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RULE ADOPTIONS

**LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WAGE AND HOUR COMPLIANCE**

47 N.J.R. 2297(b)

Readoption: *N.J.A.C. 12:65*

Notice of Readoption

Construction Industry Independent Contractor Act Rules

Stop-Work Orders

Authority: *N.J.S.A. 34:20-1* et seq., specifically 34:20-11.

Authorized By: Harold J. Wirths, Commissioner, Department of Labor and Workforce Development.

Effective Date: August 6, 2015.

New Expiration Date: August 6, 2022.

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and *N.J.S.A. 52:14B-5.1*, the rules at *N.J.A.C. 12:65* will expire on October 6, 2015.

A summary of the sections of *N.J.A.C. 12:65* follows:

N.J.A.C. 12:65-1.1 describes the purpose of the subchapter, which is to set forth both the standard and procedure for the issuance by the Commissioner of a stop-work order and the release of same under the pertinent provisions of the Act, namely, *N.J.S.A. 34:20-7.c* through 7.f.

N.J.A.C. 12:65-1.2 sets forth the scope of the subchapter; that is, that the subchapter applies to each "employer" as that term is defined in *N.J.A.C. 12:65-1.3*.

N.J.A.C. 12:65-1.3 sets forth the definitions of words and terms used throughout the subchapter.

N.J.A.C. 12:65-1.4 contains the procedure for issuance by the Commissioner of a stop-work order for a second violation of the provisions of the Act.

N.J.A.C. 12:65-1.5 contains the procedure for issuance by the Commissioner of a stop-work order for a third or subsequent violations of the provisions of the Act.

N.J.A.C. 12:65-1.6 contains the procedure and substantive requirements for release of a stop-work order by the Commissioner.

N.J.A.C. 12:65-1.7 addresses the requirement under the Act that an employer, whose release from a stop-work order has been conditioned upon the two-year probationary period, must submit periodic reports to the Department during that period. The Act states that the filing times and report requirements shall be established by the Department through regulation. *N.J.A.C. 12:65-1.7* contains those filing times and report requirements, namely, filing with the Department's Division of Wage and Hour Compliance on a quarterly basis, in accordance with the schedule set forth at *N.J.A.C. 12:16-5.2(a)*, a copy of the payroll records required to be kept by each employer under *N.J.A.C. 12:16-2.1*.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant [page=2298] to *N.J.S.A. 52:14B-5.1.c(1)*, these rules are readopted and shall continue in effect for a seven-year period.