

34:11-56.31

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:11-56.31

(Prevailing
wages--enforcement
power to secure
records)

LAWS OF: 1987

CHAPTER: 451

Bill No: A2055

Sponsor(s): Foy

Date Introduced: February 20, 1987

Committee: Assembly: Labor

Senate: Labor, Industry and Professions

Amended during passage: No

Date of Passage: Assembly: September 29, 1987

Senate: January 11, 1988

Date of Approval: January 19, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 2055
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1986

By Assemblymen FOY, PELLECCCHIA, NAPLES ZANGARI,
THOMPSON, PATERNITI, Assemblywoman GARVIN, Assem-
blymen SCHWARTZ, DORIA, MAZUR, CHARLES and GOR-
MAN

AN ACT to amend the "New Jersey Prevailing Wage Act," ap-
proved September 3, 1963 (P. L. 1963, c. 150).

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

1 1. Section 7 of P. L. 1963, c. 150 (C. 34:11-56.31) is amended
2 to read as follows:

3 7. The commissioner shall have the authority to:

4 (a) investigate and ascertain the wages of workmen employed
5 in any public work in the State;

6 (b) enter and inspect the place of business or employment of
7 any employer or workmen in any public work in the State, for
8 the purpose of examining and inspecting any or all books, regis-
9 ters, payrolls, and other records of any such employer that in
10 any way relate to or have a bearing upon the question of wages,
11 hours, and other conditions of employment of any such work-
12 men; copy any or all of such books, registers, payrolls, and other
13 records as he or his authorized representative may deem neces-
14 sary or appropriate; and question such workmen for the purpose
15 of ascertaining whether the provisions of this act have been and
16 are being complied with; **[and]**

17 (c) require from such employer full and correct statements in
18 writing, including sworn statements, with respect to wages, hours,
19 names, addresses, and such other information pertaining to his

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 printed in italics *thus* is new matter.

20 workmen and their employment as the commissioner, or his
21 authorized representative may deem necessary or appropriate;
22 and

23 *(d) require any employer to file, within 10 days of receipt of*
24 *a request, any records enumerated in subsections (b) and (c)*
25 *of this section, sworn to as to their validity and accuracy. If the*
26 *employer fails to provide the requested records within 10 days,*
27 *the commissioner may direct within 15 days the fiscal or finan-*
28 *cial officer charged with the custody and disbursements of the*
29 *funds of the public body which contracted for the public work*
30 *immediately to withhold from payment to the employer up to*
31 *25% of the amount, not to exceed \$100,000.00, to be paid to the*
32 *employer under the terms of the contract pursuant to which the*
33 *public work is being performed. The amount withheld shall be*
34 *immediately released upon receipt by the public body of a notice*
35 *from the commissioner indicating that the request for records*
36 *has been satisfied.*

1 2. This act shall take effect immediately.

STATEMENT

This bill provides an additional enforcement power to the Commissioner of Labor with regard to the "New Jersey Prevailing Wage Act." The bill allows the commissioner to direct that 25% of the amount due to an employer on a public work contract be withheld if the employer fails to comply with a request for records by the commissioner.

LABOR RELATIONS AND EMPLOYMENT

Amends the "New Jersey Prevailing Wage Act" to provide for additional enforcement power to secure certain records.

ASSEMBLY LABOR COMMITTEE
STATEMENT TO
ASSEMBLY, No. 2055

STATE OF NEW JERSEY

DATED: MAY 22, 1986

The Assembly Labor Committee reports favorably Assembly Bill No. 2055.

This bill expands the powers of the Commissioner of Labor under the "New Jersey Prevailing Wage Act" of 1963. First, the bill allows the commissioner to gather information more easily about employee wages, hours, and conditions of employment from employers who are under contract with a public body and who are paid in whole or in part with public funds for construction, renovations, or demolition. Under this bill, the commissioner could require an employer doing work for a public body to turn over within 10 days any information related to or having a bearing upon questions of wages, hours, and conditions of employment, as the commissioner, or his representative, deems appropriate. Under current law, the commissioner is only empowered to enter and inspect a place of business for the purpose of examining the business's records and to require full, correct, written, and sworn statements from employers.

Second, the bill grants to the commissioner the authority to withhold payments to the employer performing work for a public body, if the employer fails to comply with the commissioner's order to turn over information. Under such circumstances, the commissioner could order a public body to withhold up to 25% of the amount due to an employer under a contract with a public body. The amount withheld under any contract, though, could not exceed \$100,000.00. Under current law, an employer who willfully hinders or delays the commissioner in the performance of his duties under the prevailing wage act could receive a fine of \$100.00 to \$500.00, be imprisoned for 10 to 90 days, or both.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2055

STATE OF NEW JERSEY

DATED: JUNE 15, 1987

This bill expands the powers of the Commissioner of Labor under the "New Jersey Prevailing Wage Act." The bill allows the commissioner to gather information more easily about employee wages, hours and conditions of employment from employers who are under contract with a public body and who are paid in whole or in part with public funds for construction, renovations or demolition. Under the bill, the commissioner may require an employer doing work for a public body to turn over, within 10 days, any information related to or having a bearing upon questions of wages, hours and conditions of employment, as the commissioner, or his representative, deems appropriate. Under current law, the commissioner is only empowered to enter and inspect a place of business for the purpose of examining the employer's records and to require full, correct, written and sworn statements from employers.

If the employer fails to comply with the commissioner's order to turn over information, the commissioner is authorized under the bill to withhold payments to the employer performing work for a public body. Under those circumstances, the commissioner may order a public body to withhold up to 25% of the amount due to an employer under a contract with a public body. However, the amount withheld under any contract may not exceed \$100,000.00. Under current law, an employer who willfully hinders or delays the commissioner in the performance of his duties under the "New Jersey Prevailing Wage Act" may be fined from \$100.00 to \$500.00, be imprisoned for 10 to 90 days, or both.