

LABOR AND WORKFORCE DEVELOPMENT

(a)

DIVISION OF WAGE AND HOUR COMPLIANCE

Notice of Readoption

Prevailing Wage for Building Services

Readoption: N.J.A.C. 12:64

Authority: N.J.S.A. 34:11-56.58 et seq., specifically 34:11-56.69.

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

Effective Date: April 7, 2014.

New Expiration Date: April 7, 2021.

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. 12:64 will expire on May 7, 2014. These rules were originally promulgated in order to implement the State Building Service Contracts Act, P.L. 2005, c. 379, N.J.S.A. 34:11-56.58 et seq. (the Act), which requires the payment of a prevailing wage rate to workers employed or engaged by contractors furnishing building services for any property or premises owned or leased by the State.

A summary of the subchapters of N.J.A.C. 12:64 follows:

N.J.A.C. 12:64-1 sets forth the purpose and scope of the chapter and definitions of the terms used throughout the chapter.

N.J.A.C. 12:64-2 addresses the responsibilities of contractors and contracting State agencies under the Act. Specifically, the subchapter requires the inclusion of certain provisions within a contract between a State contracting agency and a contractor to furnish building services for a property or premises owned or leased by the State. Each of the required contract provisions under N.J.A.C. 12:64-2.1 reflects a requirement contained within the Act. In addition, the subchapter addresses the manner in which contractors are required to compensate workers who perform multiple classes of work, the manner in which contractors are required to compensate workers who are covered by a collective bargaining agreement, the type of records that contractors are required to keep with regard to workers performing building services pursuant to a State contract, and the manner in which those records are to be kept. Each of these requirements is consistent with the Act.

N.J.A.C. 12:64-3 addresses the Department's right to inspect records of the contractor, privately question employees or managerial executives of the contractor, including building services workers, and require the contractor to submit written statements, including sworn statements, concerning monetary wages, fringe benefits, hours, names, addresses, and other information pertaining to the contractor's workers and their work. Subchapter 3 also addresses the sanctions which may be imposed against a contractor who refuses to file material requested of the contractor pursuant to the Commissioner's statutory inspection powers. Each of these requirements is consistent with the Act.

N.J.A.C. 12:64-4 addresses what constitutes a violation of the Act by a contractor. The subchapter also addresses the levying of penalties by the Department for violations of the Act or this subchapter and sets forth the procedures to be followed when an alleged violator requests a formal hearing with regard to the imposition of a penalty. Furthermore, Subchapter 4 addresses the remitting of administrative fees to the Department by contractors on all payments due to workers, pursuant to N.J.S.A. 34:11-56.65, and also addresses the payment by contractors, under certain circumstances, of interest on awards of back pay.

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 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.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF CONSUMER AFFAIRS

Administrative Hearings in the Division of Consumer Affairs

Readoption with Amendments: N.J.A.C. 13:45

Proposed: January 21, 2014, at 46 N.J.R. 168(a).

Adopted: March 27, 2014, by Eric T. Kanefsky, Director, Division of Consumer Affairs.

Filed: April 9, 2014, as R.2014 d.082, **without change**.

Authority: N.J.S.A. 34:8-54, 45:14D-6, 45:17A-21, and 56:8-4; and Reorganization Plan No. 008-1998.

Effective Dates: April 9, 2014, Readoption;
May 5, 2014, Amendments.

Expiration Date: April 9, 2021.

Summary of Public Comment and Agency Response follows:

The official comment period ended March 22, 2014. **The Division of Consumer Affairs received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45.

Full text of the adopted amendments follows:

SUBCHAPTER 3. COMMENCEMENT OF FORMAL ADMINISTRATIVE PROCEEDINGS; PLEADINGS; SERVICE OF PLEADINGS; INITIATION OF ADMINISTRATIVE CHARGES

13:45-3.1 Notice of hearing and complaint

(a)-(c) (No change.)

(d) The notice of hearing shall contain:

1.-2. (No change.)

Recodify existing 4.-7. as 3.-6. (No change in text.)

(e) (No change.)

(f) The time and place of the hearing will be provided once the answer to the complaint has been received and it has been established that a contested case exists.

(c)

DIVISION OF STATE POLICE

Private Detectives

Readoption with Amendments: N.J.A.C. 13:55

Proposed: January 21, 2014, at 46 N.J.R. 169(a).

Adopted: March 26, 2014, by Colonel Joseph R. Fuentes, Superintendent of State Police.

Filed: April 9, 2014, as R.2014 d.080, **without change**.

Authority: N.J.S.A. 45:19-8.

Effective Dates: April 9, 2014, Readoption;
May 5, 2014, Amendments.

Expiration Date: April 9, 2021.

Summary of Public Comment and Agency Response:

No public comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are not subject to any Federal standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:55.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:55-1.1 Application for license

(a) Any person desiring to pursue the "private detective business" as defined in N.J.S.A. 45:19-9 shall file an application with the Superintendent on a form designated S.P. 171 and accompanied by any documents required by such application.

(b)-(c) (No change.)

13:55-1.3 Employees

(a) Employees' statements shall be numbered consecutively, commencing with number 1.

(b) (No change.)

(c) Upon hire, the employer shall maintain proof of initial fingerprinting and attach same to the employee statement.

(d) (No change.)

(e) Each licensee shall file with the Superintendent a current list of employees at the time of hire, biennial license renewal, and termination of an employee.

13:55-1.4 Identification cards

(a) (No change.)

(b) In the event an employee fails, upon termination of his or her employment, or upon demand, to surrender his or her identification card, uniform, or other equipment furnished him or her by his or her employer, notification of same shall be given the Superintendent and the local police agency having jurisdiction.

13:55-1.5 Uniforms, insignias, and emblems

No particular type or style of uniform is prescribed in this chapter, but no licensee or employee of a licensee, shall, with intent to deceive or confuse the public, use a title, uniform, insignia, or emblem that is likely to be confused with that of any law enforcement officer of the Federal government, a state, or any political subdivision thereof.

13:55-1.10 Change in type of license

(a) Any individual licensee intending to change his or her business to a firm, association, or corporation, or any firm or association intending to change the form of its business to a corporation, shall apply to the Superintendent in the same manner as required for an original license. Licensing as a qualifying member on multiple active licenses is prohibited.

(b)-(c) (No change.)

13:55-1.11 Grounds for denial, revocation, suspension, or refusal to renew a license

(a) The Superintendent may deny, revoke, suspend, or refuse to renew a license upon determining that the applicant or licensee has:

1. Been convicted of a first, second, or third degree crime or any of the enumerated offenses prescribed by N.J.S.A. 45:19-16 and who has not subsequent to such conviction received executive pardon therefor removing any civil disabilities incurred thereby;

2. (No change.)

3. Knowingly made a false material statement or purposely omitted information in his or her application;

4.-6. (No change.)

7. Failed to maintain a proper surety bond as required by N.J.S.A. 45:19-12;

8. Failed to meet or continue to meet the requirements for licensure provided by the Act and this chapter; or

9. Demonstrated that licensing would not be in the best interest of public health, safety, or welfare.

(b) (No change.)

13:55-1.13 Location of offices

(a) (No change.)

(b) Mail should be addressed to the Superintendent, Division of State Police, Box 7068, West Trenton, New Jersey 08628.

(a)

DIVISION OF STATE POLICE

Traffic Control and Parking on State Property in Trenton

Readoption with Amendments: N.J.A.C. 13:56

Proposed: January 21, 2014, at 46 N.J.R. 171(a).

Adopted: March 26, 2014, by Colonel Joseph R. Fuentes, Superintendent of State Police.

Filed: April 9, 2014, as R.2014 d.081, **without change**.

Authority: N.J.S.A. 39:4-208.

Effective Dates: April 9, 2014, Readoption;

May 5, 2014, Amendments.

Expiration Date: April 9, 2021.

Summary of Public Comment and Agency Response:

No public comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are not subject to any Federal standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:56.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:56-1.2 Visitor parking

(a) (No change.)

(b) Visitor parking permits issued to persons on State business shall be issued by an authorized department liaison of the State building being visited that has a visitor parking area posted.

(c) All visitor permits shall be issued on a first come, first served basis.

(d) (No change in text.)

13:56-1.3 Application procedure

(a) Applications for the registration and the issuance of a parking permit shall be made in the following manner:

1. Prior to the ending of the calendar year, December 31, unless otherwise specified, each State department head will be notified by letter by the State Parking Administrator of the parking spaces available in each parking area for department personnel.

2. Upon receipt of such notification, the department head shall submit in writing to the State Parking Administrator, a list of names of the employees to whom permits should be issued.

13:56-1.10 Temporary permits

(a)-(b) (No change.)

(c) Permits issued under this section will be affixed to the driver's sun visor, or placed on the dashboard, so as to be clearly visible through the front windshield.

13:56-1.11 Reserved parking spaces

(a)-(b) (No change.)

(c) In addition, certain State vehicles, including, but not limited to, the Governor, cabinet, State Police, and emergency vehicles in connection with designated assignments and other vehicles may park in the State complex at the direction of the Office of State Governmental Security.

13:56-1.15 Parking space markings

The operator of a vehicle shall park said vehicle in a proper manner in the spaces marked by two white or yellow lines, as the marking color may be, and shall not park the vehicle in any other space not so marked.