

CHAPTER 166
(CORRECTED COPY)

AN ACT concerning the establishment of the “Office of Strategic Enforcement and Compliance” in the Department of Labor and Workforce Development and supplementing Title 34 of the Revised Statutes.

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

C.34:15D-33 Definitions.

1. As used in this act:

“Commissioner” means the Commissioner of Labor and Workforce Development, or the commissioner’s designee.

“Department” means the Department of Labor and Workforce Development.

“Direct business assistance from the department” means monetary or financial assistance in any form, including but not limited to a grant or other monetary or financial benefit awarded to a person by the department to assist the person in the conduct or operation of a business, occupation, trade, or profession in the State, in connection with the following programs:

(1) Customized training services provided pursuant to section 5 of P.L.1992, c.43 (C.34:15D-5);

(2) Employment and training services provided pursuant to section 6 of P.L.1992, c.43 (C.34:15D-6);

(3) Employment and training services funded by the Supplemental Workforce Fund for Basic Skills under section 1 of P.L.2001, c.152 (C.34:15D-21);

(4) Outreach and training programs for minority group members and women in construction trade occupations or other occupations utilized in the performance of public works contracts funded by the New Jersey Builders Utilization Initiative for Labor Diversity (NJBUILD) pursuant to section 1 of P.L.2009, c.313 (C.52:38-7);

(5) The New Jersey Innovation and Research Fellowship Program pursuant to section 3 of P.L.2015, c.235 (C.34:15D-26);

(6) The Apprenticeship Start-Up Grant Program pursuant to section 3 of P.L.2019, c.417 (C.34:15D-6.1);

(7) The Apprentice Assistance and Support Services Pilot Program pursuant to section 1 of P.L.2019, c.419 (C.34:15D-6.2);

(8) The New Jersey Pathways Leading Apprentices to a College Education (NJPLACE) Program pursuant to section 1 of P.L.2009, c.200 (C.34:15D-24);

(9) Any other program funded in whole or in part by the Workforce Development Partnership Fund established under section 9 of P.L.1992, c.43 (C.34:15D-9);

(10) Any program funded by or through the Department in whole or in part under the “Workforce Innovation and Opportunity Act,” (29 U.S.C. s.3101 et seq.);

(11) Any program funded by or through the Department in whole or in part under the “Wagner-Peyser Act,” (29 U.S.C. s.49 et seq.);

(12) The Talent Network Program pursuant to section 2 of P.L.2019, c.125 (C.34:15D-29);

(13) The industry-valued Credentials pilot program pursuant to P.L.2019, c.252 (C.34:15D-30 et seq.);

(14) The High-Growth Industry Regional Apprenticeship Development Grant Pilot Program pursuant to P.L.2019, c.314 (C.34:15D-32);

(15) The Youth Transitions to Work Partnership pursuant to P.L.1993, c.268 (C.34:15E-1 et seq.);

(16) The At-Risk Youth Mentoring Program pursuant to P.L.1999, c.279 (C.34:15F-1 et seq.); and

(17) Any other similar program by which the department confers a monetary or financial benefit upon a person to assist the person in the conduct or operation of a business, occupation, trade or profession in the State.

"Final order" means either a final administrative determination of the Commissioner issued following adjudication of a matter as a contested case pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and the Uniform Administrative Procedure Rules, N.J.A.C.1:1, or where the department has made a finding regarding a violation of law or rule, or regarding the levying of a penalty or fee pursuant to law or rule, and has notified the violator of same and where the violator has either expressly waived the right to a hearing or has waived the right to a hearing by virtue of having failed to request same within the appropriate time limit established by either law or rule.

"Person" means a natural person or an organization, including but not limited to, a corporation, partnership, proprietorship, limited liability company, association, cooperative, joint venture, estate, trust, or government unit.

"Strategic enforcement" means a proactive, rather than purely complaint driven, approach to enforcement, which focuses agency resources to assist vulnerable employee communities and target high-violation industries with the ultimate goal of increasing the cost to violators of non-compliance, thereby changing non-compliant behavior in a sustainable way.

"State wage, benefit and tax laws" means "State wage, benefit and tax laws" as that term is defined in section 1 of P.L.2009, c.194 (C.34:1A-1.11).

C.34:15D-34 "Office of Strategic Enforcement and Compliance."

2. a. There is hereby established in the department an "Office of Strategic Enforcement and Compliance," which shall oversee and coordinate across the divisions of the department and, when necessary, between the department and other State agencies and entities, strategic enforcement of State wage, benefit and tax laws, as deemed appropriate by the commissioner.

b. Each division within the department selected by the commissioner shall designate at least one employee whose duties shall include, among others, serving as a liaison with the "Office of Strategic Enforcement and Compliance."

c. The commissioner shall devote departmental resources, including those of the department's Office of Research and Information, to support a data-driven approach to the work of the "Office of Strategic Enforcement and Compliance."

d. (1) As a precondition to the award to a person of direct business assistance from the department, and as a precondition for the department to report to another State agency or entity that a business is in substantial good standing, the department shall determine whether the person has any outstanding liability to the department under any of the statutes or rules that the department enforces, including but not limited to, for unpaid contributions to the unemployment compensation fund or the State disability benefits fund; to any individual on whose behalf the department has issued a final order for the payment of wages or benefits; or for any penalties, fees or interest due the department pursuant to a final order issued under any of the statutes or rules that the department enforces.

As an example, prior to the department reporting substantial good standing as required under the “New Jersey Economic Recovery Act of 2020,” P.L.2020, c.156 (C.34:1B-269 et al.), the department shall complete the determination required by this paragraph.

If the department determines that a person has any outstanding liability to the department under any of the statutes or rules that the department enforces, the application by the person for direct business assistance from the department shall be denied, and it shall be reported to any inquiring State agency or entity that the business is not in substantial good standing. If a person is seeking the award of direct business assistance from the department, or where a report has been requested as to whether the person is in substantial good standing with the department, if the person has entered into an agreement with the department to immediately and fully comply with the statutes and rules enforced by the department and to resolve all delinquencies or deficiencies within a time period specified by the commissioner, then the commissioner may approve the award of direct business assistance from the department, or issue a report that the person is in substantial good standing with the department, notwithstanding the outstanding liability to the department under any of the statutes or rules that the department enforces.

(2) The “Office of Strategic Enforcement and Compliance” shall oversee and coordinate review processes good standing with the Department’s laws and rules as determined under paragraph (1) of this subsection.

3. There is appropriated from the General Fund to the Department of Labor and Workforce Development, \$1,000,000 to support and expand the “Office of Strategic Enforcement and Compliance” established within the department under this act.

4. This act shall take effect immediately.

Approved July 8, 2021.