

[Skip to Main Navigation](#)[Skip to Content](#)STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR[NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)

Search

All of NJ

Submit

[Home](#)[About the Governor](#)[Message](#)[Cabinet](#)[News Room](#)[Press Releases](#)[Event Photos](#)[Video Clips](#)[Audio Clips](#)[Newsletters](#)[Speeches](#)[Executive
Orders/Resolutions](#)[Kids Site](#)[Governor's
Internship Program](#)[Boards, Authorities
and Commissions](#)[Home](#) > [News Room](#) > [Press Releases](#) > Sep-27-07 Governor Issues Executive Order Regarding Prevailing Wage For Building Services**Sep-27-07 Governor Issues Executive Order Regarding Prevailing Wage For Building Services**[Español](#)**NEWS RELEASE**Governor Jon S. Corzine
September 27, 2007**FOR MORE
INFORMATION:**Press Office
609-777-2600**GOVERNOR ISSUES EXECUTIVE ORDER REGARDING PREVAILING WAGE FOR BUILDING SERVICES**

TRENTON - Governor Jon S. Corzine today signed an executive order regarding prevailing wage requirements for contractors who provide building services for State-leased government buildings.

The executive order ensures that prevailing wage requirements apply to situations where the State is a tenant in the building but the building owner, rather than the State, contracts for the provision of building services.

The full text of the executive order is below.

EXECUTIVE ORDER NO. 86

WHEREAS, it is the public policy of this State to establish prevailing wage levels for the employees of contractors and subcontractors furnishing building services for any property or premises owned or leased by the State in order to safeguard the efficiency and general well-being of those employees and to protect them and their employers from the effects of serious and unfair competition based on low wage levels which are detrimental to efficiency and well-being; and

WHEREAS, through the enactment on January 12, 2006, of P.L.2005, c.379, this policy was implemented in the context of the employees of contractors and subcontractors that, pursuant to a contract with the State, provide building services in certain property or premises owned or leased by the State; and

WHEREAS, this policy should also apply to those employees of contractors and subcontractors that, pursuant to contracts with lessors, providing buildings services in certain properties or premises leased to the State;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All of the definitions set forth in Section 2 of P.L.2005, c.379 (C.34:11-56.59) ("Chapter 379"), shall apply to this Order.
2. Every lease for property or premises "leased by the State," as defined in Section 2 of Chapter 379, shall contain the following terms and conditions:
 - a. A provision requiring the lessor to ascertain from the Commissioner of Labor and Workforce Development the prevailing wage rates for the performance of building services and to specify in all contracts for the performance of building services in the property or premises leased by the State what the prevailing wage rate in the locality is for each worker employed in the performance of such contracts;
 - b. A provision requiring the lessor to include in all contracts for

the performance of building services in the property or premises leased by the State a stipulation that the workers performing such building services shall be paid not less than the applicable prevailing wage rates as ascertained by the lessor from the Commissioner of Labor and Workforce Development, and that the contractor shall provide to each such worker individual written notification every six months of the prevailing wage rates for each classification involved in the contractor's performance of building services;

c. A provision requiring the lessor to include in all contracts for the performance of building services in the property or premises leased by the State a statement that the contractor and any subcontractor covered under the contract shall: (i) keep accurate records showing the name, classification, and actual hourly rate of wages and any benefits paid to each worker employed by the contractor or subcontractor to perform building services in the property or premises leased by the State; (ii) preserve those records for two years after the date of payment; and (iii) make the contracts and the records available at all reasonable hours to the inspection of the Commissioner of Labor and Workforce Development and to any other party to the lease;

d. A provision requiring the lessor to include in all contracts for the performance of building services in the property or premises leased by the State a stipulation that the contractor and any subcontractor covered under the contract shall provide to the lessor on a biannual basis (no later than January 15 and July 15 of each year) a sworn certification, under penalty of perjury, that during the preceding six-month period the workers performing such building services were paid not less than the applicable prevailing wage rates as ascertained by the lessor from the Commissioner of Labor and Workforce Development and that these workers were provided with individual written notification of the prevailing wage rates for each classification involved in the contractor's performance of building services;

e. A provision requiring the lessor to provide to the State no later than January 31 and July 31 of each year a copy of the sworn certification required pursuant to Paragraph 2(d) above;

f. A provision stating that, if the State has not received a copy of the sworn certification required to be provided in accordance with Paragraph 2(e) above within 30 days of the due date under Paragraph 2(e), the State has the right to withhold up to 15% of the rent until the State receives the copy of the sworn certification and to take other action it deems appropriate to enforce this Order; and

g. A provision stating that if the Commissioner of Labor and Workforce Development determines that a contractor's certification pursuant to paragraph (d) is false and that the contractor has failed to pay its employees the prevailing wage rates required by this Order, the Commissioner may formally request that the State leasing agency effect a rent abatement of no less than the amount of wages due to said employees and to take other action it deems appropriate to enforce this Order. The State leasing agency may take unilateral action without such written request in the case of a written decision by the Division of Wage and Hour Compliance finding a prevailing wage violation following the contractor's opportunity to be heard before the Director of the Division of Wage and Hour Compliance. If the contractor disagrees with the written decision of the Division of Wage and Hour Compliance, the contractor may appeal the decision to the Commissioner of Labor and Workforce Development, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3. This Order shall take effect 30 days after its execution and shall apply to all leases entered into by the State after that date.

###