# SENATE, No. 3071 STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

Sponsored by: Senator FRED H. MADDEN, JR. District 4 (Camden and Gloucester) Senator JOSEPH A. LAGANA District 38 (Bergen and Passaic) Senator DAWN MARIE ADDIEGO District 8 (Atlantic, Burlington and Camden) Senator JOSEPH F. VITALE District 19 (Middlesex)

## **SYNOPSIS**

Requires public works contractors to have certain certifications; requires contractors' workers to participate in or have completed apprenticeship program.

# **CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning public works contractors and amending 2 P.L.1999, c.238. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to 8 read as follows: 9 3. As used in this act: 10 "Commissioner" means the Commissioner of Labor and 11 Workforce Development or his duly authorized representatives. 12 "Contractor" means a person, partnership, association, joint stock 13 company, trust, corporation, or other legal business entity or 14 successor thereof who enters into a contract which is subject to the 15 provisions of the "New Jersey Prevailing Wage Act," P.L.1963, 16 c.150 (C.34:11-56.25 et seq.), and includes any subcontractor or 17 lower tier subcontractor of a contractor as defined herein. 18 "Department" means the Department of Labor and Workforce 19 Development. 20 "Director" means the Director of the Division of Wage and Hour 21 Compliance in the Department of Labor and Workforce 22 Development. 23 "Worker" includes laborer, mechanic, skilled or semi-skilled 24 laborer and apprentices or helpers employed by any contractor or 25 subcontractor and engaged in the performance of services directly 26 upon a public work, who have completed or are actively 27 participating in a registered apprenticeship program, regardless of 28 whether their work becomes a component part thereof, but does not 29 include material suppliers or their employees who do not perform 30 services at the job site. 31 "Registered apprenticeship program" means an apprenticeship 32 program which is registered with and approved by the United States Department of Labor and which provides each trainee with 33 34 combined classroom and on-the-job training in an occupation recognized as an apprenticeable trade and meets the program 35 standards of enrollment and graduation under 29 C.F.R. s.29.6. 36 37 (cf: P.L.2007, c.67, s.2) 38 39 2. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to 40 read as follows: 41 5. a. A contractor shall register in writing with the department 42 on a form provided by the commissioner. The form shall require 43 the following information: 44 (1) The name, principal business address and telephone number 45 of the contractor;

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 <u>thus</u> is new matter.

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1 (2) Whether the contractor is a corporation, partnership, sole 2 proprietorship, or other form of business entity; 3 (3) If the contractor's principal business address is not within the 4 State, the name and address of the contractor's custodian of records 5 and agent for service of process in this State; 6 (4) The name and address of each person with a financial 7 interest in the contractor and the percentage interest, except that if 8 the contractor is a publicly-traded corporation, the contractor shall 9 supply the names and addresses of the corporation's officers; 10 identification (5) The contractor's tax number and 11 unemployment insurance registration number; [and] 12 (6) A certification form provided by the commissioner, with 13 documentation satisfactory to the commissioner, that the contractor 14 has all valid and effective licenses, registrations or certificates required by State law, including registrations or certifications 15 required to do business in the State of New Jersey, and that its 16 17 workers have completed or are actively participating in a registered 18 apprenticeship program as defined in section 3 of P.L.1999 c.238 19 (C.34:11-56.50); and 20 (7) Any other relevant and appropriate information as 21 determined by the commissioner. b. At the time of registration, and subsequently upon request, 22 23 the contractor shall submit to the commissioner documentation 24 demonstrating that the contractor has worker's compensation 25 insurance coverage for all workers as required by law. 26 (cf: P.L.1999, c.238, s.5) 27 28 3. This act shall take effect immediately. 29 30 31 **STATEMENT** 32 33 This bill requires workers who are subject to "The Public Works Contractor Registration Act" to have completed or be actively 34 35 participating in a registered apprenticeship program. Under the bill, a registered apprenticeship program means an 36 37 apprenticeship program that is registered with and approved by the 38 United States Department of Labor and provides the trainee with 39 combined classroom and on-the-job training in an occupation 40 recognized as a trade and meets the program standards of enrolment 41 and graduation under the Code of Federal Regulations. 42 The bill requires a public works contractor to file with the 43 Commissioner of Labor and Workforce Development a certification 44 form provided by the commissioner, with documentation 45 satisfactory to the commissioner, that the contractor has all valid 46 and effective licenses, registrations or certificates required by State 47 law, including registrations or certifications required to do business 48 in the State of New Jersey, and that its workers have completed or 49 are actively participating in a registered apprenticeship program.