

# ASSEMBLY, No. 3666

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 13, 2018

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Lopez**

**SYNOPSIS**

Requires certain workers subject to prevailing wage requirements to be enrolled in, or have completed, registered apprenticeship.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 4/6/2018)

1 AN ACT concerning prevailing wage and amending P.L.1963, c.150.

2

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

5

6 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to  
7 read as follows:

8 2. As used in this act:

9 (1) "Department" means the Department of Labor and  
10 Workforce Development of the State of New Jersey.

11 (2) "Locality" means any political subdivision of the State,  
12 combination of the same or parts thereof, or any geographical area  
13 or areas classified, designated and fixed by the commissioner from  
14 time to time, provided that in determining the "locality," the  
15 commissioner shall be guided by the boundary lines of political  
16 subdivisions or parts thereof, or by a consideration of the areas with  
17 respect to which it has been the practice of employers of particular  
18 crafts or trades to engage in collective bargaining with the  
19 representatives of workers in such craft or trade.

20 (3) "Maintenance work" means the repair of existing facilities  
21 when the size, type or extent of such facilities is not thereby  
22 changed or increased. "Maintenance work" also means any work on  
23 a maintenance-related project that exceeds the scope of work and  
24 capabilities of in-house maintenance personnel, requires the  
25 solicitation of bids, and has an aggregate value exceeding \$50,000.

26 (4) "Public body" means the State of New Jersey, any of its  
27 political subdivisions, any authority created by the Legislature of  
28 the State of New Jersey and any instrumentality or agency of the  
29 State of New Jersey or of any of its political subdivisions.

30 (5) "Public work" means construction, reconstruction,  
31 demolition, alteration, custom fabrication, or repair work, or  
32 maintenance work, including painting and decorating, done under  
33 contract and paid for in whole or in part out of the funds of a public  
34 body, except work performed under a rehabilitation program.  
35 "Public work" shall also mean construction, reconstruction,  
36 demolition, alteration, custom fabrication, or repair work, done on  
37 any property or premises, whether or not the work is paid for from  
38 public funds, if, at the time of the entering into of the contract the  
39 property or premises is owned by the public body or:

40 (a) Not less than 55% of the property or premises is leased by a  
41 public body, or is subject to an agreement to be subsequently leased  
42 by the public body; and

43 (b) The portion of the property or premises that is leased or  
44 subject to an agreement to be subsequently leased by the public  
45 body measures more than 20,000 square feet.

**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 (6) "Commissioner" means the Commissioner of Labor and  
2 Workforce Development or his duly authorized representatives.

3 (7) "Workman" or "worker" includes laborer, mechanic, skilled  
4 or semi-skilled, laborer and apprentices or helpers employed by any  
5 contractor or subcontractor and engaged in the performance of  
6 services directly upon a public work, regardless of whether their  
7 work becomes a component part thereof, but does not include  
8 material suppliers or their employees who do not perform services  
9 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25  
10 et seq.), contractors or subcontractors engaged in custom fabrication  
11 shall not be regarded as material suppliers.

12 (8) "Work performed under a rehabilitation program" means  
13 work arranged by and at a State institution primarily for teaching  
14 and upgrading the skills and employment opportunities of the  
15 inmates of such institutions.

16 (9) "Prevailing wage" means the wage rate paid by virtue of  
17 collective bargaining agreements by employers employing a  
18 majority of workers of that craft or trade subject to said collective  
19 bargaining agreements, in the locality in which the public work is  
20 done.

21 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-  
22 56.25 et seq.) and the rules and regulations issued hereunder.

23 (11) "Prevailing wage contract threshold amount" means:

24 (a) In the case of any public work paid for in whole or in part  
25 out of the funds of a municipality in the State of New Jersey or  
26 done on property or premises owned by a public body or leased or  
27 to be leased by the municipality, the dollar amount established for  
28 the then current calendar year by the commissioner through rules  
29 and regulations promulgated pursuant to the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which  
31 amount shall be equal to \$9,850 on July 1, 1994 and which amount  
32 shall be adjusted on July 1 every five calendar years thereafter in  
33 direct proportion to the rise or fall in the average of the Consumer  
34 Price Indices for Urban Wage Earners and Clerical Workers for the  
35 New York metropolitan and the Philadelphia metropolitan regions  
36 as reported by the United States Department of Labor during the  
37 last full calendar year preceding the date upon which the adjustment  
38 is made; and

39 (b) In the case of any public work other than a public work  
40 described in paragraph (a) of this subsection, an amount equal to  
41 \$2,000.

42 (12) "Custom fabrication" means the fabrication of plumbing,  
43 heating, cooling, ventilation or exhaust duct systems, and  
44 mechanical insulation.

45 (13) "Registered apprenticeship program" means an  
46 apprenticeship program which is registered with and approved by  
47 the United States Department of Labor and which provides each  
48 trainee with combined classroom and on-the-job training under the

1 direct and close supervision of a highly skilled worker in an  
2 occupation recognized as an apprenticeable trade and meets the  
3 program performance standards of enrollment and graduation under  
4 29 C.F.R. Part 29, section 29.6.

5 (cf: P.L.2009, c.249)

6  
7 2. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to  
8 read as follows:

9 3. a. Every contract in excess of the prevailing wage contract  
10 threshold amount for any public work to which any public body is a  
11 party or for public work to be done on property or premises owned by  
12 a public body or leased or to be leased by a public body shall contain a  
13 provision stating the prevailing wage rate which can be paid (as shall  
14 be designated by the commissioner) to the workers employed in the  
15 performance of the contract and the contract shall contain a stipulation  
16 that such workers shall be paid not less than such prevailing wage rate.  
17 Such contract shall also contain a provision that in the event it is found  
18 that any worker, employed by the contractor or any subcontractor  
19 covered by said contract, has been paid a rate of wages less than the  
20 prevailing wage required to be paid by such contract, the public body,  
21 the lessee to whom the public body is leasing a property or premises or  
22 the lessor from whom the public body is leasing or will be leasing a  
23 property or premises may terminate the contractor's or subcontractor's  
24 right to proceed with the work, or such part of the work as to which  
25 there has been a failure to pay required wages and to prosecute the  
26 work to completion or otherwise. The contractor and his sureties shall  
27 be liable for any excess costs occasioned thereby to the public body,  
28 any lessee to whom the public body is leasing a property or premises  
29 or any lessor from whom the public body is leasing or will be leasing a  
30 property or premises.

31 b. Every contract subject to the provisions of subsection a. of this  
32 section shall provide that every worker employed in the performance  
33 of that contract is an apprentice participating in a registered  
34 apprenticeship program or has completed a registered apprenticeship,  
35 unless the contractor or subcontractor certifies that those workers shall  
36 be paid not less than the journeyworker's rate established for the  
37 apprenticeable trade performed pursuant to P.L.1963, c.150 (C.34:11-  
38 56.25 et seq.).

39 (cf: P.L.2007, c.68, s.2)

40  
41 3. This act shall take effect immediately.

#### 42 43 44 STATEMENT

45  
46 This bill requires every contract subject to State prevailing wage  
47 requirements to require each worker employed under the contract to  
48 be enrolled in, or have completed, a registered apprenticeship,

1 unless the contractor or subcontractor certifies that the worker is  
2 paid not less than the journeyworker wage rate.

3 Under the bill, a “registered apprenticeship program” is an  
4 apprenticeship program which is registered with and approved by  
5 the United States Department of Labor and which provides each  
6 trainee with combined classroom and on-the-job training under the  
7 direct and close supervision of a highly skilled worker in an  
8 occupation recognized as an apprenticeable trade and meets the  
9 program performance standards of enrollment and graduation under  
10 29 C.F.R. Part 29, section 29.6.