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P.L. 2003, CHAPTER 276, *approved January 14, 2004*
Assembly Committee Substitute (*Third Reprint*) for
Assembly, No. 205

1 AN ACT establishing criminal penalties for certain violations of the
2 "New Jersey Prevailing Wage Act" and amending P.L.1963, c.150
3 and P.L.1999, c.440.
4

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

7
8 1. Section 11 of P.L.1963, c.150 (C.34:11-56.35) is amended to
9 read as follows:

10 11. (a) Any employer who willfully hinders or delays the
11 commissioner in the performance of his duties in the enforcement of
12 this act, or fails to make, keep, and preserve any records as required
13 under the provisions of this act, or falsifies any such record, or refuses
14 to make any such record accessible to the commissioner upon demand,
15 or refuses to furnish a sworn statement of such record or any other
16 information required for the proper enforcement of this act to the
17 commissioner upon demand, or pays or agrees to pay wages at a rate
18 less than the rate applicable under this act or otherwise violates any
19 provision of this act or of any regulation or order issued under this act
20 shall be guilty of a disorderly persons offense and shall, upon
21 conviction therefor, be fined not less than \$100.00 nor more than
22 \$1,000 or be imprisoned for not less than 10 nor more than 90 days,
23 or by both such fine and imprisonment. Each week, in any day of
24 which a worker is paid less than the rate applicable to him under this
25 act and each worker so paid, shall constitute a separate offense.

26 (b) As an alternative to or in addition to any other sanctions
27 provided by law for violations of any provision of P.L.1963, c.150
28 (C.34:11-56.25 et seq.), when the Commissioner of Labor finds that
29 an employer has violated that act, the commissioner is authorized to
30 assess and collect administrative penalties, up to a maximum of
31 ¹[\$250] \$2,500¹ for a first violation and up to a maximum of ¹[\$500]
32 \$5,000¹ for each subsequent violation, specified in a schedule of
33 penalties to be promulgated as a rule or regulation by the
34 commissioner in accordance with the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount
36 of the penalty imposed because of a violation, the commissioner shall
37 consider factors which include the history of previous violations by the
38 employer, the seriousness of the violation, the good faith of the

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:

¹ Senate SLA committee amendments adopted May 8, 2003.

² Senate floor amendments adopted May 29, 2003.

³ Senate floor amendments adopted June 16, 2003.

1 employer and the size of the employer's business. No administrative
2 penalty shall be levied pursuant to this section unless the
3 Commissioner of Labor provides the alleged violator with notification
4 of the violation and of the amount of the penalty by certified mail and
5 an opportunity to request a hearing before the commissioner or his
6 designee within 15 days following the receipt of the notice. If a
7 hearing is requested, the commissioner shall issue a final order upon
8 such hearing and a finding that a violation has occurred. If no hearing
9 is requested, the notice shall become a final order upon expiration of
10 the 15-day period. Payment of the penalty is due when a final order
11 is issued or when the notice becomes a final order. Any penalty
12 imposed pursuant to this section may be recovered with costs in a
13 summary proceeding commenced by the commissioner pursuant to
14 ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty
15 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
16 Any sum collected as a fine or penalty pursuant to this section shall be
17 applied toward enforcement and administration costs of the Division
18 of Workplace Standards in the Department of Labor.

19 (c) When the Commissioner of Labor finds that the employer has
20 violated provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.), the
21 commissioner may refer the ²[case] matter² to the ²[office of the]²
22 Attorney General ²or his designee² for ²[further]² investigation and
23 prosecution. ²Nothing in this subsection shall be deemed to limit the
24 authority of the Attorney General to investigate and prosecute
25 violations of the New Jersey Code of Criminal Justice, nor to limit the
26 commissioner's ability to refer any matter for criminal investigation or
27 prosecution.²

28 (cf: P.L.2002, c.95, s.1)

29

30 2. Section 97 of P.L.1999, c.440 (C.2C:21-34) is amended to read
31 as follows:

32 97. a. A person commits a crime if the person knowingly submits
33 to the government any claim for payment for performance of a
34 government contract knowing such claim to be false, fictitious, or
35 fraudulent. If the claim submitted is for \$25,000.00 or above, the
36 offender is guilty of a crime of the second degree. If the claim exceeds
37 \$2,500.00, but is less than \$25,000.00, the offender is guilty of a crime
38 of the third degree. If the claim is for \$2,500.00 or less, the offender
39 is guilty of a crime of the fourth degree.

40 b. A person commits a crime if the person knowingly makes a
41 material representation that is false in connection with the negotiation,
42 award or performance of a government contract. If the contract
43 amount is for \$25,000.00 or above, the offender is guilty of a crime of
44 the second degree. If the contract amount exceeds \$2,500.00, but is
45 less than \$25,000.00, the offender is guilty of a crime of the third
46 degree. If the contract amount is for \$2,500.00 or less, the offender

1 is guilty of a crime of the fourth degree.

2 c. ³[Any] An³ employer ³[who] commits a crime if the employer³
3 knowingly pays one or more employees employed in public work
4 subject to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.)
5 at a rate less than the rate required pursuant to that act ³[, and submits
6 a claim to a governmental body for payment for the public work, shall
7 be deemed to have made a false material representation in connection
8 with the negotiation, award or performance of a government contract
9 for the purposes of subsection b. of this section ¹and shall be subject
10 to the provisions of subsection b. of this section, except that if]. If³
11 the contract amount is for \$75,000.00 or above, the employer is guilty
12 of a crime of the second degree; if the contract amount exceeds
13 \$2,500.00, but is less than \$75,000.00, the employer is guilty of a
14 crime of the third degree; and if the contract amount is for \$2,500.00
15 or less, the employer is guilty of a crime of the fourth degree¹ . In
16 addition, the employer shall be deemed to have caused loss to the
17 employees in the amount by which the employees were underpaid and
18 shall be subject to the provisions of N.J.S.2C:43-3 regarding fines and
19 restitution to victims and be subject to other pertinent provisions of
20 Title 2C of the New Jersey Statutes, including, but not limited to,
21 N.J.S.2C:43-4, 2C:43-6 and 2C:44-1.
22 (cf: P.L.1999, c.440, s.97).

23

24 3. This act shall take effect immediately.

25

26

27

28

29 Establishes criminal penalties for violations of the "New Jersey
30 Prevailing Wage Act".

ASSEMBLY, No. 205

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Egan and Eagler

SYNOPSIS

Establishes criminal penalties for failure to pay the prevailing wage in public works.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/1/2002)

A205 GUEAR

2

1 AN ACT establishing criminal penalties for certain violations of the
2 "New Jersey Prevailing Wage Act" and amending P.L.1963, c.150.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 11 of P.L.1963, c.150 (C.34:11-56.35) is amended to
8 read as follows:

9 11. (a) [Any] Except as provided in subsection (b) of this section,
10 any employer who willfully hinders or delays the commissioner in the
11 performance of his duties in the enforcement of this act, or fails to
12 make, keep, and preserve any records as required under the provisions
13 of this act, or falsifies any such record, or refuses to make any such
14 record accessible to the commissioner upon demand, or refuses to
15 furnish a sworn statement of such record or any other information
16 required for the proper enforcement of this act to the commissioner
17 upon demand, or pays or agrees to pay wages at a rate less than the
18 rate applicable under this act or otherwise violates any provision of
19 this act or of any regulation or order issued under this act shall be
20 guilty of a disorderly persons offense and shall, upon conviction
21 therefor, be fined not less than \$100.00 nor more than \$1,000 or be
22 imprisoned for not less than 10 nor more than 90 days, or by both such
23 fine and imprisonment. Each week, in any day of which a worker is
24 paid less than the rate applicable to him under this act and each worker
25 so paid, shall constitute a separate offense.

26 (b) Any employer who purposely or knowingly pays employees at
27 a rate less than the rate applicable under P.L.1963, c.150 (C.34:11-
28 56.25 et seq.) is guilty of theft and subject to the provisions of Title
29 2C of the New Jersey Statutes regarding theft, including, but not
30 limited to, the provisions of N.J.S. 2C:43-3, 2C:43-4, 2C:43-6, and
31 2C:44-1. If the amount of unpaid wages owed to the employees in
32 connection with a single contract for public work is \$75,000 or more,
33 the employer shall be guilty of a crime of the second degree. If the
34 amount of unpaid wages owed to the employees in connection with a
35 single contract for public work exceeds \$500 but is less than \$75,000,
36 the employer is guilty of a crime of the third degree. If the amount of
37 unpaid wages owed to the employees in connection with a single
38 contract for public work is \$200 or more but is not more than \$500,
39 the employer is guilty of a crime of the fourth degree. If the amount
40 of unpaid wages owed to the employees in connection with a single
41 contract for public work is less than \$200, the employer is guilty of a
42 disorderly persons offense. For the purpose of this subsection,
43 "purposely" and "knowingly" have the same meaning as is provided in

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 subsection b. of N.J.S.2C:2-2.

2 (c) As an alternative to or in addition to any other sanctions
3 provided by law for violations of any provision of P.L.1963, c.150
4 (C.34:11-56.25 et seq.), when the Commissioner of Labor finds that
5 an employer has violated that act, the commissioner is authorized to
6 assess and collect administrative penalties, up to a maximum of \$250
7 for a first violation and up to a maximum of \$500 for each subsequent
8 violation, specified in a schedule of penalties to be promulgated as a
9 rule or regulation by the commissioner in accordance with the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.). When determining the amount of the penalty imposed because
12 of a violation, the commissioner shall consider factors which include
13 the history of previous violations by the employer, the seriousness of
14 the violation, the good faith of the employer and the size of the
15 employer's business. No administrative penalty shall be levied
16 pursuant to this section unless the Commissioner of Labor provides the
17 alleged violator with notification of the violation and of the amount of
18 the penalty by certified mail and an opportunity to request a hearing
19 before the commissioner or his designee within 15 days following the
20 receipt of the notice. If a hearing is requested, the commissioner shall
21 issue a final order upon such hearing and a finding that a violation has
22 occurred. If no hearing is requested, the notice shall become a final
23 order upon expiration of the 15-day period. Payment of the penalty is
24 due when a final order is issued or when the notice becomes a final
25 order. Any penalty imposed pursuant to this section may be recovered
26 with costs in a summary proceeding commenced by the commissioner
27 pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]
28 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
29 et seq.). Any sum collected as a fine or penalty pursuant to this
30 section shall be applied toward enforcement and administration costs
31 of the Division of Workplace Standards in the Department of Labor.
32 (cf: P.L.1991, c.205, s.18)

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill provides that any employer who purposely or knowingly
40 pays employees at a rate less than the rate applicable under the
41 prevailing wage law, P.L.1963, c.150 (C.34:11-56.25 et seq.), is guilty
42 of theft and subject to the provisions of Title 2C of the New Jersey
43 Statutes regarding theft. The bill provides that if the amount of unpaid
44 wages owed to the employees in connection with a single contract for
45 public work is \$75,000 or more, the employer shall be guilty of a
46 crime of the second degree. If the amount of unpaid wages owed

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1 exceeds \$500 but is less than \$75,000, the employer is guilty of a
2 crime of the third degree. If the amount of unpaid wages owed is
3 \$200 or more but is not more than \$500, the employer is guilty of a
4 crime of the fourth degree. If the amount of unpaid wages owed is
5 less than \$200, the employer is guilty of a disorderly persons offense.
6 These thresholds for the grade of crime are identical to those provided
7 for shoplifting and other forms of theft under Title 2C of the New
8 Jersey Statutes.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 205

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2002

The Assembly Labor Committee reports favorably this Assembly Committee Substitute for Assembly Bill No.205.

This committee substitute provides criminal penalties for certain violations of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

The substitute permits the Commissioner of Labor, if he finds that an employer has violated provisions of that act, to refer the case to the office of the Attorney General for further investigation and prosecution.

The substitute also provides that any employer who knowingly pays one or more employees employed in public work subject to the provisions of the prevailing wage act at a rate less than the rate required pursuant to that act, and submits a claim to a governmental body for payment for the public work, shall be deemed to have made a false material representation in connection with the negotiation, award or performance of a government contract for the purposes of subsection b. of section 97 of P.L.1999, c.440 (C.2C:21-34), which makes it a crime to knowingly make a false material representation in connection with a government contract. In addition, the substitute stipulates that the employer is deemed to have caused loss to the employees in the amount by which the employees were underpaid and shall be subject to the provisions of N.J.S.2C:43-3 regarding fines and restitution to victims and be subject to other pertinent provisions of Title 2C of the New Jersey Statutes.

SENATE LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 205**

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Senate Labor Committee reports, without recommendation and with committee amendments, Assembly Bill No. 205 (ACS).

As amended, this committee substitute provides criminal penalties for certain violations of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

The substitute provides that any employer who knowingly pays one or more employees employed in public work subject to the provisions of the prevailing wage act at a rate less than the rate required pursuant to that act, and submits a claim to a governmental body for payment for the public work, shall be deemed to have made a false material representation in connection with the negotiation, award or performance of a government contract for the purposes of subsection b. of section 97 of P.L.1999, c.440 (C.2C:21-34), which makes it a crime to knowingly make a false material representation in connection with a government contract. In addition, the substitute stipulates that the employer is deemed to have caused loss to the employees in the amount by which the employees were underpaid and shall be subject to the provisions of N.J.S.2C:43-3 regarding fines and restitution to victims and be subject to other pertinent provisions of Title 2C of the New Jersey Statutes.

The substitute also permits the Commissioner of Labor, if he finds that an employer has violated provisions of that act, to refer the case to the office of the Attorney General for further investigation and prosecution.

As amended, this bill is identical to the Senate Committee Substitute for Senate Bill No. 247, also reported today.

COMMITTEE AMENDMENTS:

The committee has amended the substitute to increase, from \$25,000 to \$75,000, the threshold contract amount for the new criminal violation added by the bill's provisions to be a crime of the second degree. An employer who knowingly pays less than the prevailing wage is guilty of a crime of the second degree if the contract claim amount is \$75,000 or above. If the contract claim amount exceeds \$2,500 but is less than \$75,000, the employer is guilty

of a crime of the third degree. If the contract claim amount is \$2,500 or less, the employer is guilty of a crime of the fourth degree. Technical amendments were also made to section 1 of the bill to reflect the most recent version of the law amended therein.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 205

with Senate Floor Amendments
(Proposed By Senator SULIGA)

ADOPTED: MAY 29, 2003

This amendment provides that nothing in the bill shall limit the authority of the Attorney General to investigate and prosecute violations of the New Jersey Code of Criminal Justice, nor to limit the commissioner's ability to refer any matter for criminal investigation or prosecution.

STATEMENT TO

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 205

with Senate Floor Amendments
(Proposed By Senator SULIGA)

ADOPTED: JUNE 16, 2003

This Senate amendment removes the provision of the bill that an employer who knowingly pays less than the prevailing wage in public work commits a crime only upon submitting a claim for payment to the governmental body. The amendment provides that an employer commits a crime if the employer knowingly pays one or more employees employed in public work subject at a rate less than the prevailing wage rate regardless of whether the employer has submitted a claim to a governmental body for payment of the public work.

SENATE, No. 247

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senator Coniglio

SYNOPSIS

Establishes criminal penalties for failure to pay the prevailing wage in public works.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/10/2002)

S247 SULIGA

2

1 AN ACT establishing criminal penalties for certain violations of the
2 "New Jersey Prevailing Wage Act" and amending P.L.1963, c.150.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 11 of P.L.1963, c.150 (C.34:11-56.35) is amended to
8 read as follows:

9 11. (a) [Any] Except as provided in subsection (b) of this section,
10 any employer who willfully hinders or delays the commissioner in the
11 performance of his duties in the enforcement of this act, or fails to
12 make, keep, and preserve any records as required under the provisions
13 of this act, or falsifies any such record, or refuses to make any such
14 record accessible to the commissioner upon demand, or refuses to
15 furnish a sworn statement of such record or any other information
16 required for the proper enforcement of this act to the commissioner
17 upon demand, or pays or agrees to pay wages at a rate less than the
18 rate applicable under this act or otherwise violates any provision of
19 this act or of any regulation or order issued under this act shall be
20 guilty of a disorderly persons offense and shall, upon conviction
21 therefor, be fined not less than \$100.00 nor more than \$1,000 or be
22 imprisoned for not less than 10 nor more than 90 days, or by both such
23 fine and imprisonment. Each week, in any day of which a worker is
24 paid less than the rate applicable to him under this act and each worker
25 so paid, shall constitute a separate offense.

26 (b) Any employer who purposely or knowingly pays employees at
27 a rate less than the rate applicable under P.L.1963, c.150 (C.34:11-
28 56.25 et seq.) is guilty of theft and subject to the provisions of Title
29 2C of the New Jersey Statutes regarding theft, including, but not
30 limited to, the provisions of N.J.S. 2C:43-3, 2C:43-4, 2C:43-6, and
31 2C:44-1. If the amount of unpaid wages owed to the employees in
32 connection with a single contract for public work is \$75,000 or more,
33 the employer shall be guilty of a crime of the second degree. If the
34 amount of unpaid wages owed to the employees in connection with a
35 single contract for public work exceeds \$500 but is less than \$75,000,
36 the employer is guilty of a crime of the third degree. If the amount of
37 unpaid wages owed to the employees in connection with a single
38 contract for public work is \$200 or more but is not more than \$500,
39 the employer is guilty of a crime of the fourth degree. If the amount
40 of unpaid wages owed to the employees in connection with a single
41 contract for public work is less than \$200, the employer is guilty of a
42 disorderly persons offense. For the purpose of this subsection,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 "purposely" and "knowingly" have the same meaning as is provided in
2 subsection b. of N.J.S.2C:2-2.

3 (c) As an alternative to or in addition to any other sanctions
4 provided by law for violations of any provision of P.L.1963, c.150
5 (C.34:11-56.25 et seq.), when the Commissioner of Labor finds that
6 an employer has violated that act, the commissioner is authorized to
7 assess and collect administrative penalties, up to a maximum of \$250
8 for a first violation and up to a maximum of \$500 for each subsequent
9 violation, specified in a schedule of penalties to be promulgated as a
10 rule or regulation by the commissioner in accordance with the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.). When determining the amount of the penalty imposed because
13 of a violation, the commissioner shall consider factors which include
14 the history of previous violations by the employer, the seriousness of
15 the violation, the good faith of the employer and the size of the
16 employer's business. No administrative penalty shall be levied
17 pursuant to this section unless the Commissioner of Labor provides the
18 alleged violator with notification of the violation and of the amount of
19 the penalty by certified mail and an opportunity to request a hearing
20 before the commissioner or his designee within 15 days following the
21 receipt of the notice. If a hearing is requested, the commissioner shall
22 issue a final order upon such hearing and a finding that a violation has
23 occurred. If no hearing is requested, the notice shall become a final
24 order upon expiration of the 15-day period. Payment of the penalty is
25 due when a final order is issued or when the notice becomes a final
26 order. Any penalty imposed pursuant to this section may be recovered
27 with costs in a summary proceeding commenced by the commissioner
28 pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]
29 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
30 et seq.). Any sum collected as a fine or penalty pursuant to this
31 section shall be applied toward enforcement and administration costs
32 of the Division of Workplace Standards in the Department of Labor.
33 (cf: P.L.1991, c.205, s.18)

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill provides that any employer who purposely or knowingly
41 pays employees at a rate less than the rate applicable under the
42 prevailing wage law, P.L.1963, c.150 (C.34:11-56.25 et seq.), is guilty
43 of theft and subject to the provisions of Title 2C of the New Jersey
44 Statutes regarding theft. The bill provides that if the amount of unpaid
45 wages owed to the employees in connection with a single contract for
46 public work is \$75,000 or more, the employer shall be guilty of a

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1 crime of the second degree. If the amount of unpaid wages owed
2 exceeds \$500 but is less than \$75,000, the employer is guilty of a
3 crime of the third degree. If the amount of unpaid wages owed is
4 \$200 or more but is not more than \$500, the employer is guilty of a
5 crime of the fourth degree. If the amount of unpaid wages owed is
6 less than \$200, the employer is guilty of a disorderly persons offense.
7 These thresholds for the grade of crime are identical to those provided
8 for shoplifting and other forms of theft under Title 2C of the New
9 Jersey Statutes.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 247**

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Senate Labor Committee reports without recommendation the Senate Committee Substitute for Senate Bill No. 247.

This committee substitute provides criminal penalties for certain violations of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

The substitute provides that any employer who knowingly pays one or more employees employed in public work subject to the provisions of the prevailing wage act at a rate less than the rate required pursuant to that act, and submits a claim to a governmental body for payment for the public work, shall be deemed to have made a false material representation in connection with the negotiation, award or performance of a government contract for the purposes of subsection b. of section 97 of P.L.1999, c.440 (C.2C:21-34), which makes it a crime to knowingly make a false material representation in connection with a government contract. The substitute increases the threshold contract amount for this new violation to be a crime of the second degree from \$25,000 to \$75,000. The employer is guilty of a crime of the second degree if the contract claim amount is \$75,000 or above. If the contract claim amount exceeds \$2,500 but is less than \$75,000, the employer is guilty of a crime of the third degree. If the contract claim amount is \$2,500 or less, the employer is guilty of a crime of the fourth degree. In addition, the substitute stipulates that the employer is deemed to have caused loss to the employees in the amount by which the employees were underpaid and shall be subject to the provisions of N.J.S.2C:43-3 regarding fines and restitution to victims and be subject to other pertinent provisions of Title 2C of the New Jersey Statutes.

The substitute also permits the Commissioner of Labor, if he finds that an employer has violated provisions of that act, to refer the case to the office of the Attorney General for further investigation and prosecution.

As reported, the Senate Committee Substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 205, as amended and reported by the committee today.