

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 and Pou**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee with technical review.



(Sponsorship Updated As Of: 5/6/2024)

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.

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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)

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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)

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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.