

SENATE, No. 2425

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 20, 2012

Sponsored by:

Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator DONALD NORCROSS
District 5 (Camden and Gloucester)
Assemblyman JOSEPH V. EGAN
District 17 (Middlesex and Somerset)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS

Revises definition of “public works projects” to permit project labor agreements for more projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/15/2013)

S2425 SWEENEY, NORCROSS

2

1 AN ACT concerning project labor agreements and amending
2 P.L.2002, c.44.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2002, c.44 (C.52:38-2) is amended to read
8 as follows:

9 2. For the purposes of this act:

10 "Apprenticeship program" means a registered apprenticeship
11 program providing to each trainee combined classroom and on-the-
12 job training under the direct and close supervision of a highly
13 skilled worker in an occupation recognized as an apprenticeable
14 trade, and registered by the **[Bureau]** Office of Apprenticeship
15 **[and Training]** of the U.S. Department of Labor and meeting the
16 standards established by the **[bureau]** office, or registered by a
17 State apprenticeship agency recognized by the **[bureau]** office.

18 "Labor organization" means, with respect to a contracted work
19 on a public works project, an organization which represents, for
20 purposes of collective bargaining, employees involved in the
21 performance of public works contracts and eligible to be paid
22 prevailing wages under the "New Jersey Prevailing Wage Act",
23 P.L.1963, c.150 (C.34:11-56.25 et seq.) and has the present ability to
24 refer, provide or represent sufficient numbers of qualified
25 employees to perform the contracted work, in a manner consistent
26 with the provisions of this act and any plan mutually agreed upon
27 by the labor organization and the public entity pursuant to
28 subsection g. of section 5 of this act.

29 "Project labor agreement" means a form of pre-hire collective
30 bargaining agreement covering terms and conditions of a specific
31 project.

32 "Public entity" means the State, any of its political subdivisions,
33 any authority created by the Legislature and any instrumentality or
34 agency of the State or of any of its political subdivisions.

35 "Public works project" means any public works project for **[the]**
36 construction, reconstruction, demolition or renovation **[of buildings**
37 at the public expense, other than pumping stations or water or
38 sewage treatment plants, **]** for which:

39 (1) It is required by law that workers be paid the prevailing
40 wage determined by the Commissioner of Labor and Workforce
41 Development pursuant to the provisions of the "New Jersey
42 Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25 et seq.); and

43 (2) The public entity estimates that the total cost of the project,

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.

1 exclusive of any land acquisition costs, will equal or exceed \$5
2 million.

3 (cf: P.L.2002, c.44, s.2)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill amends P.L.2002, c.44 (C.52:38-1 et seq.), the law
11 authorizing project labor agreements (PLAs) to allow PLAs in
12 certain kinds of public work contracts which that law now excludes.

13 That law currently allows a PLA for a public works project only
14 if:

15 1. The project is worth at least \$5 million (excluding land
16 acquisition costs);

17 2. The workers in the project are required by law to be paid the
18 prevailing wage set by P.L.1963, c.150 (C.34:11-56.25 et seq.); and

19 3. The project is for the construction, reconstruction,
20 demolition or renovation of buildings at the public expense, other
21 than pumping stations or water or sewage treatment plants.

22 The current law therefore excludes many projects, such as
23 highways, bridges, pumping stations, and water and sewage
24 treatment plants, from having PLAs.

25 This bill removes from the definition of “public works project”
26 all references to the kind of structure or improvement, instead
27 identifying a project only as “construction, reconstruction,
28 demolition or renovation.” That change extends the option of using
29 a PLA to projects excluded under the current law, such as
30 highways, bridges, pumping stations, and water and sewage
31 treatment plants. The bill leaves unchanged the provisions of the
32 law’s definition of a public works project that require a project to
33 be worth at least \$5 million and have workers subject to the
34 prevailing wage law.