

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1053

STATE OF NEW JERSEY

DATED: AUGUST 10, 2020

The Senate Labor Committee reports favorably Senate Bill, No. 1053.

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.

The bill defines the “applicable waterfront prevailing wage rates” as the wage rates paid by virtue of collective bargaining agreements with employers employing the largest numbers of longshoremen, including agreements which apply to longshoremen working in waterfront facilities throughout the State, provided that if an agreement applying to a smaller locality or waterfront facility stipulates wage levels higher than the levels stipulated by agreements with State-wide application, the higher rates shall be the applicable waterfront prevailing wage rates for that locality or facility. 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.

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.

Finally, the bills permits 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.