

**CHAPTER 60****PREVAILING WAGES FOR PUBLIC WORKS****Authority**

N.J.S.A. 34:11-56.25 et seq., specifically 34:11-56.43.

**Source and Effective Date**

R.1993 d.164, effective March 19, 1993.  
See: 25 N.J.R. 453(a), 25 N.J.R. 1771(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 60, Prevailing Wage for Public Works, expires on March 19, 1998.

**Chapter Historical Note**

Chapter 60, originally Prevailing Wage Rate Determinations, was filed and became effective prior to September 1, 1969. Subsequent prevailing wage rate determinations for construction workers on public works projects were filed, but not reproduced in Chapter 60. Those filings were: R.1973 d.61, filed March 7, 1973. See: 5 N.J.R. 114(b), R.1973 d.330, filed November 26, 1973. See: 6 N.J.R. 16(b), R.1974 d.223, filed August 14, 1974. See: 6 N.J.R. 352(a), R.1975 d.323, filed October 28, 1975. See: 7 N.J.R. 569(b), R.1976 d.301, filed September 23, 1976. See: 8 N.J.R. 517(b), R.1977 d.383, filed October 11, 1977. See: 9 N.J.R. 537(a), R.1978 d.377, filed October 24, 1978. See: 10 N.J.R. 553(c), R.1979 d.370, filed September 19, 1979. See: 11 N.J.R. 561(a), R.1980 d.410, filed September 24, 1980. See: 12 N.J.R. 666(b).

Chapter 60, Prevailing Wages for Public Works (Subchapters 1 through 5), was adopted as R.1988 d.113, effective March 21, 1988. See: 19 N.J.R. 345(b), 20 N.J.R. 664(a). Subchapter 6, Inspection of Records, was adopted as R.1988 d.398, effective August 15, 1988. See: 20 N.J.R. 1164(a), 20 N.J.R. 2064(a). Subchapter 7, Criteria for Determining Apprentice to Journeyman Ratio, was adopted as R.1988 d.399, effective August 15, 1988. See: 20 N.J.R. 1164(b), 20 N.J.R. 2064(b). Subchapter 8, Debarment from Contracting, was adopted as R.1989 d.23, effective January 3, 1989. See: 20 N.J.R. 2520(a), 21 N.J.R. 21(b). Subchapter 9, Violations, Penalties, and Fees, was adopted as R.1991 d.611, effective December 16, 1991. See: 23 N.J.R. 2945(b), 23 N.J.R. 3812(a).

Pursuant to Executive Order No. 66(1978), Chapter 60 was readopted as R.1993 d.164. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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**APPENDIX A****SUBCHAPTER 1. GENERAL PROVISIONS****12:60-1.1 Title and citation**

This chapter shall be known and may be cited as N.J.A.C. 12:60, Prevailing Wages for Public Works.

**12:60-1.2 Authority**

These rules are promulgated pursuant to the authority of the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.

**12:60-1.3 Purpose**

(a) The purpose of this chapter is to:

1. List each and every craft, trade, or class of workmen employed on public works in each of the 21 counties of the State; and
2. List the criteria to be used when an issue regarding the establishment of a craft, trade or class of workmen arises.

**12:60-1.4 Scope**

(a) This chapter shall implement the Act by listing by name each craft, trade or class of workmen utilized in the various counties of the State; and

(b) This chapter shall apply to every contract in excess of \$2,000 awarded by a public body and to every subcontract pursuant to said contract.

**12:60-1.5 Documents referred to by reference**

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:60-6.

**12:60-1.6 Validity**

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

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**SUBCHAPTER 2. DEFINITIONS**
**12:60-2.1 Definitions**

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

“Act” means the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.

“Certified payroll record” means a payroll record which is attested to by the employer, or the owner of the company doing business as the employer, or a corporate officer of such company, or an authorized agent of the employer.

“Commissioner” means the Commissioner of Labor, or his duly authorized designee.

“Department” means the Department of Labor.

“Division of Workplace Standards” means the Division of Workplace Standards, New Jersey Department of Labor, CN 054, Trenton, New Jersey 08625-0054.

“Employer” means any natural person, company, firm, subcontractor or other entity engaged in public work.

“Locality” means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the “locality” the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workmen in such craft or trade.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Office of Wage and Hour Compliance” means the Office of Wage and Hour Compliance of the Division of Workplace Standards, New Jersey Department of Labor, CN 389, Trenton, N.J. 08625-0389.

“Payroll record” means a form satisfactory to the Commissioner, wherein is shown employee information such as name, address, social security number, craft or trade, together with actual hourly rate of pay, actual daily, overtime and weekly hours worked in each craft or trade, gross pay, itemized deductions, and net pay paid to the employee; such record shall also include:

1. Any fringe benefits paid to approved plans, funds or programs on behalf of the employee; and
2. Fringe benefits paid in cash to the employee.

“Persons” means any natural person, company, firm, association, corporation, contractor, subcontractor or other entity engaged in public work.

“Prevailing wage” means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workmen of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done.

“Public body” means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

“Public work” means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program. “Public work” shall also mean construction, reconstruction, demolition, alteration, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract:

7. Common laborer, landscape laborer, railroad track laborer, flagman, traffic director, salamander laborer, tender, pitman, dumpman, waterproofing laborer, raker, tamper on cold patch work, wrapper and coater of all pipe.

8. Finisher foreman, concrete foreman.
9. Toxic or hazardous waste laborer.
10. Free air tunnel walking boss, superintendent.

11. Free air tunnel heading foreman, shaft foreman, rod foreman, electrician foreman, rigging foreman.

12. Free air tunnel iron foreman, caulking foreman, form foreman, cement finishing foreman, concrete foreman, track foreman, cleanup foreman.

13. Free air tunnel blaster.
14. Free air tunnel top laborer foreman.

15. Free air tunnel skilled man including miner, drill runner, iron man, conveyor man, maintenance man, safety miner, rigger, block layer, cement finisher, rod man, caulker, powder carrier, any other skilled man.

16. Free air tunnel semi-skilled man including miner's helper, check tender, track man, nipper, brake man, derail man, cable man, hose man, grout man, gravel man, form man, bell or signal man, form worker and mover, concrete worker, shaft man, tunnel laborer, caulkers' helper, any other semi-skilled man.

17. Free air tunnel any other semi-skilled man including powder watchman, change house attendant, top laborer.

#### 12:60-3.8 Classification of tasks for asphalt laborers

(a) Asphalt laborers shall be classified in all counties, except as otherwise noted below, into various tasks in accordance with the prevailing collective bargaining agreements as follows:

1. Head raker.
2. Raker, screed man, shop steward.
3. Tamper, smoother, kettleman, painter, roller boy, shoveler.
4. Trainee. Applies only to Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem counties.
5. Plant, scale mixer and burner man.
6. Plant, feeder and dust man.

#### 12:60-3.9 Classification of tasks for truck drivers

(a) Truck drivers shall be classified in Atlantic and Cape May counties into various tasks in accordance with the prevailing collective bargaining agreement as follows:

1. Teamster, chauffeur.

2. Driver on tractor, trailer, 10 wheel flat or dump truck.

3. Driver in euclid, 10 wheel tractor trailer or tractor trailer truck, low bed or pole trailer.

(b) Truck drivers shall be classified in Bergen, Hudson, and Passaic counties into various tasks in accordance with the prevailing collective bargaining agreement as follows:

1. Helper on asphalt distributor, pick-up and dump truck driver, winch straight truck driver, water or fuel truck driver.
2. Straight three-axle material driver.
3. Tractor trailer truck driver.
4. Euclid type vehicle, except self loading driver.
5. Winch trailer driver.
6. Mechanic helper.
7. Truck foreman.

(c) Truck drivers shall be classified in Burlington, Camden, Cumberland, Gloucester and Salem counties into various tasks in accordance with the prevailing collective bargaining agreement as follows:

1. Tractor, tractor trailer, winch tractor trailer, winch straight truck, euclid trailer driver not self loading, fuel truck, asphalt distributor driver.
2. Straight truck, dump, water, transit, mix, pick-up, and asphalt distributor driver.
3. Truck towing driver.
4. Mechanic.
5. Straight truck helper, mechanic's helper.

(d) Truck drivers shall be classified in Essex, Morris, Sussex, Union and Warren counties into various tasks in accordance with the prevailing collective bargaining agreement as follows:

1. Helper on asphalt distributor, pick-up and dump truck driver, winch straight truck driver, water and fuel truck driver.
2. Straight three-axle material driver.
3. Tractor trailer truck driver.
4. Euclid type vehicle except self loading driver.
5. Winch trailer driver.
6. Mechanic helper.
7. Truck foreman.

(e) Truck drivers shall be classified in Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset counties

into various tasks in accordance with the prevailing collective bargaining agreement as follows:

1. Helper on asphalt distributor, pick-up and dump truck driver, winch straight truck driver, water and fuel truck driver.
2. Straight three-axle material driver.
3. Tractor trailer truck driver.
4. Euclid type vehicles except self loading driver.
5. Winch trailer driver.
6. Mechanic helper.
7. Truck foreman.

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#### SUBCHAPTER 4. CRITERIA FOR ESTABLISHMENT OF CRAFTS, TRADES OR CLASSES OF WORKMEN

##### 12:60-4.1 Scope of subchapter

This subchapter establishes the criteria to be used to classify a craft, trade or class of workmen.

##### 12:60-4.2 Criteria for establishment

(a) The criteria used to establish a craft, trade or class of workmen shall include:

1. Work history and industry practice;
2. Training and skills;
3. Nature of the specific work in issue;
4. Craft union collective bargaining agreements and craft recognition; and
5. Governmental regulation and recognition.

(b) In establishing a craft, trade or class of workmen, the Department shall consider any relevant information, documentation, or argument presented by an interested party and submitted to:

New Jersey Department of Labor  
Division of Workplace Standards  
Office of Wage and Hour Compliance  
Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey

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#### SUBCHAPTER 5. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

##### 12:60-5.1 Documents referred to by reference

The full title and edition of each of the standards and publications referred to in this chapter are as follows:

N.J.S.A. 34:11-56.25 et seq., New Jersey Prevailing Wage Act.

##### 12:60-5.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

New Jersey Department of Labor  
Division of Workplace Standards  
Office of Wage and Hour Compliance  
Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey

##### 12:60-5.3 Availability of documents from issuing organization

Copies of the referred to standards and publications in this chapter may be obtained from the organization listed below. The abbreviations preceding these standards and publications have the following meaning, and is the organization issuing the standards and publications listed in N.J.A.C. 12:60-5.1.

N.J.S.A. New Jersey Statutes Annotated

Copies available from:  
Office of Wage and Hour Compliance  
New Jersey Department of Labor  
CN 389  
Trenton, New Jersey 08625-0389

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#### SUBCHAPTER 6. INSPECTION OF RECORDS

##### 12:60-6.1 Inspections

(a) The Commissioner, or an authorized designee, shall have the authority to:

1. Inspect and copy books, registers, payrolls or other records that relate to or affect wages, hours and other conditions of employment for public works employees;
2. Question public works workmen to determine whether they are aware of violations of the prevailing wage act; and
3. Require public works employers to submit written statements, including sworn statements, concerning wages, hours, names, addresses and any other employee information as may be determined necessary by the Commissioner.