

CHAPTER 152

AN ACT concerning the payroll records of employers engaged in work for a public body and amending P.L.1963, c.150 and P.L.1999, c.238.

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

1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to read as follows:

C.34:11-56.50 Definitions relative to public works contractors.

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

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

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

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

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

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

"Apprenticeable occupation" means a skilled trade or technical occupation that is included on the United States Department of Labor's "List of Occupations Officially Recognized as Apprenticeable by the Office of Apprenticeship".

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

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

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

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof who enters into a contract which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), or who is required to pay its workers the prevailing wage by any other provision of law and includes any subcontractor or lower tier subcontractor of a contractor as defined herein. With respect to the requirement that a contractor register with the department pursuant to section 4 of P.L.1999, c.238 (C.34:11-56.51), a contractor who performs work for a public body and who is not otherwise required to register under that section shall be excluded from the definition of contractor as it pertains to that registration requirement.

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

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

"Worker" includes laborer, mechanic, skilled or semi-skilled laborer, and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of

services directly upon a public work who have completed or are actively participating in a registered apprenticeship program, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

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

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

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

C.34:11-56.31 Powers of commissioner.

7. The commissioner shall have the authority to:

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

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

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

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

(e) require any employer or contractor engaged in any work for a public body to file, with the commissioner and the public entity with which the employer or contractor is engaged in work, within 10 days of receipt of a request from the commissioner or the commissioner's

authorized representative, any or all records, books, registers, payrolls, and other records of any such employer or contractor that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such workmen and copies of any or all of such books, registers, payrolls, or other records as the commissioner or the commissioner's authorized representative may deem necessary or appropriate. If the employer fails to provide the requested records within 10 days, the commissioner may direct within 15 days the fiscal or financial officer charged with the custody and disbursements of the funds of the public body which contracted for the public work immediately to withhold from payment to the employer up to 25% of the amount, not to exceed \$100,000.00, to be paid to the employer under the terms of the contract pursuant to which the public work is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records has been satisfied. The commissioner shall differentiate the manner of filing records for an employer or contractor that performs work that is not subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) or that is not required to pay its workers the prevailing wage by any other provisions of the law.

(f) As used in this section:

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

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

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

Approved October 20, 2025.