ASSEMBLY, No. 184

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)
Assemblyman JOSEPH V. EGAN
District 17 (Middlesex and Somerset)
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
Assemblywoman N.Munoz, Assemblymen Verrelli, DeAngelo, Giblin and Assemblywoman B.DeCroce

SYNOPSIS

Establishes Office of Labor Law Enforcement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing the Office of Labor Law Enforcement and supplementing Title 34 of the Revised Statutes.

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

1. a. There is established in the Department of Labor and Workforce Development, the Office of Labor Law Enforcement. The office shall oversee, evaluate, and coordinate enforcement activities of the department regarding violations of the provisions of labor laws, including provisions regarding wages and other terms and conditions of employment, and provisions regarding the financing and provision of benefits or insurance for workers, the keeping and disclosure of records, and provisions prohibiting false or misleading statements, representations, submissions, or the misclassification of employees, made by employers, employees, or other persons to wrongfully obtain or wrongfully deny or delay the full payment of wages and benefits, or pay less than the premiums, contributions, or taxes which are required by the provisions of State labor laws.

b. When requested by the Commissioner of Labor and Workforce Development, the Attorney General shall assign one or more deputy attorneys general to represent the department in proceedings regarding violations of State labor law. Deputy attorneys general assigned to the enforcement of State labor laws shall be co-located in facilities of the department with department personnel engaged in the enforcement of State labor laws.

c. The department shall issue and make public an annual report regarding the office, which shall include, for each labor law, a summary of enforcement activities, the number of deputy attorneys general and department personnel dedicated to enforcement, the personnel costs and penalties and other revenues collected, and the portion of revenues expended on enforcement. The report shall include an analysis of, and recommendations regarding, any changes needed in the number of personnel, including the number of deputy attorneys general assigned to the enforcement of each law. Recommendations in the report shall be taken into consideration by the Governor in the development of the State budget for the following fiscal year.

d. All sums collected as fines or penalties pursuant to State labor laws shall be applied to costs of enforcement and administration of those laws, which shall include all expenses of the Office of Labor Law Enforcement.

e. For the purposes of this section:

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

"State labor laws" means all laws administered or enforced by the department concerning standards regarding wages and other

terms and conditions of employment, and the financing and provision of benefits or insurance for workers, including, but not limited to:

(1) State wage and hour laws;

(2) The "unemployment compensation law," R.S.43:21-1 et seq.;

(3) The "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

(4) P.L.2008, c.17 (C.43:21-39.1 et al.);

(5) P.L.1998, c.74, s.1 (C.34:15-57.4); and

(6) The workers' compensation law, R.S.34:15-1 et seq.

"State wage and hour laws" include, but are not limited to:

(1) Article 1 of chapter 11 of Title 34 of the Revised Statutes and all acts supplementing that article (R.S.34:11-2 et al.);

(2) P.L.1966, c.113 and all acts supplementing that act (C.34:11-56a et al.);

(3) P.L.2005, c.379 (C.34:11-56.58 et seq.);

(4) Article 3 of chapter 11 of Title 34 of the Revised Statutes (R.S.34:11-57 et seq.);

(5) The "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.); and

(6) "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.).

2. This act shall take effect immediately.

STATEMENT

This bill establishes, in the Department of Labor and Workforce Development, the Office of Labor Law Enforcement, charged with overseeing, evaluating, and coordinating enforcement activities of the department regarding violations of State labor laws.

The bill directs the Attorney General, upon a request by the Commissioner of Labor and Workforce Development, to assign one or more deputy attorneys general to represent the department in proceedings regarding State labor law violations, with the assigned deputy attorneys general co-located in department facilities with department personnel engaged in labor law enforcement.

The department is required to issue and make public an annual report regarding the office which includes, for each labor law, a summary of enforcement activities, the number of deputy attorneys general and department personnel dedicated to enforcement, personnel costs, the amount of penalties and other revenues collected, and what portion of the revenues are expended on enforcement. The report shall include an analysis of, and recommendations regarding, any changes needed in the number of personnel, including the number of assigned deputy attorneys

general, for the enforcement of each law. The bill requires that recommendations in the report be taken into consideration by the Governor in the development of the State budget for the following fiscal year.

The bill requires that all sums collected as fines or penalties pursuant to State labor laws be applied to costs of enforcement and administration of those laws, including expenses of the Office of Labor Law Enforcement.

"State labor laws" are defined as all laws administered by the department that concern standards regarding wages and other terms and conditions of employment, and the financing and provision of benefits or insurance for workers.