ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4562

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2021

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 4562.

As amended, this bill establishes waterfront prevailing wage rates for longshoremen employed at waterfront facilities located in the State.

The bill directs the Commissioner of Labor and Workforce Development to determine, establish and make public the waterfront prevailing wage rates for each waterfront facility and for each classification of longshoremen working at the facility.

As amended, the bill defines the "applicable waterfront prevailing wage rates" as the wage rates set by collective bargaining agreements with waterfront employers in the Port of New York District. Contributions by a waterfront employer for benefits made pursuant to a collective bargaining agreement are defined by the bill to be an integral part of the wage rate for the purpose of determining applicable waterfront prevailing wage rates.

The bill sets requirements for waterfront employers of longshoremen to keep wage records and make them available to the commissioner and other specified parties, and to notify the longshoremen they employ of their rights under the bill.

As amended, the bill requires and sets registration fees for all waterfront employers in the State except waterfront employers located in the Port of New York District, prohibits unregistered waterfront employers from receiving financial assistance from any public body, indicates reasons and procedures for the non-renewal, revocation, or suspension of a registration, and requires surety bonds from registrants of up to $10,000 per worker to be able to compensate any workers damaged by any employer failure to pay the required wage rate.

The bill authorizes the commissioner to inspect records and worksites, accept complaints and use various measures to penalize waterfront employers for violations of the bill's requirements, including criminal and administrative penalties, administering the collection of unpaid wages, and placing a waterfront employer for three years on a list of waterfront employers barred for employing longshoremen in any waterfront facility.

The bill prohibits a waterfront employer from employing longshoremen at any waterfront facility during the time that the

waterfront employer is included on the debarment list, and prohibits any governmental entity from entering into a contract with a debarred waterfront employer, or providing financial assistance to a public waterfront facility, without first ascertaining that no debarred waterfront employer is employing longshoreman at the facility.

The bill also provides penalties against waterfront employers for discharge or other discrimination against employees for exercising their rights under the bill.

As amended, the bill permits local prevailing wage rates set by collective bargaining to be different from the State prevailing wage.

Finally, the bills permit a longshoreman paid less than the waterfront prevailing wage rate, or suffering retaliatory discharge or discrimination, to obtain in a civil action any wages due together with costs and attorney's fees, and, in a case of retaliation, reinstatement and payment of lost wages.

As amended and released by the committee, this bill is identical to Senate Bill No. 1053 (1R).

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1. Define the State “applicable waterfront prevailing wage rates” as the wage rates set by collective bargaining agreements with waterfront employers in the Port of New York District, rather than the wage rates set by agreements with the waterfront employers employing the largest number of waterfront employees in the State;

2. Require and set registration fees for all waterfront employers in the State except waterfront employers located in the Port of New York District, prohibit unregistered waterfront employers from receiving financial assistance from any public body, indicate reasons and procedures for the non-renewal, revocation, or suspension of a registration, and require surety bonds from registrants of up to $10,000 per worker to be able to compensate any workers damaged by any employer failure to pay the required wage rate;

3. Permit local prevailing wage rates set by collective bargaining to be different from the State prevailing wage, not just higher wage rates, as permitted in the bill in its current non-amended form, but lower rates as well; and

4. Make various modifications in procedures regarding department investigations of possible violations, employer record keeping, and appeals by employers of debarment decisions.