

ASSEMBLY, No. 1312

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CHARLES

1 AN ACT concerning State and local contracts and supplementing
2 P.L.1941, c.100 (C.34:13A-1 et seq.).

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

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7 1. As used in this act:

8 "Employer" means the State or any instrumentality of the State.

9 "Employee" means any employee, whether employed on a full or
10 part-time basis, of an employer.

11 "Subcontracting" means any action, practice, or effort by an
12 employer which results in any services or work performed by any of
13 its employees being performed or provided by a subcontractor.

14 "Subcontracting agreement" means any agreement or arrangement
15 entered into by an employer to implement subcontracting.

16 "Subcontractor" means any person, vendor, corporation,
17 partnership or entity which enters into an agreement with an employer
18 to provide services or work to the employer which was previously
19 provided by employees of the employer.

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21 2. No employer shall enter into a subcontracting agreement unless
22 the agreement provides that:

23 a. All of the employees who will no longer be employed by the
24 employer as a result of the subcontracting will be employed by the
25 subcontractor to carry out the work required to provide the service;
26 and

27 b. The employees will receive from the subcontractor wages and
28 benefits not less than the wages and benefits they had received from
29 the employer immediately prior to the subcontracting.

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31 3. An employer who violates any provision of this act shall be
32 deemed to have committed an unfair practice, and any employee or
33 majority representative organization affected by the violation may file
34 an unfair practice charge with the New Jersey Public Employment
35 Relations Commission. If the employer is determined to have violated

1 a provision of this act, the employee is entitled to a remedy, including,
2 but not limited to, reinstatement, back pay, back benefits, back
3 emoluments, tenure and seniority credit, attorney's fees, and any other
4 relief the commission deems appropriate to effectuate the purposes of
5 this act.

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7 4. Nothing in this act shall be construed as restricting or limiting
8 any right established or provided for employees by section 7 of
9 P.L.1968, C.303 (C.34:13A-5.3); the purpose of this act is to provide
10 rights in addition to those provided in that section.

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12 5. This act shall take effect immediately.

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STATEMENT

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17 This bill establishes requirements regarding subcontracting by the
18 State and other governmental employers.

19 The bill prohibits any governmental employer from entering into a
20 subcontracting agreement unless the agreement provides that:

21 1. All of the former public employees who will no longer be
22 employed by the employer as a result of the subcontracting will be
23 employed by the subcontractor to carry out the work required to
24 provide the service; and

25 2. The employees will receive from the subcontractor wages and
26 benefits not less than the wages and benefits they had received from
27 the employer immediately prior to the subcontracting.

28 The bill provides that an employer who violates the bill has
29 committed an unfair practice, and may be subject to an unfair practice
30 charge with the Public Employment Relations Commission, under
31 which the employee may be entitled to remedies including
32 reinstatement, back pay, back benefits, back emoluments, tenure and
33 seniority credit, attorney's fees.

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38 Concerns subcontracting by public employers.