

SENATE, No. 1439

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 10, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Johnson, Greenstein and Corrado

SYNOPSIS

Requires employer or contractor engaged in government construction work to register with and submit payroll records to DOLWD.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/20/2023)

S1439 SINGLETON

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1 AN ACT concerning the registration and payroll records of
2 employers engaged in government construction work and
3 amending P.L.1963, c.150 and P.L.1999, c.238.

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

7
8 1. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to
9 read as follows:

10 4. a. No contractor shall bid on any contract for public work as
11 defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), **[or]** for
12 which payment of the prevailing wage is required by any other
13 provision of law, or for any other type of government work unless
14 the contractor is registered pursuant to this act. No contractor shall
15 list a subcontractor in a bid proposal for the contract unless the
16 subcontractor is registered pursuant to P.L.1999, c.238 (C.34:11-
17 56.48 et seq.) at the time the bid is made. No contractor or
18 subcontractor, including a subcontractor not listed in the bid
19 proposal, shall engage in the performance of any public work
20 subject to the contract, unless the contractor or subcontractor is
21 registered pursuant to that act.

22 b. As used in this section, "government work" means all
23 construction work that is performed or completed for any
24 municipal, county, regional, or State government, or any agency,
25 department, commission or other instrumentality thereof, whether
26 or not that work is subject to the "New Jersey Prevailing Wage
27 Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) or is categorized as
28 public work as defined in section 2 of P.L.1963, c.150 (C.34:11-
29 56.26).

30 (cf: P.L.2019, c.376, s.2)

31

32 2. Section 7 of P.L.1963, c.150 (C.34:11-56.31) is amended to
33 read as follows:

34 7. a. The commissioner shall have the authority to:

35 (a) investigate and ascertain the wages of workmen employed in
36 any public work in the State;

37 (b) enter and inspect the place of business or employment of any
38 employer or workmen in any public work in the State, for the
39 purpose of examining and inspecting any or all books, registers,
40 payrolls, and other records of any such employer that in any way
41 relate to or have a bearing upon the question of wages, hours, and
42 other conditions of employment of any such workmen; copy any or
43 all of such books, registers, payrolls, and other records as he or his
44 authorized representative may deem necessary or appropriate;
45 obtain proof of, and question, any worker's identity to determine

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 whether the worker's identity is accurately and truthfully included
2 or reported in any or all books, registers, payrolls, and other records
3 of the employer that in any way relate to or have a bearing upon the
4 question of wages, hours, and other conditions of employment in
5 the public work; and question such workmen for the purpose of
6 ascertaining whether the provisions of this act have been and are
7 being complied with;

8 (c) require from such employer full and correct statements in
9 writing, including sworn statements, with respect to wages, hours,
10 names, addresses, and such other information pertaining to his
11 workmen and their employment as the commissioner, or his
12 authorized representative may deem necessary or appropriate;
13 **[and]**

14 (d) require any employer to file, within 10 days of receipt of a
15 request, any records enumerated in **[subsections]** paragraphs (b)
16 and (c) of this section, sworn to as to their validity and accuracy. If
17 the employer fails to provide the requested records within 10 days,
18 the commissioner may direct within 15 days the fiscal or financial
19 officer charged with the custody and disbursements of the funds of
20 the public body which contracted for the public work immediately
21 to withhold from payment to the employer up to 25% of the amount,
22 not to exceed \$100,000.00, to be paid to the employer under the
23 terms of the contract pursuant to which the public work is being
24 performed. The amount withheld shall be immediately released
25 upon receipt by the public body of a notice from the commissioner
26 indicating that the request for records has been satisfied; and

27 (e) require any employer or contractor engaged in any
28 government work to file, with the commissioner and the public
29 entity with which the employer or contractor is engaged in work,
30 within 10 days of receipt of a request, any records all books,
31 registers, payrolls, and other records of any such employer or
32 contractor that in any way relate to or have a bearing upon the
33 question of wages, hours, and other conditions of employment of
34 any such workmen, and copies of any or all of such books, registers,
35 payrolls, or other records as the commissioner or the
36 commissioner's authorized representative may deem necessary or
37 appropriate. If the employer fails to provide the requested records
38 within 10 days, the commissioner may direct within 15 days the
39 fiscal or financial officer charged with the custody and
40 disbursements of the funds of the public body which contracted for
41 the public work immediately to withhold from payment to the
42 employer up to 25% of the amount, not to exceed \$100,000.00, to
43 be paid to the employer under the terms of the contract pursuant to
44 which the public work is being performed. The amount withheld
45 shall be immediately released upon receipt by the public body of a
46 notice from the commissioner indicating that the request for records
47 has been satisfied.

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1 b. As used in paragraph (e) of subsection a. of this section,
2 “government work” means all construction work that is performed
3 or completed for any municipal, county, regional, or State
4 government, or any agency, department, commission or other
5 instrumentality thereof, whether or not that work is subject to the
6 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
7 et seq.) or is categorized as public work as defined in section 2 of
8 P.L.1963, c.150 (C.34:11-56.26).
9 (cf: P.L.2015, c.281, s.1)

10
11 3. This act shall take effect on the first day of the third month
12 next following enactment, except that the Commissioner of Labor
13 and Workforce Development may take any anticipatory
14 administrative action in advance as shall be necessary for the
15 implementation of this act.

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18 STATEMENT
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20 This bill requires any employer or contractor engaged in
21 government work to register with the Department of Labor and
22 Workforce Development and submit certified payroll records to the
23 department and to the public entity with which the employer or
24 contractor is engaged to work. Under current law, employers and
25 contractors engaged in public work or subject to the State's
26 prevailing wage requirements are required to register with the State
27 and submit certified payroll records. This bill would require all
28 contractors engaged in government work, whether or not that work
29 is subject to the prevailing wage law or constitutes public work
30 under the law.

31 The bill defines government work as work that is performed or
32 completed for any municipal, county, regional, or State government,
33 or any agency, department, commission or other instrumentality
34 thereof, whether or not that work is subject to the "New Jersey
35 Prevailing Wage Act," or is categorized as public work.