

P.L. 2007, CHAPTER 343, *approved January 13, 2008*
Assembly, No. 4619 (*Second Reprint*)

1 AN ACT concerning wages paid and training provided by
2 contractors engaged in certain work on public utilities and
3 amending and supplementing P.L.1946, c.38.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to
9 read as follows:

10 16. (a) The term "public utility" shall include autobusses; bridge
11 companies; canal companies; electric light, heat and power
12 companies; ferries and steamboats; gas companies; pipeline
13 companies; railroads; sewer companies; steam and water power
14 companies; street railways; telegraph and telephone companies;
15 tunnel companies; water companies.

16 (b) The term "person" means any individual, firm, copartnership,
17 corporation, company, association, or joint stock association; and
18 includes any trustee, receiver, assignee, or personal representative
19 thereof.

20 (c) The term "representative" means any person or persons,
21 labor union, organization, or corporation designated either by a
22 utility or group of utilities or by its or their employees to act or do
23 for them.

24 (d) The term "collective bargaining" shall be understood to
25 embody the philosophy of bargaining by employees through
26 representatives of their own choosing, and shall include the right of
27 representatives of employees' units to be consulted and to bargain
28 upon the exceptional as well as the routine wages, hours, rules, and
29 working conditions.

30 (e) The term "labor dispute" shall involve any controversy
31 between employer and employees as to hours, wages, and working
32 conditions. The fact that employees have amicable relations with
33 their employers shall not preclude the existence of a dispute among
34 them concerning their representative for collective bargaining
35 purposes.

36 (f) The term "employee" shall refer to anyone in the service of
37 another, actually engaged in or connected with the operation of any
38 public utility throughout the State.

39 (g) The term "²construction² work on a public utility" shall, in
40 connection with the ¹**[operation]** construction¹ of any public utility
41 in the State, ²**[include, but not be limited to,]** mean² construction,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 13, 2007.

²Senate floor amendments adopted January 7, 2008.

1 reconstruction, installation, demolition, restoration, and alteration
 2 of [pipelines, mains, fiber-optic cable, conduit work] [of any
 3 description] [, meters, concrete manholes and valves, and also
 4 include pipe fusion, boring, directional drilling, cleaning and lining
 5 of water mains and any related excavation] [and traffic control]
 6 facilities of the public utility . The term “ construction work
 7 on a public utility” shall not be construed to include operational
 8 work [performed which is ancillary thereto] , including flaggers,
 9 snow plowing, vegetation management in and around utility rights
 10 of way, mark outs, janitorial services, landscaping, leak surveyors,
 11 meter work, and miscellaneous repairs [related to the normal
 12 operations of the utility] .

13 (cf: P.L.1946, c.38, s.16)

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15 2. (New section) Any construction contractor [engaged]
 16 contracting with a public utility to engage in construction work
 17 on a public utility shall [provide, independently or through
 18 agreement with other organizations, craft training for journey
 19 worker or apprentice levels through a bona fide program approved
 20 and registered with the State Department of Labor and Workforce
 21 Development and the United States Department of Labor] employ
 22 on the site only employees who have successfully completed any
 23 OSHA-certified safety training required for work to be performed
 24 on that site .

25 Any employee employed by a construction contractor engaged
 26 in construction work on a public utility shall be paid the wage
 27 [rate] [rates] paid by virtue of collective bargaining agreements
 28 by [employers] [construction contractors] employing a
 29 majority of [the] workers [of the craft] [in the State who
 30 perform work on a public utility] subject to [the] [those]
 31 collective bargaining agreements] [in the State] . The wage]
 32 [rate] [rates] shall include the [rate] [rates] of employer
 33 contributions for employee benefits. The New Jersey Department
 34 of Labor and Workforce Development shall publish the wage rates
 35 annually by March 1.] rate for their craft or trade as determined by
 36 the Commissioner of Labor and Workforce Development pursuant
 37 to the provisions of the "New Jersey Prevailing Wage Act,"
 38 P.L.1963, c.150 (C.34:11-56.25 et seq.).

39 A construction contractor who is found by the Commissioner of
 40 Labor and Workforce Development to be in violation of the
 41 provisions of this section shall be subject to the provisions of
 42 sections 11 and 12 of P.L.1963, c.150 (C.34:11-56.35 and 34:11-
 43 56.36) which apply to an employer for a violation of P.L.1963,
 44 c.150 (C.34:11-56.25 et seq.).

