

P.L. 2004, CHAPTER 101, *approved July 14, 2004*
Senate, No. 596 (*First Reprint*)

1 **AN ACT** concerning the payment of prevailing wages for custom
2 fabrication work in public work and amending P.L.1963, c.150.

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

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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:

10 (1) "Department" means the Department of Labor of the State of
11 New Jersey.

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

21 (3) "Maintenance work" means the repair of existing facilities when
22 the size, type or extent of such facilities is not thereby changed or
23 increased.

24 (4) "Public body" means the State of New Jersey, any of its
25 political subdivisions, any authority created by the Legislature of the
26 State of New Jersey and any instrumentality or agency of the State of
27 New Jersey or of any of its political subdivisions.

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

37 (a) Not less than 55% of the property or premises is leased by a
38 public body, or is subject to an agreement to be subsequently leased
39 by the public body; and

40 (b) The portion of the property or premises that is leased or subject

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted March 22, 2004.

1 to an agreement to be subsequently leased by the public body measures
2 more than 20,000 square feet.

3 (6) "Commissioner" means the Commissioner of Labor or his duly
4 authorized representatives.

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

14 (8) "Work performed under a rehabilitation program" means work
15 arranged by and at a State institution primarily for teaching and
16 upgrading the skills and employment opportunities of the inmates of
17 such institutions.

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

22 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
23 56.25 et seq.) and the rules and regulations issued hereunder.

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

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

39 (b) In the case of any public work other than a public work
40 described in paragraph (a) of this subsection, an amount equal to
41 \$2,000.

42 (12) "Custom fabrication" means the fabrication of¹ [woodwork,
43 cases, cabinets or counters and the fabrication of]¹ plumbing, heating,
44 cooling, ventilation or exhaust duct systems¹, and mechanical
45 insulation¹.

46 (cf: P.L.1995, c.259, s.13)

1 2. This act shall take effect immediately.

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6 Applies prevailing wage to custom fabrication of woodwork and
7 plumbing, heating, cooling, ventilation or exhaust duct systems.