

SENATE, No. 4301

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 20, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Includes duct cleaning as maintenance work subject to the prevailing wage law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/6/2022)

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1 AN ACT concerning duct work and amending P.L.1963, c.150.

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

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6 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
7 read as follows:

8 2. As used in this act:

9 (1) "Department" means the Department of Labor and
10 Workforce Development of the State of New Jersey.

11 (2) "Locality" means any political subdivision of the State,
12 combination of the same or parts thereof, or any geographical area
13 or areas classified, designated and fixed by the commissioner from
14 time to time, provided that in determining the "locality," the
15 commissioner shall be guided by the boundary lines of political
16 subdivisions or parts thereof, or by a consideration of the areas with
17 respect to which it has been the practice of employers of particular
18 crafts or trades to engage in collective bargaining with the
19 representatives of workers in such craft or trade

20 (3) "Maintenance work" means the repair of existing facilities
21 when the size, type or extent of such facilities is not thereby
22 changed or increased. "Maintenance work" also means any work on
23 a maintenance-related project that exceeds the scope of work and
24 capabilities of in-house maintenance personnel, requires the
25 solicitation of bids, and has an aggregate value exceeding \$50,000

26 (4) "Public body" means the State of New Jersey, any of its
27 political subdivisions, any authority created by the Legislature of
28 the State of New Jersey and any instrumentality or agency of the
29 State of New Jersey or of any of its political subdivisions

30 (5) "Public work" means construction, reconstruction,
31 demolition, alteration, custom fabrication or repair work, or
32 maintenance work, including duct cleaning, painting, and
33 decorating, done under contract and paid for in whole or in part out
34 of the funds of a public body, except work performed under a
35 rehabilitation program. "Public work" shall also mean construction,
36 reconstruction, demolition, alteration, custom fabrication or repair
37 work, done on any property or premises, whether or not the work is
38 paid for from public funds, if, at the time of the entering into of the
39 contract the property or premises is owned by the public body or

40 (a) Not less than 55% of the property or premises is leased by a
41 public body, or is subject to an agreement to be subsequently leased
42 by the public body; an

43 (b) The portion of the property or premises that is leased or
44 subject to an agreement to be subsequently leased by the public
45 body measures more than 20,000 square feet.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (6) "Commissioner" means the Commissioner of Labor and
2 Workforce Development or his duly authorized representatives.

3 (7) "Workman" or "worker" includes laborer, mechanic, skilled
4 or semi-skilled, laborer and apprentices or helpers employed by any
5 contractor or subcontractor and engaged in the performance of
6 services directly upon a public work, regardless of whether their
7 work becomes a component part thereof, but does not include
8 material suppliers or their employees who do not perform services
9 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
10 et seq.), contractors or subcontractors engaged in custom fabrication
11 shall not be regarded as material suppliers.

12 (8) "Work performed under a rehabilitation program" means
13 work arranged by and at a State institution primarily for teaching
14 and upgrading the skills and employment opportunities of the
15 inmates of such institutions.

16 (9) "Prevailing wage" means the wage rate paid by virtue of
17 collective bargaining agreements by employers employing a
18 majority of workers of that craft or trade subject to said collective
19 bargaining agreements, in the locality in which the public work is
20 done.

21 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
22 56.25 et seq.) and the rules and regulations issued hereunder.

23 (11) "Prevailing wage contract threshold amount" means:

24 (a) In the case of any public work paid for in whole or in part
25 out of the funds of a municipality in the State of New Jersey or
26 done on property or premises owned by a public body or leased or
27 to be leased by the municipality, the dollar amount established for
28 the then current calendar year by the commissioner through rules
29 and regulations promulgated pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
31 amount shall be equal to \$9,850 on July 1, 1994 and which amount
32 shall be adjusted on July 1 every five calendar years thereafter in
33 direct proportion to the rise or fall in the average of the Consumer
34 Price Indices for Urban Wage Earners and Clerical Workers for the
35 New York metropolitan and the Philadelphia metropolitan regions
36 as reported by the United States Department of Labor during the
37 last full calendar year preceding the date upon which the adjustment
38 is made; and

39 (b) In the case of any public work other than a public work
40 described in paragraph (a) of this subsection, an amount equal to
41 \$2,000.

42 (12) "Custom fabrication" means:

43 (a) the fabrication of any of the following: plumbing, heating,
44 cooling, ventilation or exhaust duct systems, mechanical insulation,
45 or one or more signs in a project which cost a total of more than
46 \$30,000 and are part of a project upon completion; or

47 (b) any other fabrication which is either of components or
48 structures pre-fabricated to specifications for a particular project of

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1 public work or of other materials finished into components without
2 further modification for use in a project of public work or for use in
3 a type or classification of a project of public work.
4 (cf: P.L. 2021, c.253)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill includes duct cleaning as maintenance work which is
12 subject to the provisions of the "New Jersey Prevailing Wage Act,"
13 P.L.1963, c.150 (C.34:11-56.25 et seq.)