

[First Reprint]

**ASSEMBLY, No. 4305**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

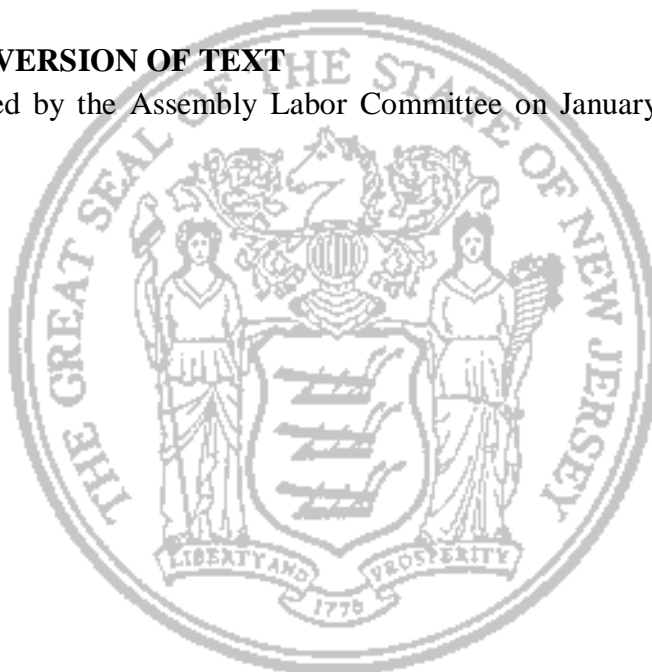
**Assemblywoman Greenstein**

**SYNOPSIS**

Concerns apprenticeship programs and other standards for public works contractors.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Labor Committee on January 4, 2010, with amendments.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning registration of public works contractors,  
2 apprenticeship programs and other standards for public works  
3 contractors and amending and supplementing P.L.1999, c.238.

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

7  
8 1. Section 2 of P.L.1999, c.238 (C.34:11-56.49) is amended to  
9 read as follows:

10 2. The Legislature finds and declares that:

11 a. There is growing concern over the increasing number of  
12 construction industry workers on public works projects laboring  
13 under conditions which violate State labor laws and regulations  
14 concerning wages, unemployment and temporary disability  
15 insurance, workers' compensation insurance, and the payment of  
16 payroll taxes;

17 b. Contractors and subcontractors receiving the benefit of  
18 public tax dollars for their work should not be allowed to exploit  
19 their workers by denying them benefits and pay mandated by law;

20 c. Because of the critical impact of skilled construction labor  
21 on public works projects and the limited availability and, in some  
22 cases, imminent shortages of such skilled labor, it is necessary to  
23 require contractors and subcontractors, as a condition of bidding on  
24 public works projects, to participate in established, formal  
25 apprenticeship programs and thereby promote successful project  
26 delivery and ensure future workforce development; and

27 d. It is therefore necessary and proper for the Legislature to  
28 establish a registration system for contractors and subcontractors  
29 engaged in public works projects in order to better enforce existing  
30 labor laws and regulations in the public works industry, and ensure  
31 that contractors meet appropriate minimum standards regarding  
32 participation in apprenticeship programs.

33 (cf: P.L.1999, c.238, s.2)

34  
35 2. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to  
36 read as follows:

37 3. As used in this act:

38 “Class A Apprenticeship Program” means an apprenticeship  
39 program which is registered with and approved by the United States  
40 Department of Labor or a state apprenticeship agency and which<sup>1</sup>,  
41 from the effective date of this act until December 31, 2013,<sup>1</sup> meets  
42 not less than one, and, after December 31, 2013,<sup>1</sup> meets not less  
43 than two of the following requirements: (1) has active, employed,  
44 registered apprentices; or (2) has graduated apprentices to

**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:

<sup>1</sup>Assembly ALA committee amendments adopted January 4, 2010.

1 journey person status during a majority of the years that the program  
2 has been in operation; or (3) has graduated apprentices to  
3 journey person status during three of the immediately preceding five  
4 years.

5 "Commissioner" means the Commissioner of Labor and  
6 Workforce Development or his duly authorized representatives.

7 "Contractor" means a person, partnership, association, joint stock  
8 company, trust, corporation, or other legal business entity or  
9 successor thereof who enters into a contract which is subject to the  
10 provisions of the "New Jersey Prevailing Wage Act," P.L.1963,  
11 c.150 (C.34:11-56.25 et seq.), or into a contract under which  
12 workers are required by any other State law to be paid prevailing  
13 wage rates set pursuant to that act, and includes any subcontractor  
14 or lower tier subcontractor of a contractor as defined herein.

15 "Department" means the Department of Labor and Workforce  
16 Development.

17 "Director" means the Director of the Division of Wage and Hour  
18 Compliance in the Department of Labor and Workforce  
19 Development.

20 "Worker" includes laborer, mechanic, skilled or semi-skilled  
21 laborer and apprentices or helpers employed by any contractor or  
22 subcontractor and engaged in the performance of services directly  
23 upon a public work, regardless of whether their work becomes a  
24 component part thereof, but does not include material suppliers or  
25 their employees who do not perform services at the job site.

26 (cf: P.L.2007, c.67, s.2)

27

28 3. Section 4 of P.L.1999, c.238 (C.34:11-56.51) is amended to  
29 read as follows:

30 4. No contractor shall bid on any contract for public work as  
31 defined in section 2 of P.L.1963, c.150 (C.34:11-56.26), or any  
32 other work in which workers are required by any other State law to  
33 be paid prevailing wage rates set pursuant to P.L.1963, c.150  
34 (C.34:11-56.25 et seq.), unless the contractor is registered pursuant  
35 to this act. No contractor shall list a subcontractor in a bid proposal  
36 for the contract unless the subcontractor is registered pursuant to  
37 P.L.1999, c.238 (C.34:11-56.48 et seq.) at the time the bid is made.  
38 No contractor or subcontractor, including a subcontractor not listed  
39 in the bid proposal, shall engage in the performance of any public  
40 work subject to the contract, unless the contractor or subcontractor  
41 is registered pursuant to that act.

42 (cf: P.L.2003, c.91, s.2)

43

44 4. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to  
45 read as follows:

46 5. a. A contractor shall register in writing with the department  
47 on a form provided by the commissioner. The form shall require

1 the following information, and the contractor shall not be registered  
2 unless all of the required information is provided:

3 (1) The name, principal business address and telephone number  
4 of the contractor;

5 (2) Whether the contractor is a corporation, partnership, sole  
6 proprietorship, or other form of business entity;

7 (3) If the contractor's principal business address is not within the  
8 State, the name and address of the contractor's custodian of records  
9 and agent for service of process in this State;

10 (4) The name and address of each person with a financial  
11 interest in the contractor and the percentage interest, except that if  
12 the contractor is a publicly-traded corporation, the contractor shall  
13 supply the names and addresses of the corporation's officers;

14 (5) The contractor's tax identification number and  
15 unemployment insurance registration number; **[and]**

16 (6) A certification, with documentation, that the contractor, with  
17 respect to any work for which registration is required pursuant to  
18 P.L.1999, c.238 (C.34:11-56.48 et seq.), participates in a Class A  
19 Apprenticeship Program for each separate trade or classification in  
20 which it employs craft employees, which documentation shall  
21 include a list of each Class A Apprenticeship Program in which the  
22 contractor and craft employees participate; and

23 (7) Any other relevant and appropriate information as  
24 determined by the commissioner.

25 b. At the time of registration, and subsequently upon request,  
26 the contractor shall submit to the commissioner documentation  
27 demonstrating that the contractor has worker's compensation  
28 insurance coverage for all workers as required by law .

29 (cf: P.L.1999, c.238, s.5)

30

31 5. (New section) The Legislature finds that there is a need to  
32 ensure that all public work which is subject to the provisions of the  
33 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25  
34 et seq.) or any other State law requiring the payment of prevailing  
35 wage rates set pursuant to that act, is performed by responsible,  
36 qualified contractors that maintain the capacity, expertise, personnel  
37 and other qualifications and resources necessary to successfully  
38 perform public contracts in a timely, reliable and cost-effective  
39 manner. Nothing in this act, or any other law of this State, shall be  
40 construed as preventing any political subdivision of the State from  
41 setting standards, criteria or requirements for the qualifications of  
42 contractors bidding for public work with the political subdivision  
43 which equal or exceed the standards, criteria or requirements of this  
44 act or any other State law, including, but not limited to, standards  
45 regarding concerning technical qualifications, competency,  
46 experience, adequacy of resources, including equipment, facilities,  
47 finances and personnel and the qualifications and provisions for  
48 training of the personnel, and having a satisfactory record regarding

1 past project performance, safety, and business integrity and  
2 compliance with laws applicable to its contracting business,  
3 including, but not limited to, licensing laws, tax laws, prompt  
4 payment laws, wage and hour laws, prevailing wage laws, and  
5 environmental laws.

6  
7 6. This act shall take effect immediately and its provisions  
8 shall apply to each new registration or renewal of a registration  
9 made pursuant to P.L.1999, c.238 (C.34:11-56.48 et seq.) on or  
10 after 90th day after the effective date of this act.