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RULE ADOPTIONS

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

49 N.J.R. 206(a)

Readoption with Technical Changes: *N.J.A.C. 12:66*

Notice of Readoption

Prevailing Wages and Safety Training for Construction Work on Public Utilities

Authority: *N.J.S.A. 34:13B-2.1*.

Authorized By: Aaron R. Fichtner, Ph.D., Acting Commissioner, Department of Labor and Workforce Development.

Effective Dates: December 19, 2016, Readoption;

January 17, 2017, Changes.

New Expiration Date: December 19, 2023.

Take notice that pursuant to *N.J.S.A. 52:14B-5.1*, the rules at *N.J.A.C. 12:66* were scheduled to expire on January 19, 2017.

A summary of *N.J.A.C. 12:66* follows:

N.J.A.C. 12:66-1 sets forth general provisions that apply to Chapter 66, including the purpose of the chapter and definitions of the terms used throughout the chapter.

N.J.A.C. 12:66-2 addresses the responsibilities of contractors and public utilities under *N.J.S.A. 34:13B-2.1*.

N.J.A.C. 12:66-3 addresses the Department's right to inspect records of the contractor, privately question employees or managerial executives of the contractor, including workers employed to perform construction work on a public utility, and require the contractor to submit written statements, including sworn statements, concerning wages, hours, names, addresses, and other information pertaining to the contractor's workers and their work. Subchapter 3 also addresses sanctions that may be imposed against a contractor who refuses to file material requested of the contractor pursuant to the Commissioner's inspection powers.

N.J.A.C. 12:66-4 addresses what constitutes a violation of *N.J.S.A. 34:13B-2.1* and the chapter by a contractor. The subchapter also addresses the levying of penalties by the Department for a violation of *N.J.S.A. 34:13B-2.1* or the chapter 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, and also addresses the payment by contractors, under certain circumstances, of interest on awards of back pay. Finally, the subchapter addresses the situation where a contractor discharges, or in any other manner discriminates against a worker because that worker has made a complaint to the contractor, to the public utility, or to the Commissioner of Labor and Workforce Development, that he or she has not been paid wages in accordance with the provisions of *N.J.S.A. 34:13B-2.1*.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules remain necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules do, however, require one technical amendment; specifically, at *N.J.A.C. 12:66-1.2*, Definitions, the Department must remove a superfluous quotation mark at the end of its definition for the term, "Department."

Therefore, pursuant to *N.J.S.A. 52:14B-5.1*, *N.J.A.C. 12:66* is readopted and shall continue in effect for a seven-year period.

Full text of the technical change follows (deletion indicated in brackets [thus]):

[page=207] SUBCHAPTER 1. GENERAL PROVISIONS

12:66-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Department" means the Department of Labor and Workforce Development.["]

...