

Prevailing Wage Debarment Laws in Connecticut and Other States

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Issue

This report compares Connecticut's prevailing wage debarment law to similar laws in California, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

Summary

Connecticut law generally requires contractors (including subcontractors) on most state or local public works projects to pay their construction workers a "prevailing wage." This is the wage and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town. They must also meet related requirements, such as keeping certified payroll records and certifying that their pay scales meet the law's requirements ([CGS § 31-53](#)). The law "debars" contractors that fail to pay their workers the prevailing wage or meet other related requirements, i.e., it prohibits them from contracting with the state or its towns for a certain period. The labor commissioner must maintain a list of debarred contractors and distribute it to state agencies and towns ([CGS § 31-53a](#)).

The prevailing wage laws in California, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island have similar debarment requirements. However, the states may differ over some debarment-related details, such as the specific violations that lead to debarment, the debarment's duration, and the extent to which the debarment extends to other entities related to the debarred contractor. The states also differ over their requirements for posting and distributing their debarment lists.

Reasons for Debarment

Table 1 shows the reasons for debarring contractors under the nine states' prevailing wage laws. Most of these states, including Connecticut, list specific prevailing wage-related violations that lead to a contractor's debarment. Connecticut and some other states also debar a contractor that is debarred from federal projects.

Under New York's prevailing wage law, contractors may also be debarred for various violations unrelated to the state's prevailing wage requirements. Some of the other states may also debar contractors for reasons unrelated to their prevailing wage laws; however, they codify these provisions in separate statutes outside of their prevailing wage laws (examples are noted below).

Table 1: Reasons for Debarment

<i>State</i>	<i>Reasons for Debarment</i>
Connecticut CGS § 31-53a Conn. Agencies Reg. § 31-53a-1	<ul style="list-style-type: none"> • Paid less than prevailing wages and benefits • Failed to keep required records • Failed to certify pay scales • Debarred under federal prevailing wage law
California Cal. Lab. Code § 1777.1	<ul style="list-style-type: none"> • Violated the prevailing wage law with intent to defraud • Committed at least two willful violations of the prevailing wage law in a three-year period • Failed to timely provide certified payroll records upon request • Knowingly committed a serious violation of prevailing wage apprenticeship laws
Illinois 820 Ill. Comp. Stat. 130/11a Ill. Admin. Code 56, § 100.22	<ul style="list-style-type: none"> • Failed to pay prevailing wage • Failed to keep accurate records as required • Failed to produce or submit records as required • Refused to comply with certified payroll requirements • Refused access to certified records • Failed to include prevailing wage requirements in subcontracts and lower tier subcontracts • Failed to obtain a bond that guarantees the faithful performance of the contract's prevailing wage provision
Massachusetts¹ Mass. Gen. Law ch. 149, § 27C	<ul style="list-style-type: none"> • Failed to pay prevailing wage (including to certain other non-construction workers) • Failed to annually obtain updated prevailing wage rates • Failed to post prevailing wage rates at worksite • Failed to keep or provide required records • Misclassified an employee as an independent contractor • Failed to give state resident veterans preference in employment
New Jersey² N.J. Stat. § 34:11-56.37 N.J. Stat. § 34:11-56.38 N.J. Admin. Code § 12:60-7.3	<ul style="list-style-type: none"> • Failed or refused to pay required prevailing wage (state regulations give labor commissioner discretion over whether to debar)

Table 1 (continued)

State	Reasons for Debarment
<p>New York³ N.Y. Lab. Law § 220-B</p>	<ul style="list-style-type: none"> • Had final determination for the falsification of payroll records or the kickback of wages or supplements • Had two final determinations within a six-year period for willful failure to pay required prevailing wage rates • Convicted of certain felony offenses for conduct related to obtaining, performing, or attempting to obtain or perform, a public work contract, such as grand larceny, forgery, falsifying business records, insurance fraud, bribery, and criminal solicitation • Debarred under federal prevailing wage law
<p>Ohio⁴ Ohio Rev. Code § 4115.133</p>	<ul style="list-style-type: none"> • Prosecuted and convicted, or found to have intentionally violated, the state’s prevailing wage law
<p>Pennsylvania⁵ PA. Stat. 43 § 165-11(e)</p>	<ul style="list-style-type: none"> • Intentionally failed to pay required prevailing wage
<p>Rhode Island R.I. Gen. Laws § 37-13-14.1(d)</p>	<ul style="list-style-type: none"> • Violated any provision of the prevailing wage law (e.g., paid less than required prevailing wages and benefits, failed to post prevailing wage rates at the worksite, failed to keep required accurate wage records, or obstructed enforcement of prevailing wage law)

¹Under a separate Massachusetts law, contractors may be debarred for a variety of reasons unrelated to the prevailing wage labor law ([Mass. Gen. Laws ch. 29, § 29F\(c\)](#)).

²Under New Jersey’s [Executive Order No. 34](#) and its [related regulations](#), contractors are also debarred from state contracts for various reasons unrelated to the state’s prevailing wage law.

³In New York, contractors are also debarred for certain violations of the state’s (1) law for service work in public buildings ([N.Y. Lab. Law § 235](#)), (2) Construction Industry Fair Play Act ([NY. Lab. Law § 861-E](#)), (3) Commercial Goods Transportation Industry Fair Play Act ([N.Y. Lab. Law § 862-D](#)), and (4) Workers’ Compensation Law ([N.Y. Work. Comp. Law § 141-B](#)).

⁴Under a separate Ohio law, the state’s Facilities Construction Commission may debar a contractor for other reasons unrelated to the state’s prevailing wage law, including when a contractor is debarred from bidding on or participating in a contract with any state or federal agency ([Ohio Rev. Code § 153.02](#)).

⁵Pennsylvania regulations allow the state’s Department of Transportation to debar contractors from state-supervised or -funded highway construction projects for various reasons unrelated to the state’s prevailing wage law, including debarment in another state or from federal projects ([67 PA Code § 457.13](#)).

Other Debarment Variables

The nine states’ prevailing wage laws also vary over whether they require multiple violations before imposing debarment, the length of the debarment, and the extent to which the debarment may extend to other business entities. Most of the states impose debarment after the first violation, but some only impose it when a contractor commits multiple violations within a certain period. Most of them also extend their debarment to other entities that have a financial relationship with the debarred contractor, although the nature and extent of the relationship varies. Table 2 shows these other debarment variables.

Table 2: Other Debarment Variables

State	Multiple Violations Required Before Debarment	Debarment Duration	Extension to Other Entities
Connecticut CGS § 31-53a Conn. Agencies Reg. § 31-53a-1	No	Up to three years	Debarment extends to any entities in which the debarred contractor has at least a 10% interest (i.e., entitled to at least 10% of the net profits)
California Cal. Lab. Code § 1777.1	Generally no, but debarment for willful violations requires at least two violations over a three-year period	1-3 years for violations with intent to defraud or failure to timely provide certified payroll records Up to three years for two willful violations within a three-year period Up to one year for first violation of knowingly committing serious violations of apprenticeship laws; up to three years for subsequent violations	Debarment extends to any entities in which the debarred contractor has an interest (i.e., any entities from which the debarred contractor receives payments)
Illinois 820 Ill. Comp. Stat. 130/11a	Two separate violations within five years	Four years	Debarment extends to any firm, corporation, partnership, or association in which the debarred contractor has an interest
Massachusetts Mass. Gen. Law ch. 149, § 27C	No	For conviction of willful violations: five years For conviction of other violations: up to six months for first offense; up to three years for subsequent offenses For failing to comply with a requirement in a violation citation or order: one year For receiving three citations with a finding of intent within a three year period: two years	Debarment includes “indirect” contracting by the debarred contractor

Table 2 (continued)

State	Multiple Violations Required Before Debarment	Debarment Duration	Extension to Other Entities
New Jersey N.J. Stat. § 34:11-56.37 N.J. Stat. § 34:11-56.38 N.J. Admin. Code § 12:60-7.3	Commissioner may consider frequency of previous violations when deciding whether to debar	Three years (Contractors may also be suspended pending debarment)	Debarment extends to any entities in which the debarred contractor has an interest
New York N.Y. Lab. Law § 220-B	Two violations within six consecutive years for willful failure to pay prevailing wage rates None for (1) determinations of falsification of records or kickback of wages or supplements or (2) conviction of certain felony offenses or debarment under federal prevailing wage law	Five years If debarred under federal law: for period of federal debarment	Debarment extends to “substantially owned affiliated entities” (generally, the debarred entity’s parent company or subsidiary; any entity in which the parent company owns more than 50% of voting stock; an entity in which one of the debarred entity’s top five shareholders owns a controlling share of stock; and any entity that exhibits any indicia of control over the debarred entity or over which the debarred entity exhibits control)
Ohio Ohio Rev. Code § 4115.133	No	One year Three years for subsequent intentional violations committed within five years of a previous debarment	Debarment includes “indirect” contracting by the debarred contractor
Pennsylvania PA. Stat. 43 § 165-11(e)	None	Three years	Debarment extends to any entities in which the debarred contractor has an interest
Rhode Island R.I. Gen. Laws § 37-13-14.1(d) & (e)	None	18 to 36 months If violation is within 18 months of a previous violation: 60 months	None specified

Debarment Lists

The nine states' prevailing wage laws also vary on the extent to which they explicitly require their debarment lists to be posted in a specific location or distributed to state and local agencies and officials. Table 3 shows their debarment list requirements.

Table 3: Debarment Lists

State	Posting Location	Distribution Requirements	Other Requirements
Connecticut CGS § 31-53a Conn. Agencies Reg. § 31-53a-1	None specified	To all state departments and political subdivisions at least twice each year	N/A
California Cal. Lab. Code § 1777.1	Labor commissioner's website	Contractor's State License Board Awarding bodies must be notified annually about the list's availability	Labor commissioner must place advertisements about debarments in construction industry publications; debarred contractors and subcontractors must pay reasonable costs for the ads, up to \$5,000 (which is credited against any civil fines)
Illinois 820 Ill. Comp. Stat. 130/11a	<i>Illinois Register</i> at least quarterly	None specified	N/A
Massachusetts Mass. Gen. Law ch. 149, § 27C	None specified	Courts must notify attorney general about final convictions or dispositions Attorney general must publish written notice to (1) all state departments and agencies that contract for public construction and (2) appropriate county and local authorities	N/A
New Jersey N.J. Stat. § 34:11-56.37 N.J. Admin. Code § 12:60-7.5	None specified	To the state treasurer Labor commissioner must also notify any public bodies that request notice	N/A
New York Executive Order No. 192	Office of General Services website	None specified	All executive branch agencies must maintain a list of debarred contractors and vendors and submit it to the Office of General Services

Table 3 (continued)

State	Posting Location	Distribution Requirements	Other Requirements
Ohio Ohio Rev. Code § 4115.133	None specified	State commerce director files debarred list with state secretary of state; filing with secretary of state constitutes notice to all public authorities	N/A
Pennsylvania PA. Stat. 43 § 165-11(e)	None specified	State labor secretary must notify state and local agencies that fund public projects	N/A
Rhode Island	None specified	None specified	N/A

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