develop and enlarge the remedies available for workers and employers alike when one side acts out of bad faith. Scope of protection[edit].

Chapter 4 : Employment Standards - Province of British Columbia

Exploiting an ambiguity in the criteria regarding which employees are exempt from overtime regulations in Japan, this paper used the longitudinal data of Japanese employees to examine whether overtime regulations have an impact on hourly wages and hours worked.

Combination of the above. Payslips Employers are obliged to arrange that a written statement of wages be given to every employee with every payment of wages. If wages are paid by credit transfer, the statement of wages should be given to the employee as soon as possible after the credit transfer has taken place, In every other case, the statement of wages must accompany the wage payment. Every statement of wages must show the gross amount of the wages payable to the employee and itemise the nature and amount of each deduction. The Payment of Wages Act places an obligation on the employer to treat the information contained in a pay statement with confidentiality. A statement of wages which includes an error or omission is a valid statement of wages providing it can be shown that the error or omission was due to a clerical mistake or was made otherwise accidentally and in good faith. Any deduction required or authorised by law e. Any deduction or payment from wages of the kinds described at a. When a written contract exists, a copy of the term of the contract which provides for the deduction or payment must be given to the employee. In any other case, the employee must be given written notice of the existence and effect of the term. Any deduction or payment to the employer arising from any act or omission of an employee, in addition to meeting the requirements set out at I to iii above, must satisfy the following conditions: However, if a series of deductions or payments are to be made in respect of a particular act or omission, the first deduction or payment in the series must be made within the 6 month period. Where an employer makes a deduction from wages or receives a payment from the employee to compensate for loss or damage arising from any act or omission of the employee, the deduction must comply with the conditions set down at i to v above. In addition, the deduction or payment: Any such fine would, of course, be subject to the conditions set down at i to v Any deduction or payment to the employer from wages for the supply to the employee of goods or services which are necessary to the employment must meet with the requirements set out at i to iii above. In addition, any such deduction or payment must comply with the following conditions: In other words, the employer should not stand to profit by the sale of the goods or services to the employee, the deduction or payment must be made no later than 6 months after the supply of the goods or services to the employee. However, if a series of deductions or payments are to be made in respect of the supply of a particular good or service, the first deduction or payment in the series must be made within the 6 month period. NOTE - Non-payment of wages or any deficiency in the amount of wages properly payable by an employer to an employee on any occasion will be regarded as an unlawful deduction from wages unless the deficiency or non-payment is attributable to an error of computation. Joint Labour Committees Joint Labour Committees JLCs are bodies established under the Industrial Relations Acts to provide machinery for fixing statutory minimum rates of pay and conditions of employment for particular employees in particular sectors. They may be set up by the Labour Court on the application of i the Minister for Jobs, Enterprise and Innovation, or ii a trade union, or iii any organisation claiming to be representative of the workers or the employers involved. A JLC is made up of equal numbers of employer and worker representatives appointed by the Labour Court and a chairman and substitute chairman appointed by the Minister for Jobs, Enterprise and Innovation. JLCs operate in areas where collective bargaining is not well established and wages tend to be low. The ERO fixes minimum rates of pay and conditions of employment for workers in specified business sectors: An employer of workers to whom an Employment Regulation Order applies must keep records of wages, payments, etc. Any breaches of an Employment Regulation Order may be referred to the Workplace Relations Commission for appropriate action. The Employment Regulation Orders listed below are currently in force - Title.

Chapter 5 : Fair Labor Standards Act of - Wikipedia

Every employer shall pay to each of his employees wages at a rate of not less than $ per hour as of April 1, and, after January 1, the minimum hourly wage rate set by section 6(a)(1) of the federal "Fair Labor Standards Act of " (29 U.S.C. s(a)(1)), and, as of October 1, , $ per hour, and as of October 1, , $7.

Among its many provisions this bill: Requires the payment of daily overtime compensation at a rate of one and one half times the regular rate of pay after eight hours of daily work and 40 hours of weekly work; at a rate of twice the regular rate of pay after 12 hours of daily work and after eight hours of work on the seventh day of any workweek. Authorizes the IWC to establish procedures for employee alternative workweek elections. Nullifies alternative workweek schedules adopted pursuant to five wage orders amended effective January 1, 1 - Manufacturing industry; 4 - Professional, technical, clerical, mechanical and similar occupations; 5 - Public housekeeping industry; 7 - Mercantile industry; 9 - Transportation industry except as provided. Reinstates the above orders as established in specified prior versions of those orders. Those reinstated orders will remain in effect, pending action by the IWC. Permits employers in the health care industry to retain until July 1, , an alternative workweek schedule with workdays up to 12 hours without overtime compensation, provided such schedules were approved by employee elections pursuant to the provisions of wage orders 4 or 5 that were in effect prior to Provides that if an employee is voluntarily working an alternative workweek schedule providing for a regular schedule of not more than 10 hours work in a workday in effect on July 1, , an employee may continue to work such an alternative workweek schedule without payment of daily overtime compensation if the employer approves a written request of the employee to work that schedule. Establishes that within a workweek, an employee may, based on a specific written request, with the consent of an employer, take time off for a personal obligation, and then make up the lost time on other days within the same workweek without payment of daily overtime compensation for the extra hours worked on the makeup day s. Authorizes the IWC to adopt wage orders consistent with this bill without convening wage boards. Authorizes the IWC to exempt "administrative, executive, or professional employees" from overtime pay requirements, provided that these employees meet specified wage and duty requirements. Requires the IWC to conduct a review of the duties that meet the test of this exemption. Authorizes the IWC to review, retain or eliminate any exemptions from any hours of work provisions in a valid work order in effect prior to Exempts from overtime pay requirements employees who are covered by a collective bargaining agreement which meets specified criteria. Effective July 1, , sunsets specific statutory provisions governing wages, hours and working conditions in the ski industry, commercial fishing industry, health care industry, and for stable employees in the horseracing industry. Authorizes the IWC, prior to July 1, , to conduct a review, following which the IWC may adopt regulations regarding overtime in these industries. Also requires the IWC to review wage and hours issues with respect to licensed pharmacists and outside salespersons. Requires the IWC to study the extent to which alternative workweeks are employed in California, the costs and benefits of such workweeks to employees and employers and report the results of the study to the Legislature not later than July 1, Sick Leave This bill would require employers who provide sick leave to allow employees to use accrued and available sick leave in an amount not less than what would be accrued in six months of employment to take care of an ill child, parent, or spouse and would bar employers from taking discriminatory actions against employees who use or attempt to use sick leave for this reason. The bill prescribes specific remedies for employees who experience discrimination in employment for this reason. Prevailing Wage This bill adds local governmental agencies within the requirement to pay prevailing wages on public works projects for the removal of refuse from the construction site. The bill also requires the CHP, in cooperation with local farm bureaus, to educate farmers and farm labor contractors regarding certification requirements. Finally, the bill provides that the willful violation of the provisions relative to the operation of a vehicle that is operated as a farm labor vehicle would be a misdemeanor. Responsible Bidder This bill codifies existing court language defining the term "responsible bidder" for the purposes of specified provisions of the Public Contract Code. It authorizes, but does not mandate, a public entity to require bidders on public works

contracts to complete and submit a standardized questionnaire and financial statement that would be used to rate all bidders by objective criteria. Among its provisions, this bill requires the Department of Industrial Relations, in concert with other agencies or interested parties, to develop and draft a model for a standardized questionnaire that may be used by awarding agencies, and to develop guidelines for rating bidders. Garment Manufacturing This bill makes extensive changes to the garment manufacturing laws and amends the manufacturer registration and wage collection process. Among its many provisions, the bill addresses several areas of concern as follows: Makes all manufacturers liable for the guaranteed wages, including civil penalties, of the entity with whom they have contracted to make garments. A wage guarantee may be limited on a proportional share basis in cases where the work of two or more persons is performed at the same worksite. Right of Private Action: Establishes due process procedures for filing wage and overtime claims, appeal actions, and court enforcement. Grants a right of private action to employees to recover wages and overtime payments due from a manufacturer who has contracted with an unregistered manufacturer. Authorizes the Labor Commissioner to confiscate garments from garment manufacturers if all wages due and owing have not been paid to employees performing garment manufacturing during a period of days prior to an investigation by DLSE. Provides that an employee shall have a lien upon the assets of his or her employer for any sum for services performed in garment manufacturing and that the lien shall have priority over most other claims. Provides that a successor employer engaged in the business of garment manufacturing is liable for the unpaid wages of the preceding employer if the successor meets any of the following criteria: Uses substantially the same facility or workforce to produce its products. Shares in ownership or control of the predecessor employer. Is an immediate family member of any person that had financial or operational interest of the predecessor employer. Among its provisions, this bill: Defines, among other things, the terms "advance fee" and "advance-fee talent service. Establishes requirements governing advance-fee talent services, including the requirements that: Agreements between an artist and an advance-fee talent service be executed by written contract. Volunteer Construction Services This bill would require the Division of Labor Standards Enforcement to review existing state and federal restrictions on participation of minor volunteers in construction projects and to report its findings to the Legislature by April 1, Prevailing Wages This bill requires the Division of Labor Standards Enforcement to protect the confidentiality of any employee who reports a violation regarding public works projects. Prevailing Wage This bill establishes in the Labor Code the method of determining prevailing wages on public works projects to be based on a modal rate. The bill reverses the regulatory change previously made to change the methodology from the modal rate to a modified weighted average. Time Off to Appear in Court This bill allows victims of domestic violence to take time off of work to appear in court to obtain a civil restraining order or other legal protection necessary to ensure their health and safety. It further prohibits discharge or other discriminatory acts against an employee for such court related activities and authorizes an employee to bring a civil suit against an employer who commits such discriminatory acts. Design Build Contracts This bill would have authorized school districts to enter into design-build contracts for projects funded under the state school facilities funding program. Among its provisions, the bill would have required the Superintendent of Public Instruction, in cooperation with the Director of the Department of Industrial Relations, to develop a standard questionnaire in order to pre-qualify design-build entities. However, I cannot support this bill because it prohibits the withholding of retention proceeds by school districts using design-build contracts necessary to protect taxpayers if the contractor does not fulfill his responsibilities under the contract. This provision would put public funds at risk, and for that reason I cannot support this bill. Violations This bill would have revised the enforcement procedures of wage and hour laws before the Labor Commissioner and the courts. Among its provisions, the bill addressed the following issues: Required an employer who appeals a decision of the Labor Commissioner to a court for review to post a surety bond or deposit in the amount of the award with the court of jurisdiction. Upon completion of the appeal process, if the employer failed to pay the amount due, an additional award would have been due the employee in the amount of the award. Wage Collection by Labor Commissioner. Required the Labor Commissioner, when acting on behalf of a judgment creditor, to make reasonable collection efforts, including the filing of liens on personal property. Applied to all employers a provision of current law applying

only to the building and construction industry that imposes up to 30 days waiting time penalties where wages are paid with a check for which payment is refused due to insufficient funds. Deleted the current provision that the penalties do not apply if the violation was unintentional. Granted an employee a right of private court action to seek recovery of wages due. Retention and Reporting of Payroll Records. For employees working on a piece rate, required that an employer retain records and report to the employee the number of piecework units earned and the applicable piece rate. Rest and Meal Periods. Provided that no employer shall require any employee to work during any meal or rest period mandated by an applicable IWC Order. In addition to filing with the Labor Commissioner, the employee would have had the option of filing a civil court action to enforce this provision, and the award of attorney fees and costs. Posting of Violation Notices. Required employers found in violation of wage laws to post a workplace notice issued by the Labor Commissioner for not less than 60 days, describing the nature of the violation and related information. Existing law already provides penalties against employers who issue bad checks for payment of wages. Additionally, requiring employers who engage in a pattern of violating wage and hour laws to post a declaration that there will be no further violations is unworkable and meaningless. This legislation, as drafted, is overly broad. In addition, this bill provided that employees would have suffered no loss of pay for time taken away from work to conduct such inspections during usual business hours. First, it is vague and ambiguous. Currently, there are no established requirements regarding the content of personnel files, nor is there even a legal requirement for employers to maintain such files. So, it is unclear what exact files would come within the purview of SB Second, assuming there is a personnel file with negative material, this bill would allow removal of that material after two years and places some burdens on the employer to purge files after two years. This could make it difficult to establish the existence of adequate cause for a disciplinary action should it become necessary at a later date. Third, allowing an employee to inspect his or her file at any time during business hours, with no loss of compensation, would be quite disruptive to the workplace environment. Employers should be allowed to establish rules of access. The bill would also have required the Labor Commissioner to convene a task force to determine if any public funds were expended for the procurement or purchase of textiles or apparel used by state or local government that were produced in sweatshops, as defined. The Labor Commissioner would have been required to submit a report of findings to the Legislature by September 1, , and to make a preliminary report no later than May 1, While it may improve the chances of an employee winning a claim for unpaid wages, this bill could have a significant adverse impact on small businesses that would not have the resources necessary to legally rebut such a claim. In addition, rather than issuing a report on the possible expenditure of public funds in the procurement of unlawfully manufactured textiles or apparel, the State can better protect employees by increasing enforcement resources, and tightening licensing standards. Disclosure This bill limits the existing provision in the Confidentiality of Medical Information Act. It prohibits the disclosure of medical information relative to a patient being infected with HIV without the prior authorization of the patient unless the patient is an injured worker claiming to have been infected with HIV through the course of employment. Cancer This bill eliminates the requirement to demonstrate a link between a carcinogen and the disabling cancer for certain active firefighting members and peace officers before the cancer is presumed to be a compensable industrial injury. It also includes leukemia within the definition of "injury" presumed to be a compensable industrial injury developed or manifested by this same specified employee classification, and The bill provides that these provisions are to be applied to claims for benefits filed or pending on or after January 1, It also provides that if a billing or a portion of a billing for medical treatment by an employer or employer-selected physician is contested, denied or considered incomplete, the physician shall be notified within thirty days after receipt of the billing by the employer. In the case of a report that is considered incomplete, the notice that is to be sent to the physician is to identify all the additional information required to make a decision on the billing. Podiatrists This bill expands the make-up of the Industrial Medical Council to a total of 20 members by adding a doctor of podiatric medicine appointed by the Speaker of the Assembly, an acupuncturist appointed by the Senate Rules Committee, and two additional doctors of medicine appointed by the Governor. The worker filed a timely claim and the claim had not been finally determined to be noncompensable. The employer provided or had been ordered to provide compensation or medical care for the injury prior to the date of death.

Chapter 6 : Unpaid Work - Workplace relations

MAXIMUM HOURS AND MINIMUM WAGES LEGISLATION. Regulation of the employment relationship was an important aspect of the movement toward state intervention in economic affairs, which began in the late s.

Posting notice of regular day, time and place; notice of change required; payment on irregular day. Written notice of claim; written request for notice of claim; substantially similar claims prohibited. Provision in same manner as policy of insurance. Expenses for treatment of abuse of alcohol and drugs. Coverage for mastectomy and reconstructive surgery. Services provided by certain nurses. Acceptance of, change in or termination of benefits; change of insurer; nonpayment of premium. The Legislature hereby finds and declares that the health and welfare of workers and the employment of persons in private enterprise in this State are of concern to the State and that the health and welfare of persons required to earn their livings by their own endeavors require certain safeguards as to hours of service, working conditions and compensation therefor. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS The term includes, without limitation: Caregivers and other persons who are employed at a residential facility for groups, as defined in NRS Companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, persons who perform minor repairs, gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters to , inclusive, G and A of NRS. A creative professional as described in 29 C. The amount which an employer agrees to pay an employee for the time the employee has worked, computed in proportion to time; and 2. Every employer shall conspicuously post and keep so posted on the premises where any person is employed a printed abstract of this chapter to be furnished by the Labor Commissioner. It is unlawful for any person by force, intimidation, threat of procuring dismissal from employment or in any other manner to induce or attempt to induce an employee to refrain from testifying in any investigation or proceeding relating to or arising under this chapter, or to discharge or penalize any employee for so testifying. For the purposes of this chapter, a person is conclusively presumed to be an independent contractor if: I A law, regulation or ordinance prohibits the person from providing services to more than one principal; or II The person has entered into a written contract to provide services to only one principal for a limited period. I Purchase or lease of ordinary tools, material and equipment regardless of source; II Obtaining of a license or other permission from the principal to access any work space of the principal to perform the work for which the person was engaged; and III Lease of any work space from the principal required to perform the work for which the person was engaged. The fact that a person is not conclusively presumed to be an independent contractor for failure to satisfy three or more of the criteria set forth in paragraph c of subsection 1 does not automatically create a presumption that the person is an employee. Except as otherwise provided in NRS An employer shall not require an employee to work without wages during a trial or break-in period. Except as otherwise provided in this section, wages or compensation paid to an employee whose duties include the manufacture of an explosive, or the use, processing, handling, on-site movement or storage of an explosive that is related to its manufacture, must be based solely on the number of hours the employee works. The provisions of this subsection do not apply to persons employed in the mining industry. Any person who violates the provisions of subsection 1: For the purposes of this section, an explosive does not include: It is unlawful for any employer to discriminate between employees, employed within the same establishment, on the basis of sex by paying lower wages to one employee than the wages paid to an employee of the opposite sex who performs equal work which requires equal skill, effort and responsibility and which is performed under similar working conditions. The provisions of subsection 1 do not apply where wages are paid pursuant to: An employer who violates the provisions of this section shall not reduce the wages of any employees in order to comply with such provisions. The provisions of subsections 1 and 2 do not apply to: An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work

for the purposes of this subsection. Every employer shall authorize and permit all his or her employees to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest periods shall be counted as hours worked, for which there shall be no deduction from wages. This section does not apply to: An employer may apply to the Labor Commissioner for an exemption from providing to all or to one or more defined categories of his or her employees one or more of the benefits conferred by this section. The Labor Commissioner may grant the exemption if the Labor Commissioner believes the employer has shown sufficient evidence that business necessity precludes providing such benefits. Any exemption so granted shall apply to members of either sex. Each such application shall be considered at a hearing and may be granted if the Labor Commissioner finds that business necessity precludes providing that particular benefit or benefits to the employees affected. Except as otherwise provided in subsections 3, 5 and 6, each employer shall provide an employee who is the mother of a child under 1 year of age with: If break time is required to be compensated pursuant to a collective bargaining agreement entered into by an employer and an employee organization, any break time taken pursuant to subsection 1 by an employee which is covered by the collective bargaining agreement must be compensated. If an employer determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the business of the employer, the employer may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the employer may require the employee to accept a reasonable alternative selected by the employer. An employer shall not retaliate, or direct or encourage another person to retaliate, against any employee because that employee has: An employer who employs fewer than 50 employees is not subject to the requirements of this section if these requirements would impose an undue hardship on the employer, considering the size, financial resources, nature and structure of the business of the employer. An employer who is a contractor licensed pursuant to chapter of NRS is not subject to the requirements of this section with regard to an employee who is performing work at a construction jobsite that is located at least 3 miles from the regular place of business of the employer. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period. The provisions of subsections 1 and 2: As used in this section: Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is entitled to not more than hours of leave in one month period. Hours of leave provided pursuant to this subsection: An employee may use the hours of leave pursuant to subsection 1 as follows: An employer shall not: The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of , 29 U. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS An employer shall maintain a record of the hours of leave taken pursuant to this section for

each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation. The provisions of this section do not: Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately. The day on which the employee would have regularly been paid the wages or compensation; or 2. If an employer fails to pay: Any employee who secretes or absents himself or herself to avoid payment of his or her wages or compensation, or refuses to accept them when fully tendered to him or her, is not entitled to receive the payment thereof for the time he or she secretes or absents himself or herself to avoid payment. Whenever an employer of labor shall discharge or lay off employees without first paying them the amount of any wages or salary then due them, in cash and lawful money of the United States, or its equivalent, or shall fail, or refuse on demand, to pay them in like money, or its equivalent, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week or month, each of the employees may charge and collect wages in the sum agreed upon in the contract of employment for each day the employer is in default, until the employee is paid in full, without rendering any service therefor; but the employee shall cease to draw such wages or salary 30 days after such default. Every employee shall have a lien as provided in NRS Except as otherwise provided in this chapter, all wages or compensation of employees in private employment is due semimonthly. All such wages or compensation earned and unpaid before the first day of any month is due not later than 8 a. All wages or compensation earned and unpaid before the 16th day of any month is due not later than 8 a. Nothing contained in this section prohibits the contracting for the payment of or the payment of wages at more frequent periods than semimonthly. An employer in this State whose principal place of business is located, and whose payroll is prepared, outside of this State may designate one or more days in each month as fixed paydays for the payment of wages to an employee employed in: The provisions of this subsection do not apply with regard to an employee whose wages are determined pursuant to a collective bargaining agreement. Every agreement made in violation of this section, except as provided in this chapter, is void, but any employee is entitled to payment of such wages or compensation for the period during which the wages or compensation was earned. Nothing in this chapter shall be construed to mean that, on any special occasion where it appears to be satisfactory and beneficial to both employer and employee, they shall not have the right to agree, either verbally or in writing, as to where and at what time, other than every 15 days, wages shall be paid; but it shall be unlawful for any employer to require any employee to enter into any such agreement as a condition to entering into or remaining in his or her service. Every employer shall establish and maintain regular paydays as provided in this chapter and shall post and maintain posted notices, printed in plain type or written in plain script, in at least two conspicuous places where such notices can be seen by the employees, setting forth the regular paydays as prescribed in this chapter and the place of payment, which must be within the Justice Court precinct in which such services were performed. After an employer establishes regular paydays and the place of payment, the employer shall not change a regular payday or the place of payment unless, not fewer than 7 days before the change is made, the employer provides the employees affected by the change with written notice in a manner that is calculated to provide actual notice of the change to each such employee. If an employee is absent at the time and place of the payment of wages or compensation, due and payable as prescribed in this chapter, provided he or she does not secrete or absent himself or herself to avoid such payment, the employee must be paid the same within 5 days after making written demand therefor. Every employer, having granted or agreed to an adjustment of wages of an employee or employees wherein payments additional to the regular wage payments pursuant to this chapter are made, shall forward such adjusted wages in legal negotiable instruments to its agent or paymaster in this State. The agent or paymaster shall post in two conspicuous places at the office or other places used by the agent or paymaster for the regular payment of wages a list of the names, together with a written notice thereon that such wage payments will be held by such agent or paymaster for 30 days from and after the date of posting of the lists and notice for the purpose of payment thereof. The provisions of this section shall not apply where payment of such additional

pay is made directly to an employee or employees. It is unlawful for any employer to: It is unlawful for any employer to require an employee to rebate, refund or return any part of the wage, salary or compensation earned by and paid to the employee. It is unlawful for any employer who has the legal authority to decrease the wage, salary or compensation of an employee to implement such a decrease unless: This chapter does not preclude the withholding from the wages or compensation of any employee of any dues, rates or assessments becoming due to any hospital association or to any relief, savings or other department or association maintained by the employer or employees for the benefit of the employees, or other deductions authorized by written order of an employee. At the time of payment of wages or compensation, the employer shall furnish the employee with an itemized list showing the respective deductions made from the total amount of wages or compensation. Except as otherwise provided by an agreement between the employer and employee, any employer who withholds money from the wages or compensation of an employee for deposit in a financial institution shall deposit the money in the designated financial institution within 5 working days after the day on which the wages or compensation from which it was withheld is paid to the employee. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee: The information required by this section must be furnished to each employee within 10 days after the employee submits a request. Records of wages must be maintained for a 2-year period following the entry of information in the record. The payment of wages or compensation must be made in lawful money of the United States or by a good and valuable negotiable check or draft drawn only to the order of the employee unless: The employee has agreed in writing to some other disposition of his or her wages; or 2. They must be payable at the place designated in the notice prescribed in NRS

Chapter 7 : Wage and Hour Law | Colorado Department of Labor and Employment

() If a corporation that is a talent agency has received wages from an employer on behalf of an employee and fails to pay those wages, less any fees allowed under the regulations, to the employee within the time required under the regulations.

As used in this act: The commissioner may, by regulation, establish the average value of gratuities received by an employee in any occupation and the fair value of food and lodging provided to employees in any occupation which average values shall be acceptable for the purposes of determining compliance with this act in the absence of evidence of the actual value of such items. Back to top Bureau for administration of act; director and assistants The commissioner shall maintain a bureau in the department to which the administration of this act, and of any minimum wage orders or regulations promulgated hereunder, shall be assigned, said bureau to consist of a director in charge and such assistants and employees as the commissioner may deem desirable. Employment at unreasonable wage declared contrary to public policy; contract or agreement void The employment of an employee in any occupation in this State at an oppressive and unreasonable wage is hereby declared to be contrary to public policy and any contract, agreement or understanding for or in relation to such employment shall be void. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. Employees engaged on a piece-rate or regular hourly rate basis to labor on a farm shall be paid for each day worked not less than the minimum hourly wage rate multiplied by the total number of hours worked. Notwithstanding the provisions of this section to the contrary, every trucking industry employer shall pay to all drivers, helpers, loaders and mechanics for whom the Secretary of Transportation may prescribe maximum hours of work for the safe operation of vehicles, pursuant to section b of the federal Motor Carrier Act, 49 U. Employees engaged in the trucking industry shall be paid no less than the minimum wage rate as provided in this section and N. As used in this section, "trucking industry employer" means any business or establishment primarily operating for the purpose of conveying property from one place to another by road or highway, including the storage and warehousing of goods and property. Such an employer shall also be subject to the jurisdiction of the Secretary of Transportation pursuant to the federal Motor Carrier Act, 49 U. Summer camps, conferences and retreats; exception The provisions of the act to which this act is a supplement in respect to minimum wages and compensation for overtime work shall not be applicable during the months of June, July, August or September of the year to summer camps, conferences and retreats operated by any nonprofit or religious corporation or association. Application of act to wages under wage orders The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P. Date of application of act The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P. Date of application of L. There is created a commission to be known as the "New Jersey Minimum Wage Advisory Commission," which shall be a permanent, independent body in but not of the Department of Labor and Workforce Development. The commission shall consist of five members as follows: Members shall be appointed not later than December 31, Members shall be appointed for four-year terms and may be re-appointed for any number of terms. Any member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term. A member shall continue to serve upon the expiration of his term until a successor is appointed and qualified, unless the member is removed by the Governor. Action may be taken by the commission by an affirmative vote of a majority of its members and a majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. Members of the commission shall serve without compensation, but may be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the commission within the limits of funds appropriated or otherwise made available for that purpose. Annual evaluation of

adequacy of minimum wage. The commission shall annually evaluate the adequacy of the minimum wage relative to the following factors: In furtherance of its evaluation, the commission may hold public meetings or hearings within the State on any matter or matters related to the provisions of this act, and call to its assistance and avail itself of the services of the John J. Heldrich Center for Workforce Development and the employees of any other State department, board, commission or agency which the commission determines possesses relevant data, analytical and professional expertise or other resources which may assist the commission in discharging its duties under this act. Each department, board, commission or agency of this State is hereby directed, to the extent not inconsistent with law, to cooperate fully with the commission and to furnish such information and assistance as is necessary to accomplish the purposes of this act. The commission shall submit a written report of its findings regarding the adequacy of the minimum wage and its recommendations as to whether, or how much, to increase the minimum wage to the Governor and to the Legislature, who shall immediately review the commission report upon its receipt. Each House of the Legislature shall consider the commission report within days of the receipt of the report. The first report shall be submitted to the Legislature no sooner than October 1, and no later than December 31, , and subsequent reports shall be submitted in one year intervals thereafter. Administrative regulations; publication; duration For any occupation for which no wage order issued pursuant to section 17 of this act is in effect, the commissioner shall, within 6 months after the rate provided in section 5 is in effect, make such administrative regulations as he shall deem appropriate to carry out the purposes of this act or necessary to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates hereby established. Such regulations may include regulations defining and governing outside salesmen; learners and apprentices, their number, proportion and length of service; part-time pay; bonuses, overtime pay; special pay for special or extra work; or permitted charges to employees or allowances for board, lodging, apparel or other facilities or services customarily furnished by employers to employees; or allowances for such other special conditions or circumstances. The commissioner shall publish such regulations as he proposes to issue and such regulations may be issued pursuant to this section only after a public hearing, subsequent to publication of notice of the hearing, at which any person may be heard. Such administrative regulations shall remain in effect only until such time as a wage order governing the occupation or occupations concerned, and to the extent inconsistent therewith, has been promulgated and becomes effective as provided in this act. Authority of commissioner and director The commissioner, the director and their authorized representatives shall have the authority to: Investigation of occupation The commissioner shall have the power, on his own motion, and it shall be his duty upon the petition of 50 or more residents of the State, to cause the director to investigate any occupation to ascertain whether a substantial number of employees are receiving less than a fair wage. Appointment of wage board; report upon establishment of minimum fair wage rates If the commissioner is of the opinion that a substantial number of employees in any occupation or occupations are receiving less than a fair wage, he shall appoint a wage board as provided in section 10 of this act to report upon the establishment of minimum fair wage rates for employees in such occupation or occupations. Wage board; membership; quorum; rules and regulations; compensation A wage board shall be composed of not more than 3 representatives of the employers in any occupation, an equal number of representatives of the employees in such occupations and not more than 3 disinterested persons representing the public, one of whom shall be designated by the commissioner as chairman. The commissioner after conferring with the director shall appoint the members of the wage board, the representatives of the employers and employees to be selected so far as practicable from nominations submitted by the employers and employees. Two-thirds of the members shall constitute a quorum and the recommendations or report of the wage board shall require a vote of not less than a majority of all its members. The commissioner after conferring with the director shall make and establish from time to time rules and regulations governing the selection of a wage board and its mode of procedure not inconsistent with this act. The members of a wage board shall serve without pay but may be reimbursed for all necessary expenses. Powers of wage board A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to matters under investigation. Such subpoena shall be signed and issued by the chairman of the wage

board and shall be served and have the same effect as if issued out of the Superior Court. A wage board shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like dispositions in civil actions in the Superior Court. Presentation of evidence and information to wage board; witnesses The commissioner or the director shall present to a wage board promptly upon its organization all the evidence and information in the possession of the commissioner or director relating to the wages of employees in the occupations for which the wage board was appointed and all other information which the commissioner or the director deems relevant to the establishment of a minimum fair wage, and shall cause to be brought before the committee any witnesses whom the commissioner or the director deems material. A wage board may summon other witnesses or call upon the commissioner or the director to furnish additional information to aid it in its deliberations. Rules of evidence and procedure The commissioner and the wage board in establishing a minimum fair wage, shall not be bound by technical rules of evidence or procedure, but may consider all relevant circumstances affecting the value of the service or class of service rendered; may consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards; and may be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered at the request of the employer without agreement as to amount of wages to be paid. Recommendations of wage board The report of the wage board shall recommend minimum fair wage rates, on an hourly, daily or weekly basis for the employees in the occupation or occupations for which the wage board was appointed. The wage board may recommend establishment or modification of the number of hours per week after which the overtime rate established in section 5 shall apply and may recommend the establishment or modification of said overtime rate. The board may also recommend permitted charges to the employees or allowances for board, lodging, apparel, or other facilities or services customarily furnished by the employer to the employee; or allowances for such other special conditions or circumstances excluding gratuities which may be usual in a particular employer-employee relationship. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different employments. It may recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper. A wage board may recommend a suitable scale of rates for learners and apprentices or students in any occupation which may be less than the regular minimum fair wage rates recommended for experienced employees. Submission of report of wage board Within 60 days of its organization a wage board shall submit to the commissioner a report including its recommendations as to minimum fair wage standards for the employees in the occupation or occupations the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time the commissioner may constitute a new wage board. Acceptance or rejection of report by commissioner On submission of the report of a wage board the commissioner shall within 10 days confer with the director and accept or reject the report. If he rejects the report, he shall resubmit the matter to the same wage board or to a new wage board with a statement of his reasons for the rejection. If he accepts the report, it shall be published within 30 days together with such proposed administrative regulations as the commissioner after conferring with the director may deem appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards to be established. At the same time notice shall be given of a public hearing before the commissioner or the director, not sooner than 15 nor more than 30 days after such publication, at which all persons favoring or opposing the recommendations contained in the report or the proposed regulations may be heard. Approval or disapproval of report following public hearing; effective date of wage order Within 10 days after the hearing the commissioner shall confer with the director and approve or disapprove the report of the wage board. If the report is disapproved the commissioner may resubmit the matter to the same wage board or to a new wage board. If the report is approved, the commissioner shall make a wage order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the commissioner may deem appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards established. Such administrative regulations may include among other things,

regulations defining and governing learners and apprentices, their rates, number, proportion or length of service; piece rates or their relations to time rates; overtime or part-time rates, bonuses or special pay for special or extra work; deductions for board, lodging, apparel or other items or services supplied by the employer; and other special conditions or circumstances excluding gratuities; and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification, the commissioner may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or addition to such rates in or for such special cases or classes of cases as those herein enumerated as the commissioner may find appropriate to safeguard the basic minimum rates established. Said wage order shall take effect upon expiration of days from the date of the issuance of the order. Special certificates or licenses for employment at wages less than minimum a The commissioner, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation provide for the employment of learners, apprentices and students, under special certificates issued pursuant to regulations of the commissioner, at such wages lower than the minimum wage applicable under the provisions of this act and subject to such limitations as to time, number, proportion and length of service as the commissioner shall prescribe. Modification of wage order At any time after a minimum fair wage order has been in effect for 1 year or more, the commissioner may, on his own motion, after conferring with the director, and shall, on petition of 50 or more residents of the State, reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new board to recommend whether or not the rate, or rates, contained in such order, shall be modified. The report of such wage board shall be dealt with in the manner prescribed in sections 15, 16 and 17 of this act. Additions or modifications to administrative regulations; hearing; notice The commissioner may, from time to time after conference with the director and without reference to a wage board, propose such modifications of or additions to any administrative regulations issued pursuant to sections 6 and 17 of this act as he may deem appropriate to effectuate the purposes of this article; provided, such proposed modifications or additions could legally have been included in the original regulation. Notice shall be given of a public hearing to be held by the commissioner or director not less than 15 days after such notice, at which all persons in favor of or opposed to the proposed modifications or additions may be heard. After the hearing the commissioner may make an order putting into effect the proposed modifications of or additions to the administrative regulations as he deems appropriate. Record by employer of hours worked and wages; inspection; exceptions Every employer of employees subject to this act shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the commissioner or the director or their authorized representative upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or the director or their authorized representative at any reasonable time. No employer shall be found guilty of violating this provision for failure to keep a true and accurate record of the hours worked by outside salesmen, buyers of poultry, eggs, cream, milk or other perishable commodities in their natural or raw state, homeworkers legally employed in accordance with the laws of this State or any person employed in a bona fide executive, administrative or professional capacity, except that no exemption from record keeping pursuant to this section in regard to any person employed in a bona fide executive, administrative or professional capacity shall be construed to permit an employer to pay wages at a rate which violates the provisions of section 5 of P. Summary of act, orders, and regulations; posting Every employer subject to any provision of this act or of any regulations or orders issued under this act shall keep a summary of this act, approved by the commissioner, and copies of any applicable wage orders and regulations issued under this act, or a summary of such wage orders and regulations, posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of such summaries, orders, and regulations by the State on request without charge. Each week, in any day of which an employee is paid less than the rate applicable to him under this act or under a minimum fair wage order, and each employee so paid, shall constitute a separate offense. As an alternative to or in addition to any other sanctions provided by law for violations of the "New Jersey State Wage and Hour Law," P. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of

the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" N. Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor. Supervision by commissioner of payments of amounts due employees As an alternative to any other sanctions or in addition thereto, herein or otherwise provided by law for violation of this act or of any rule or regulation duly issued hereunder, the Commissioner of Labor is authorized to supervise the payment of amounts due to employees under this act, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employee, and paid on order of the commissioner directly to the employee or employees affected. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P. The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor. Such employer shall be required, as a condition of such judgment of conviction, to offer reinstatement in employment to any such discharged employee and to correct any such discriminatory action, and also to pay to any such employee in full, all wages lost as a result of such discharge or discriminatory action, under penalty of contempt proceedings for failure to comply with such requirement. As an alternative to or in addition to any other sanctions provided by law for violations of P. An employee shall be entitled to maintain such action for and on behalf of himself or other employees similarly situated, and such employee and employees may designate an agent or representative to maintain such action for and on behalf of all employees similarly situated. Limitations; commencement of action No claim for unpaid minimum wages, unpaid overtime compensation, or other damages under this act shall be valid with respect to any such claim which has arisen more than 2 years prior to the commencement of an action for the recovery thereof. In determining when an action is commenced, the action shall be considered to be commenced on the date when a complaint is filed with the Commissioner of the Department of Labor and Industry or the Director of the Wage and Hour Bureau, and notice of such complaint is served upon the employer; or, where an audit by the Department of Labor and Industry discloses a probable cause of action for unpaid minimum wages, unpaid overtime compensation, or other damages, and notice of such probable cause of action is served upon the employer by the Director of the Wage and Hour Bureau; or where a cause of action is commenced in a court of appropriate jurisdiction. Defense to action In any action or proceeding commenced prior to or on or after the date of the enactment of this act based on any act or omission prior to or on or after the date of the enactment of this act, no employer shall be subject to any liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under this act, if he pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulation, order, ruling, approval or interpretation by the Commissioner of the Department of Labor and Industry or the Director of the Wage and Hour Bureau, or any administrative practice or enforcement policy of such department or bureau with respect to the class of employers to which he belonged. Such a defense, if established, shall be a complete bar to the action or proceeding, notwithstanding, that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect. Protection of right to collective bargaining Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minima under this act. Partial invalidity If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application thereof, to other persons or circumstances shall not be affected thereby. Supplementation of provisions of Minimum Wage Standards Act

This act shall supplement the provisions of article 2 of chapter 11 of Title 34 of the Revised Statutes.

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Nevada wage and hour regulations explain the break requirement as follows: An employee that works at least three and a half (3Â½) continuous hours is permitted: One (1) minute rest period if the employee works at least three and a half (3Â½) continuous hours and less than 7 continuous hours;.

The transition from small individual to large corporate employers and the development of a factory system with a numerous wage-earning class resulted in pervasive exploitation of employees. The principal method of alleviating the economic injustice was statutory regulation of employment conditions. In these early days the laws were state laws. The protracted constitutional contest over hours and wage legislation was one aspect of the larger theme of substantive due process, a concept developed by the Supreme Court at the turn of the century. Liberty included freedom of contract, which included the employment contract, of which hours and wages were the main components. The Court held that laws regulating hours and wages violated the guarantee of due process of law if the purpose of the law was invalid or if the means were not reasonably related to a valid purpose. Hours legislation began in the s. In its first opinion on the subject, holden v. The hazardous nature of the work justified the limitation as a valid health and safety measure. Beyond these two exceptional situations the Court at first prohibited hours regulation. The prototype case was lochner v. A 5â€”4 Court invalidated a law restricting the work of bakery employees to ten hours a day and sixty hours a week. Despite massive documentation, the Court refused to recognize that the baking industry posed any special health danger to which hours of work were reasonably related. More broadly, the Court concluded that the law was not truly a health law, but a "purely labor law " to regulate hours, an impermissible objective. This strict view yielded to persistent pressures. Thereafter the validity of hours regulation was not seriously questioned. Massachusetts passed the first minimum wage statute in and within ten years there were fifteen such state laws. Proponents urged that health was impaired by wages below a subsistence level. The Court was at first unpersuaded, and, in adkins v. Wages were the "heart of the contract" and, unlike hours, had no relation to health. Contrary to hours regulation, women were entitled to no special wage protection. The minimum wage was invalid also because it bore no relation to the value of the service rendered. But a law curing this deficiency was invalidated in morehead v. One principal justification for protective legislation was that the inequality of economic power between employers and employees made true freedom of contract illusory. This argument was expressly rejected by the Court, which candidly declared in coppage v. In , that year of constitutional revolution, minimum wage legislation became constitutional by a 5â€”4 vote. An eight-hour day for railroad workers was upheld under the commerce clause in wilson v. Congress has long regulated both wages and hours of work performed by employees of contractors with the federal government. Examples are the Davis-Bacon Act, which regulates wages for work on public buildings and other public works, and the Walsh-Healey Public Contracts Act, which regulates both wages and hours for work on supply contracts. The constitutionality of both statutes is unquestioned under the taxing and spending power. Finally, in the fair labor standards act of , Congress legislated for private employment generally, superseding most state laws. The act required the payment of a minimum wage and overtime for all hours over forty a week to all employees engaged in commerce or the production of goods for commerce. The main purpose was not health but to bolster the economy. The FLSA was sustained under the commerce power in united states v. A substantive due process argument was rejected without analysis. It was "no longer open to question" that neither Fifth nor fourteenth amendment due process limited the fixing of minimum wages or maximum hours, and it made no difference that the regulations applied to both men and women. That has been the view of the matter ever since. In other contexts the Court repudiated the Lochner substantive due process approach to protective legislation. What was once a burning issue now appears to be a closed chapter in constitutional law. The scope of the state police power was underscored in striking fashion by the upholding in Day-Brite Lighting, Inc. Missouri of a law that required employers to give employees four hours off from work in order to voteâ€”with full pay. Law and Contemporary Problems 6: Six Centuries of Regulation of Employment Contracts. Columbia Law Review Cite this article Pick a style below, and copy the text for your bibliography.

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The Wage Act is commonly referred to as the Colorado Wage Law, the Colorado Wage Claim Act, or the Colorado Wage Protection Act. The law addresses deductions from wages, vacation, commissions, bonuses, final pay, pay periods and paydays, and pay statements.