

P.L. 2021, CHAPTER 164, *approved July 8, 2021*
Assembly, No. 1171

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:*
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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

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 disbursements of the funds of the public body, the lessee to whom
2 the public body is leasing a property or premises or the lessor from
3 whom the public body is leasing or will be leasing a property or
4 premises, as the case may be, to deduct from the whole amount of
5 any payment, the sum or sums admitted by any contractor in such
6 statement or statements so filed to be due and owing by him on
7 account of wages earned on such public work.

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

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

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

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

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

1 c. The commissioner shall create, maintain, and distribute an
2 informational list of labor organizations that represent workers who
3 engage in public work, which shall contain information about
4 required hourly rates, required fringe benefit rates, and regions in
5 which the labor organizations represent workers. The
6 commissioner shall prominently display the informational list on a
7 website maintained by the Department of Labor and Workforce
8 Development and shall distribute to any contractor, subcontractor,
9 labor organization, or public body, upon request, the informational
10 list for use on public work, including projects for which the cost is
11 below the prevailing wage contract threshold amount.

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

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

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

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