



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

NOTICE¹

Please take notice that P.L. 2009, c. 203 (the "Act") was signed into law on January 14, 2010. The Act amends P.L. 2009, c. 89 and provides that, effective immediately, "[n]ot less than the prevailing wage rate shall be paid to workers employed in the performance of any construction undertaken in connection with Board of Public Utilities financial assistance, or undertaken to fulfill any condition of receiving Board of Public Utilities financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of Board of Public Utilities financial assistance." The phrase "Board of Public Utilities financial assistance" is defined in the Act as inclusive and exclusive of certain forms of financial assistance.

The prevailing wage rate required by the Act shall be determined by the Commissioner of Labor and Workforce Development. The prevailing wage rate requirements of the Act "shall not apply to any contract which is less than the prevailing wage contract threshold amount for municipalities." The contract threshold for municipalities is currently set at \$14,187.00 pursuant to N.J.S.A. 34:11-56.26(11)(a) and N.J.A.C. 12:60-1.4(b). For the purpose of implementing the Act, the Commissioner of Labor and Workforce Development "shall exercise all powers and duties granted by P.L. 1963, c. 150 (C. 34:11-56.25 et seq.) regarding payment of the prevailing wage, and any worker employed in the performance of construction work subject to this section, and the employer or any designated representative of the worker, may exercise all rights granted to them by that act."

The Board had proposed regulations regarding the prevailing wage requirements of P.L. 2009, c. 89. Currently, those regulations have been frozen pursuant to Governor Christie's Executive Order No. 1. In amending P.L. 2009, c. 89 to remove any reference to rules or regulations, the Act "affirms that it is the intent of the Legislature" to enact these prevailing wage rate requirements "whether or not the [B]oard adopts rules and regulations regarding that requirement." Therefore, the prevailing wage rate requirements set forth above became effective on January 14, 2010.

A handwritten signature in black ink, appearing to read "Kristi Izzo".

Kristi Izzo
Secretary of the Board

Dated: February 2, 2010

¹ Not a Paid Legal Advertisement