



STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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December 7, 2005

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson  
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since November 22, 2005

Commission Cases

\_\_\_\_\_ No developments.

Other Cases

In Visiting Homemaker Service of Hudson Cty. v. Hudson Cty. Freeholders Bd., 380 N.J. Super. 596 (App. Div. 2005), the Court rejected arguments that the County's hiring wage ordinance violated the state and federal constitutions. That ordinance applies to County contractors whose employees provide food, janitorial, security and home health care services and requires those contractors to provide a wage matching or exceeding 150% of the federal minimum wage, as well as five vacation days a year plus medical benefits.

A trial court judge held that the ordinance was unconstitutional and was also preempted by New Jersey's minimum wage law. However, the Legislature amended N.J.S.A. 34:11-56a4 to permit this ordinance and the Appellate Division found no equal protection defect in the ordinance given a rational purpose in adopting it: to ensure that working people are paid a wage

that enables them to lift their families out of poverty and attain self-sufficiency, thereby reducing economic hardship in the County and reducing the need for taxpayers to fund social services providing supplemental support for local business employers.

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