

[First Reprint]

SENATE, No. 989

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

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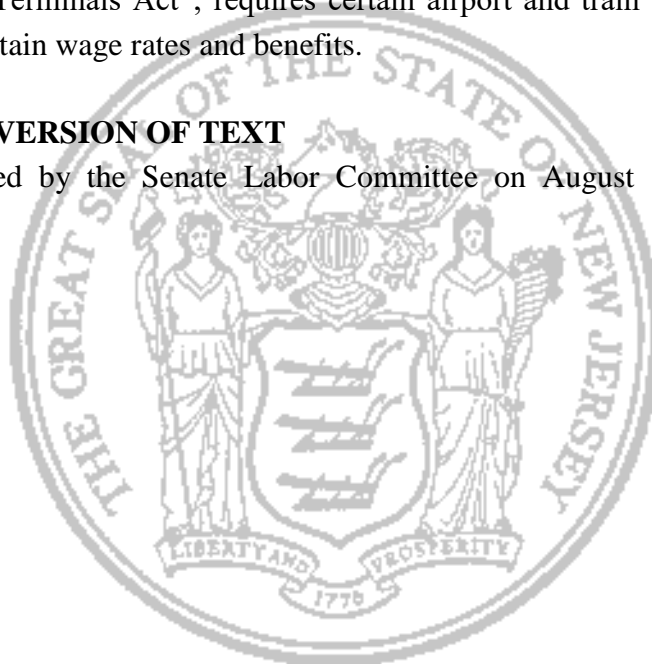
**Senators Ruiz, Cruz-Perez, Sacco, Singleton, Diegnan, Stack,
Cunningham, Codey, Lagana, Vitale, Gopal, Pou, Scutari, Cryan and
Sarlo**

SYNOPSIS

“Healthy Terminals Act”; requires certain airport and train station workers to be paid certain wage rates and benefits.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on August 10, 2020, with amendments.



(Sponsorship Updated As Of: 2/11/2021)

1 AN ACT concerning wages and benefits of certain airport and train
2 station workers and supplementing P.L.2005, c.379 (C.34:11-
3 56.58 et seq.).

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

7
8 1. The Legislature finds and declares that:

9 a. In 2018, over 30 million passengers traveled through
10 Newark Liberty International Airport, making this airport and the
11 Newark Liberty International Airport Train Station one of the
12 busiest transit hubs in the country.

13 b. The workers at the airport and train station often cannot
14 afford employer-provided healthcare plans, and unaffordable
15 healthcare expenses is one of the sources of the high rates of
16 turnover for the workers in the airport and train station.

17 c. Improved retention rates of workers in the airport and train
18 station is an investment in service and safety for all who pass
19 through the airport and train station and compensating these
20 workers so that they can afford healthcare and receive a living wage
21 is a way to increase retention.

22
23 2. As used in this act:

24 a. "Applicable standard rate" shall mean a combination of:

- 25 (1) the standard wage rate;
26 (2) the standard benefits supplement rate; and
27 (3) the standard paid leave.

28 b. "Covered airport and related location" means Newark
29 Liberty International Airport and Newark Liberty International
30 Airport Train Station.

31 c. "Covered airport and related location worker" means any
32 person employed to perform work at a covered airport and related
33 location, provided at least half of the employee's time during any
34 workweek is performed at a covered airport and related location.
35 "Covered airport and related location worker" shall not include
36 persons employed in an executive, administrative, or professional
37 capacity as defined in subparagraph 1 of paragraph (a) of section 13
38 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.).
39 "Covered airport and related location worker" shall not include any
40 person employed by a public agency.

41 d. "Public agency" means:

- 42 (1) any department or agency of the State of New Jersey and
43 any political subdivision thereof;
44 (2) the New Jersey Transit Corporation; and
45 (3) the Port Authority of New York and New Jersey.

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 thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted August 10, 2020.

1 e. “Standard benefits supplement rate” means an hourly
2 supplement furnished by a contractor to an employee in one of the
3 following ways:

4 (1) in the form of health and other benefits (not including paid
5 leave) that cost the employer the entire required hourly
6 supplemental amount;

7 (2) by providing a portion of the required hourly supplement in
8 the form of health and other benefits (not including paid leave) and
9 the balance in cash; or

10 (3) by providing the entire supplement in cash.

11 Effective September 1, ¹~~2020~~ 2021¹ and each September 1
12 thereafter, the required hourly supplement shall be an amount equal
13 to the supplemental benefits rate designated by the Commissioner
14 the immediately preceding August 1, based on the determination
15 made by the United States Department of Labor pursuant to the
16 federal “McNamara-O’Hara Service Contract Act” (41 U.S.C.
17 s.6701 et seq.), for the classification of “Guard I” for the county in
18 which the covered airport and related location is located.

19 f. “Standard paid leave” means effective September 1, ¹~~2020~~
20 2021¹ and each September 1 thereafter, paid leave equal to the paid
21 leave requirements designated by the Commissioner the
22 immediately preceding August 1, based on the determination made
23 by the United States Department of Labor pursuant to the federal
24 “McNamara-O’Hara Service Contract Act” (41 U.S.C. s.6701 et
25 seq.), for the classification of “Guard I” for the county in which the
26 covered airport and related location is located.

27 g. “Standard wage rate” means:

28 (1) effective September 1, ¹~~2020~~ 2021¹, the greater of:

29 (a) \$2.00 more than any minimum wage rate, that would be
30 otherwise applicable to covered airport and related location
31 workers, established by the “New Jersey State Wage and Hour
32 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

33 (b) any otherwise applicable minimum wage rate established
34 through a policy of the Port Authority of New York and New
35 Jersey;

36 (2) effective September 1, ¹~~2021~~ 2022¹ the greater of:

37 (a) \$2.50 more than any minimum wage rate, that would be
38 otherwise applicable to Covered Airport and Related Location
39 workers, established by the “New Jersey State Wage and Hour
40 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

41 (b) any otherwise applicable minimum wage rate established
42 through a policy of the Port Authority of New York and New
43 Jersey;

44 (3) effective September 1, ¹~~2022~~ 2023¹ the greater of:

45 (a) \$3.00 more than any minimum wage rate, that would be
46 otherwise applicable to Covered Airport and Related Location

workers, established by the “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey;

(4) effective September 1, ¹**[2023]** 2024¹ the greater of:

(a) \$3.50 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey;

(5) effective September 1, ¹**[2024]** 2025¹ the greater of:

(a) \$4.00 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey;

(6) effective September 1, ¹**[2025]** 2026¹, and each September 1 thereafter, the greater of:

(a) \$4.00 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; or

(c) an amount equal to the wage rate designated by the commissioner the immediately preceding August 1 based on the determination made by the United States Department of Labor pursuant to the federal “McNamara-O'Hara Service Contract Act” (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the county in which the covered airport and related location is located.

3. On August 1, ¹**[2020]** 2021¹ and each August 1 thereafter, the commissioner shall designate the supplemental benefits rate and paid leave requirements required under the determination made by the United States Department of Labor pursuant to the federal “McNamara-O'Hara Service Contract Act” (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the county in which the covered airport and related location is located. The commissioner shall publicly post the designated supplemental benefits rates and paid leave requirements.

1 4. Any employer of a covered airport and related location
2 worker shall ensure that such covered airport and related location
3 worker is compensated at a rate that is no less than the applicable
4 standard rate. Nothing in this article shall alter or limit any
5 employer's obligation to pay any otherwise applicable prevailing
6 wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150
7 (C.34:11-56.25 et seq.) or the prevailing wage levels for the
8 employees of contractors and subcontractors furnishing building
9 services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).
10

11 5. The commissioner, in consultation with the Department of
12 Transportation and the Attorney General, shall promulgate rules and
13 regulations, pursuant to the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the date
15 of enactment of this act, to implement the provisions of this act.
16

17 6. This act shall be known and may be cited as the "Healthy
18 Terminals Act."
19

20 7. This act shall take effect on the first day of the third month
21 next following enactment.