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ROBERT ASARO-ANGELO, Commissioner
of the New Jersey Department of Labor and
Workforce Development,

Plaintiff,

v.

Grand Street Construction LLC; BWK
Construction LLC; P & B Partitions Inc.; Blue
Star Drywall Corp; Williams Drywall, LLC;
and Drywall Builders Corporation,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION – HUDSON COUNTY

DOCKET NO. _____

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Robert Asaro-Angelo, Commissioner of the New Jersey Department of Labor and Workforce Development (“Commissioner”), alleges the following by way of this Complaint against Grand Street Construction, LLC (“GSC”), BWK Construction LLC (“BWK”), P & B Partitions Inc. (“P & B”), Blue Star Drywall Corp (“Blue Star”), Drywall Builders Corp (“Drywall Builders”), and Williams Drywall, LLC (“Williams Drywall”) (collectively, “Defendants”).

INTRODUCTION

1. This is an action under N.J.S.A. 34:1A-1.12 to redress Defendant construction companies' myriad violations of New Jersey's wage, benefit, and tax laws, all of which have harmed the State and New Jersey workers by depriving them of their rightful wages and essential employment rights and protections.

2. "The low wages and exploitative practices in the construction industry, both in New Jersey and nationally, cause profound hardship for workers and their families." KEN JACOBS ET AL., The Public Cost of Low-Wage Jobs in the New Jersey Construction Industry, UC BERKLEY LAB. CTR. (March 24, 2022).

3. Construction workers and their families in New Jersey are approximately 27% more likely than all other families to participate in one or more safety net programs, costing the state and federal government approximately \$325 million annually between 2015 and 2019. Ibid.

4. Approximately 1.2 million construction workers are paid off the books nationwide depriving them of basic workplace guarantees, including minimum wage and overtime pay. MARK ERLICH, Construction Workers and the Gig Economy, CTR. FOR LAB. AND A JUST ECON. (Apr. 1, 2020).

5. Employers "avoid paying taxes, or making unemployment and disability contributions" when they pay workers "in cash 'off the books.'" Report of Gov. Murphy's Task Force on Employee Misclassification (July 2019), [https:// www. nj. Gov /labor /assets /PDFs /Misclassification%20Report%202019.pdf](https://www.nj.gov/labor/assets/PDFs/Misclassification%20Report%202019.pdf).

6. Because general contractors often benefit from violations "'down the chain' of subcontractors. . . strict enforcement of [up the chain liability] is required in order to chip away at the exploitation in the industry while concurrently giving lawful contractors a fair chance to win

bids.” KEN JACOBS ET AL., The Public Cost of Low-Wage Jobs in the New Jersey Construction Industry, UC BERKLEY LAB. CTR. (March 24, 2022).

7. The Legislature addressed this issue in recent years by holding general contractors “responsible for, any debt owed to a worker, or third party on the worker’s behalf, incurred by a subcontractor at any tier,” N.J.S.A. 34:11-67.1, as well as declaring that client employers are “joint[ly] and several[ly] liabil[e] for any violations of . . . State wage and hour laws or State employer tax laws,” N.J.S.A. 34:11-58.2.

8. This action against general contractor GSC, and its subcontractors BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders (together, the “subcontractors”), seeks to redress violations of New Jersey’s wage, benefit, and tax laws that occurred in the course of constructing a high-rise residential apartment building located at 88 Regent Street, Jersey City, New Jersey 07302 (“88 Regent Street” or “the Worksite”).

9. With limited exceptions, GSC and the subcontractors paid employees off the books and in cash and failed to adhere to even the most basic employment rights and protections.

10. In so doing, GSC and the subcontractors failed to properly classify hundreds of employees at the Worksite, timely pay the employees minimum wages and overtime to which they were entitled under State law, failed to provide State-mandated earned sick leave, and failed to maintain legally required wage and earned sick leave records, among other violations of the State’s wage, benefit, and tax laws as defined in N.J.S.A. 34:1A-1.11.

11. GSC and the subcontractors also deprived the State of hundreds of thousands of dollars in contributions to New Jersey’s Unemployment Compensation Fund, Disability Benefits Fund, and Workforce Development Partnership Fund, while at the same time gaining an unfair

competitive advantage over competitor businesses that complied with State wage, benefit, and tax laws.

12. Defendants violated State wage, benefit, and tax laws by:
 - a) Failing to timely pay all wages owed in violation of the Wage Payment Law (WPL), N.J.S.A. 34:11-4.2;
 - b) Failing to pay the statutory minimum wage in violation of the Wage and Hour Law (WHL), N.J.S.A. 34:11-56a4;
 - c) Failing to pay the mandatory overtime rate, in violation of the WHL, N.J.S.A. 34:11-56a4;
 - d) Failing to make earned sick leave available, in violation of the Earned Sick Leave Law (ESLL), N.J.S.A. 34:11D-5;
 - e) Failing to pay earned sick leave in violation of the ESLL, N.J.S.A. 34:11D-5;
 - f) Failing to maintain records of earned sick leave and post required notice of earned sick leave, in violation of the ESLL, N.J.S.A. 34:11D-6 to -7;
 - g) Failing to maintain records of hours worked and wages paid and failing to provide such wage and hour records to the New Jersey Department of Labor and Workforce Development (“NJDOL”), in violation of the WHL, N.J.S.A. 34:11-56a20;
 - h) Failing to make required contributions to the Unemployment Compensation Fund and Disability Benefits Fund, in violation of the Unemployment Compensation Law (UCL), N.J.S.A. 43:21-7, and Temporary Disability Benefits Law (TDBL), N.J.S.A. 43:11-25 to -66, leaving employees at risk of being found ineligible for unemployment, disability, and family leave insurance benefits and depriving the

State funds of millions of dollars, and increasing costs for those employers who follow the law;

- i) Failing to make required contributions to the Workforce Development Partnership Fund and Supplemental Workforce Fund for Basic Skills, in violation of the Employment and Workforce Development Act (EWDA), N.J.S.A. 34:15D-1 to -34;

13. One defendant, Drywall Builders, additionally unlawfully employed a minor under 18 years of age to perform construction-related work, in violation of N.J.S.A. 34:2-21.17.

14. The Commissioner is further empowered to seek additional penalties against GSC and the subcontractors for failing to properly classify workers pursuant to N.J.S.A. 34:20-5, which provides for additional penalties where an employer engaged in construction work “fails to properly classify an individual as an employee” in connection with any failure to pay wages, benefits, taxes, or other contributions under the State’s wage, benefit, and tax laws.

15. Similarly, the Commissioner is empowered to seek further penalties against GSC and the subcontractors pursuant to N.J.S.A. 34:1A-1.18 which provides for additional penalties where an employer has “fail[ed] to properly classify employees” in connection with violations of State wage, benefit, and tax law.

16. The Commissioner now brings this action pursuant to N.J.S.A. 34:1A-1.12(h) to redress Defendants’ violations. The Commissioner seeks to recover wages improperly withheld from construction employees at the Worksite, impose statutorily authorized fines and penalties, and recover the reasonable costs of enforcement, including attorney’s fees.

JURISDICTION, VENUE, AND PARTIES

17. The Commissioner is authorized under N.J.S.A. 34:1A-1.12 to bring actions to enforce any violations of “State wage, benefit and tax laws,” as defined by N.J.S.A. 34:1A-1.11.

These laws include, but are not limited to the WPL, N.J.S.A. 34:11-4.1 to -4.14; the WHL, N.J.S.A. 34:11-56a1 to -56a38; the ESLL, N.J.S.A. 34:11D-1 to -13; the EWDA, N.J.S.A. 34:15D-1 to -34, and the UCL, N.J.S.A. 43:21-1 to -71.

18. Jurisdiction in the Superior Court is proper pursuant to N.J.S.A. 34:1A-1.12(h)-(j). The Commissioner seeks declaratory and monetary relief for the violations alleged herein pursuant to his enforcement authority under N.J.S.A. 34:1A-1.12(h)-(j).

19. GSC was the general contractor responsible for overseeing the construction of 88 Regent Street from 2018 to 2022. GSC entered into subcontractor agreements with BWK and P & B to assist with drywall installation at 88 Regent Street. P & B also entered into subcontractor agreements with Blue Star, Williams Drywall, and Drywall Builders to assist with drywall installation. All named contractors and subcontractors performed construction work at the Worksite between 2018 to 2022.

20. Defendant GSC is a Limited Liability Company (“LLC”) headquartered at 345 Tenth Street, Jersey City, New Jersey 07302.

21. Defendant BWK is an LLC headquartered at 3150 Roberts Avenue, 3C, Bronx, New York 10461.

22. Defendant P & B is a corporation headquartered at 436 Commerce Lane, Suite A, West Berlin, New Jersey 08091.

23. Defendant Blue Star is a corporation with its last known address at 312 East 7th Street, Plainfield, New Jersey 07060.

24. Defendant Drywall Builders is a corporation with its last known address at 23 Emma Street, Plainfield, New Jersey 07063.

25. Defendant Williams Drywall is an LLC headquartered at 127 Church Street, Plainfield, New Jersey 07060.

26. Venue is proper in Hudson County pursuant to Rule 4:3-2, because it is the county in which the cause of action arose and in which Defendant GSC maintains a business address and otherwise conducted business.

FACTUAL ALLEGATIONS

27. This case concerns numerous violations of State wage, benefit, and tax laws by GSC and its subcontractors relating to work performed at 88 Regent Street.

28. On July 28, 2021, following reports of violations of State labor laws at the worksite, investigators from NJDOL and Department of Treasury's Division of Taxation ("Taxation") entered and inspected the Worksite. During the site inspection, they analyzed and obtained records, interviewed numerous employees, and recorded observations.

29. The inspection revealed at least thirty-four contractors and subcontractors performing sprinkler, electrical, HVAC, plumbing, roofing, insulations, framing and drywall, painting, flooring, and scaffolding work at the Worksite between 2018 and 2022.

30. The inspection identified employees performing drywall work on behalf of BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders, among others.

31. GSC directly entered into subcontractor agreements with BWK and P & B for drywall work to be performed at the Worksite during the relevant period. P & B entered into further subcontractor agreements for drywall work to be performed at the Worksite with Blue Star, Williams Drywall, and Drywall Builders.

32. NJDOL and Taxation conducted multiple follow-up site inspections and issued and received documents and information in response to multiple subpoenas to each of BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders, among others.

33. Of the thirty-four contractors and subcontractors inspected, NJDOL determined sixteen entities violated State wage, benefit, and tax laws and issued assessments seeking back wages and penalties.

34. All contractors and subcontractors other than GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders have resolved their liabilities with NJDOL.

35. All individuals performing construction work for GSC or its subcontractors at the Worksite were employees of GSC, its subcontractors, or both (hereinafter “Employees”).

36. All individuals performing construction work for GSC’s subcontractors were suffered or permitted to work pursuant to the WPL, N.J.S.A. 34:11-4.1, and WHL, N.J.S.A. 34:11-56a1.

37. All individuals performing construction work for GSC’s subcontractors were remunerated for services pursuant to the UCL, N.J.S.A. 43:21-7a, and TDBL, N.J.S.A. 43:21-27.

38. All individuals performing work for GSC’s contractors were engaged in services to their employer in the business of the employer for compensation pursuant to the ESLL, N.J.S.A. 34:11D-1.

39. On April 14, 2025, the Commissioner withdrew his administrative assessments of GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders, electing alternatively to file an enforcement action in New Jersey Superior Court, pursuant to N.J.S.A. 34:1A-1.12(h).

Grand Street Construction LLC

40. GSC employed supervisory staff, but it did not directly employ or engage individual construction workers at the Worksite.

41. Rather, all construction workers were employed by one of GSC's subcontractors including BWK, P & B, Blue Star, Williams Drywall, or Drywall Builders.

42. On or about July 8, 2020, GSC entered into a subcontractor agreement with BWK.

43. On or about September 17, 2020, GSC entered into a subcontractor agreement with P & B.

BWK Construction LLC

44. During the July 28, 2021 Worksite inspection and thereafter NJDOL investigators interviewed approximately six BWK workers and collected documents, recorded observations, and sought additional records from BWK.

45. That inspection demonstrated that BWK failed to properly classify its workers as employees and provide them the full wages, protections, and benefits afforded to all New Jersey employees in violation of several of New Jersey's wage, benefit, and tax laws.

46. BWK paid its employees only in cash for their work on 88 Regent Street.

47. BWK did not pay its employees the State-mandated overtime rate when they worked over forty hours in a given week.

48. BWK did not make required deductions from its employees' pay depriving the State of contributions to funds dedicated to unemployment, disability, family leave, workforce and skills training.

49. BWK did not submit any Employer Quarterly Reports, Forms NJ-927, reporting payroll and tax withholdings, to Taxation for the years 2018 through 2022, as required by N.J.A.C.

12:16-13.11(e)(1) and failed to produce such records in response to a NJDOL subpoena requesting the same.

50. BWK did not submit any Employer Reports of Wages Paid, Forms WR-30, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.7(e)(7) and failed to produce such records in response to a NJDOL subpoena requesting the same.

51. BWK did not maintain earned sick leave records, as required by N.J.S.A. 34:11D-6 and failed to produce such records in response to a NJDOL subpoena requesting the same.

P & B Partitions Inc.

52. P & B entered into subcontractor agreements with multiple subcontractors, including, but not limited to, Blue Star, Williams Drywall, and Drywall Builders to assist with drywall installation at 88 Regent Street.

53. During the July 28, 2021 Worksite inspection and thereafter, NJDOL investigators interviewed approximately 66 P & B workers and collected documents, recorded observations, and sought additional records from P & B.

54. That inspection demonstrated that P & B failed to properly classify its workers as employees and provide them the full wages, protections, and benefits afforded to all New Jersey employees in violation of several of New Jersey's wage, benefit, and tax laws.

55. P & B paid its employees only in cash for their work at 88 Regent Street.

56. P & B did not pay its employees the State-mandated overtime rate when they worked over forty hours in a given week.

57. P & B did not make the required deductions from its employees' pay, depriving the State of contributions to funds dedicated to unemployment disability, family leave, sick leave, workforce and skills training.

58. P & B did not submit any Employer Quarterly Reports, Forms NJ-927, reporting payroll and tax withholdings, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.11(e)(1) and failed to produce such records in response to a NJDOL subpoena requesting the same.

59. P & B did not submit any Employer Reports of Wages Paid, Forms WR-30, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.7(e)(7) and failed to produce such records in response to a NJDOL subpoena requesting the same.

60. P & B did not maintain earned sick leave records, as required by N.J.S.A. 34:11D-6, and failed to produce such records in response to a NJDOL subpoena requesting the same.

Blue Star Drywall Corp.

61. During the July 28, 2021 Worksite inspection and thereafter, NJDOL investigators identified approximately nine Blue Star workers at the Worksite, conducted interviews, collected documents, recorded observations, and sought additional records from Blue Star.

62. That inspection demonstrated that Blue Star failed to properly classify its workers as employees and provide them the full wages, protections, and benefits afforded to all New Jersey employees in violation of several of New Jersey's wage, benefit, and tax laws.

63. Blue Star paid its employees only in cash for their work on 88 Regent Street.

64. Blue Star did not pay its employees the State-mandated overtime rate when they worked over forty hours in a given week.

65. Blue Star did not make the required deductions from its employees' pay depriving the State of contributions to funds dedicated to unemployment disability, family leave, sick leave, workforce and skills training.

66. Blue Star did not submit any Employer Quarterly Reports, Forms NJ-927, reporting payroll and tax withholdings, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.11(e)(1) and failed to produce such records in response to a NJDOL subpoena requesting the same.

67. Blue Star did not submit any Employer Reports of Wages Paid, Forms WR-30, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.7(e)(7) and failed to produce such records in response to a NJDOL subpoena requesting the same.

68. Blue Star did not maintain earned sick leave records, as required by N.J.S.A. 34:11D-6, and failed to produce such records in response to a NJDOL subpoena requesting the same.

Drywall Builders Corp.

69. During the July 28, 2021 Worksite inspection and thereafter NJDOL investigators identified approximately sixteen Drywall Builders workers at the Worksite, conducted interviews with at least four Drywall Builders workers, collected documents, recorded observations, and sought additional records from Drywall Builders.

70. That inspection demonstrated that Drywall Builders failed to properly classify its workers as employees and provide them the full wages, protections, and benefits afforded to all New Jersey employees in violation of several of New Jersey's wage, benefit, and tax laws.

71. Drywall Builders paid its employees only in cash for their work on 88 Regent Street.

72. Drywall Builders did not pay its employees the State-mandated overtime rate when they worked over forty hours in a given week.

73. Drywall Builders employed at least one minor under 18 years of age to perform construction-related work, in violation of N.J.S.A. 34:2-21.17.

74. Drywall Builders did not make the required deductions from its employees' pay depriving the State of contributions to funds dedicated to unemployment disability, family leave, sick leave, workforce and skills training.

75. Drywall Builders did not submit any Employer Quarterly Reports, Forms NJ-927, reporting payroll and tax withholdings, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.11(e)(1) and failed to produce such records in response to a NJDOL subpoena requesting the same.

76. Drywall Builders did not submit any Employer Reports of Wages Paid, Forms WR-30, to Taxation for the years 2018 through 2022, as required by N.J.A.C. 12:16-13.7(e)(7) and failed to produce such records in response to a NJDOL subpoena requesting the same.

77. Drywall Builders did not maintain earned sick leave records, as required by N.J.S.A. 34:11D-6, and failed to produce such records in response to a NJDOL subpoena requesting the same.

78. While on November 2, 2021, NJDOL issued a subpoena duces tecum to Drywall Builders, requesting documents and answers to interrogatories pertaining to, among other things, Drywall Builders' business structure, revenue, payroll records, tax records, earned sick leave records, personnel policies, and contracts for work performed at 88 Regent Street that subpoena went entirely unanswered.

Williams Drywall LLC

79. During the July 28, 2021 Worksite inspection and thereafter, NJDOL investigators conducted an interview with at least one Williams Drywall worker, collected documents, recorded observations, and sought additional records from Williams Drywall.

80. That inspection demonstrated that Williams Drywall failed to provide its employees the full wages, protections, and benefits afforded to all New Jersey employees in violation of several of New Jersey's wage, benefit, and tax laws.

81. Williams Drywall paid its employees in cash and by check for their work on 88 Regent Street.

82. Williams Drywall did not pay its employees the State-mandated overtime rate when they worked over forty hours in a given week.

83. Williams Drywall did not make required deductions from its employees' pay depriving the State of contributions to funds dedicated to unemployment, disability, family leave, sick leave, workforce and skills training.

84. Williams Drywall did not maintain earned sick leave records, as required by N.J.S.A. 34:11D-6 and failed to produce such records in response to a NJDOL subpoena requesting the same.

85. Employer Quarterly Reports, Forms NJ-927, and Employer Reports of Wages Paid, Forms WR-30, submitted by Williams Drywall to Taxation showed Williams Drywall paid wages to its employees below the statutorily prescribed minimum wage.

Count One: Failure to Pay Overtime

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

86. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

87. The WHL, N.J.S.A. 34:11-56a4, requires that every employer pay to each of its employees not less than one and a half times such employee's regular hourly rate for each hour of work in excess of forty hours in a given week.

88. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 34:11-56a1.

89. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders failed to pay their employees the required overtime wages for all hours worked in excess of forty hours in a given week.

90. GSC and P & B, as client employers, are "subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws" by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

91. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B.

92. GSC and P & B are therefore additionally responsible for "any debt owed to a worker, or third party on the worker's behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker's performance of labor under the contract," including all

debts owed to workers resulting from its subcontractor's violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Two: Failure to Pay Minimum Wage

As to GSC, P & B, and Williams Drywall

93. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

94. The WHL, N.J.S.A. 34:11-56a4, requires that every employer pay each of its employees a minimum wage not less than the statutorily prescribed wage rate. The statutorily prescribed minimum wage at the time of the July 28, 2021 site inspection was \$12 per hour.

95. Williams Drywall is an employer as defined by N.J.S.A. 34:11-56a1.

96. Williams Drywall paid its employees wages that were less than the statutory minimum applicable at the time of payment, in violation of N.J.S.A. 34:11-56a4.

97. GSC and P & B, as client employers, are "subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws" by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Williams Drywall is a labor contractor, as defined by N.J.S.A. 34:11-58.2.

98. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B. GSC and P & B are therefore additionally responsible for "any debt owed to a worker, or third party on the worker's behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker's performance of labor under the contract," including all debts owed to workers resulting from its subcontractor's violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Three: Failure to Timely Pay Wages

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

99. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

100. The WPL, N.J.S.A. 34:11-4.2, requires an employer to pay the full amount of wages due to employees at least twice during each calendar month, on regular paydays designated in advance by the employer.

101. Failure to pay the statutorily required minimum wage or overtime pursuant to N.J.S.A. 34:11-56a4 is deemed a failure to timely pay “the full amount of wages due” to employees as required by N.J.S.A. 34:11-4.2.

102. GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 34:11-4.1.

103. BWK, Blue Star, Williams Drywall, and Drywall Builders failed to timely pay their employees wages due in violation of N.J.S.A. 34:11-4.2.

104. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

105. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B. GSC and P & B are therefore additionally responsible for “any debt owed to a worker, or third party on the worker’s behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker’s performance of

labor under the contract,” including all debts owed to workers resulting from its subcontractor’s violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Four: Failure to Maintain and Produce Records of Hours and Wages

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

106. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

107. The WHL, N.J.S.A. 34:11-56a20, requires that every employer keep a true and accurate record of hours worked by, and wages paid to, each of its employees.

108. N.J.S.A. 34:11-56a20 further requires employers to furnish such records of hours worked by, and wages paid to, each of their employees to the Commissioner or his authorized representative upon demand.

109. N.J.A.C. 12:56-4.1 requires employers to keep records of the name, address, hours worked, and earnings of each employee.

110. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 34:11-56a1.

111. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders failed to maintain records of hours worked by, and wages paid to their employees in violation of N.J.S.A. 34:11-56a20 and N.J.A.C. 12:56-4.1.

112. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders failed to furnish to the Commissioner records of the hours worked by, and wages paid to, their employees in violation of N.J.S.A. 34:11-56a20 and N.J.A.C. 12:56-4.1.

113. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour

laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

Count Five: Failure to Maintain and Produce Records of Earned Sick Leave

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

114. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

115. The ESLL, N.J.S.A. 34:11D-6, requires specified employers to retain records documents hours worked by employees and earned sick leave taken by employees.

116. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 34:11D-1.

117. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders have failed to maintain required earned sick leave records in violation of N.J.S.A. 34:11D-6.

118. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders have failed to produce to the Commissioner required earned sick leave records in violation of N.J.S.A. 34:11D-6.

119. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

Count Six: Failure to Make Available and Provide Earned Sick Leave

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

120. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

121. The ESLL, N.J.S.A. 34:11D-2, requires certain employers to provide employees a minimum of one hour of earned sick leave for every thirty hours worked until an employee accumulates forty hours of earned sick leave.

122. N.J.S.A. 34:11D-5 establishes that failure of an employer to make available or pay earned sick leave is deemed a failure to meet the wage payment requirements of the WHL.

123. N.J.S.A. 34:11D-6 states that if an employer has not maintained or retained adequate records of hours worked and earned sick leave taken by its employees, a rebuttable presumption that the employer has failed to provide earned sick leave is established.

124. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 34:11D-1.

125. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders failed to make available or pay earned sick leave to their employees based on their hours worked in violation of N.J.S.A. 34:11D-2.

126. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders have failed to maintain required earned sick leave records in violation of N.J.S.A. 34:11D-6 and have provided no evidence to rebut the presumption that they failed to provide earned sick leave to their employees in further violation of N.J.S.A. 34:11D-6 and N.J.S.A. 34:11D-2.

127. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour

laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11D-1. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

128. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B.

129. GSC and P & B are therefore additionally responsible for “any debt owed to a worker, or third party on the worker’s behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker’s performance of labor under the contract,” including all debts owed to workers resulting from its subcontractor’s violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Seven: Failure to Make Required Contributions to the New Jersey Unemployment Compensation Fund, Disability Benefits Fund, and Workforce Development Funds

As to GSC, BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders

130. Plaintiff repeats and incorporates all of the forgoing paragraphs as if fully set forth herein.

131. N.J.S.A. 43:21-7 requires an employer to contribute funds for each of its employees to the Unemployment Compensation Fund and State Disability Benefits Fund.

132. N.J.S.A. 34:15D-13 requires an employer to contribute funds to the Workforce Development Partnership Fund.

133. N.J.S.A. 34:15D-22 requires an employer to contribute funds to the Supplemental Workforce Fund for Basic Skills.

134. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders were all employers as defined by N.J.S.A. 43:21-19g.

135. BWK, P & B, Blue Star, Williams Drywall, and Drywall Builders all failed to make statutorily required contributions as an employer of the construction employees to the Unemployment Compensation Fund and State Disability Benefits Fund in violation of N.J.S.A. 43:21-7, the Workforce Development Partnership Fund in violation of N.J.S.A. 34:15D-13, and the Supplemental Workforce Fund for Basic Skills in violation of N.J.S.A. 34:15D-22.

136. The UCL, N.J.S.A. 43:21-1 to -24.30, and the TDBL, N.J.S.A. 43:21-25 to -66, are “State employer tax laws” as defined in N.J.S.A. 34:11-57.

137. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star, Williams Drywall, and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

Count Eight: Failure to Properly Classify Employees in the Construction Industry

As to GSC, BWK, P & B, Blue Star, and Drywall Builders

138. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

139. N.J.S.A. 34:20-5 provides penalties when an employer in the construction industry “fail[s] to properly classify an individual as an employee.”

140. BWK, P & B, Blue Star, and Drywall Builders were all employers as defined by the WHL, N.J.S.A. 34:11-56a1, and the WPL, N.J.S.A. 34:11-4.1.

141. BWK, P & B, Blue Star, and Drywall Builders were also employers as defined by the UCL, N.J.S.A. 43:21-7a, the TDBL, N.J.S.A. 43:21-27, and the ESSL, N.J.S.A. 34:11D-1.

142. BWK, P & B, Blue Star, and Drywall Builders failed to properly classify their workers as employees.

143. BWK, P & B, Blue Star, and Drywall Builders' failure to properly classify their employees includes their failure to comply with several legal requirements applicable to employers who classify their workers as employees:

- a) maintaining true and accurate payroll records, N.J.S.A. 34:11-56a20;
- b) paying and withholding payroll taxes, N.J.S.A. 43:21-7c;
- c) paying into State unemployment and disability funds, N.J.S.A. 43:21-7;
- d) and/or reporting the employees to any State regulating agency, N.J.S.A. 2A:17-56.61.

144. GSC and P & B, as client employers, are "subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour laws or State employer tax laws" by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

145. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B.

146. GSC and P & B are therefore additionally responsible for "any debt owed to a worker, or third party on the worker's behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker's performance of labor under the contract," including all debts owed to workers resulting from its subcontractor's violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Nine: Failure to Properly Classify Employees Generally

As to GSC, BWK, P & B, Blue Star, and Drywall Builders

147. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

148. N.J.S.A. 34:1A-1.18 provides for penalties for violations of New Jersey’s wage, benefit and tax laws occurring “in connection with failing to properly classify employees.”

149. BWK, P & B, Blue Star, and Drywall Builders were all employers as defined by the WHL, N.J.S.A. 34:11-56a1, and the WPL, N.J.S.A. 34:11-4.1.

150. BWK, P & B, Blue Star, and Drywall Builders were also employers as defined by the UCL, N.J.S.A. 43:21-7a, the TDBL, N.J.S.A. 43:21-27, and the ESLL, N.J.S.A. 34:11D-1.

151. BWK, P & B, Blue Star, and Drywall Builders failed to properly classify their workers as employees.

152. BWK, P & B, Blue Star, and Drywall Builders’ failure to properly classify their employees includes their failure to comply with several legal requirements applicable to employers who classify their workers as employees:

- e) maintaining true and accurate payroll records, N.J.S.A. 34:11-56a20;
- f) paying and withholding payroll taxes, N.J.S.A. 43:21-7c;
- g) paying into State unemployment and disability funds, N.J.S.A. 43:21-7;
- h) and/or reporting the employees to any State regulating agency, N.J.S.A. 2A:17-56.61.

153. GSC and P & B, as client employers, are “subject to joint and several liability and shall share civil legal responsibility for any violations of the provisions of State wage and hour

laws or State employer tax laws” by their respective labor contractors pursuant to N.J.S.A. 34:11-58.2. Blue Star and Drywall Builders are labor contractors, as defined by N.J.S.A. 34:11-58.2.

154. For the purposes of N.J.S.A. 34:11-67.1, Blue Star, Williams Drywall, and Drywall Builders were subcontractors of GSC and P & B.

155. GSC and P & B are therefore additionally responsible for “any debt owed to a worker, or third party on the worker’s behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the worker’s performance of labor under the contract,” including all debts owed to workers resulting from its subcontractor’s violations of State wage, benefit, and tax laws, pursuant to N.J.S.A. 34:11-67.1.

Count Ten: Unlawful Employment of a Minor in a Prohibited Occupation

As to Drywall Builders

156. Plaintiff repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

157. N.J.S.A. 34:2-21.17 prohibits the employment of any “minor under 18 years of age . . . in, about, or in connection with . . . construction work of any kind” unless certain inapplicable exceptions apply.

158. N.J.S.A. 34:2-21.63b states that “[e]ach day during which any violation of this act continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the act shall with respect to each minor so employed, constitute a separate and distinct offense.”

159. Drywall Builders unlawfully employed at least one minor under 18 years of age to work perform construction work in violation of N.J.S.A. 34:2-21.17.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Plaintiff respectfully requests:

- a) A declaratory judgment that the construction workers that performed labor for Defendants at the Worksite were employees under the above-discussed New Jersey wage, benefit and tax laws.
- b) An award of any and all unpaid minimum wages owed to Defendants' employees.
- c) An award of any and all unpaid overtime wages owed to Defendants' employees.
- d) An award of damages constituting any and all wages owed to Defendants' employees, including wages owed as a result of Defendants' failure to provide Earned Sick Leave.
- e) An award of any and all contributions to the Unemployment Compensation Fund, Disability Benefits Fund, Workforce Development Partnership Fund, and Supplemental Workforce Fund for Basic Skills.
- f) Applicable penalties for Defendants' violations, including, but not limited to, Penalties:
 - 1) pursuant to N.J.S.A. N.J.S.A. 34:20-5 for Defendants' misclassification of construction workers;
 - 2) pursuant to N.J.S.A. N.J.S.A. 34:1A-1.18 for Defendants' misclassification of employees generally;
 - 3) pursuant to the WPL, N.J.S.A. 34:11-4.10(b);
 - 4) pursuant to the WHL, N.J.S.A. 34:11-56a22 and -56a20, and N.J.A.C. 12:56-4.1;
 - 5) pursuant to the ESLL, N.J.S.A. 34:11D-5 and -6;
 - 6) pursuant to N.J.S.A. 34:2-21.19;

- g) An award of any and all liquidated damages for Defendants' unlawful conduct alleged in this Complaint, including, but not limited to, liquidated damages pursuant to the WPL, N.J.S.A. 34:11-4.10(c); WHL, N.J.S.A. 34:11-56a25; and ESLL, N.J.S.A. 34:11D-5, -6.
- h) An award of any and all appropriate administrative fees, including, but not limited to, administrative fees pursuant to the WPL, N.J.A.C. 12:55-1.5, WHL, N.J.S.A. 34:11-56a23, the ESLL, N.J.S.A. 34:11D-5 and -6 and the EWDA, N.J.S.A. 34:15D-1 to -34.
- i) An order enjoining all Defendants, current or former principals, owners, shareholders, members, partners, officers, directors, executives, parents, predecessors, subsidiaries, successors, affiliates, divisions, agents, and assigns from continuing all practices alleged in this Complaint that violate the above-discussed State wage, benefit, and tax laws and directing Defendants' forward compliance with all State wage, benefit, and tax laws.
- j) An award of Plaintiff's attorneys' fees, expenses, and costs pursuant to N.J.S.A. 34:1A-1.12(i).
- k) An award of any and all appropriate prejudgment interest.
- l) Any additional relief that this Court may deem just and equitable.
- m) In the event that any Defendant to this action should no longer exist, the same relief should be imposed as to that Defendant's successors and assigns to the maximum extent allowable by law.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ Andrew Simon
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Assistant Attorney General

Dated: April 21, 2025
Newark, New Jersey

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ Andrew Simon
Andrew Simon
Deputy Attorney General

Dated: April 21, 2025
Newark, New Jersey

RULE 4:5-1(b)(2) CERTIFICATION

I certify that Plaintiff is not aware of any other action pending in any court or any pending arbitration proceeding in which the matter in controversy here is the subject. I further certify that no other action or arbitration proceeding is contemplated by Plaintiff concerning the matter in controversy here. I further certify that Plaintiff is not aware of any other party who should be joined in this action at the current time.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Andrew Simon
Andrew Simon
Deputy Attorney General

Dated: April 21, 2025
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Deputy Attorneys General Andrew Simon and Marc D. Peralta are hereby designated as trial counsel for Plaintiffs in this action.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Andrew Simon
Andrew Simon
Deputy Attorney General

Dated: April 21, 2025
Newark, New Jersey

