

## CHAPTER 164

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

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

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

C.34:11-56.33 Filing of written statements of amounts due workers; database of certified payroll information.

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

(b) In case any worker shall have filed a protest in writing within three months from the date of the occurrence of the incident complained of with the commissioner, objecting to the payment to any contractor to the extent of the amount or amounts due or to become due to the worker for wages for work performed on a public work, the commissioner may direct the fiscal or financial officer of the public body or other person charged with the custody and disbursements of the funds of the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises, as the case may be, to deduct from the whole amount of any payment, the sum or sums admitted by any contractor in such statement or statements so filed to be due and owing by him on account of wages earned on such public work.

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

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

C.34:11-56.37 List relative to contractors performing prevailing wage public work; database of certified statements.

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

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

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

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

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

Approved July 8, 2021.