

**ASSEMBLY, No. 4029**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MARCH 7, 2024

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

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**District 31 (Hudson)**

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**Assemblywomen Quijano, Reynolds-Jackson, Assemblymen Karabinchak, Conaway, Kanitra, Miller, Hutchison, Assemblywomen Speight, McCann Stamato and McCoy**

**SYNOPSIS**

Requires employer or contractor engaged in work for public body to register with and submit payroll records to DOLWD.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/17/2024)**

1 AN ACT concerning the registration and payroll records of  
2 employers engaged in work for a public body and amending  
3 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 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to  
9 read as follows:

10 3. As used in chapter 11 of Title 34 of the Revised Statutes:

11 "Apprenticeship Agreement" means a written agreement,  
12 complying with 29 C.F.R. s.29.7, between an apprentice and either the  
13 apprentice's program sponsor, or an apprenticeship committee acting  
14 as agent for a program sponsor, which contains the terms and  
15 conditions of the employment and training of the apprentice.

16 "Apprenticeship cohort" means the group of individual apprentices  
17 registered to a specific individual program during a one-year time  
18 frame, except that a cohort does not include the apprentices whose  
19 apprenticeship agreement has been cancelled during the probationary  
20 period.

21 "Apprenticeship committee" means those persons designated by  
22 the sponsor to administer the program. A committee may be either  
23 joint or non-joint, as follows:

24 (1) A joint committee is composed of an equal number of  
25 representatives of the employer or employers and of the employees  
26 represented by a bona fide collective bargaining agent or agents.

27 (2) A non-joint committee, which may also be known as a  
28 unilateral or group non-joint committee, has employer representatives,  
29 but does not have a bona fide collective bargaining agent as a  
30 participant. A non-joint committee may include employees.

31 "Apprenticeable occupation" means a skilled trade or technical  
32 occupation that

33 is included on the United States Department of Labor's "List of  
34 Occupations Officially Recognized as Apprenticeable by the Office of  
35 Apprenticeship".

36 "Apprenticeship program" means a plan containing all terms and  
37 conditions for the qualification, recruitment, selection, employment,  
38 and training of apprentices, as required under 29 C.F.R. ss.29 and 30,  
39 including such matters as the requirement for a written apprenticeship  
40 agreement.

41 "Commissioner" means the Commissioner of Labor and Workforce  
42 Development or his duly authorized representatives.

43 "Completion rate" means the percentage of an apprenticeship  
44 cohort who receive a certificate of apprenticeship completion within  
45 one year of the projected completion date.

**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 "Contractor" means a person, partnership, association, joint stock  
2 company, trust, corporation, or other legal business entity or  
3 successor thereof who enters into a contract which is subject to the  
4 provisions of the "New Jersey Prevailing Wage Act," P.L.1963,  
5 c.150 (C.34:11-56.25 et seq.), or who is required to pay its workers  
6 the prevailing wage by any other provision of law, or who enters  
7 into any other contract for work for a public body, and includes any  
8 subcontractor or lower tier subcontractor of a contractor as defined  
9 herein.

10 "Department" means the Department of Labor and Workforce  
11 Development.

12 "Director" means the Director of the Division of Wage and Hour  
13 Compliance in the Department of Labor and Workforce Development.

14 "Worker" includes laborer, mechanic, skilled or semi-skilled  
15 laborer and apprentices or helpers employed by any contractor or  
16 subcontractor and engaged in the performance of services directly  
17 upon a public work, who have completed or are actively participating  
18 in a registered apprenticeship program, regardless of whether their  
19 work becomes a component part thereof, but does not include material  
20 suppliers or their employees who do not perform services at the job  
21 site.

22 "Registered apprenticeship program" or "program" means an  
23 apprenticeship program which is registered with and approved by the  
24 United States Department of Labor, which provides each trainee with  
25 combined classroom and on-the-job training in an occupation  
26 recognized as an apprenticeable occupation, and which involves the  
27 attainment of manual, mechanical, or technical skills and knowledge  
28 which, in accordance with the industry standard for the specific  
29 apprenticeable occupation, are outlined under 29 C.F.R. s.29.5.

30 "Sponsor" means any person, association, committee, or  
31 organization operating an apprenticeship program and in whose name  
32 the program is or will be registered or approved.

33 "Public body" means the State, any of its political subdivisions, any  
34 authority created by the Legislature, and any instrumentality or agency  
35 of the State or of any of its political subdivisions.

36 "Work for a public body" means construction, reconstruction,  
37 demolition, alteration, custom fabrication, duct cleaning, or repair  
38 work, or maintenance work, which is done under contract and paid for  
39 in whole or in part out of the funds of a public body, done on any  
40 property or premises owned or leased by the public body or under  
41 agreement to be owned or leased by the public body, or undertaken in  
42 connection with any loan, loan guarantee, grant, incentive,  
43 expenditure, investment, tax exemption or other financial assistance  
44 approved, funded, authorized, administered or provided by a public  
45 body, or undertaken to fulfill any condition of receiving any of the  
46 financial assistance.

47 (cf: P.L.2019, c.518, s.1)

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

3       4. No contractor shall bid on any contract for public work as  
4 defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), or for  
5 which payment of the prevailing wage is required by any other  
6 provision of law, or for any other work for a public body unless the  
7 contractor is registered pursuant to **[this act]** P.L.1999, c.238  
8 (C.34:11-56.48 et seq.). No contractor shall list a subcontractor in a  
9 bid proposal for the contract unless the subcontractor is registered  
10 pursuant to P.L.1999, c.238 (C.34:11-56.48 et seq.) at the time the  
11 bid is made. No contractor or subcontractor, including a  
12 subcontractor not listed in the bid proposal, shall engage in the  
13 performance of any public work subject to the contract, unless the  
14 contractor or subcontractor is registered pursuant to that act.  
15 (cf: P.L.2019, c.376, s.2)

16

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

19       7. The commissioner shall have the authority to:

20       (a) investigate and ascertain the wages of workmen employed in  
21 any public work or other work for a public body in the State;

22       (b) enter and inspect the place of business or employment of any  
23 employer or workmen in any public work or other work for a public  
24 body in the State, for the purpose of examining and inspecting any  
25 or all books, registers, payrolls, and other records of any such  
26 employer that in any way relate to or have a bearing upon the  
27 question of wages, hours, and other conditions of employment of  
28 any such workmen; copy any or all of such books, registers,  
29 payrolls, and other records as he or his authorized representative  
30 may deem necessary or appropriate; obtain proof of, and question,  
31 any worker's identity to determine whether the worker's identity is  
32 accurately and truthfully included or reported in any or all books,  
33 registers, payrolls, and other records of the employer that in any  
34 way relate to or have a bearing upon the question of wages, hours,  
35 and other conditions of employment in the public work; and  
36 question such workmen for the purpose of ascertaining whether the  
37 provisions of this act have been and are being complied with;

38       (c) require from such employer full and correct statements in  
39 writing, including sworn statements, with respect to wages, hours,  
40 names, addresses, and such other information pertaining to his  
41 workmen and their employment as the commissioner, or his  
42 authorized representative may deem necessary or appropriate;  
43 **[and]**

44       (d) require any employer to file, within 10 days of receipt of a  
45 request, any records enumerated in subsections (b) and (c) of this  
46 section, sworn to as to their validity and accuracy. If the employer  
47 fails to provide the requested records within 10 days, the  
48 commissioner may direct within 15 days the fiscal or financial

1 officer charged with the custody and disbursements of the funds of  
2 the public body which contracted for the public work immediately  
3 to withhold from payment to the employer up to 25% of the amount,  
4 not to exceed \$100,000.00, to be paid to the employer under the  
5 terms of the contract pursuant to which the public work is being  
6 performed. The amount withheld shall be immediately released  
7 upon receipt by the public body of a notice from the commissioner  
8 indicating that the request for records has been satisfied; and

9 (e) require any employer or contractor engaged in any work for a  
10 public body to file, with the commissioner and the public entity  
11 with which the employer or contractor is engaged in work, within  
12 10 days of receipt of a request, any records all books, registers,  
13 payrolls, and other records of any such employer or contractor that  
14 in any way relate to or have a bearing upon the question of wages,  
15 hours, and other conditions of employment of any such workmen,  
16 and copies of any or all of such books, registers, payrolls, or other  
17 records as the commissioner or the commissioner's authorized  
18 representative may deem necessary or appropriate. If the employer  
19 fails to provide the requested records within 10 days, the  
20 commissioner may direct within 15 days the fiscal or financial  
21 officer charged with the custody and disbursements of the funds of  
22 the public body which contracted for the public work immediately  
23 to withhold from payment to the employer up to 25% of the amount,  
24 not to exceed \$100,000.00, to be paid to the employer under the  
25 terms of the contract pursuant to which the public work is being  
26 performed. The amount withheld shall be immediately released  
27 upon receipt by the public body of a notice from the commissioner  
28 indicating that the request for records has been satisfied.

29 (cf: P.L.2015, c.281, s.1)

30  
31 4. This act shall take effect on the 365th day next following  
32 enactment, except that the Commissioner of Labor and Workforce  
33 Development may take any anticipatory administrative action in  
34 advance as shall be necessary for the implementation of this act.

#### 35 36 37 STATEMENT

38  
39 This bill requires any employer or contractor engaged in work  
40 for a public body to register with the Department of Labor and  
41 Workforce Development and submit certified payroll records to the  
42 department and to the public entity with which the employer or  
43 contractor is engaged to work. Under current law, employers and  
44 contractors engaged in public work, or otherwise subject to the  
45 State's prevailing wage requirements, are required to register with  
46 the State and submit certified payroll records. This bill would  
47 require all contractors engaged in work for a public body to register,

1 whether or not that work is subject to the prevailing wage law or  
2 constitutes public work under the law.

3 Under the bill, a “public body” is defined as “the State of New  
4 Jersey, any of its political subdivisions, any authority created by the  
5 Legislature of the State of New Jersey and any instrumentality or  
6 agency of the State of New Jersey or of any of its political  
7 subdivisions.” The bill defines “work for a public body” as  
8 “construction, reconstruction, demolition, alteration, custom  
9 fabrication, duct cleaning, or repair work, or maintenance work,  
10 which is done under contract and paid for in whole or in part out of  
11 the funds of a public body, done on any property or premises owned  
12 or leased by the public body or under agreement to be owned or  
13 leased by the public body, or undertaken in connection with any  
14 loan, loan guarantee, grant, incentive, expenditure, investment, tax  
15 exemption or other financial assistance approved, funded,  
16 authorized, administered or provided by a public body, or  
17 undertaken to fulfill any condition of receiving any of the financial  
18 assistance.”