

ASSEMBLY, No. 5594

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 17, 2019

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Murphy and Assemblyman Tully

SYNOPSIS

Concerns sign fabrication, prevailing wage requirements, and project labor agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning the fabrication of certain signs and amending
2 P.L.1963, c.150 and P.L.2002, c.44.

3

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

6

7 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended as
8 follows:

9 2. As used in this act:

10 (1) "Department" means the Department of Labor and
11 Workforce Development of the State of New Jersey.

12 (2) "Locality" means any political subdivision of the State,
13 combination of the same or parts thereof, or any geographical area
14 or areas classified, designated and fixed by the commissioner from
15 time to time, provided that in determining the "locality," the
16 commissioner shall be guided by the boundary lines of political
17 subdivisions or parts thereof, or by a consideration of the areas with
18 respect to which it has been the practice of employers of particular
19 crafts or trades to engage in collective bargaining with the
20 representatives of workers in such craft or trade.

21 (3) "Maintenance work" means the repair of existing facilities
22 when the size, type or extent of such facilities is not thereby
23 changed or increased. "Maintenance work" also means any work on
24 a maintenance-related project that exceeds the scope of work and
25 capabilities of in-house maintenance personnel, requires the
26 solicitation of bids, and has an aggregate value exceeding \$50,000.

27 (4) "Public body" means the State of New Jersey, any of its
28 political subdivisions, any authority created by the Legislature of
29 the State of New Jersey and any instrumentality or agency of the
30 State of New Jersey or of any of its political subdivisions.

31 (5) "Public work" means construction, reconstruction,
32 demolition, alteration, custom fabrication or repair work, or
33 maintenance work, including painting and decorating, done under
34 contract and paid for in whole or in part out of the funds of a public
35 body, except work performed under a rehabilitation program.
36 "Public work" shall also mean construction, reconstruction,
37 demolition, alteration, custom fabrication or repair work, done on
38 any property or premises, whether or not the work is paid for from
39 public funds, if, at the time of the entering into of the contract the
40 property or premises is owned by the public body or:

41 (a) Not less than 55% of the property or premises is leased by a
42 public body, or is subject to an agreement to be subsequently leased
43 by the public body; and

44 (b) The portion of the property or premises that is leased or
45 subject to an agreement to be subsequently leased by the public
46 body measures more than 20,000 square feet.

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.

1 (6) "Commissioner" means the Commissioner of Labor and
2 Workforce Development or his duly authorized representatives.

3 (7) "Workman" or "worker" includes laborer, mechanic, skilled
4 or semi-skilled, laborer and apprentices or helpers employed by any
5 contractor or subcontractor and engaged in the performance of
6 services directly upon a public work, regardless of whether their
7 work becomes a component part thereof, but does not include
8 material suppliers or their employees who do not perform services
9 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
10 et seq.), contractors or subcontractors engaged in custom fabrication
11 shall not be regarded as material suppliers.

12 (8) "Work performed under a rehabilitation program" means
13 work arranged by and at a State institution primarily for teaching
14 and upgrading the skills and employment opportunities of the
15 inmates of such institutions.

16 (9) "Prevailing wage" means the wage rate paid by virtue of
17 collective bargaining agreements by employers employing a
18 majority of workers of that craft or trade subject to said collective
19 bargaining agreements, in the locality in which the public work is
20 done.

21 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
22 56.25 et seq.) and the rules and regulations issued hereunder.

23 (11) "Prevailing wage contract threshold amount" means:

24 (a) In the case of any public work paid for in whole or in part
25 out of the funds of a municipality in the State of New Jersey or
26 done on property or premises owned by a public body or leased or
27 to be leased by the municipality, the dollar amount established for
28 the then current calendar year by the commissioner through rules
29 and regulations promulgated pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
31 amount shall be equal to \$9,850 on July 1, 1994 and which amount
32 shall be adjusted on July 1 every five calendar years thereafter in
33 direct proportion to the rise or fall in the average of the Consumer
34 Price Indices for Urban Wage Earners and Clerical Workers for the
35 New York metropolitan and the Philadelphia metropolitan regions
36 as reported by the United States Department of Labor during the
37 last full calendar year preceding the date upon which the adjustment
38 is made; and

39 (b) In the case of any public work other than a public work
40 described in paragraph (a) of this subsection, an amount equal to
41 \$2,000.

42 (12) "Custom fabrication" means:

43 (a) the fabrication of any of the following: plumbing, heating,
44 cooling, ventilation or exhaust duct systems, **[and]** mechanical
45 insulation, or signs; or

46 (b) any other fabrication which is either of components or
47 structures pre-fabricated to specifications for a particular project of
48 public work or of other materials finished into components without

1 further modification for use in a project of public work or for use in
2 a type or classification of a project of public work.
3 (cf: P.L.2019, c.44, s.1)

4
5 2. Section 2 of P.L.2002, c.44 (C.52:38-2) is amended as
6 follows:

7 2. For the purposes of this act:

8 "Apprenticeship program" means a registered apprenticeship
9 program providing to each trainee combined classroom and on-the-
10 job training under the direct and close supervision of a highly
11 skilled worker in an occupation recognized as an apprenticeable
12 trade, and registered by the Bureau of Apprenticeship and Training
13 of the U.S. Department of Labor and meeting the standards
14 established by the bureau, or registered by a State apprenticeship
15 agency recognized by the bureau.

16 "Custom fabrication" means custom fabrication as defined by
17 section 2 of P.L.1963, c.150 (C.34:11-56.26).

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

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

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

35 "Public works project" means any public works project for the
36 construction, reconstruction, demolition or renovation of buildings,
37 or the custom fabrication of materials, components or structures,
38 including signs, used in the buildings, done at the public expense,
39 including by means of tax incentives or other incentives, or located
40 on public property, other than pumping stations or water or sewage
41 treatment plants, for which:

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

46 (2) The public entity estimates that the total cost of the project,
47 exclusive of any land acquisition costs, will equal or exceed \$5
48 million; and

1 (3) The workers and their employers comply with all applicable
2 provisions of law regarding apprenticeship and other skill training
3 programs, including any applicable provision of P.L.2019, c.84
4 (C.34:15B-46 et al), the "New Jersey Prevailing Wage Act",
5 P.L.1963, c.150 (C.34:11-56.25 et seq.), and "The Public Works
6 Contractor Registration Act", P.L.1999, c.238 (C.34:11-
7 56.48 et seq.).
8 (cf: P.L.2002, c.44, s.2).

9

10 3. This act shall take effect immediately.

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STATEMENT

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15 This bill adds the sign fabrication to the definition of “custom
16 fabrication” which is subject to prevailing wage requirements under
17 P.L.1963, c.150. The bill also adds “custom fabrication,” including
18 sign fabrication, to the definition of a public works project for
19 which a Project Labor Agreement may be entered into under the
20 provisions of P.L.2002, c.44, and requires that, under a Project
21 Labor Agreement, the workers and their employers comply with all
22 applicable provisions of law regarding apprenticeship and other
23 skill training programs.