

SENATE, No. 440

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators T.Kean and Pennacchio

SYNOPSIS

Establishes Office of Labor Law Enforcement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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

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

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

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

44 e. For the purposes of this section:

45 “Department” means the Department of Labor and Workforce
46 Development.

47 “State labor laws” means all laws administered or enforced by
48 the department concerning standards regarding wages and other

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

- 4 (1) State wage and hour laws;
5 (2) The “unemployment compensation law,” R.S.43:21-1 et
6 seq.;
7 (3) The “Temporary Disability Benefits Law,” P.L.1948, c.110
8 (C.43:21-25 et al.);
9 (4) P.L.2008, c.17 (C.43:21-39.1 et al.);
10 (5) P.L.1998, c.74, s.1 (C.34:15-57.4); and
11 (6) The workers’ compensation law, R.S.34:15-1 et seq.
12 “State wage and hour laws” include, but are not limited to:
13 (1) Article 1 of chapter 11 of Title 34 of the Revised Statutes
14 and all acts supplementing that article (R.S.34:11-2 et al.);
15 (2) P.L.1966, c.113 and all acts supplementing that act
16 (C.34:11-56a et al.);
17 (3) P.L.2005, c.379 (C.34:11-56.58 et seq.);
18 (4) Article 3 of chapter 11 of Title 34 of the Revised Statutes
19 (R.S.34:11-57 et seq.);
20 (5) The "New Jersey Prevailing Wage Act," P.L.1963, c.150
21 (C.34:11-56.25 et seq.); and
22 (6) "The Public Works Contractor Registration Act," P.L.1999,
23 c.238 (C.34:11-56.48 et seq.).

24
25 2. This act shall take effect immediately.
26
27

28 STATEMENT

29
30 This bill establishes, in the Department of Labor and Workforce
31 Development, the Office of Labor Law Enforcement, charged with
32 overseeing, evaluating, and coordinating enforcement activities of
33 the department regarding violations of State labor laws.

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

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

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

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

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