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NJDOL Issues Stop-Work Orders to Contractor for Two School Projects

FOR IMMEDIATE RELEASE

November 25, 2022

TRENTON – The New Jersey Department of Labor and Workforce Development (NJDOL) issued stop-work orders to Marcal Construction Group of Perth Amboy, which was working on two school construction jobs in Rahway.

Investigators from the NJDOL's Division of Wage and Hour and Contract Compliance delivered the stop-work notices last month to the contractor rebuilding stairs and ramps at Roosevelt Elementary School and Franklin Elementary School.

Marcal Construction Group was cited for several wage violations, including failure to pay prevailing wage, inaccurate certified payroll, unpaid wages/late payment, failing to properly classify employees, and improper classification of construction workers.

"School construction and improvement projects are an investment of taxpayer dollars, and we're working to ensure only honest and trustworthy employers benefit from those funds," said Joseph Petrecca, Assistant Commissioner of the Division of Wage and Hour and Contract Compliance. "Performing public work is a privilege, not a right – a privilege that needs to be earned."

Marcal was found to owe nearly \$26,000 in back wages across the two job sites, and assessed a total of more than \$40,000 in fines and penalties.

Stop-work orders are initiated by NJDOL to halt work being performed in a manner that exploits workers, or is otherwise noncompliant with state laws and regulations. An employer may appeal a stop-work order, in which case the NJDOL has seven days to schedule a hearing. The NJDOL continues to monitor locations where stop-work orders have been issued, and can assess civil penalties of \$5,000 per day against an employer conducting business in violation of the order. The stop-work order may be lifted if and when any remaining back wages and penalties have been paid and all related issues have been resolved.

Since August of 2019 when the Governor and Legislature granted NJDOL more power in issuing stop-work orders, 85 have been issued in construction, general enforcement and wage collection cases; all have been upheld since 2020.

For more information on New Jersey's wage and hour laws, please visit myworkrights.nj.gov.

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