



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

**Affirmative Action &
Prevailing Wage Requirements
for
Construction Projects Undertaken with
NJEDA Financial Assistance**

September 2012

Affirmative Action Requirements

N.J.A.C. 19:30-3.2

- The Authority will maintain and administer an Affirmative Action program for the hiring of minority and women workers employed in the performance of construction contracts undertaken in connection with any project that receives Authority financial assistance

- All forms, guidance documents, and referral letters, including this presentation can be found at:

<http://www.njeda.com/affirmativeaction>

Definition of Minority Worker

"Minority worker" means a worker who is Black, Hispanic, Asian, or American Indian as defined by the New Jersey Department of Treasury in *N.J.A.C. 17:27-2.1* as follows:

1. Black, not of Hispanic Origin means persons having origins in any of the black racial groups of Africa.
2. Hispanic means persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
3. Asian or Pacific Islander means persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes Hawaii, Pakistan, Korea, China, Japan, Vietnam, Cambodia, Philippine Islands and Samoa.
4. American Indian or Alaskan Native means persons having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

NJEDA Application for Financial Assistance

All NJEDA applications, including the on-line application, contain the following language:

*“The EDA’s regulations and policies regarding the payment of **prevailing wages** and **affirmative action** in the hiring of construction workers require the submission of certain reports and certificates and the inclusion of certain provisions in construction contracts.”*

“Please consult with the EDA staff for details concerning these matters. Forms and information can be found on our website www.njeda.com/affirmativeaction.”

Compliance Forms

1. NJEDA Affirmative Action Addendum to Construction Contract with signatures page(s)
2. NJEDA AA Form 1- Initial Construction Project Workforce Report
3. NJEDA AA Form 2 - Monthly Project Workforce Report for Construction
4. NJEDA AA Form 3 - NJEDA AA Completion Certificate
5. NJEDA PW Form 4 - NJEDA Certified Weekly Payroll Report (Prevailing Wage)



New Jersey Economic Development Authority Affirmative Action Addendum to Construction Contract

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Pursuant to N.J.A.C. 19:30 SUBCHAPTER 3. AFFIRMATIVE ACTION IN AUTHORITY-FINANCED
CONSTRUCTION PROJECTS

N.J.A.C. 19:30-3.5 Construction contracts

1. The New Jersey Economic Development Authority Addendum to Construction Contract, which is provided by the Authority as part of its application for financial assistance and also available at www.njeda.com/affirmativeaction, must be part of all construction contracts and must be signed by the project owner/applicant, prime contractor and subcontractor (all tiers).
2. Unless specifically exempted by N.J.A.C. 19:30-3.4 or 3.5(b), 10 percent of every disbursement for each construction contract in connection with the construction project shall be retained by the project owner/applicant, agent, trustee or lender until 50 per cent completion of the contract. Upon notification to the AA Compliance Officer that a contract is 50 percent complete and confirmation from the AA Compliance Officer that the project is in substantial compliance with this subchapter, five percent of every disbursement for each construction contract must be retained. Upon approximately 90 percent completion of the construction contract and receipt of an Authority Affirmative Action Completion Certificate that is acceptable to the Authority, the Authority will notify the project owner/applicant that the remaining retainage may be released.
3. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional, or sexual orientation, gender identity or expression, disability, nationality, or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor or subcontractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Such equal employment opportunity shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authority setting forth provisions of this nondiscrimination clause.
5. The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.
6. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract of understanding, a referral letter, to be provided by the Authority, advising the labor union or workers' representative of the contractor's commitments under this subchapter and shall post

NJEDA Affirmative Action Addendum to Construction Contract

- ❑ The inclusion of the *NJEDA Affirmative Action Addendum to Construction Contract*, with signatures page(s), is the required mechanism to incorporate the mandatory prevailing wage and affirmative action provisions into all applicable construction contracts for a project.
- ❑ The project owner/applicant or grant recipient, or their representative(s), shall resolve any questions regarding these requirements with the Authority prior to execution of any construction contracts or any construction contracts undertaken to fulfill any condition of receiving Authority financial assistance.

N.J.A.C. 19:30-3.5(c)

The Affirmative Action Addendum to Construction Contract must be part of all construction contracts and must be signed by:

- A. Project Owner/Applicant
- B. General Contractor or Construction Manager
- C. Each subcontractor
- D. Lower tier subcontractors (if applicable)
- E. Landlords – if applicable; and if not exempted by N.J.A.C. 19:30 3.4(a)



**AFFIRMATIVE ACTION & PREVAILING WAGE ADDENDUM TO CONSTRUCTION CONTRACT
SIGNATURE PAGE (PAGE 1 OF 2)**

THIS PROJECT IS SUBJECT TO NJEDA PREVAILING WAGE & AFFIRMATIVE ACTION REQUIREMENTS
I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Affirmative Action and Prevailing Wage Addendums to Construction Contract" will be included as part of all construction contracts and must be signed by the 1.) project owner/applicant or grant recipient; 2.) general contractor(s) or construction manager; 3.) the subcontractor; and for certain projects 4. The grant recipient's landlord (on page 2 of 2, if applicable) and all lower-tier contractors (on page 2 of 2, if applicable).

	NJEDA PROJECT #: _____ COUNTY THAT CONSTRUCTION PROJECT IS LOCATED IN: _____ PROJECT OWNER – APPLICANT – RECIPIENT COMPANY NAME: _____	
PROJECT OWNER OR GRANT RECIPIENT	Signature of Authorized Representative for Project Owner/Grant Recipient _____	Company Name of Project Owner/Grant Recipient _____
	Signatory's Name and Title _____	Street Address or PO Box of Project Owner/Grant Recipient _____
	Date of Signature _____	City, State and Zip Code of Project Owner/Grant Recipient _____
	Date of Actual or Projected Date of Contract Award to General Contractor _____	e-mail address of Project Owner/Grant Recipient _____
GENERAL CONTRACTOR OF CONSTRUCTION MANAGER	Signature of Authorized Representative for General Contractor or C.M. _____	Company Name of General Contractor or Construction Mgt. Co. _____
	Signatory's Name and Title _____	Street Address or PO Box of General Contractor or Mgt. Co. _____
	Date of Signature _____	City, State and Zip Code of General Contractor or Mgt. Co. _____
	Date of Actual or Projected Construction Start Date _____	e-mail address of General Contractor or Construction Mgt. Co. _____
SUBCONTRACTOR	Signature of Authorized Representative for Subcontractor Company _____	Name of Subcontractor Company _____
	Signatory's Name and Title _____	Street Address or PO Box of Subcontractor Company _____
	Date of Signature _____	City, State and Zip Code of Subcontractor Company _____
	Date of Actual or Projected Date of Subcontract Award _____	e-mail address of Subcontractor Company _____

Submit to: NJ Economic Development Authority – Gateway One – Suite 900 – Newark, NJ 07102 or njeda@njeda.com.



**AFFIRMATIVE ACTION & PREVAILING WAGE ADDENDUM TO CONSTRUCTION CONTRACT
SIGNATURE PAGE (PAGE 2 OF 2)**

THIS PROJECT IS SUBJECT TO NJEDA PREVAILING WAGE & AFFIRMATIVE ACTION REQUIREMENTS

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Affirmative Action Addendum to Construction Contract" has/will be included as part of all construction contracts and must be signed by the 1.) project owner/applicant or grant recipient; 2.) general contractor(s) or construction manager; 3.) the subcontractor; and for certain projects 4. The grant recipient's landlord (on PAGE 2, if applicable) and all lower-tier contractors (on PAGE 2, if applicable), if not specifically exempted by N.J.A.C. 19:30-3.4. Therefore, a Landlord to the recipient of NJEDA financial assistance will be required to sign the NJEDA Affirmative Action and Prevailing Wage Addendums to Construction Contract, pursuant to N.J.A.C. 19:30-3.7 and N.J.A.C. 19:30-4.2, if the work being performed under the construction contract(s) is:

1. Being performed on a facility owned by a landlord of the entity receiving the Authority financial assistance; and
2. The landlord is a party to the construction contract(s); and
3. More than 55 per cent of the facility is leased by the entity receiving the Authority financial assistance at the time of construction contract(s) and under any agreement to subsequently lease the facility.

	NJEDA PROJECT #: _____ COUNTY THAT CONSTRUCTION PROJECT IS LOCATED IN: _____ PROJECT OWNER – APPLICANT – RECIPIENT COMPANY NAME: _____	
LANDLORD OF RECIPIENT	_____ Signature of Authorized Representative for Landlord of EDA Grant Recipient _____ Signatory's Name and Title _____ Date of Signature _____ Date of Actual or Projected Date of Contract Award to General Contractor	_____ Company Name of Landlord of EDA Grant Recipient _____ Street Address or PO Box of Project of Landlord of EDA Grant Recipient _____ City, State and Zip Code of Landlord of EDA Grant Recipient _____ e-mail address of Landlord of Grant Recipient
SUBCONTRACTOR (lower tier)	_____ Signature of Authorized Representative for Subcontractor (lower tier) _____ Signatory's Name and Title _____ Date of Signature _____ Date of Actual or Projected Date of Contract Award to Subcontractor (lower tier)	_____ Company Name of Subcontractor (lower tier) _____ Street Address or PO Box of Subcontractor (lower tier) _____ City, State and Zip Code of Subcontractor (lower tier) _____ e-mail address of Subcontractor (lower tier)

Submit to: NJ Economic Development Authority – Gateway One – Suite 900 – Newark, NJ 07102 or njeda@njeda.com.

Addendum to Construction Contract Signature Pages

Please mail the signed signature pages to:

NJEDA - IPM
Gateway One – Suite 900
Newark, NJ 07102



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

NJEDA AA Form 1	NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY INTERNAL PROCESS MANAGEMENT Gateway One, Suite 900, Newark, NJ 07102 (973) 855-3447 phone * (973) 877-1427 fax * affirmativeaction@njeda.com * email	Revised 2012 APRIL
INITIAL CONSTRUCTION PROJECT WORKFORCE REPORT (NJEDA AA Form 1)		

1. NJEDA PROJECT No. (6 digits e.g. 12345)		2. EDA CONTRACTOR ID NUMBER		5. Co. receiving EDA Finance Assistance or Real Estate Project Name					
3. NAME AND ADDRESS OF GENERAL CONTRACTOR OR CONSTRUCTION MGR.						6. DATE OF AWARD		7. DOLLAR AMOUNT OF AWARD	
(NAME)									
(STREET ADDRESS)						8. NAME & ADDRESS OF PROJECT			
(CITY)		(STATE)		(ZIP CODE)		9. NJ COUNTY that Project is Located In:		10. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)?	
								Yes or No	
11. TRADE OR CRAFT				PROJECTED EMPLOYEES (HEADCOUNT)			PROJECT MILESTONES		
				12. TOTAL HEADCOUNT	13. # OF WOMEN (AS A SUBSET OF 12. TOTAL)	14. # OF MINORITIES (AS A SUBSET OF 12. TOTAL)	15. PROJECTED PHASE-IN DATE	16. PROJECTED COMPLETION DATE	
1. ASBESTOS WORKER									
2. ASPHALT WORKER									
3. BOILER MAKER									
4. BRICK LAYER									
5. CARPENTER									
6. CEMENT FINISHERS									
7. DOCK BUILDER									
8. DRILLER									
9. ELECTRICIAN									
10. ELEVATOR CONSTRUCTION									
11. FLOOR LAYER									
12. GLAZIERS									
13. HVAC									
14. IRON WORKER									
15. INSULATION MECHANIC									
16. LABORER									
17. MASON									
18. MECHANIC									
19. MILLWRIGHT									
20. OPERATING ENGINEER									
21. PAINTERS									
22. PIPE FITTER									
23. PLASTERER									
24. PLUMBER									
25. ROOFER									
26. SHEETMETAL WORKER									
27. SPRINKLER FITTER									
28. SURVEYOR									
29. TEAMSTER, TRUCK DRIVER									
30. TELEDATA - ELECTRICIAN									
31. TILE LAYER; TITLE SETTER									
32. TAPER									
33. WELDER									
34. OTHER									
TOTAL:									

PROJECTED TOTAL EMPLOYEES	PROJECTED TOTAL WOMEN EMPLOYEES	PROJECTED TOTAL MINORITY EMPLOYEES	PROJECTED PERCENTAGE WOMEN	PROJECTED PERCENTAGE MINORITY	COUNTY GOAL PERCENTAGE WOMEN	COUNTY GOAL PERCENTAGE MINORITY
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I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

New Jersey Department of Treasury
Equal Employment Opportunity and Affirmative Action

**COUNTY GOALS FOR MINORITY AND WOMEN
WORKFORCE PARTICIPATION**
(In accordance with N.J.A.C. 17:27-7.2)

Available at the Department's website at : http://www.state.nj.us/treasury/contract_compliance

Trade	Minority %	Women %
ATLANTIC	18	6.9
BERGEN	22	6.9
BURLINGTON	15	6.9
CAMDEN	19	6.9
CAPE MAY	5	6.9
CUMBERLAND	27	6.9
ESSEX	53	6.9
GLOUCESTER	9	6.9
HUDSON	60	6.9
HUNTERDON	3	6.9
MERCER	30	6.9
MIDDLESEX	24	6.9
MONMOUTH	15	6.9
MORRIS	16	6.9
OCEAN	7	6.9
PASSAIC	36	6.9
SALEM	10	6.9
SOMERSET	20	6.9
SUSSEX	4	6.9
UNION	45	6.9
WARREN	5	6.9

Affirmative Action Good Faith Effort Referral Letters

1. NJEDA Sample Referral Letter to Minority and Women Referral Organization
2. NJEDA Sample Referral Letter to Union Hall
3. <http://NJ.gov/JobCentralNJ>



NJEDA SAMPLE REFERRAL LETTER
TO UNION HALL

DATE

LOCAL UNION HALL
CONTACT NAME
ADDRESS
CITY, STATE, ZIP

RE: Request for Minority and Women Workers
For (NJEDA Project Number and Name)

To Whom It May Concern:

Pursuant to complying with the requirements of N.J.S.A. 34:1B -1 et seq. "The New Jersey Economic Development Authority Act" and N.J.A.C. 19:30 Subchapter 3 "Affirmative Action in Authority-Financed Construction Projects", please provide us with qualified minority and women workers to reach our goals of ___% minority work hours and 6.9% women work hours for each trade:

___ # of Minority Workers for the following trades:

___ # of Women Workers for the following trades

Please send us your written response within 48 hours of receipt of this request.

Sincerely,

Contractor representative
(with signature)



NJEDA SAMPLE REFERRAL LETTER
TO A MINORITY AND WOMEN REFERRAL ORGANIZATION

DATE

REFERRAL ORGANIZATION NAME
CONTACT NAME
ADDRESS
CITY, STATE, ZIP

RE: Request for Minority and Women Workers
For (Project Number and Name)

To Whom It May Concern:

Pursuant to complying with the requirements of N.J.S.A. 34:1B -1 et seq. "The New Jersey Economic Development Authority Act" and N.J.A.C. 19:30 Subchapter 3 "Affirmative Action in Authority-Financed Construction Projects", please provide us with qualified minority and women workers to reach our goals of ___% minority work hours and 6.9% women work hours for each trade:

___ # of Minority Workers for the following trades:

___ # of Women Workers for the following trades

Please send us your written response within 48 hours of receipt of this request.

Sincerely,

Contractor representative
(with signature)

NJEDA AA Online Reporting

1. Open your web browser and type in: <https://aaonline.njeda.com>
2. New Users: Click on “REGISTER FOR AN ACCOUNT”, watch the tutorial for “1st time users”, Click “Accept” and under “Agreement” and proceed to Step 3;
3. Enter Company Information and Official Contact Information (including the primary email address that you want for the new account) and click on “Submit” button at the bottom of the page; And click “Continue”.
4. You will receive an email from webmaster@njeda.com with your EDA Contractor ID (e.g. 12345) and temporary password (e.g. 12345)
5. Return to <https://aaonline.njeda.com>; Click on “Return to Login Screen”; Enter your EDA Contractor ID press “Enter” and you will be directed to the “Change Password Screen” where you can change your password to your own liking (please write it down for future reference!).
6. Begin a new NJEDA AA Form 1 or begin a new NJEDA AA Form 2
7. When finished entering the data, click on the “Save and Continue Later” button FIRST; then, click on the “Submit to NJEDA” button SECOND to submit the data.
8. Your completed form will be saved under, “REVIEW FORM STATUS” as either “Approved” or “Revise Form.”
9. Please click on “Print” to print a copy for your records. You must print within 30 days of form approval because they will not be available beyond that time.
10. All APPROVED forms are saved in .pdf format; they cannot be altered.
11. Technical Problems? Email webmaster@njeda.com



NJEDA AA Form 3 NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY Revised 2010 DEC
AFFIRMATIVE ACTION COMPLETION CERTIFICATE

COUNTY THAT PROJECT IS LOCATED IN _____ NJEDA PROJECT NUMBER _____

NJEDA PROJECT OWNER/APPLICANT COMPANY NAME _____

PROJECT LOCATION (include Street, City and Zip Code) _____

Completion Certificate to be completed by Subcontractor, Construction Manager and/or General Contractor, Project Owner/Applicant and Landlord (if applicable) and forwarded to: NJ Economic Development Authority
Gateway One - Suite 900
Newark, NJ 07102
OR faxed to (973) 877-1427 OR email to: affirmativeaction@njeda.com

I/We, the undersigned, Subcontractor Construction Manager General Contractor Landlord certify to the New Jersey Economic Development Authority and the Project Owner/Applicant as follows:

- Construction of the above project is substantially complete.
- All workers employed in construction of the Project have been paid at a rate not less than the Prevailing Wage rate unless specifically exempted by N.J.A.C. 19:30-3.4. In making this certification I have relied on payroll records submitted by subcontractors and lower-tier contractors.
- We have made good faith efforts to achieve minority and women workforce participation goals and submitted all reports and certificates required by the Authority.

SUBCONTRACTOR	DATE _____	_____
		Signature of Authorized Representative for Subcontractor

		Print Name and Title

		Print OR Type Company Name of Subcontractor

		Street Address OR PO Box of Subcontractor

		City, State and Zip Code of Subcontractor
CONSTRUCTION MANAGER OR GENERAL CONTRACTOR	DATE _____	_____
		Signature of Authorized Representative for (check one)
		<input type="checkbox"/> Construction Manager <input type="checkbox"/> General Contractor

		Print Name and Title
		Print OR Type Company Name of (check one)

		Street Address OR PO Box of (check one)

		City, State and Zip Code of (check one)



NJEDA AA FORM 3 NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY page 2 of 2
AFFIRMATIVE ACTION COMPLETION CERTIFICATE

I/We, the undersigned authorized representative of the Project Owner/Applicant, certify as follows:

- 1.) I/We have reviewed the attached Completion Certificate of the Contractor and construction is substantially complete.
- 2.) I/We have no knowledge or information which would cause me/us to believe that any facts, information or representations made herein are false or misleading.

OWNER	DATE _____	_____
		Signature of Authorized Representative for Project Owner/Applicant

		Print Name and Title

		Print OR Type Project Owner/Applicant Name

		Street Address OR PO Box of Project Owner/Applicant

		City, State and Zip Code of Project Owner/Applicant

I/We, the undersigned authorized representative of the Landlord of the Recipient of Authority Financial Assistance, certify as follows:

- 1.) I/We have reviewed the attached Completion Certificate of the Contractor and construction is substantially complete.
- 2.) I/We have no knowledge or information which would cause me/us to believe that any facts, information or representations made herein are false or misleading.

LANDLORD OF RECIPIENT	DATE _____	_____
		Signature of Authorized Representative for Project Owner/Grant Recipient's Landlord

		Print Name and Title of Landlord's Signatory Above

		Print Project Owner/Grant Recipient's Landlord Co. or Firm Name

		Street Address OR PO Box of Project Owner/Grant Recipient's Landlord Co. or Firm Name

		City, State and Zip Code of Project Owner/Grant Recipient's Landlord Co. or Firm Name

DO NOT WRITE BELOW THIS LINE - FOR NJEDA USE ONLY

DATE INFO RECEIVED				REQUEST OUTSTANDING				RELEASE AUTHORIZED	
AA Cer	CPR	AA201	AA202	AA Cer	CPR	AA201	AA202	Signature	Date
Good Faith Documentation				Good Faith Documentation					

Please Note: Outstanding information requested on _____ has not been received

New Jersey Law Prohibits Discrimination in Employment

- ON THE BASIS OF:** Race, Creed, Color, National Origin, Age, Ancestry, Nationality, Marital or Domestic Partnership or Civil Union Status, Sex, Gender Identity or Expression, Disability, Liability for Military Service, Affectional or Sexual Orientation, Atypical Cellular or Blood Trait, Genetic Information (including the refusal to submit to genetic testing)
- BY:** Private or State and Local Government Employers, Employment Agencies, or Labor Unions
- WITH RESPECT TO:** Hiring, Promotion, Transfer, Demotion, Termination, Salary, Benefits, Other Privileges, Conditions or Terms of Employment, Layoff, Harassment, Apprenticeship and Training Programs, Job Referrals, or Union Membership
- OR:** In Retaliation for Filing a Complaint, Participating or Testifying in Any Proceedings or for Opposing Any Acts Forbidden under the New Jersey Law Against Discrimination
- REMEDY MAY INCLUDE:** An Order Restraining Unlawful Discrimination, Back Pay, Damages for Pain and Humiliation Experienced as a Result of Unlawful Discrimination, Punitive Damages, and Attorney's Fees

It is also unlawful to publish employment advertisements which discriminate against persons in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

Violations Should Be Reported to the Nearest Office of the NJ Division on Civil Rights or Call Toll Free at 866-405-3050

Atlantic City
26 S. Pennsylvania Avenue, 3rd Floor
Atlantic City, NJ 08401
(609) 441-3100 (Phone)
(609) 441-7648 (TTY)

Camden
One Port Center
2 Riverside Drive, 4th Floor
Camden, NJ 08108
(856) 614-2550 (Phone)
(856) 614-2574 (TTY)

Jersey City
574 Newark Avenue, 3rd Floor
Jersey City, NJ 07306
(201) 795-6166 (Phone)

Newark
31 Clinton Street, 3rd Floor
Newark, NJ 07102
(973) 648-2700 (Phone)
(973) 648-4678 (TTY)

Paterson
100 Hamilton Plaza, 8th Floor
Paterson, NJ 07651
(973) 977-4500 (Phone)
(973) 977-1955 (TTY)

Trenton
140 East Front Street, 6th Floor
Trenton, NJ 08625
(609) 292-4605 (Phone)
(609) 292-1785 (TTY)

www.NJCivilRights.org

The regulations of the New Jersey Division on Civil Rights require that all employers, employment agencies and labor organizations who are covered by the New Jersey Law Against Discrimination shall display this official poster in places easily visible to all employees and applicants. N.J.A.C. 13:8-1.2



CIVIL RIGHTS

The New Jersey Economic Development Authority Prevailing Wage Act *N.J.S.A. 34:1B-5.1*

Public Policy

“The NJEDA shall adopt rules and regulations requiring that not less than the prevailing wage rate be paid to workers employed in the performance of any construction contract... undertaken in connection with authority financial assistance or any of it projects.”

The New Jersey Economic Development Authority Prevailing Wage Law and Regulations

- “The New Jersey Economic Development Authority Act” P.L. 1974, c. 80 (N.J.S.A. 34:1B-1)
- “Business Employment Incentive Program Act” P.L. 1999, c. 26 (N.J.S.A. 34:1B-124 et seq.)
- “The BEIP/Prevailing Wage Act” P.L. 2007, c. 245 (N.J.S.A. 34:1B-5.1) Requires Business Employment Incentive Program and other program grant recipients to pay the prevailing wage on certain public work projects.
- “Payment of Prevailing Wages in Authority Projects” N.J.A.C. 19:30 Subchapter 4 (readopted and revised effective December 6, 2010)

Prevailing Wage Certified Payroll Reporting Requirements

New Jersey Economic Development Authority Certified Weekly Payroll Report form (or equivalent form) must be submitted by subcontractors to the prime or general contractor within 10 days of payment of wages.

The prime or general contractor is responsible for single source reporting and must submit all signed and Certified Weekly Payroll Report forms for the previous month to NJEDA Internal Process Management by the 15th of the following month.

Prevailing Wage Certified Payroll Reporting Requirements

N.J.A.C. 19:30-4.4 Contract provisions required:

- (a) All construction contracts in the amount of \$2,000 or more shall require that:
 1. Prime or general contractors maintain and submit certified payroll records to the Authority.
 2. Upon Request – lower-tier contractors and subcontractors may be required to:
 - i. Permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with this N.J.A.C. 19:30-4.4; and
 - ii. Keep accurate records showing the name, craft or trade, and actual hourly rate of wage paid to each construction worker employed in connection with the performance of the contract and to preserve such records for two years from the date of payment.



EDA PW Form 4

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

CERTIFIED WEEKLY PAYROLL REPORT (REVISED 12/2010)

The information below must be submitted to the NJEDA pursuant to N.J.A.C. 19:30-3.5- 9. and N.J.A.C. 19:30-4.4

SEND COMPLETED FORMS TO:

NJEDA
Gateway One - Suite 900 - Internal Process Management
Newark, NJ 07102

CONTRACTOR INFORMATION

NAME: _____
 ADDRESS: _____
 CITY: _____ ST _____ ZIP _____
 PHONE: (____) _____
 EMAIL: _____

PROJECT INFORMATION

NJEDA PROJECT NUMBER: _____
 PROJECT NAME: _____
 MUNICIPALITY: _____
 COUNTY: _____

PAYROLL PERIOD ENDING DATE: ____ / ____ / ____
mm dd year

Name Address City, State, Zip	Trade	PLEASE SPECIFY DAY AND DATE							Total Hours	Hourly Rate of Pay	Gross Pay for this Project Only	FICA	With- holding Tax			Total Deductions	Net Pay	Total Fringe Benefit Cost/Hr.	
		SUN	MON	TUES	WED	THU	FRI	SAT											
Name Address City State Zip Code																			
Name Address City State Zip Code																			
Name Address City State Zip Code																			
Name Address City State Zip Code																			
Name Address City State Zip Code																			



EDA Form PW-4 (page 2)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

CERTIFIED WEEKLY PAYROLL REPORT (REVISED 12/2010)

Date _____
I, _____
(Name of signatory party)

do hereby and certify:

(1) That I pay or supervise the payment of the person employed by

_____ on the _____
(Contractor or Subcontractor)

_____ ; that during the payroll period commencing on the _____
day of _____ ; 20 _____ and ending the _____ day of _____ 20 _____

all persons employed on said project have been paid the full weekly wages earned, that no rebates
have been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the
full wages earned by any person, other than permissible deductions as defined in the New Jersey Prevailing Wage
Act, N.J.S.A. 34:11-56.25 et seq. and Regulation N.J.A.C. 12:60 et seq. and the Payment of Wages Law, N.J.S.A.
34:11-4.1 et seq.

(2) That any payrolls otherwise under this contract required to be submitted for the above
period are correct and complete; that the wage rates for laborers or mechanics contained therein are
not less than the applicable wage rates contained in any wage determination incorporated into the
contract; that the classifications set forth therein for each laborer or mechanic conform with the work
performed

(3) That any apprentices employed in the above period are duly registered in good standing,
in a program approved or certified by the Division of Vocational Education apprenticeship in the New
Jersey Department of Education or by the Bureau of Apprenticeship Training in the United States
Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic
listed in the above referenced payroll, payments of fringe benefits as listed
in the contract have been or will be made to appropriate programs for the
benefit of such employees, except as noted in Section (4) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer or mechanic listed in the above referenced payroll has been
paid as indicated on the payroll, an amount not less than the sum of the
applicable basic hourly wage rate plus the amount of the required fringe
benefits as listed in the contract, except as noted in Section 4(C) below.

(c) FRINGE BENEFITS

Table with 2 columns: EXCEPTION (CRAFT) and EXPLANATION

REMARKS

PLEASE SPECIFY THE TYPE OF BENEFIT PROVIDED AND NOTE THE TOTAL
COST PER HOUR IN BLOCK 10 ON THE REVERSE SIDE*
1) Medical or hospital coverage []
2) Dental coverage []
3) Pension or Retirement []
4) Vacation, Holidays []
5) Sick days []
6) Life Insurance []
7) Other [] Explain: _____
* TO CALCULATE THE COST PER HOUR, DIVIDE 2,000 HOURS INTO THE
BENEFIT COST PER YEAR PER EMPLOYEE

(5) N.J.A.C. 19:30-3.5-9 and 4.4 The contractors shall submit
to the NJEDA a certified payroll record each pay period.

Table with 2 columns: NAME AND TITLE and SIGNATURE

THE FALSIFICATION OF ANY OF THE ABOVE STATEMENT MAY SUBJECT
THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL
PROSECUTION. N.J.S.A. 34:1B-1 et seq., and P.L. 1963, c. 150 - N.J.S.A. 34:11-
56.25 et seq. and provided by Sections 11 through 16, inclusive, of P.L. 1963, c.
150 - N.J.S.A. 34:11-56.35 - 34:11-56.40

Affirmative Action & Prevailing Wage Requirements

All forms, guidance documents, and referral letters, including this presentation can be found at:

<http://www.njeda.com/affirmativeaction>

To view the New Jersey Dept. of Labor & Workforce Development's
Prevailing Wage Rates by county, go to:

http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html

New Jersey Economic Development Authority

Phone: (973) 855-3447

All forms, guidance documents, and referral letters, including this presentation can be found at:

Website: www.njeda.com/affirmativeaction

Contact Us:

E-mail: affirmativeaction@njeda.com

New Jersey Dept. of Labor & Workforce Development Prevailing Wage Rates for Construction at:

http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html