

SENATE, No. 1912

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/26/2023)

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

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

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

10 1. a. Notwithstanding the provisions of any law or regulation
11 to the contrary, upon entering into any public works contract in
12 excess of \$1,000,000 which is funded, in whole or in part, by funds
13 of a public body, or any public works contract of any size which is
14 funded, in whole or in part, by funds provided to the public body
15 pursuant to the "American Recovery and Reinvestment Act of
16 2009," Pub.L.111-5, the public body entering into the contract shall
17 transfer an amount equal to one half of one percent of the portion of
18 the contract amount funded by funds of the public body, or provided
19 to the public body pursuant to the "American Recovery and
20 Reinvestment Act of 2009," Pub.L.111-5, to the Department of
21 Labor and Workforce Development, except that any Statewide
22 authority which enters into the contract and administers a program
23 which meets the requirements of this section may retain all or a
24 portion of the one half of one percent share of the funds under the
25 contract as is necessary for the operation of the program, but shall
26 transfer to the department any portion of the funds not necessary for
27 the program, and except that funds shall not be transferred or
28 retained pursuant to this section if the transfer or retaining of the
29 funds is contrary to any federal requirement and may result in the
30 loss of federal funds. For a project in which federal and State funds
31 are combined, the entire amount may be transferred or retained
32 from the State portion of the funds if doing so is necessary to
33 prevent any loss of federal funds. A political subdivision may elect,
34 but is not required, to transfer to the department or retain, for any
35 one or more of the purposes indicated in subsection b. of this
36 section or for the purpose of providing incentives or otherwise
37 facilitating a local hiring and employment program, an amount
38 equal to one half of one percent of the portion of any public work
39 contract of the political subdivision.

40 b. The department, political subdivision, or authority shall use
41 the transferred or retained funds to provide on-the-job or off-the-job
42 outreach and training programs for minority group members and
43 women in construction trade occupations or other occupations,
44 including engineering and management occupations, utilized in the
45 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 thus is new matter.

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

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

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

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

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

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

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

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

17

18 3. This act shall take effect immediately.

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22 STATEMENT

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

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