

ASSEMBLY, No. 1402

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

SYNOPSIS

Concerns stop-work orders related to construction worker employment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the disclosure of records and the issuance of
2 stop-work orders and supplementing P.L.2007, c.114 (C.34:20-1
3 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
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8 1. a. The Legislature finds that the failure of an employer to
9 comply with the requirements with respect to payment of wages and
10 unemployment insurance contributions, and providing workers'
11 compensation coverage poses an immediate danger to the public
12 health, safety and welfare.

13 b. With respect to any individual regarded as an employee
14 under the provisions of section 4 of P.L.2007, c.114 (C.34:20-4),
15 the Commissioner of Labor and Workforce Development and any
16 agent of the commissioner, upon receipt of a complaint for
17 nonpayment of wages, a violation of R.S.34:15-79, or a failure to
18 meet obligations as provided in R.S.43:21-7 and R.S.43:21-14, is
19 authorized to enter, during usual business hours, the place of
20 business or employment of any employer of the individual to
21 determine compliance with the wage payment laws, R.S.34:15-79,
22 R.S.43:21-7, or R.S.43:21-14, and for that purpose may examine
23 payroll and other records and interview employees, call hearings,
24 administer oaths, take testimony under oath and take depositions.

25 c. The commissioner may issue subpoenas for the attendance
26 of witnesses and the production of books and records. Any
27 employer or agent of the employer who willfully fails to furnish
28 time and wage records as required by law to the commissioner or
29 agent of the commissioner upon request, or who refuses to admit the
30 commissioner or agent to the place of employment of the employer,
31 or who hinders or delays the commissioner or agent in the
32 performance of duties in the enforcement of this section, shall be
33 fined not less than \$1,000 and shall be guilty of a disorderly persons
34 offense. Each day of the failure to furnish the time and wage
35 records to the commissioner or agent shall constitute a separate
36 offense, and each day of refusal to admit, of hindering, or of
37 delaying the commissioner or agent shall constitute a separate
38 offense.

39 d. (1) If the commissioner determines, after an investigation
40 pursuant to subsection b. of this section, that an employer is in
41 violation of any wage and hour law or of R.S.34:15-79, or has failed
42 to meet obligations as provided in R.S.43:21-7 or R.S.43:21-14, the
43 commissioner shall issue, not later than 72 hours after making the
44 determination, a stop-work order against the employer requiring
45 cessation of all business operations of the employer at the specific
46 place of business or employment in which the violation exists. The
47 stop-work order shall be issued only against the employer found to
48 be in violation or non-compliance. The order shall be effective

1 when served upon the employer at the place of business or, for a
 2 particular employer worksite, when served at that worksite. The
 3 order shall remain in effect until the commissioner issues an order
 4 releasing the stop-work order upon finding that the employer has
 5 come into compliance and has paid any penalty assessed, or after
 6 the commissioner determines, in a hearing held pursuant to
 7 paragraph (2) of this subsection, that the employer did not commit
 8 the act on which the order was based. The stop-work order shall be
 9 effective against any successor entity that has one or more of the
 10 same principals or officers as the corporation, partnership or sole
 11 proprietorship against which the stop-work order was issued and are
 12 engaged in the same or equivalent trade or activity.

13 (2) An employer who is subject to a stop-work order shall have
 14 the right to apply to the commissioner, not more than 10 days after
 15 the order is issued, for a hearing to contest whether the employer
 16 committed the underlying act on which the order was based, and the
 17 hearing shall be afforded and a decision rendered within 48 hours of
 18 the application.

19 (3) As an alternative to issuing a stop-work order in accordance
 20 with paragraph (1) of this subsection, if the commissioner
 21 determines, after an investigation pursuant to subsection b. of this
 22 section, that an employer is in violation of R.S.34:15-79, the
 23 commissioner may provide and transfer all details and materials
 24 related to the investigation under this section to the Director of the
 25 Division of Workers' Compensation for any enforcement of
 26 penalties or stop-work orders the director determines are
 27 appropriate.

28 e. The commissioner shall, pursuant to the "Administrative
 29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
 30 rules and regulations necessary to implement the provisions of this
 31 section.

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 33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill provides for the issuance of a stop-work order in
 39 connection with a failure to pay required wages and contributions
 40 related to employment of construction workers. It also provides
 41 penalties for the failure to provide records in connection with
 42 investigations of those failures.