

# ASSEMBLY, No. 1237

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

Assemblyman **GARY S. SCHAER**

District 36 (Bergen and Passaic)

Assemblyman **HAROLD "HAL" J. WIRTHS**

District 24 (Morris, Sussex and Warren)

**Co-Sponsored by:**

Assemblyman Space

**SYNOPSIS**

Requires employers within construction industry to notify employees of certain rights.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring employers within the construction industry to  
2 notify employees of certain rights and supplementing P.L.2007,  
3 c.114 (C.34:20-1 et seq.).  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. a. An employer subject to the provisions of P.L.2007, c.114  
9 (C.34:20-1 et seq.) shall conspicuously post notification, in a place or  
10 places accessible to all individuals working in each of the employer's  
11 workplaces, in a form issued by regulation adopted by the  
12 Commissioner of Labor and Workforce Development, of the rights of  
13 employees to unemployment benefits, minimum wage, overtime and  
14 other federal and State workplace protections, including the  
15 protections against retaliation and the penalties pursuant to P.L.2007,  
16 c.114 (C.34:20-1 et seq.). The employer shall provide each individual  
17 working for the employer with a written copy of the notification: (1)  
18 not later than 30 days after the form of the notification is issued by the  
19 commissioner; (2) at the time of the individual's hiring, if the  
20 individual is hired after the issuance; and (3) at any time, upon the first  
21 request of the individual.

22 b. The notification shall also provide information on how an  
23 individual or an individual's authorized representative, may contact, by  
24 telephone, mail and e-mail, a representative of the commissioner to  
25 provide information to, or file a complaint with, the commissioner's  
26 representative regarding the provisions and possible violations of  
27 P.L.2007, c.114 (C.34:20-1 et seq.).

28 c. The commissioner shall make the notification required by this  
29 section available in English, Spanish, and any other language that the  
30 commissioner determines is the first language of a significant number  
31 of workers in the State. This determination shall be, at the discretion of  
32 the commissioner, based on the numerical percentages of all workers  
33 in the State for whom English or Spanish is not a first language or in a  
34 manner consistent with any regulations promulgated by the  
35 commissioner for this purpose. The employer shall post and provide  
36 the notification in English, Spanish, and any other language for which  
37 the commissioner has made the notification available and which the  
38 employer reasonably believes is the first language of a significant  
39 number of the employer's workforce.

40 d. An employer who violates any provision of this section shall be  
41 guilty of a disorderly persons offense and shall, upon conviction, be  
42 subject to a civil penalty of up to \$1,500 for a first violation, and up to  
43 \$5,000 for any subsequent violation within a five year period.

44 e. Any sum collected as a penalty pursuant to this section shall  
45 be applied toward enforcement and administration costs of the  
46 Division of Wage and Hour Compliance in the Department of Labor  
47 and Workforce Development.

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill supplements the “Construction Industry Independent  
7 Contractor Act,” P.L.2007, c.114 (C.34:20-1 et seq.), which  
8 establishes a standard for the misclassification of employees as  
9 independent contractors within the construction industry.  
10 Specifically, this bill requires employers subject to the provisions of  
11 that act to conspicuously post notification of the rights of  
12 employees to unemployment benefits, minimum wage, overtime and  
13 other federal and State workplace protections, as well as the  
14 protections against retaliation and the penalties provided under  
15 P.L.2007, c.114 (C.34:20-1 et seq.). This notice must contain  
16 contact information for individuals working for the employer or  
17 their representatives to file complaints or inquire with a  
18 representative of the Commissioner of Labor and Workforce  
19 Development about the provisions and possible violations of  
20 P.L.2007, c.114 (C.34:20-1 et seq.), as well as be provided in  
21 English, Spanish or other languages required by the commissioner.  
22 Employers who violate these provisions will be guilty of a  
23 disorderly persons offense and, upon conviction, be subject to a  
24 civil penalty of up to \$1,500 for a first violation, and up to \$5,000  
25 for any subsequent violation within a five year period.