

P.L. 2009, CHAPTER 249, *approved January 16, 2010*  
Assembly, No. 4268

1 **AN ACT** concerning the prevailing wage with respect to certain  
2 maintenance-related projects 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 and Workforce  
11 Development of the State of New Jersey.

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

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

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

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

**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 (a) Not less than 55% of the property or premises is leased by a  
2 public body, or is subject to an agreement to be subsequently leased  
3 by the public body; and
- 4 (b) The portion of the property or premises that is leased or  
5 subject to an agreement to be subsequently leased by the public  
6 body measures more than 20,000 square feet.
- 7 (6) "Commissioner" means the Commissioner of Labor and  
8 Workforce Development or his duly authorized representatives.
- 9 (7) "Workman" or "worker" includes laborer, mechanic, skilled  
10 or semi-skilled, laborer and apprentices or helpers employed by any  
11 contractor or subcontractor and engaged in the performance of  
12 services directly upon a public work, regardless of whether their  
13 work becomes a component part thereof, but does not include  
14 material suppliers or their employees who do not perform services  
15 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25  
16 et seq.), contractors or subcontractors engaged in custom fabrication  
17 shall not be regarded as material suppliers.
- 18 (8) "Work performed under a rehabilitation program" means  
19 work arranged by and at a State institution primarily for teaching  
20 and upgrading the skills and employment opportunities of the  
21 inmates of such institutions.
- 22 (9) "Prevailing wage" means the wage rate paid by virtue of  
23 collective bargaining agreements by employers employing a  
24 majority of workers of that craft or trade subject to said collective  
25 bargaining agreements, in the locality in which the public work is  
26 done.
- 27 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-  
28 56.25 et seq.) and the rules and regulations issued hereunder.
- 29 (11) "Prevailing wage contract threshold amount" means:
- 30 (a) In the case of any public work paid for in whole or in part  
31 out of the funds of a municipality in the State of New Jersey or  
32 done on property or premises owned by a public body or leased or  
33 to be leased by the municipality, the dollar amount established for  
34 the then current calendar year by the commissioner through rules  
35 and regulations promulgated pursuant to the "Administrative  
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which  
37 amount shall be equal to \$9,850 on July 1, 1994 and which amount  
38 shall be adjusted on July 1 every five calendar years thereafter in  
39 direct proportion to the rise or fall in the average of the Consumer  
40 Price Indices for Urban Wage Earners and Clerical Workers for the  
41 New York metropolitan and the Philadelphia metropolitan regions  
42 as reported by the United States Department of Labor during the  
43 last full calendar year preceding the date upon which the adjustment  
44 is made; and
- 45 (b) In the case of any public work other than a public work  
46 described in paragraph (a) of this subsection, an amount equal to  
47 \$2,000.

1 (12) "Custom fabrication" means the fabrication of plumbing,  
2 heating, cooling, ventilation or exhaust duct systems, and  
3 mechanical insulation.  
4 (cf: P.L.2007, c.68, s.1)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill extends the scope of maintenance work which is subject  
12 to the prevailing wage requirements of the "New Jersey Prevailing  
13 Wage Act," P.L.1963, c.150 (C. 34:11-56.25 et seq.) to include any  
14 work on a maintenance-related project that exceeds the scope of  
15 work and capabilities of in-house maintenance personnel, requires  
16 the solicitation of bids, and has an aggregate value exceeding  
17 \$50,000. Currently, the scope of "maintenance work" subject to the  
18 prevailing wage requirements of that act is limited to the repair of  
19 existing facilities when the size, type or extent of such facilities is  
20 not thereby changed or increased.

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25 Extends prevailing wage requirements to certain maintenance-  
26 related projects.