Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator DAWN MARIE ADDIEGO
District 8 (Atlantic, Burlington and Camden)

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

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning project labor agreements and amending
P.L.2002, c.44.

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

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

2. For the purposes of this act:

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

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

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

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

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

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

(2) The public entity estimates that the total cost of the project,
exclusive of any land acquisition costs, will equal or exceed $5
million.
(cf: P.L.2002, c.44, s.2)

2. This act shall take effect immediately.
This bill expands the permissible use of project labor agreements (PLAs) beyond contracts for building-based public works projects. Current law allows a public entity to use a PLA for public works projects that are:

1. Worth at least $5 million (excluding land acquisition costs);
2. Subject to the prevailing wage law; and
3. For the construction, reconstruction, demolition, or renovation of buildings at the public expense.

Current law does not extend the capacity of public entities to use PLAs for highway, bridge, pumping station, and water and sewage treatment plant projects.

This bill expands the permissible use of PLAs beyond building-based public works contracts so as to allow public entities to use PLAs for highway, bridge, pumping station, and water and sewage treatment plant projects.

Technically, the bill revises the definition of “public works project” under P.L.2002, c.44 (C.52:38-1 et seq.) to remove the exclusion of non-building-based projects. By revising the definition of “public works project,” the bill extends the option of using a PLA to projects excluded under current law, such as highways, bridges, pumping stations, and water and sewage treatment plants. The bill does not change the requirements that a PLA eligible project must be worth at least $5 million and be subject to the prevailing wage law.