SENATE, No. 2425

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED DECEMBER 20, 2012

Sponsored by:
Senator  STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator  DONALD NORCROSS
District 5 (Camden and Gloucester)
Assemblyman  JOSEPH V. EGAN
District 17 (Middlesex and Somerset)
Assemblyman  WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

SYNOPSIS
Revises definition of “public works projects” to permit project labor agreements for more projects.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 2/15/2013)
AN ACT concerning project labor agreements and amending
P.L.2002, c.44.

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

1. Section 2 of P.L.2002, c.44 (C.52:38-2) is amended to read
as follows:

2. For the purposes of this act:

"Apprenticeship program" means a registered apprenticeship
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 Bureau Office of Apprenticeship
(and Training) of the U.S. Department of Labor and meeting the
standards established by the bureau office, or registered by a
State apprenticeship agency recognized by the bureau office.

"Labor organization" means, with respect to a contracted work
on a public works project, an organization which represents, for
purposes of collective bargaining, employees involved in the
performance of public works contracts and eligible to be paid
prevailing wages under the "New Jersey Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25 et seq.) and has the present ability to
refer, provide or represent sufficient numbers of qualified
employees to perform the contracted work, in a manner consistent
with the provisions of this act and any plan mutually agreed upon
by the labor organization and the public entity pursuant to
subsection g. of section 5 of this act.

"Project labor agreement" means a form of pre-hire collective
bargaining agreement covering terms and conditions of a specific
project.

"Public entity" means the State, any of its political subdivisions,
any authority created by the Legislature and any instrumentality or
agency of the State or of any of its political subdivisions.

"Public works project" means any public works project for
construction, reconstruction, demolition or renovation of buildings
at the public expense, other than pumping stations or water or
sewage treatment plants, for which:

(1) It is required by law that workers be paid the prevailing
wage determined by the Commissioner of Labor and Workforce
Development pursuant to the provisions of the "New Jersey
Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25 et seq.); and

(2) The public entity estimates that the total cost of the project,

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 thus is new matter.
exclusive of any land acquisition costs, will equal or exceed $5 million. (cf: P.L.2002, c.44, s.2)

2. This act shall take effect immediately.

STATEMENT

This bill amends P.L.2002, c.44 (C.52:38-1 et seq.), the law authorizing project labor agreements (PLAs) to allow PLAs in certain kinds of public work contracts which that law now excludes. That law currently allows a PLA for a public works project only if:

1. The project is worth at least $5 million (excluding land acquisition costs);
2. The workers in the project are required by law to be paid the prevailing wage set by P.L.1963, c.150 (C.34:11-56.25 et seq.); and
3. The project is for the construction, reconstruction, demolition or renovation of buildings at the public expense, other than pumping stations or water or sewage treatment plants.

The current law therefore excludes many projects, such as highways, bridges, pumping stations, and water and sewage treatment plants, from having PLAs.

This bill removes from the definition of “public works project” all references to the kind of structure or improvement, instead identifying a project only as “construction, reconstruction, demolition or renovation.” That change extends the option of using a PLA to projects excluded under the current law, such as highways, bridges, pumping stations, and water and sewage treatment plants. The bill leaves unchanged the provisions of the law’s definition of a public works project that require a project to be worth at least $5 million and have workers subject to the prevailing wage law.