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NJDOL Issues Stop-Work Order Against Construction Contractor, Halting All Current and Future Work

FOR IMMEDIATE RELEASE

April 30, 2021

TRENTON – The New Jersey Department of Labor and Workforce Development (NJDOL) has issued a company-wide stop-work order to Cunha's Construction Inc. and owner Nuno Cunha based on repeated and ongoing violations of state wage and hour laws. This is the first time the NJDOL has used its authority to pause all work by a single entity rather than on a per project basis.

Newark-based Cunha's Construction Inc. was ordered to halt work at current and future projects for the duration of the order, which will remain in effect until the contractor complies with state wage and hour laws and all outstanding back wages and penalties have been paid.

The NJDOL's Division of Wage and Hour Compliance conducted site visits at two of the company's current worksites, BAPS Temple in Robbinsville and BAPS Temple in Edison, after learning of the projects from workers. These inspections found the contractor was paying workers in cash off the books and did not have workers' compensation insurance.

Other violations involve the misclassification of construction workers by paying them in cash off the books, failure to pay overtime, failure to keep records, hindrance of the investigation, and unpaid or late paid wages.

The company has eight unpaid judgments for back wages and penalties dating back to 2007 that have not been resolved by way of compliance or restitution to workers. In addition, NJDOL concluded the company was not paying its workers on numerous job sites and was not maintaining proper payroll for any projects across the state.

"With the authority to issue stop-work notices, we can better protect workers from bad actors who repeatedly skirt the law," said Assistant Commissioner Joseph Petrecca of the Division of Wage and Hour Compliance. "Now more than ever, it is important to keep our workers safe, and ensure they are treated fairly."

The NJDOL first served the company-wide stop-work order to Cunha's Construction Inc. on April 1, upon which owner Nuno Cunha appealed the decision to the director of NJDOL's Division of Wage and Hour Compliance through his attorney. The NJDOL was represented during the appeal process by Section Chief and Deputy Attorney General Peter A. Basso and Deputy Attorney General Micauri Vargas of the New Jersey Office of the Attorney General's Division of Law, Affirmative Civil Rights & Labor Section. After the presentation of evidence and witness testimony, the appeal determination upheld the actions of the NJDOL.

"This stop-work order from the Department of Labor and Workforce Development is the first of its kind under a law signed by Governor Murphy to strengthen our ability to enforce the state's labor laws," said Attorney General Gurbir S. Grewal. "The message to employers should be clear: We are committed to using all of the tools at our disposal to protect New Jersey's workers."

As of July 2019, the NJDOL has the authority to require any employer to cease business operations when significant pay, benefits, or other workers' rights violations are documented. As Cunha's Construction Inc. is not a registered public works contractor, the department previously had few options to ensure compliance and payment of restitution.

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

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NJ adds jobs in July; 7th consecutive months of gains. [nj.gov/labor/lwdhome/...](https://nj.gov/labor/lwdhome/)

Aug 19, 2021



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As of the latest reporting, more than \$33 billion in unemployment benefits have been sent to Garden State workers. With federal benefits set to expire on September 4, we encourage everyone to check your email and visit MyUnemployment.nj.gov for updates and available resources.



Department of Labor and Workforce Development

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