

**ASSEMBLY, No. 252**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Verrelli**

**SYNOPSIS**

Permits State employment on temporary basis of workers with certain skills to perform routine maintenance in State facilities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the temporary employment by the State of  
2       workers with certain skills and supplementing Title 52 of the  
3       Revised Statutes.

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

7  
8       1. Notwithstanding the provisions of any other law or  
9       regulation to the contrary, whenever a State agency deems it  
10      necessary to undertake routine maintenance work as defined in this  
11      section in a building or facility for which the agency has  
12      responsibility for the work, the agency, in its discretion, may  
13      appoint on a temporary basis a worker who, in the agency's  
14      judgment, may be necessary to perform that routine maintenance  
15      work in that building or facility, when the work is not required to be  
16      performed under a contract or agreement awarded after being  
17      publicly advertised and publicly bid.

18      This authority to appoint a worker shall be used by a State  
19      agency only to appoint a worker who is a skilled craftsman from an  
20      area building trade and who has completed an apprenticeship  
21      program, when the performance of that routine maintenance work  
22      requires such a skilled craftsman. This authority to appoint a  
23      worker shall be used by a State agency to make an appointment  
24      only for the performance of specified work during a specified  
25      period of time. The appointed worker shall be terminated upon  
26      completion of the specified work.

27      The State agency appointing the worker shall determine the  
28      qualifications, duties, and compensation of the worker, and shall  
29      appoint and remove the worker, all without regard to the provisions  
30      of Title 11A of the New Jersey Statutes. The appointed worker  
31      shall not be subject in any manner to the provisions of Title 11A of  
32      the New Jersey Statutes.

33      The State agency shall require the appointed worker to sign an  
34      employment agreement setting forth the terms and conditions of  
35      employment, specifying the work to be performed and the period of  
36      time for the performance, the compensation to be paid, and any  
37      other matters deemed by the State agency to be relevant and  
38      appropriate for such an agreement.

39      The appointed worker shall receive payment for services on a per  
40      diem basis, or such other basis as the State agency deems to be  
41      appropriate, which shall include commensurate payments toward  
42      any retirement, health care, or other benefit plan or program from  
43      which the worker is eligible to receive benefits as a result of the  
44      worker's membership in a labor organization if the worker is such a  
45      member.

46      During the period of the appointment, the worker shall be  
47      deemed an employee of the State agency making the appointment,  
48      but shall not be eligible for enrollment in a retirement system or

1 program, health care benefits plan or program, or any other benefit  
2 plan or program available to State employees, including but not  
3 limited to a program or plan for disability or workers'  
4 compensation, unless eligibility or enrollment is required by federal  
5 law or regulation. The worker shall be indemnified and provided  
6 any defense of any action in the same manner and to the same  
7 extent as employees of the State under the "New Jersey Tort Claims  
8 Act," N.J.S.59:1-1 et seq., on account of acts or omissions in the  
9 scope of the worker's authority.

10 The maintenance work shall be performed by the worker under  
11 the direct supervision of the State agency that appointed the worker  
12 and the agency shall be responsible for ensuring that the work is  
13 properly completed by the appointed worker. A State agency may  
14 delegate this supervisory authority to another State agency.

15 As used in this section:

16 "Apprenticeship program" means a registered apprenticeship  
17 program providing to each trainee combined classroom and on-the-  
18 job training under the direct and close supervision of a highly  
19 skilled worker in an occupation recognized as an apprenticeable  
20 trade, registered by the Office of Apprenticeship of the United  
21 States Department of Labor, and meeting the standards established  
22 by the office.

23 "Maintenance work" means the repair of an existing facility  
24 when the size, type, or extent of such a facility is not thereby  
25 changed or increased, or any work on a maintenance-related project  
26 that exceeds the scope of work and capabilities of then-employed  
27 maintenance personnel.

28  
29 2. This act shall take effect immediately.  
30  
31

## 32 STATEMENT

33  
34 This bill will permit a State agency, in its discretion, to appoint  
35 on a temporary basis a worker who, in the agency's judgment, may  
36 be needed to perform routine maintenance work in a State building  
37 or facility when the work is not required to be performed under a  
38 contract or agreement awarded after being publicly advertised and  
39 publicly bid. "Maintenance work" is defined in the bill to mean the  
40 repair of an existing facility when the size, type, or extent of such a  
41 facility is not thereby changed or increased, or any work on a  
42 maintenance-related project that exceeds the scope of work and  
43 capabilities of then-employed maintenance personnel.

44 This authority to appoint can only be used by a State agency to  
45 appoint a worker who is a skilled craftsman from an area building  
46 trade and who has completed an apprenticeship program, when the  
47 performance of that routine maintenance work requires such a  
48 skilled craftsman. The appointment can only be used for the

1 performance of specified work during a specified period of time.  
2 The appointed worker will be terminated upon completion of the  
3 specified work.

4 The appointed worker must sign an employment agreement, and  
5 the maintenance work will be performed by the worker under the  
6 direct supervision of the State agency.

7 The State agency will determine the qualifications, duties, and  
8 compensation of the worker, and appoint and remove the worker, all  
9 without regard to the provisions of Title 11A (Civil Service) of the  
10 New Jersey Statutes. The appointed worker will not be subject in  
11 any manner to the provisions of the civil service laws and  
12 regulations.

13 The appointed worker will receive payment for services on a per  
14 diem basis, which would include commensurate payments toward  
15 any retirement, health care, or other benefits plan or program  
16 available to the worker as a result of the worker's membership in a  
17 union.

18 During the period of the appointment, the worker will be  
19 considered an employee of the State agency, but will not be eligible  
20 for enrollment in a retirement system or program, health care  
21 benefits plan or program, or any other benefit plan or program  
22 available to State employees, including but not limited to a plan or  
23 program for disability or workers' compensation, unless eligibility  
24 or enrollment is required by federal law or regulation. The worker  
25 will be indemnified and provided any defense of any action  
26 provided for in the same manner and to the same extent as  
27 employees of the State under the "New Jersey Tort Claims Act," on  
28 account of acts or omissions in the scope of the worker's authority.