SENATE, No. 1191

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

Co-Sponsored by:
Senator Turner

SYNOPSIS

Concerns outreach and training for minorities and women in the construction industry.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning outreach and training programs for minorities and women in the construction industry, and amending P.L.2009, c.313 and P.L.2009, c.335.

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

1. Section 1 of P.L.2009, c.313 (C.52:38-7) is amended to read as follows:

1. a. Notwithstanding the provisions of any law or regulation to the contrary, upon entering into any public works contract in excess of $1,000,000 which is funded, in whole or in part, by funds of a public body, or any public works contract of any size which is funded, in whole or in part, by funds provided to the public body pursuant to the "American Recovery and Reinvestment Act of 2009," Pub.L.111-5, the public body entering into the contract shall transfer an amount equal to one half of one percent of the portion of the contract amount funded by funds of the public body, or provided to the public body pursuant to the "American Recovery and Reinvestment Act of 2009," Pub.L.111-5, to the Department of Labor and Workforce Development, except that any Statewide authority which enters into the contract and administers a program which meets the requirements of this section may retain all or a portion of the one half of one percent share of the funds under the contract as is necessary for the operation of the program, but shall transfer to the department any portion of the funds not necessary for the program, and except that funds shall not be transferred or retained pursuant to this section if the transfer or retaining of the funds is contrary to any federal requirement and may result in the loss of federal funds. For a project in which federal and State funds are combined, the entire amount may be transferred or retained from the State portion of the funds if doing so is necessary to prevent any loss of federal funds. A political subdivision may elect, but is not required, to transfer to the department or retain, for any one or more of the purposes indicated in subsection b. of this section or for the purpose of providing incentives or otherwise facilitating a local hiring and employment program, an amount equal to one half of one percent of the portion of any public work contract of the political subdivision.

b. The department, political subdivision, or authority shall use the transferred or retained funds to provide on-the-job or off-the-job outreach and training programs for minority group members and women in construction trade occupations or other occupations, including engineering and management occupations, utilized in the performance of public works contracts. The programs funded

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

pursuant to this subsection, shall include, but not be limited to, programs preparing minority group members and women for admission into registered apprenticeships with opportunities for long-term employment in construction trades providing economic self-sufficiency for the minority group members and women, with priority given, with respect to the funds from a contract used for apprenticeship programs or apprenticeship-related programs, to trades utilized in that contract, and shall include programs providing supportive services to help facilitate successful completion of any apprenticeship or other training assisted pursuant to this section. The department, political subdivision, or authority shall use funds transferred or retained pursuant to this section to provide grants to implement such programs to consortia which include those community-based organizations, faith-based organizations, labor organizations, employers, contractors and trade organizations, institutions of higher education, and schools and other local public agencies which the department, political subdivision, or authority determines are best able to facilitate entry and success of minority group members and women into training and long-term trade and professional employment in the construction industry, and may use a portion of the funds for initiatives to prepare minority group members and women for registered apprenticeship programs and related post-secondary education, such as grants to consortia provided pursuant to the "Youth Transitions to Work Partnership Act," P.L.1993, c. 268 (C.34:15E-1 et **[**seq.**]** al.), and for initiatives, such as those of the NJ PLACE program established pursuant to P.L.2009, c.200 (C.34:15D-24 et al.), to facilitate the coordination and articulation of registered apprenticeship programs with degree programs in institutions of higher education, including initiatives to articulate programs in a manner which may assist in providing transitions from trade occupations to professional occupations utilized in the construction industry. The department, political subdivision, or authority shall seek agreements and commitments from grant participants to provide long-term employment to successful applicants and trainees where possible. The department, political subdivision, or authority shall be reimbursed from the transferred or retained funds for any reasonable and necessary costs incurred by the department, political subdivision, or authority in administering those programs.

c. The Department of the Treasury, and the Division of **[**Contract Compliance and Equal Employment Opportunities in**]** Public Contracts Equal Employment Opportunity Compliance in that department, shall provide, and make available to the public on the Internet, an annual report, not later than December 31 of 2010 and each year after that year, which shall list all public works contracts subject to this act and report, for each public works contract, the percentage and amount of funds withheld and provided to programs funded pursuant to this section and the numbers and

percentages of apprentices and other workers under each contract who are of minority group members and women. The Department of Labor and Workforce Development shall, not later than December 31 of 2010 and each year after that year, provide an annual report, which shall also be made available to the public on the Internet, on all of the programs funded pursuant to this section, which shall include, for each program, data regarding the performance results of minority group members and women participating in the programs, including outcome measures detailing employment placement, increased earnings and employment retention, as those terms are used in the "federal Workforce Investment Act of 1998," Pub.L.105-220 (29 U.S.C. s.2801 et [seq.] al.), and shall include data regarding enrollment into registered apprentice programs and results regarding their retention in long-term employment. Public bodies and political subdivisions entering into public works contracts subject to the provisions of this section, including Statewide authorities, and the Department of the Treasury shall provide such information to the Department of Labor and Workforce Development and the Department of the Treasury as the departments deem necessary for the purposes of this section.

d. For the purposes of this section: "political subdivision" means any county, municipality, school district or other political subdivision of the State of New Jersey or any instrumentality or agency of the political subdivision; "public body" means the State of New Jersey, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency, but not any political subdivision, of the State of New Jersey; "public works contract" means public works contract as defined in section 1 of P.L.1975, c.127 (C.10:5-31); "registered apprenticeship" means apprenticeship in a program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade, and registered by the Office of Apprenticeship of the United States Department of Labor and meeting the standards established by that office; and "Statewide authority" means any authority created by the Legislature which is authorized by law to enter into contracts for construction at locations throughout the State.

(cf: P.L.2019, c.76, s.1)

2. Section 6 of P.L.2009, c.335 (C.52:40-6) is amended to read as follows:

6. When not restricted by any other State or federal law, the Division of Public Contracts Equal Employment Opportunity Compliance shall determine whether each of the [State entities] public bodies whose performance it monitors [have] has properly allocated and [released] transferred to the Department of Labor and Workforce Development, or retained, if the public body is a

Statewide authority, as authorized by law, one-half of one percent of the total cost of a construction contract of $1,000,000 or more, to be used by the department [for the New Jersey Builders Utilization Initiative for Labor Diversity program] or authority to [train] provide on-the-job or off-the-job outreach and training programs for minorities and women for employment in construction [trades] trade occupations or other occupations utilized in the performance of public works contracts in the manner required by the provisions of section 1 of P.L.2009, c.313 (C.52:38-7). This provision shall apply to those construction contracts when the funding for the contract consists entirely of appropriated funds or a combination of funds from appropriated funds and other sources. The division shall include a summary of its determinations made pursuant to this section in each annual report provided pursuant to subsection c. of section 1 of P.L.2009, c.313 (C.52:38-7).
(cf: P.L.2009, c.335, s.6)

3. This act shall take effect immediately.

STATEMENT

This bill reconciles certain provisions concerning construction project funds set forth in P.L.2009, c.313 (C.52:38-7) and P.L.2009, c.335 (C.52:40-1 et seq.). Specifically, the bill modifies the language used in section 6 of P.L.2009, c.335 (C.52:40-6) to describe the use of 0.5% of construction project funds set aside for women and minority group members to make it conform to P.L.2009, c.313 by expanding the funded activities to include outreach as well as training, and to include not only construction trade occupations, but other occupations in the construction industry, such as management and engineering.

The bill also modifies the scope of projects subject to the 0.5% set-aside under P.L.2009, c.335, to make it conform with the requirements of P.L.2009, c.313 that the set-aside apply to local, as well as State, projects.