

P.L. 2021, CHAPTER 253, *approved October 18, 2021*
Assembly, No. 1536 (*First Reprint*)

1 **AN ACT** concerning the fabrication of certain signs and amending
2 P.L.1963, c.150 ¹**[and P.L.2002, c.44]**¹.

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 as
8 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 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
22 when the size, type or extent of such facilities is not thereby changed
23 or increased. "Maintenance work" also means any work on a
24 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 the
29 State of New Jersey and any instrumentality or agency of the State of
30 New Jersey or of any of its political subdivisions.

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

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 by
3 the public body; and

4 (b) The portion of the property or premises that is leased or subject
5 to an agreement to be subsequently leased by the public body
6 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 or
10 semi-skilled, laborer and apprentices or helpers employed by any
11 contractor or subcontractor and engaged in the performance of services
12 directly upon a public work, regardless of whether their work becomes
13 a component part thereof, but does not include material suppliers or
14 their employees who do not perform services at the job site. For the
15 purpose of P.L.1963, c.150 (C.34:11-56.25 et seq.), contractors or
16 subcontractors engaged in custom fabrication shall not be regarded as
17 material suppliers.

18 (8) "Work performed under a rehabilitation program" means work
19 arranged by and at a State institution primarily for teaching and
20 upgrading the skills and employment opportunities of the inmates of
21 such institutions.

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

26 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
27 56.25 et seq.) and the rules and regulations issued hereunder.

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

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

43 (b) In the case of any public work other than a public work
44 described in paragraph (a) of this subsection, an amount equal to
45 \$2,000.

46 (12) "Custom fabrication" means:

47 (a) the fabrication of any of the following: plumbing, heating,
48 cooling, ventilation or exhaust duct systems, **【and】** mechanical

1 insulation, or **1[signs]** one or more signs in a project which cost a total
2 of more than \$30,000 and are part of a project upon completion¹; or

3 (b) any other fabrication which is either of components or
4 structures pre-fabricated to specifications for a particular project of
5 public work or of other materials finished into components without
6 further modification for use in a project of public work or for use in a
7 type or classification of a project of public work.

8 (cf: P.L.2019, c.44, s.1)

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10 **1**[2. Section 2 of P.L.2002, c.44 (C.52:38-2) is amended as
11 follows:

12 2. For the purposes of this act:

13 "Apprenticeship program" means a registered apprenticeship
14 program providing to each trainee combined classroom and on-the-
15 job training under the direct and close supervision of a highly
16 skilled worker in an occupation recognized as an apprenticeable
17 trade, and registered by the Bureau of Apprenticeship and Training
18 of the U.S. Department of Labor and meeting the standards
19 established by the bureau, or registered by a State apprenticeship
20 agency recognized by the bureau.

21 "Custom fabrication" means custom fabrication as defined by
22 section 2 of P.L.1963, c.150 (C.34:11-56.26).

23 "Labor organization" means, with respect to a contracted work
24 on a public works project, an organization which represents, for
25 purposes of collective bargaining, employees involved in the
26 performance of public works contracts and eligible to be paid
27 prevailing wages under the "New Jersey Prevailing Wage Act",
28 P.L.1963, c.150 (C.34:11-56.25 et seq.) and has the present ability
29 to refer, provide or represent sufficient numbers of qualified
30 employees to perform the contracted work, in a manner consistent
31 with the provisions of this act and any plan mutually agreed upon
32 by the labor organization and the public entity pursuant to
33 subsection g. of section 5 of this act.

34 "Project labor agreement" means a form of pre-hire collective
35 bargaining agreement covering terms and conditions of a specific
36 project.

37 "Public entity" means the State, any of its political subdivisions,
38 any authority created by the Legislature and any instrumentality or
39 agency of the State or of any of its political subdivisions.

40 "Public works project" means any public works project for the
41 construction, reconstruction, demolition or renovation of buildings,
42 or the custom fabrication of materials, components or structures,
43 including signs, used in the buildings, done at the public expense,
44 including by means of tax incentives or other incentives, or located
45 on public property, other than pumping stations or water or sewage
46 treatment plants, for which:

47 (1) It is required by law that workers be paid the prevailing
48 wage determined by the Commissioner of Labor pursuant to the

1 provisions of the "New Jersey Prevailing Wage Act", P.L.1963,
 2 c.150 (C.34:11-56.25 et seq.); and
 3 (2) The public entity estimates that the total cost of the project,
 4 exclusive of any land acquisition costs, will equal or exceed \$5
 5 million; and
 6 (3) The workers and their employers comply with all applicable
 7 provisions of law regarding apprenticeship and other skill training
 8 programs, including any applicable provision of P.L.2019, c.84
 9 (C.34:15B-46 et al), the "New Jersey Prevailing Wage Act",
 10 P.L.1963, c.150 (C.34:11-56.25 et seq.), and "The Public Works
 11 Contractor Registration Act", P.L.1999, c.238 (C.34:11-
 12 56.48 et seq.).
 13 (cf: P.L.2002, c.44, s.2).¹

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 15 ¹**[3.] 2.**¹ This act shall take effect immediately.

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 20 Concerns sign fabrication and prevailing wage requirements.