

[Second Reprint]

SENATE, No. 1403

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

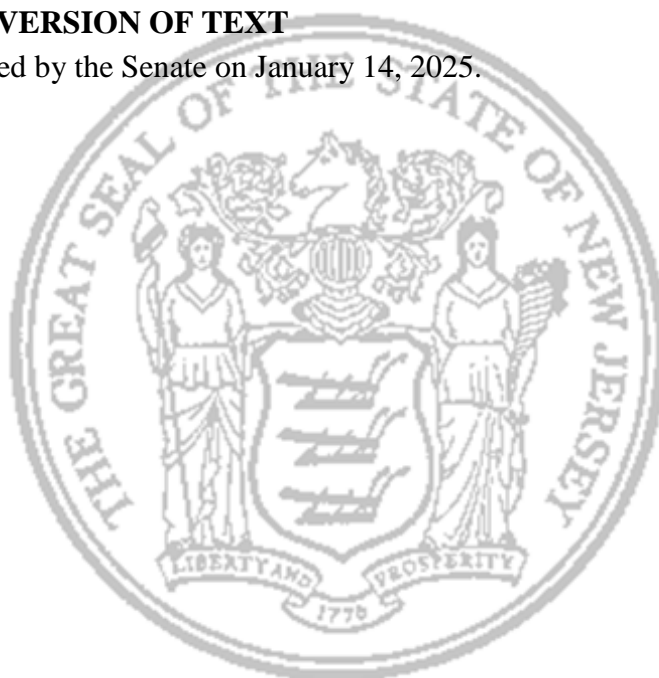
**Senators Johnson, Greenstein, Corrado, Singer, Burzichelli, Amato,
McKnight, Pou, Stack, Moriarty and Diegnan**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on January 14, 2025.



(Sponsorship Updated As Of: 1/30/2025)

1 AN ACT concerning the ¹**[registration and]**¹ 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 is included on the United States Department of Labor's
33 "List of Occupations Officially Recognized as Apprenticeable by the
34 Office of Apprenticeship".

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

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

42 "Completion rate" means the percentage of an apprenticeship
43 cohort who receive a certificate of apprenticeship completion within
44 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted October 28, 2024.

²Senate floor amendments adopted January 14, 2025.

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. ¹With respect to the requirement that a contractor register
10 with the department pursuant to section 4 of P.L.1999, c.238
11 (C.34:11-56.51), a contractor who performs work for a public body
12 and who is not otherwise required to register under that section,
13 shall be excluded from the definition of contractor as it pertains to
14 that registration requirement.¹

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

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

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

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

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

38 ¹["Public body" means the State, any of its political subdivisions,
39 any authority created by the Legislature, and any instrumentality or
40 agency of the State or of any of its political subdivisions.

41 "Work for a public body" means construction, reconstruction,
42 demolition, alteration, custom fabrication, duct cleaning, or repair
43 work, or maintenance work, which is done under contract and paid for
44 in whole or in part out of the funds of a public body, done on any
45 property or premises owned or leased by the public body or under
46 agreement to be owned or leased by the public body, or undertaken in
47 connection with any loan, loan guarantee, grant, incentive,

1 expenditure, investment, tax exemption or other financial assistance
2 approved, funded, authorized, administered or provided by a public
3 body, or undertaken to fulfill any condition of receiving any of the
4 financial assistance.】¹

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

6

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

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

21 (cf: P.L.2019, c.376, s.2)】¹

22

23 ¹【3.】2.¹ Section 7 of P.L.1963, c.150 (C.34:11-56.31) is amended
24 to read as follows:

25 7. The commissioner shall have the authority to:

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

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

44 (c) require from such employer full and correct statements in
45 writing, including sworn statements, with respect to wages, hours,
46 names, addresses, and such other information pertaining to his

1 workmen and their employment as the commissioner, or his authorized
2 representative may deem necessary or appropriate; **[and]**

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

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

35 ²The commissioner shall differentiate the manner of filing records for
36 an employer or contractor that performs work that is not subject to the
37 provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150
38 (C.34:11-56.25 et seq.) or that is not required to pay its workers the
39 prevailing wage by any other provisions of the law.²

40 ¹(f) As used in this section:

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

44 "Work for a public body" means construction, reconstruction,
45 demolition, alteration, custom fabrication, duct cleaning, or repair
46 work, or maintenance work, which is done under contract and paid for
47 in whole or in part out of the funds of a public body, done on any

1 property or premises owned or leased by the public body or under
2 agreement to be owned or leased by the public body, or undertaken in
3 connection with any loan, loan guarantee, grant, incentive,
4 expenditure, investment, tax exemption or other financial assistance
5 approved, funded, authorized, administered or provided by a public
6 body, or undertaken to fulfill any condition of receiving any of the
7 financial assistance.¹

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

9

10 ¹**[4.]** 3.¹ This act shall take effect on the 365th day next
11 following enactment, except that the Commissioner of Labor and
12 Workforce Development may take any anticipatory administrative
13 action in advance as shall be necessary for the implementation of
14 this act.