

CHAPTER 335

AN ACT concerning wages paid for certain data center construction and supplementing P.L.1963, c.150 (C.34:11-56.25 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:11-56.99 Definitions relative to data center construction.

1. As used in this act:

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Contractor” means any general contractor or subcontractor performing work on a data center construction project.

“Data center construction project” means the construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises in which the operations consist primarily of using computer servers and related equipment and support staff for the processing, storage, and distribution of electronic data that is designed to have an electrical usage of five megawatts or greater annually after construction.

C.34:11-56.100 Prevailing wage rates.

2. Not less than the prevailing wage rate for a worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.), shall be paid to a worker employed in the performance of any construction undertaken in connection with a data center construction project that is designed to have an annual usage of five megawatts or greater after construction.

C.34:11-56.101 Contractor requirements.

3. a. A contractor shall not perform work on a data center construction project unless the contractor:

(1) is registered and in compliance with "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.);

(2) has not been debarred by the Department of Labor and Workforce Development from engaging in public works contracts in the State;

(3) submits certified payroll records pursuant to section 5 of P.L.1963, c.150 C.34:11-56.29;

(4) has a workers' compensation experience modifier rate of 0.95 or lower;

(5) submits the Log of Work-Related Injuries and Illnesses (OSHA Form 300) for the previous three years;

(6) discloses all federal Occupational Safety and Health Administration citations received in the previous 10 years; and

(7) provides evidence of a safety plan that is compliant with the requirements established by the federal Occupational Safety and Health Administration with relevant data which may include, but is not limited to, a safety manual and records of employee participation.

For the purposes of paragraphs (5) through (7) of this subsection, the information required to be maintained and made available shall also be made available upon request to the New Jersey Department of Labor and Workforce Development.

b. (1) A contractor shall provide proof of workers' compensation insurance; general liability insurance of not less than \$2 million per occurrence; and owned and leased motor vehicle insurance of not less than \$2 million per occurrence.

(2) A contractor shall not provide insurance coverage on behalf of a subcontractor.

(3) A contractor shall provide a performance and payment bond in accordance with N.J.S.2A:44-143 through N.J.S.2A:44-147 in an amount not less than 150 percent of the value of the contract.

For the purposes of paragraphs (1) through (3) of this subsection, the information required to be maintained and made available shall also be made available upon request to the New Jersey Department of Labor and Workforce Development.

c. (1) A contractor shall be jointly and severally liable for any wages, benefits, or other amounts owed to any worker not appropriately paid by a subcontractor on the data center construction project.

(2) Temporary labor services shall not be utilized unless the workers provided are verifiably enrolled in an apprenticeship program registered by the Office of Apprenticeship of the United States Department of Labor and meeting the standards established by that office, or registered by a State apprenticeship agency recognized by that office.

d. A contractor shall maintain daily sign-in sheets, which shall be submitted to the awarding authority on a weekly basis and shall include the following printed information:

- (1) the worker's name;
- (2) the name of the worker's contractor; and
- (3) the worker's arrival time and time of departure.

e. (1) All workers employed on a data center construction project shall complete general construction training meeting or exceeding OSHA-10 standards.

(2) A contractor shall ensure that at least one onsite supervisor or foreperson has completed construction training meeting or exceeding OSHA-30 standards.

(3) For every 15 workers employed by a contractor on the worksite, one worker shall have completed construction training meeting or exceeding OSHA-30 standards.

(4) Any worker operating heavy construction equipment or power actuated tools shall provide proof of equipment-specific training.

f. All workers employed on a data center construction project shall undergo drug testing.

g. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

C.34:11-56.102 Project labor agreement; State and local community interests.

4. A data center construction project designed to have an annual electrical usage of 25 megawatts or greater after construction may include a project labor agreement with the labor organizations with collective bargaining agreements that are or were the basis for a determination of the prevailing wage, where it shall be determined prior to the commencement of the construction that the project advances the State and local community interests on energy, efficiency, quality, safety, timeliness, and a skilled labor force.

5. This act shall take effect on the first day of the third month following enactment and shall apply only to data center construction projects that commence on or after the effective date.

Approved January 20, 2026.