

ASSEMBLY, No. 1855

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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SYNOPSIS

Concerns outreach and training for minorities and women in the construction industry.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/17/2016)

A1855 WIMBERLY, PRIETO

2

1 AN ACT concerning outreach and training programs for minorities
2 and women in the construction industry, and amending P.L.2009,
3 c.313 and P.L.2009, c.335.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.2009, c.313 (C.52:38-7) is amended to read
9 as follows:

10 1. a. Notwithstanding the provisions of any law or regulation to
11 the contrary, upon entering into any public works contract in excess
12 of \$1,000,000 which is funded, in whole or in part, by funds of a
13 public body, or any public works contract of any size which is
14 funded, in whole or in part, by funds provided to the public body
15 pursuant to the "American Recovery and Reinvestment Act of
16 2009," Pub.L.111-5, the public body entering into the contract shall
17 transfer an amount equal to one half of one percent (0.5%) of the
18 portion of the contract amount funded by funds of the public body,
19 or provided to the public body pursuant to the "American Recovery
20 and Reinvestment Act of 2009," Pub.L.111-5, to the Department of
21 Labor and Workforce Development, except that any Statewide
22 authority which enters into the contract and administers a program
23 which meets the requirements of this section may retain all or a
24 portion of the 0.5% share of the funds under the contract as is
25 necessary for the operation of the program, but shall transfer to the
26 department any portion of the funds not necessary for the program,
27 and except that funds shall not be transferred or retained pursuant to
28 this section if the transfer or retaining of the funds is contrary to
29 any federal requirement and may result in the loss of federal funds.
30 For a project in which federal and State funds are combined, the
31 entire amount may be transferred or retained from the State portion
32 of the funds if doing so is necessary to prevent any loss of federal
33 funds.

34 b. The department or authority shall use the transferred or
35 retained funds to provide on-the-job or off-the-job outreach and
36 training programs for minority group members and women in
37 construction trade occupations or other occupations, including
38 engineering and management occupations, utilized in the
39 performance of public works contracts. The programs funded
40 pursuant to this subsection, shall include, but not be limited to,
41 programs preparing minority group members and women for
42 admission into registered apprenticeships with opportunities for
43 long-term employment in construction trades providing economic
44 self-sufficiency for the minority group members and women, with
45 priority given, with respect to the funds from a contract used for

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.

1 apprenticeship programs or apprenticeship-related programs, to
2 trades utilized in that contract, and shall include programs providing
3 supportive services to help facilitate successful completion of any
4 apprenticeship or other training assisted pursuant to this section.
5 The department or authority shall use funds transferred or retained
6 pursuant to this section to provide grants to implement such
7 programs to consortia which include those community-based
8 organizations, faith-based organizations, labor organizations,
9 employers, contractors and trade organizations, institutions of
10 higher education, and schools and other local public agencies which
11 the department or authority determines are best able to facilitate
12 entry and success of minority group members and women into
13 training and long-term trade and professional employment in the
14 construction industry, and may use a portion of the funds for
15 initiatives to prepare minority group members and women for
16 registered apprenticeship programs and related post-secondary
17 education, such as grants to consortia provided pursuant to the
18 "Youth Transitions to Work Partnership Act," P.L.1993, c.268
19 (C.34:15E-1 et **[seq.]** al.), and for initiatives, such as those of the
20 NJ PLACE program established pursuant to P.L.2009, c.200
21 (C.34:15D-24 et al.), to facilitate the coordination and articulation
22 of registered apprenticeship programs with degree programs in
23 institutions of higher education, including initiatives to articulate
24 programs in a manner which may assist in providing transitions
25 from trade occupations to professional occupations utilized in the
26 construction industry. The department or authority shall seek
27 agreements and commitments from grant participants to provide
28 long-term employment to successful applicants and trainees where
29 possible. The department or authority shall be reimbursed from the
30 transferred or retained funds for any reasonable and necessary costs
31 incurred by the department or authority in administering those
32 programs.

33 c. The Department of the Treasury, and the Division of
34 **[Contract Compliance and Equal Employment Opportunities in]**
35 **Public Contracts** Equal Employment Opportunity Compliance
36 in that department, shall provide, and make available to the public on
37 the Internet, an annual report, not later than December 31 of 2010
38 and each year after that year, which shall list all public works
39 contracts subject to this act and report, for each public works
40 contract, the percentage and amount of funds withheld and provided
41 to programs funded pursuant to this section and the numbers and
42 percentages of apprentices and other workers under each contract
43 who are of minority group members and women. The Department
44 of Labor and Workforce Development shall, not later than
45 December 31 of 2010 and each year after that year, provide an
46 annual report, which shall also be made available to the public on
47 the Internet, on all of the programs funded pursuant to this section,
48 which shall include, for each program, data regarding the

1 performance results of minority group members and women
2 participating in the programs, including outcome measures detailing
3 employment placement, increased earnings and employment
4 retention, as those terms are used in the federal “Workforce
5 Investment Act of 1998,” Pub.L.105-220 (29 U.S.C. s.2801 et
6 **[seq.] al.**), and shall include data regarding enrollment into
7 registered apprentice programs and results regarding their retention
8 in long-term employment. Public bodies entering into public works
9 contracts subject to the provisions of this section, including
10 Statewide authorities, and the Department of the Treasury shall
11 provide such information to the Department of Labor and
12 Workforce Development and the Department of the Treasury as the
13 departments deem necessary for the purposes of this section.

14 d. For the purposes of this section: "public body" means the
15 State of New Jersey, any of its political subdivisions, any authority
16 created by the Legislature of the State of New Jersey and any
17 instrumentality or agency of the State of New Jersey or of any of its
18 political subdivisions; "public works contract" means “public works
19 contract” as defined in section 1 of P.L.1975, c.127 (C.10:5-31);
20 "registered apprenticeship" means apprenticeship in a program
21 providing to each trainee combined classroom and on-the-job
22 training under the direct and close supervision of a highly skilled
23 worker in an occupation recognized as an apprenticeable trade, and
24 registered by the Office of Apprenticeship of the United States
25 Department of Labor and meeting the standards established by that
26 office; and "Statewide authority" means any authority created by
27 the Legislature which is authorized by law to enter into contracts
28 for construction at locations throughout the State.
29 (cf: P.L.2009, c.313, s.1)

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31 2. Section 6 of P.L.2009, c.335 (C.52:40-6) is amended to read
32 as follows:

33 6. When not restricted by any other State or federal law, the
34 Division of Public Contracts Equal Employment Opportunity
35 Compliance shall determine whether each of the **[State entities]**
36 public bodies whose performance it monitors **[have]** has properly
37 allocated and **[released]** transferred to the Department of Labor and
38 Workforce Development, or retained, if the public body is a
39 Statewide authority, as authorized by law, one-half of one percent
40 of the total cost of a construction contract of \$1,000,000 or more, to
41 be used by the department **[for the New Jersey Builders Utilization**
42 **Initiative for Labor Diversity program]** or authority to [train]
43 provide on-the-job or off-the-job outreach and training programs for
44 minorities and women for employment in construction [trades]
45 trade occupations or other occupations utilized in the performance
46 of public works contracts in the manner required by the provisions
47 of section 1 of P.L.2009, c.313 (C.52:38-7). This provision shall

1 apply to those construction contracts when the funding for the
2 contract consists entirely of appropriated funds or a combination of
3 funds from appropriated funds and other sources. The division shall
4 include a summary of its determinations made pursuant to this
5 section in each annual report provided pursuant to subsection c. of
6 section 1 of P.L.2009, c.313 (C.52:38-7).
7 (cf: P.L.2009, c.335, s.6)

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9 3. This act shall take effect immediately.

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STATEMENT

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14 This bill reconciles certain provisions of P.L.2009, c.313
15 (C.52:38-7) and P.L.2009, c.335 (C.52:40-1 et seq.). Specifically,
16 the bill modifies the language used in section 6 of P.L.2009, c.335
17 (C.52:40-6) to describe the use of 0.5% of construction project
18 funds set aside for women and minority group members to make it
19 conform to P.L.2009, c.313 by expanding the funded activities to
20 include outreach as well as training, and to include not only
21 construction trade occupations, but other occupations in the
22 construction industry, such as management and engineering. The
23 bill also modifies the scope of projects subject to the 0.5% set-aside
24 under P.L.2009, c.335, to make it conform with the requirements of
25 P.L.2009, c.313 that the set-aside apply to local, as well as State,
26 projects.