

SENATE, No. 1188

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Requires employers within construction industry to notify employees of certain rights.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** requiring employers within the construction industry to
2 notify employees of certain rights and supplementing P.L.2007,
3 c.114 (C.34:20-1 et seq.).

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

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8 1. a. An employer subject to the provisions of P.L.2007, c.114
9 (C.34:20-1 et seq.) shall conspicuously post notification, in a place
10 or places accessible to all individuals working in each of the
11 employer's workplaces, in a form issued by regulation adopted by
12 the Commissioner of Labor and Workforce Development, of the
13 rights of employees to unemployment benefits, minimum wage,
14 overtime and other federal and State workplace protections,
15 including the protections against retaliation and the penalties
16 pursuant to P.L.2007, c.114 (C.34:20-1 et seq.). The employer shall
17 provide each individual working for the employer with a written
18 copy of the notification: (1) not later than 30 days after the form of
19 the notification is issued by the commissioner; (2) at the time of the
20 individual's hiring, if the individual is hired after the issuance; and
21 (3) at any time, upon the first request of the individual.

22 b. The notification shall also provide information on how an
23 individual or an individual's authorized representative, may contact,
24 by telephone, mail and e-mail, a representative of the commissioner
25 to provide information to, or file a complaint with, the
26 commissioner's representative regarding the provisions and possible
27 violations of P.L.2007, c.114 (C.34:20-1 et seq.).

28 c. The commissioner shall make the notification required by
29 this section available in English, Spanish, and any other language
30 that the commissioner determines is the first language of a
31 significant number of workers in the State. This determination shall
32 be, at the discretion of the commissioner, based on the numerical
33 percentages of all workers in the State for whom English or Spanish
34 is not a first language or in a manner consistent with any regulations
35 promulgated by the commissioner for this purpose. The employer
36 shall post and provide the notification in English, Spanish, and any
37 other language for which the commissioner has made the
38 notification available and which the employer reasonably believes
39 is the first language of a significant number of the employer's
40 workforce.

41 d. An employer who violates any provision of this section shall
42 be guilty of a disorderly persons offense and shall, upon conviction,
43 be subject to a civil penalty of up to \$1,500 for a first violation, and
44 up to \$5,000 for any subsequent violation within a five year period.

45 e. Any sum collected as a penalty pursuant to this section shall
46 be applied toward enforcement and administration costs of the
47 Division of Wage and Hour Compliance in the Department of Labor
48 and Workforce Development.

1 2. This act shall take effect immediately.

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STATEMENT

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6 The bill supplements the “Construction Industry Independent
7 Contractor Act,” P.L.2007, c.114 (C.34:20-1 et seq.), which
8 establishes a standard for the misclassification of employees as
9 independent contractors within the construction industry.
10 Specifically, this bill requires employers subject to the provisions of
11 that act to conspicuously post notification of the rights of
12 employees to unemployment benefits, minimum wage, overtime and
13 other federal and State workplace protections, as well as the
14 protections against retaliation and the penalties provided under
15 P.L.2007, c.114 (C.34:20-1 et seq.). The bill requires employers to
16 provide workers with a written copy of the notification: (1) not later
17 than 30 days after the form of the notification is issued by the
18 commissioner; (2) at the time of the individual's hiring, if the
19 individual is hired after the issuance; and (3) at any time, upon the
20 first request of the individual.

21 This notice must contain contact information for individuals
22 working for the employer or their representatives to file complaints
23 or inquire with a representative of the Commissioner of Labor and
24 Workforce Development about the provisions and possible
25 violations of P.L.2007, c.114 (C.34:20-1 et seq.), as well as be
26 provided in English, Spanish or other languages required by the
27 commissioner. Employers who violate these provisions will be
28 guilty of a disorderly persons offense and, upon conviction, be
29 subject to a civil penalty of up to \$1,500 for a first violation, and up
30 to \$5,000 for any subsequent violation within a five year period.