

SENATE, No. 989
STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senators Ruiz, Cruz-Perez, Sacco, Singleton, Diegnan, Stack, Cunniff,
Lagana, Vitale and Gopal

SYNOPSIS

“Healthy Terminals Act”; requires certain airport and train station workers receive certain wage rates and benefits.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning wages and benefits of certain airport and train station workers, supplementing P.L.2005, c.379 (C.34:11-56.58 et seq.).

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

1. The Legislature finds and declares that:

a. In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport and the Newark Liberty International Airport one of the busiest transit hubs in the country.

b. The workers at the airport and train station often cannot afford to purchase healthcare plans, and unaffordable healthcare expenses is one of the reasons for the high rates of turnover for the workers in the airport and train station.

c. Improved retention rates of workers in the airport and train station through investment in service and safety for all who pass through the airport and train station, and compensating these workers so that they can afford healthcare and a way to increase retention.

2. As used in this act:

a. "Applicable standard rate" shall mean a combination of:

- (1) the standard wage rate;
- (2) the standard benefits supplement rate; and
- (3) the standard paid leave.

b. "Covered airport and related location" means Newark Liberty International Airport and Newark Liberty International Airport Train Station.

c. "Covered airport and related location worker" means an employee who performs work at a covered airport and related location, provided that the employee's time during any workweek is performed at a covered airport and related location. "Covered airport and related location worker" shall not include an employee in an executive, administrative, or professional capacity as defined in paragraph (a) of section 13 of the Fair Labor Standards Act of 1938 (C.15:15-13 et seq.). "Covered airport and related location worker" shall not include an employee of a public agency.

d. "Public agency" means:

- (1) any department or agency of the State of New Jersey and any subsidiary thereof;
- (2) the New Jersey Transit Corporation; and
- (3) the Port Authority of New York and New Jersey.

e. "Standard benefits supplement rate" means an hourly supplemental amount payable to an employee in one of the following ways:

- (1) in the form of health and other benefits (not including paid leave) provided by the employer the entire required hourly supplemental amount;
- (2) by providing a portion of the required hourly supplement in the form of health and other benefits (not including paid leave) and the balance in cash; or
- (3) by providing the entire supplement in cash.

Effective September 1, 2020 and each September 1 thereafter, the supplemental amount shall be an amount equal to the supplemental benefits

Commissioner the immediately preceding August 1, based on the the United States Department of Labor pursuant to the federal “Mc Contract Act” (41 U.S.C. s.6701 et seq.), for the classification of " in which the covered airport and related location is located.

f. “Standard paid leave” means effective September 1, 2021 thereafter, paid leave equal to the paid leave requirements designate the immediately preceding August 1, based on the determinative States Department of Labor pursuant to the federal “McNamara-Contract Act” (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" the covered airport and related location is located.

g. "Standard wage rate" means:

(1) effective September 1, 2020, the greater of:

(a) \$2.00 more than any minimum wage rate, that would be covered airport and related location workers, established by the “ Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established Port Authority of New York and New Jersey;

(2) effective September 1, 2021 the greater of:

(a) \$2.50 more than any minimum wage rate, that would be Covered Airport and Related Location workers, established by Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established Port Authority of New York and New Jersey;

(3) effective September 1, 2022 the greater of:

(a) \$3.00 more than any minimum wage rate, that would be Covered Airport and Related Location workers, established by Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established Port Authority of New York and New Jersey;

(4) effective September 1, 2023 the greater of:

(a) \$3.50 more than any minimum wage rate, that would be covered airport and related location workers, established by the “ Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established Port Authority of New York and New Jersey;

(5) effective September 1, 2024 the greater of:

(a) \$4.00 more than any minimum wage rate, that would be covered airport and related location workers, established by the “ Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established Port Authority of New York and New Jersey;

(6) effective September 1, 2025, and each September 1 thereafter

(a) \$4.00 more than any minimum wage rate, that would be covered airport and related location workers, established by the “ Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

(b) any otherwise applicable minimum wage rate established by the Port Authority of New York and New Jersey; or

(c) an amount equal to the wage rate designated by the commissioner preceding August 1 based on the determination made by the United States Department of Labor pursuant to the federal “McNamara-O'Hara Service Contract Act” (41 U.S.C. s.6702 et seq.), for the classification of "Guard I" for the county in which the related location is located.

3. On August 1, 2020 and each August 1 thereafter, the commissioner shall determine the supplemental benefits rate and paid leave requirement for the classification of "Guard I" for the county in which the covered airport is located. The commissioner shall publicly post the designated supplemental benefits and paid leave requirements.

4. Any employer of a covered airport and related location worker is compensated at a rate less than the applicable standard rate. Nothing in this article shall alter the obligation to pay any otherwise applicable prevailing wage under the "Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) or the levels for the employees of contractors and subcontractors furnished under P.L.2005, c.379 (C.34:11-56.58 et seq.).

5. The commissioner, in consultation with the Department of Attorney General, shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the enactment of this act, to implement the provisions of this act.

6. This act shall be known and may be cited as the “Healthy Transportation Act.”

7. This act shall take effect on the first day of the third month after the enactment.

STATEMENT

This bill requires certain airport and train station workers to be paid supplemental benefits. Specifically, the bill requires certain workers at Newark Liberty International Airport and Newark Liberty International Airport Train Station to be paid certain wage rates that rise annually over the course of six years from August 1, 2020 to September 1, 2025.

Under the bill, covered airport and related location worker means a worker who performs work at Newark Liberty International Airport or Newark Liberty International Airport Train Station, provided at least one-half of the employee's workweek is performed at Newark Liberty International Airport.

International Airport Train Station. The term will not include employees employed in an executive, administrative, or professional capacity employed by a public agency.

In 2020, the wage rate will be the greater of: \$2.00 more than that that would be otherwise applicable to covered airport and related location workers established by the “New Jersey State Wage and Hour Law,” P.L. 1966, c. 113 (C.34:11-56a et seq.); or any otherwise applicable minimum wage rate established by the Port Authority of New York and New Jersey.

In 2025, and each September 1 thereafter, the wage rate will be the greater of: \$2.00 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the “New Jersey State Wage and Hour Law,” P.L. 1966, c. 113 (C.34:11-56a et seq.); or any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey, the amount equal to the wage rate designated by the commissioner of the Department of Labor on August 1 based on the determination made by the United States Department of Labor pursuant to the federal “McNamara-O’Hara Service Contract Act,” 40 C.F.R. 101.11 (et seq.), for the classification of “Guard I” for the county in which the related location is located.

Additionally, the bill mandates a standard benefits supplement for covered airport and train station workers.