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## Living wage law hearing might be at least year away

By: Lea Kahn , Staff Writer

### Lawrence Living Wage Coalition wants to raise the minimum wage for selected employers in Lawrence.

The Lawrence Living Wage Coalition is appealing state Superior Court Judge Linda Feinberg's Aug. 30 ruling that the group cannot take steps to enact a municipal minimum wage ordinance.

The coalition filed a notice of intent to appeal with the state Appellate Division Oct. 16, said Falk Engel. He is one of four attorneys representing the Lawrence Living Wage Coalition, which wants to raise the minimum wage for selected employers in Lawrence.

"This is a fairly long-term process," Mr. Engel said Monday. "The Appellate Division moves quite slowly. We are looking at a minimum of a one-year time frame (before it will be heard). That's just my 'guesstimate.'"

"All of the people who are involved in the process feel very strongly about proceeding with the appeal," he said. "We feel we have a duty to those people who expressed an interest (in the issue) to see it through to fruition."

The issue landed in state Superior Court after Township Council tabled action on the proposed ordinance at its Aug. 15 meeting. The coalition had gathered 1,054 signatures on a petition in support of the ordinance, which gave the coalition the legal footing to force Township Council to consider it.

Municipal Attorney Kevin Nerwinski told the council that he wanted to get a judicial ruling on whether the township has the legal authority to set its own minimum wage.

The state minimum wage was raised this year in two steps, from \$5.15 earlier this year to \$6.15, and then to \$7.15 an hour last month. But the coalition is seeking to raise it to \$11.08, plus a benefits rate of at least \$3.50 per hour. There would be subsequent cost-of-living adjustments for both rates.

The Lawrence Living Wage Coalition had sought at one point to place a public question on the Nov. 7 ballot asking township voters to approve raising the minimum wage for large businesses, retail merchants that occupy at least 100,000 square feet of space and whose gross sales exceed \$1 billion.

Under those conditions, the ordinance would apply to several familiar businesses, including Wal-Mart, which is seeking Planning Board approval to build a 149,000-square-foot store at 1060 and 1100 Spruce St. The ordinance also would apply to four stores at the Quaker Bridge Mall — Sears, J.C. Penney, Lord & Taylor and Macy's.

No question regarding this issue will appear on Tuesday's ballot.

The petition by the Lawrence Living Wage Coalition grew out of LET's Stop Wal-Mart's efforts to have Township Council adopt a living-wage ordinance. The group, comprised of interested individuals from Lawrence, Ewing and Trenton, approached Township Council twice for its approval of the ordinance. Both times, the council declined to act.

Many of the Lawrence Living Wage Coalition members also belong to LET's Stop Wal-Mart.

Much of LET's Stop Wal-Mart's opposition is centered on Wal-Mart's refusal to allow its employees to join a labor union. The group pushed for the living wage ordinance in hopes of forcing Wal-Mart to raise employee salaries — which average \$10.49 hourly in the New Jersey area, according to the company's Web site — and provide them with better fringe benefits.

"We need to deal with economic issues on the local level," Mr. Engel said, "because the state does not deal with the issue. This is very much a local issue."

In her Aug. 30 ruling, Judge Feinberg wrote that state law sets the minimum wage. It does allow towns to set higher minimum wages for vendors, contractors or subcontractors that are hired by the towns, but not for people who work for retail businesses.

The Lawrence Living Wage Coalition's legal team — consisting of Mr. Engel, attorney Bennett Zurofsky, of Newark, and attorneys Jennifer Sung and Paul Sonn, of the Brennan Law Center, of New York University School of Law — disagrees with Judge Feinberg's ruling, Mr. Engel said.

"There has never been an analogous case," he said. "We are asking the (Appellate Division) to rule on something that it hasn't exactly ruled on before. This is the first time that a municipal living wage ordinance has been brought before a court in New Jersey. Lawrence leads the way."