

SENATE, No. 4797

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 8, 2026

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)
Senator LATHAM TIVER
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SYNOPSIS

Clarifies applicability of “New Jersey Prevailing Wage Act” to public work projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2026)

1 AN ACT concerning applicability of “New Jersey Prevailing Wage
2 Act” and amending and supplementing P.L.1963, c.150.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
8 read as follows:

9 2. As used in this **[act]** P.L.1963, c.150 (C.34:11-56.25 et
10 seq.):

11 (1) "Department" means the Department of Labor and Workforce
12 Development of the State of New Jersey.

13 (2) "Locality" means any political subdivision of the State,
14 combination of the same or parts thereof, or any geographical area
15 or areas classified, designated and fixed by the commissioner from
16 time to time, provided that in determining the "locality," the
17 commissioner shall be guided by the boundary lines of political
18 subdivisions or parts thereof, or by a consideration of the areas with
19 respect to which it has been the practice of employers of particular
20 crafts or trades to engage in collective bargaining with the
21 representatives of workers in such craft or trade.

22 (3) "Maintenance work" means the repair of existing facilities
23 when the size, type or extent of such facilities is not thereby
24 changed or increased. "Maintenance work" also means any work on
25 a maintenance-related project that exceeds the scope of work and
26 capabilities of in-house maintenance personnel, requires the
27 solicitation of bids, and has an aggregate value exceeding \$50,000.

28 (4) "Public body" means the State of New Jersey, any of its
29 political subdivisions, any authority created by the Legislature of
30 the State of New Jersey and any instrumentality or agency of the
31 State of New Jersey or of any of its political subdivisions.

32 (5) "Public work" means construction, reconstruction,
33 demolition, alteration, custom fabrication, duct cleaning, or repair
34 work, or maintenance work, including painting, and decorating,
35 done under contract and paid for in whole or in part out of the funds
36 of a public body, except work performed under a rehabilitation
37 program. "Public work" shall also mean construction,
38 reconstruction, demolition, alteration, custom fabrication, duct
39 cleaning, or repair work, done on any property or premises, whether
40 or not the work is paid for from public funds, if, at the time of the
41 entering into of the contract the property or premises is owned by
42 the public body or

43 (a) Not less than 55**[%]** percent of the property or premises is
44 leased by a public body, or is subject to an agreement to be
45 subsequently leased by the public body; and

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 (b) The portion of the property or premises that is leased or
2 subject to an agreement to be subsequently leased by the public
3 body measures more than 20,000 square feet.

4 Whenever the terms “public work of a public body,” “public
5 work performed for a public body,” “public works project of a
6 public body,” or any substantially similar terms or phrases appear in
7 the “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-
8 56.25 et seq.), or in any rule or regulation promulgated thereunder,
9 that term or phrase shall be deemed to include and mean all “public
10 work” as defined in this section.

11 (6) "Commissioner" means the Commissioner of Labor and
12 Workforce Development or his duly authorized representatives.

13 (7) "Workman" or "worker" includes laborer, mechanic, skilled
14 or semi-skilled, laborer and apprentices or helpers employed by any
15 contractor or subcontractor and engaged in the performance of
16 services directly upon a public work, regardless of whether their
17 work becomes a component part thereof, but does not include
18 material suppliers or their employees who do not perform services
19 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
20 et seq.), contractors or subcontractors engaged in custom fabrication
21 shall not be regarded as material suppliers.

22 (8) "Work performed under a rehabilitation program" means
23 work arranged by and at a State institution primarily for teaching
24 and upgrading the skills and employment opportunities of the
25 inmates of such institutions.

26 (9) "Prevailing wage" means the wage rate paid by virtue of
27 collective bargaining agreements by employers employing a
28 majority of workers of that craft or trade subject to said collective
29 bargaining agreements, in the locality in which the public work is
30 done.

31 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
32 56.25 et seq.) and the rules and regulations issued hereunder.

33 (11) "Prevailing wage contract threshold amount" means:

34 (a) In the case of any public work paid for in whole or in part out
35 of the funds of a municipality in the State of New Jersey or done on
36 property or premises owned by a public body or leased or to be
37 leased by the municipality, the dollar amount established for the
38 then current calendar year by the commissioner through rules and
39 regulations promulgated pursuant to the "Administrative Procedure
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which amount shall be
41 equal to \$9,850 on July 1, 1994 and which amount shall be adjusted
42 on July 1 every five calendar years thereafter in direct proportion to
43 the rise or fall in the average of the Consumer Price Indices for
44 Urban Wage Earners and Clerical Workers for the New York
45 metropolitan and the Philadelphia metropolitan regions as reported
46 by the United States Department of Labor during the last full
47 calendar year preceding the date upon which the adjustment is
48 made; and

1 (b) In the case of any public work other than a public work
2 described in paragraph (a) of this subsection, an amount equal to
3 \$2,000.

4 (12) "Custom fabrication" means:

5 (a) the fabrication of any of the following: plumbing, heating,
6 cooling, ventilation or exhaust duct systems, mechanical insulation,
7 or one or more signs in a project which cost a total of more than
8 \$30,000 and are part of a project upon completion; or

9 (b) any other fabrication which is one or more entire modules or
10 structures pre-fabricated to specifications for a particular project of
11 public work with minimal construction work remaining other than
12 installation, regardless of whether unforeseen construction work is
13 required on the public work site to modify the custom fabricated
14 item for the purpose of installation, for use in a project of public
15 work or for use in a type or classification of a project of public
16 work. "Custom fabrication" shall not include components or
17 materials, such as structural steel members or precast concrete, or
18 smaller prefabricated components.

19 (cf: P.L.2023, c.133)

20
21 2. (New section) For purposes of the "New Jersey Prevailing
22 Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), any contractor,
23 subcontractor, developer, construction manager, tenant, lessee,
24 concessionaire, or other entity performing "public work" shall be
25 subject to all obligations, duties, requirements, protections,
26 penalties, and enforcement provisions applicable under P.L.1963,
27 c.150 (C.34:11-56.25 et seq.), regardless of whether:

28 a. the work is performed pursuant to a direct contract with a
29 public body;

30 b. the work is performed on behalf of a private entity;

31 c. the project involves a lease, sublease, concession,
32 redevelopment agreement, public-private partnership, or other
33 similar arrangement; or

34 d. public body involvement arises through public funding,
35 ownership, leasehold interest, redevelopment authority, tax
36 incentive, or any other basis establishing coverage under P.L.1963,
37 c.150 (C.34:11-56.25 et seq.).

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39 3. This act shall take effect on the 90th day next following the
40 date of enactment.

41 42 43 STATEMENT

44
45 This bill clarifies the applicability of the "New Jersey Prevailing
46 Wage Act" to public work projects.

47 Specifically, the bill provides that whenever the terms "public
48 work of a public body," "public work performed for a public body,"

1 “public works project of a public body,” or any substantially similar
2 terms or phrases appear in the “New Jersey Prevailing Wage Act,”
3 or in any rule or regulation promulgated thereunder, that term or
4 phrase is deemed to include and mean all “public work” as defined
5 in the act.

6 The bill also provides that, for purposes of the “New Jersey
7 Prevailing Wage Act,” any contractor, subcontractor, developer,
8 construction manager, tenant, lessee, concessionaire, or other entity
9 performing “public work” shall be subject to all obligations, duties,
10 requirements, protections, penalties, and enforcement provisions
11 applicable under the act, regardless of whether:

12 (1) the work is performed pursuant to a direct contract with a
13 public body;

14 (2) the work is performed on behalf of a private entity;

15 (3) the project involves a lease, sublease, concession,
16 redevelopment agreement, public-private partnership, or other
17 similar arrangement; or

18 (4) public body involvement arises through public funding,
19 ownership, leasehold interest, redevelopment authority, tax
20 incentive, or any other basis establishing coverage under the act.