

ASSEMBLY, No. 1171

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 18 (Middlesex)

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District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires Commissioner of Labor and Workforce Development to create Statewide database of certified payroll information for public works projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning a Statewide database of certified payroll
2 information filed by public works contractors and amending
3 P.L.1963, c.150.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 9 of P.L.1963, c.150 (C.34:11-56.33) is amended to
9 read as follows:

10 9. (a) Before final payment is made by or on behalf of any
11 public body or before any lessee to whom the public body is leasing
12 a property or premises or any lessor from whom the public body is
13 leasing or will be leasing a property or premises makes such
14 payment, of any sum or sums due on a public work, it shall be the
15 duty of the treasurer of the public body or other officer or person
16 charged with the custody and disbursement of the funds of the
17 public body, the lessee to whom the public body is leasing a
18 property or premises or the lessor from whom the public body is
19 leasing or will be leasing a property or premises, as the case may
20 be, to require the contractor and subcontractor to file written
21 statements with the public body and the commissioner in a form
22 satisfactory to the commissioner certifying to the amounts then due
23 and owing from such contractor and subcontractor filing such
24 statement to any and all workers for wages due on account of the
25 public work, setting forth therein the names of the persons whose
26 wages are unpaid and the amount due to each respectively, which
27 statement shall be verified by the oath of the contractor or
28 subcontractor, as the case may be, that he has read such statement
29 subscribed by him, knows the contents thereof, and that the same is
30 true of his own knowledge; provided, however, that nothing herein
31 shall impair the right of a contractor to receive final payment
32 because of the failure of any subcontractor to comply with
33 provisions of this act.

34 (b) In case any worker shall have filed a protest in writing
35 within three months from the date of the occurrence of the incident
36 complained of with the commissioner, objecting to the payment to
37 any contractor to the extent of the amount or amounts due or to
38 become due to the worker for wages for work performed on a public
39 work, the commissioner may direct the fiscal or financial officer of
40 the public body or other person charged with the custody and
41 disbursements of the funds of the public body, the lessee to whom
42 the public body is leasing a property or premises or the lessor from
43 whom the public body is leasing or will be leasing a property or
44 premises, as the case may be, to deduct from the whole amount of
45 any payment, the sum or sums admitted by any contractor in such

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 statement or statements so filed to be due and owing by him on
2 account of wages earned on such public work.

3 Such fiscal or financial officer, the lessee to whom the public
4 body is leasing a property or premises or the lessor from whom the
5 public body is leasing or will be leasing a property or premises,
6 shall withhold the amount so deducted for the benefit of the worker
7 whose wages are unpaid as shown by the verified statement filed by
8 such contractor, and shall pay directly to any worker the amount
9 shown by such statement to be due to him for such wages. Such
10 payment shall thereby discharge the obligation of the contractor to
11 the person receiving such payment to the extent of the amount
12 thereof.

13 (cf: P.L.2007, c.68, s.4)

14

15 2. Section 13 of P.L.1963, c.150 (C.34:11-56.37) is amended to
16 read as follows:

17 13. a. In the event that the commissioner shall determine, after
18 investigation, that any contractor or subcontractor has failed to pay
19 the prevailing wage he shall thereupon list and keep on record the
20 name of such contractor or subcontractor and forthwith give notice
21 by mail of such list to any public body who shall request the
22 commissioner so to do. Where the person responsible denies that a
23 failure to pay the prevailing wage has occurred, he shall have the
24 right to apply to the commissioner for a hearing which must be
25 afforded and a decision rendered within 48 hours of the request for
26 a hearing. If the commissioner rules against the petitioning party he
27 shall have the right to apply for injunctive relief in the Superior
28 Court against the listing by the commissioner.

29 b. The commissioner shall create, maintain, and distribute an
30 informational list for contractors and subcontractors who bid on and
31 perform public work, which includes but need not be limited to
32 wage payment, recordkeeping, and registration requirements, and
33 applicable penalties, pursuant to the "New Jersey Prevailing Wage
34 Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) and "The Public
35 Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-
36 56.48 et seq.). The commissioner shall prominently display the
37 informational list on a website maintained by the Department of
38 Labor and Workforce Development and shall distribute to any
39 contractor, subcontractor, or public body, upon request, the
40 informational list, as well as the list of the names of contractors and
41 subcontractors who have failed to pay prevailing wages as
42 determined pursuant to subsection a. of this section, or who have
43 failed to pay any State employer payroll tax.

44 c. The commissioner shall create, maintain, and distribute an
45 informational list of labor organizations that represent workers who
46 engage in public work, which shall contain information about
47 required hourly rates, required fringe benefit rates, and regions in
48 which the labor organizations represent workers. The

1 commissioner shall prominently display the informational list on a
2 website maintained by the Department of Labor and Workforce
3 Development and shall distribute to any contractor, subcontractor,
4 labor organization, or public body, upon request, the informational
5 list for use on public work, including projects for which the cost is
6 below the prevailing wage contract threshold amount.

7 d. The commissioner shall create and maintain, in a manner
8 accessible to the public on the website of the Department of Labor
9 and Workforce Development, a Statewide database of the certified
10 statements of contractors and subcontractors who bid on and
11 perform public work that are required to be filed with the public
12 body and the commissioner in accordance with subsection (a) of
13 section 9 of P.L.1963, c.150 (C.34:11-56.33). The commissioner
14 shall redact any personal identifying information of employees, and
15 any other information as may be required by law, prior to a
16 statement's publication on the database.

17 (cf: P.L.2019, c.61, s.1)

18
19 3. This act shall on the first day of the sixth month next
20 following enactment, except the commissioner may take such action
21 as is necessary for the implementation of this act.

22 23 24 STATEMENT

25
26 This bill requires the Commissioner of Labor and Workforce
27 Development to create a Statewide database of the written
28 statements regarding payroll information that contractors and
29 subcontractors who bid on and perform public work are required
30 under current law to file when engaging in public works. The
31 payroll certification, established in accordance with N.J.A.C.12:60-
32 2.1 and N.J.A.C.12:60-5.1, requires contractors and subcontractors
33 to provide payment and withholding information for employees.
34 The commissioner is required to redact any personal identifying
35 information of the employees as is required by law prior to
36 publishing the payroll statements on the database. The bill requires
37 the database to be accessible to the public on the department's
38 website.

39 Additionally, the bill requires contractors to file payroll
40 statements with both the relevant public body and the
41 commissioner. Under current law, contractors are only required to
42 file these statements with the relevant public body.