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“Commuter van safety bills signed into law,” 1-25-07, Asbury Park Press, p. A3

“New law to protect commuter van riders,” 1-25-07, The Star Ledger, p.40

RWH 3/27/08

P.L. 2007, CHAPTER 14, *approved January 24, 2007*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 2983

1 AN ACT concerning temporary help service firms and amending
2 P.L.1981, c.1.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 14 of P.L.1981, c.1 (C.56:8-1.1) is amended to read
8 as follows:

9 14. Services provided by a temporary help service firm shall
10 constitute services within the term "merchandise" pursuant to
11 P.L.1960, c. 39, s. 1 (C. 56:8-1(c)), and the provisions of P.L.1960,
12 c. 39, (C. 56:8-1 et seq.) shall apply to the operation of a temporary
13 help service firm.

14 The Attorney General shall promulgate rules and regulations
15 pursuant to section 4 of P.L.1960, c. 39 **[, s. 4]** (C. 56:8-4). The
16 Attorney General shall, by rule or regulation, establish, prescribe or
17 change an annual 'registration' fee or 'other' charge on temporary
18 help service firms to such extent as shall be necessary to defray all
19 proper expenses incurred by his office in the performance of its
20 duties under this section of this act but such 'registration' fees or
21 'other' charges shall not be fixed at a level that will raise amounts
22 in excess of the amount estimated to be so required. In addition to
23 any other appropriate requirements, the Attorney General shall, by
24 rule or regulation require the following:

25 a. Each temporary help service firm operating within the State
26 of New Jersey shall, prior to the effective date of this act or
27 commencement of operation and annually thereafter, notify the
28 Attorney General as to its appropriate name, if applicable; the trade
29 name of its operation; its complete address, including street and
30 street number of the building and place where its business is to be
31 conducted; and the names and resident addresses of its officers.
32 Each principal or owner shall provide an affidavit to the Attorney
33 General setting forth whether such principal or owner has ever been
34 convicted of a crime.

35 b. When a temporary help service firm utilizes any location
36 other than its primary location for the recruiting of applicants,
37 including mobile locations, it shall notify the Office of the Attorney
38 General of such fact in writing or by telephone, and subsequently
39 confirm in writing prior to the utilization of such facility.

40 c. Each temporary help service firm shall at the time of its
41 initial notification to the Attorney General, and annually thereafter,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 22, 2006.

² Assembly floor amendments adopted June 26, 2006.

1 post a bond of \$1,000.00 with the Attorney General to secure
2 compliance with P.L.1960, c. 39 (C. 56:8-1 et seq.) **as amended**
3 **and supplemented**], provided however that the Attorney General
4 may waive such bond for any corporation or entity having a net
5 worth of \$100,000 or more.

6 d. Any temporary help service firm ¹, as the term is used in
7 P.L.1960, c.39 (C.56:8-1 et seq.), P.L.1989, c.331 (C.34:8-43 et
8 seq.) or this section,¹ which places individuals in work which
9 requires them to obtain transportation services to get to, or return
10 from, the site of the work shall be subject to the provisions of this
11 subsection, except that the provisions of this subsection shall not
12 apply if the firm requires the individuals to use their own vehicles
13 ²or other transportation of their choice,² for transportation to and
14 from work and shall not apply if public transportation is available at
15 the times needed for them to get to, and return from, the site of the
16 work and the firm permits them to use the public transportation. If
17 the firm provides transportation services with any vehicle owned,
18 leased or otherwise under the control of the firm, the firm shall be
19 responsible for compliance with the provisions of R.S.48:4-3 et seq.
20 ¹and any other applicable law or regulation¹ regarding the vehicle
21 and its use and shall keep records in the manner required by
22 regulations adopted by the Attorney General in consultation with
23 the New Jersey Motor Vehicle Commission. If the firm does not
24 provide transportation services, but refers, directs or requires the
25 individuals to use any other provider or providers of transportation
26 services, or provides no practical alternative to the use of services
27 of the provider or providers, the firm shall obtain, and keep on file,
28 documentation that each provider is in compliance with the
29 provisions of R.S.48:4-3 et seq. ¹and any other applicable law or
30 regulation¹ in the manner required by regulations adopted by the
31 Attorney General in consultation with the New Jersey Motor
32 Vehicle Commission. The firm may not require the individuals to
33 use transportation provided by the firm or another provider of
34 transportation services if they have other transportation available.
35 A failure to comply with the provisions of this subsection, including
36 all record-keeping requirements of this subsection, shall be
37 regarded as an unlawful practice and a violation of ¹this section, of¹
38 P.L.1960, c.39 (C.56:8-1 et seq.) and of R.S.48:4-3 et seq. and a
39 temporary help service firm found to be in violation shall be subject
40 to penalties provided for violations of those acts, and shall be
41 jointly and severally liable with the provider of transportation
42 services for any injury which occurs to the individuals while being
43 transported in a vehicle owned, leased or otherwise under the under
44 the control of the provider. In the case of ¹**repeated, serious**¹
45 noncompliance with the provisions of this section ¹on more than

1 one occasion¹, the Attorney General may suspend or revoke the
2 firm's ¹[status] registration¹ as a temporary help service firm for
3 the purposes of ¹this section, P.L.1960, c.39 (C.56:8-1 et seq., and¹
4 P.L.1989, c.331 (C.34:8-43 et seq.).

5 (cf: P.L.1981, c.1, s.14)

6

7 2. This act shall take effect immediately¹, except that no
8 penalty shall be assessed for a violation of the record keeping
9 requirements of subsection d. of section 14 of P.L.1981, c.1
10 (C.56:8-1.1) before the 365th day after enactment¹.

11

12

13

14

15 Concerns transportation services used in connection with
16 temporary help service firms.

ASSEMBLY, No. 2983

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 11, 2006

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Regulates temporary help service firms as employment agencies.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning temporary help service firms, amending
2 P.L.1989, c.331 and repealing section 14 of P.L.1981, c.1.

3

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

6

7 1. Section 1 of P.L.1989, c.331 (C.34:8-43) is amended to read
8 as follows:

9 1. As used in this act:

10 "Accepting employment" means that a job seeker has entered
11 into an agreement with an employer which includes:

12 (1) The terms and conditions of employment;

13 (2) The salary or wages and any benefits to be paid to the job
14 seeker as compensation for employment; and

15 (3) The date, time and place employment will commence.

16 "A career consulting or outplacement organization" means any
17 person, required to be registered under section 24 of this act,
18 providing or rendering services, with or without related products, in
19 connection with advice, instruction, analysis, recommendation or
20 assistance concerning past, present, or future employment or
21 compensation for an individual's time, labor or effort.

22 "Agent" means any individual who performs any function or
23 activity for or on behalf of any person, the purpose of which is to
24 provide services or products to individuals seeking employment,
25 career guidance or counseling, or employment related services or
26 products.

27 "Applicant" means any person applying for licensing or
28 registration under this act.

29 "Attorney General" means the Attorney General of this State or
30 a designee.

31 "Baby sitter" means and includes any individual under 16 years
32 of age, other than a registered nurse or a licensed nurse, entrusted
33 temporarily with the care of children during the absence of their
34 parents, guardians, or individuals standing in loco parentis to them.
35 This definition shall not include persons regularly employed by
36 agencies, or institutions operated by or under the control or
37 supervision of this State, or any of its political subdivisions, nor any
38 child care facilities operated for the care of children when the
39 facilities are similarly controlled or supervised.

40 "Booking agency" means any person who procures, offers,
41 promises, or attempts to procure employment for performing artists,
42 or athletes, not under the jurisdiction of the Athletic Control Board,
43 and who collects a fee for providing those services.

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 "Bureau" means the Bureau of Employment and Personnel
2 Services in the Division of Consumer Affairs within the Department
3 of Law and Public Safety created pursuant to section 2 of this act.

4 "Career counseling service" means any business that, through its
5 agents or otherwise, procures or represents itself as procuring
6 employment or employment assistance or advertises in any manner
7 the following services for a fee: career counseling; vocational
8 guidance; aptitude, achievement or vocational testing; executive
9 consulting; personnel consulting; career management, evaluation, or
10 planning; the development of resumes and other promotional
11 materials relating to the preparation for employment; or referral
12 services relating to employment or employment qualifications. A
13 career counseling service shall be licensed as an employment
14 agency pursuant to the provisions of this act. A career counseling
15 service shall not include career consulting or outplacement
16 organizations required to be registered under section 24 of this act.

17 "Chief" means the Chief of the Bureau of Employment and
18 Personnel Services.

19 "Consulting firm" means any person required to be registered
20 under section 23 of this act that:

21 (1) Identifies, appraises, refers or recommends individuals to be
22 considered for employment by the employer; and

23 (2) Is compensated for services solely by payments from the
24 employer and is not, in any instance, compensated, directly or
25 indirectly, by an individual who is identified, appraised, referred or
26 recommended.

27 "Director" means the Director of the Division of Consumer
28 Affairs in the Department of Law and Public Safety, or his
29 designee.

30 "Employer" means a person seeking to obtain individuals to
31 perform services, tasks, or labor for which a salary, wage, or other
32 compensation or benefits are to be paid.

33 "Employment agency" means any person who, for a fee, charge
34 or commission:

35 (1) Procures or obtains, or offers, promises or attempts to
36 procure, obtain, or assist in procuring or obtaining employment for
37 a job seeker or employees for an employer; or

38 (2) Supplies job seekers to employers seeking employees on a
39 part-time or temporary assignment basis [who has not filed
40 notification with the Attorney General pursuant to the provisions of
41 section 1 of P.L.1981, c.1 (C.56:8-1.1)]; or

42 (3) Procures, obtains, offers, promises or attempts to procure or
43 obtain employment or engagements for actors, actresses,
44 performing artists, vocalists, musicians or models; or

45 (4) Acts as a placement firm, career counseling service, or
46 resume service; or

47 (5) Acts as a nurses' registry.

1 The director shall have the authority to determine, from time to
2 time, that a particular employment agency or career-related service
3 or product, not otherwise expressly subject to the provisions of this
4 act, is subject to whichever requirements of this act he deems
5 appropriate.

6 "Fee, charge or commission" means any payment of money, or
7 promise to pay money to a person in consideration for performance
8 of any service for which licensure or registration is required by this
9 act, or the excess of money received by a person furnishing
10 employment or job seekers over what he has paid for transportation,
11 transfer of baggage or lodging for a job seeker. "Fee, charge or
12 commission" shall also include the difference between the amount
13 of money received by any person who either furnishes job seekers
14 or performers for any entertainment, exhibition or performance, or
15 who furnishes baby sitters for any occasion, and the amount paid by
16 the person to the job seekers, performers or baby sitters.

17 "Job listing service" means any person required to be registered
18 under section 25 of this act who, by advertisement or other means,
19 offers to provide job seekers with a list of employers, a list of job
20 openings or a similar publication, or prepares resumes or lists of
21 applicants for distribution to potential employers, where a fee or
22 other valuable consideration is exacted or attempted to be collected,
23 either directly or indirectly.

24 "Job seeker" means any individual seeking employment, career
25 guidance or counseling or employment related services or products.

26 "Job seeker contingent liability" means a provision in an
27 agreement between an employment agency and a job seeker
28 whereby the job seeker may become liable, in whole or in part, to
29 pay a fee, charge or commission of any amount, directly or
30 indirectly, on account of any service rendered by the employment
31 agency.

32 "Just cause for voluntary termination of employment by a job
33 seeker" means and includes, but is not limited to, cases in which
34 material misrepresentations of the terms or conditions of
35 employment have been relied upon by a job seeker who would not
36 have accepted the employment if the grounds for termination were
37 known before acceptance of the employment.

38 "License" means a license issued by the director to any person
39 to:

- 40 (1) Carry on the business of an employment agency; and
41 (2) Perform, as an agent of the agency, any of the functions
42 related to the operation of the agency.

43 "Performing artist" means a model, musical, theatrical or other
44 entertainment performer employed or engaged individually or in a
45 group.

46 "Person" means any natural person or legal representative,
47 partnership, corporation, company, trust, business entity or
48 association, and any agent, employee, salesperson, partner, officer,

1 director, member, stockholder, associate, trustee or cestuis que
2 trustent thereof.

3 "Prepaid computer job matching service" means any person
4 required to be registered under section 25 of this act who is engaged
5 in the business of matching job seekers with employment
6 opportunities, pursuant to an arrangement under which the job
7 seeker is required to pay a fee in advance of, or contemporaneously
8 with, the supplying of the matching, but which does not otherwise
9 involve services for the procurement of employment by the person
10 conducting the service.

11 "Primary location" means an address used for 90 or more
12 calendar days by a person for the conduct of an activity regulated
13 under this act.

14 "Principal owner" means any person who, directly or indirectly,
15 holds a beneficial interest or ownership in an applicant or who has
16 the ability to control an applicant.

17 "Temporary employment" means employment in which the
18 duration is fixed as some definite agreed period of time or by the
19 occurrence of some specified event, either of which shall be clearly
20 stated to all parties at the time of referral to the employment.

21 "Temporary help service firm" means any person who operates a
22 business which consists of employing individuals directly or
23 indirectly for the purpose of assigning the employed individuals to
24 assist the firm's customers in the handling of the customers'
25 temporary, excess or special work loads, and who, in addition to the
26 payment of wages or salaries to the employed individuals, pays
27 federal social security taxes and State and federal unemployment
28 insurance; carries worker's compensation insurance as required by
29 State law; and sustains responsibility for the actions of the
30 employed individuals while they render services to the firm's
31 customers. **[A]** Services provided by a temporary help service firm
32 shall constitute services within the term "merchandise" pursuant to
33 section 1 of P.L.1960, c.39 (C.56:8-1) and every temporary help
34 service firm is required to comply with the provisions of P.L.1960,
35 c.39 (C.56:8-1 et seq.).

36 (cf: P.L.1989, c.331, s.1)

37

38 2. Section 5 of P.L.1989, c.331 (C.34:8-46) is amended to read
39 as follows:

40 5. The provisions of this act shall not apply to:

41 a. A teachers' registry conducted by an association of certified
42 teachers, whose membership is not less than 10 certified teachers,
43 incorporated as a nonprofit organization under the laws of New
44 Jersey, and operated under the supervision of a teacher recognized
45 and approved as a certified teacher by the Department of Education
46 of this State, or by the duly established authority of the state in
47 which the employment is procured, which registry procures
48 positions only for certified teachers who are recognized and

1 approved as certified teachers by the Department of Education of
2 this State;

3 b. Any State, federal, municipal or charitable agency which does
4 not charge fees;

5 c. Any department or bureau which is maintained by persons for
6 the purpose of securing help for themselves and does not charge
7 fees to job seekers. The exemption from the provisions of this act
8 provided by this subsection shall not be construed to exempt
9 associations or organizations of employers from the requirement to
10 procure the licenses or registration otherwise required under this
11 act;

12 d. The procuring of employment by any labor union for any of
13 its members in any job coming under the jurisdiction of the union;
14 provided, that no fee is charged any member for being furnished
15 employment or information where employment may be procured;

16 e. Any nurses' registry operated by any association of registered
17 nurses, whose membership is not less than 10 registered nurses,
18 duly incorporated as a nonprofit organization under the laws of New
19 Jersey, and operated under the supervision of a registered nurse
20 authorized to practice in the State of New Jersey; except that no
21 nurses' registry shall furnish help or employment to anyone other
22 than a registered nurse, a practical nurse licensed by the State, or a
23 person, other than a baby sitter, who is approved by the registered
24 nurse in charge of the nurses' registry and is sent by the agency to
25 an employer to assist nonprofessionally in the care of the sick or
26 ailing;

27 f. Any association of farmers which:

28 (1) Is duly incorporated on a nonprofit basis, under the laws of
29 New Jersey;

30 (2) Is certified to the director by the Secretary of Agriculture of
31 New Jersey as being an association of bona fide farmers of New
32 Jersey;

33 (3) Does not furnish job seekers to employers other than
34 members of their association; and

35 (4) Does not charge fees to any job seeker for being furnished
36 employment or information where employment may be procured.

37 g. Any person who furnishes farmers with field or harvest
38 workers to be employed on a seasonal basis, and charges no fee
39 either directly or indirectly to any worker, if the wages of the
40 workers are paid directly to the workers by the farmers who employ
41 them.

42 The exemptions established in this subsection and subsection f.
43 of this section shall not apply to any person who induces or
44 attempts to induce a person working under contract with an
45 employer to leave the employment in which he is working under
46 that contract before the contract is completed or the worker is no
47 longer responsible for its completion;

48 h. [Any temporary help service firm which does not:

1 (1) Charge a fee or liquidated charge to any individual employed
2 by the firm or in connection with employment by the firm;

3 (2) Prevent or inhibit, by contract, any of the individuals it
4 employs from becoming employed by any other person;

5 (3) Knowingly send individuals it employs to, or knowingly
6 continue to render services to, any plant or office where a strike or
7 lockout is in progress for the purpose of replacing individuals who
8 are striking or who are locked out. Any person conducting a
9 temporary help service firm which knowingly sends its employed
10 individuals to, or knowingly continues to render services to, a plant
11 or office where a strike or lockout is in progress for the purpose of
12 replacing those individuals who are striking or who are locked out
13 or, directly or indirectly counsels, aids or abets that action shall be
14 liable to a penalty of \$1,000 upon each occurrence. The penalty
15 shall be sued for, and received by and in the name of the Attorney
16 General and shall be collected and enforced by summary
17 proceedings pursuant to "the penalty enforcement law"
18 (N.J.S.2A:58-1 et seq.).

19 This exclusion shall apply to temporary help service firms
20 operated by any person who also operates an employment agency as
21 long as the businesses are independently operated as prescribed by
22 rules and regulations promulgated by the Attorney General;]
23 (Deleted by amendment, P.L. , c. .)

24 i. Any news periodical which contains listings of or classified
25 advertisements for jobs, positions, employers, or job seekers where
26 the periodical also contains news stories of general interest, articles
27 or essays of opinion, features and other advertising and which is
28 offered to the general public for sale at a nominal fee;

29 j. Any nonprofit educational, religious or charitable institution
30 which provides career counseling, job placement or other
31 employment-related services, skills evaluation, skills analysis, or
32 testing for vocational ability in order to develop a vocational profile
33 to counsel individuals and recommend placement opportunities as
34 part of the fulfillment of its educational, religious or charitable
35 purpose;

36 k. Any copying, printing, duplicating or resume preparation
37 service which in no instance charges a fee, directly or indirectly, for
38 providing any employment-related service other than copying,
39 printing, duplicating or assisting in arranging the layout of a
40 resume.

41 (cf: P.L.1989, c.331, s.5)

42

43 3. Section 11 of P.L.1989, c.331 (C.34:8-52) is amended to read
44 as follows:

45 11. It shall be a violation of the provisions of this act for any
46 person to:

47 a. Open, conduct, or maintain, either directly or indirectly, an
48 employment agency or perform any of the functions of an

1 employment agency without first obtaining a valid employment
2 agency license from the director and complying with all
3 requirements of this act regarding agents' licenses for the agents of
4 the agency. A license shall not authorize the furnishing of help or
5 employment or the furnishing of information where help or
6 employment may be procured in the capacity of baby sitters. A
7 license shall not authorize activities of any person other than the
8 individual person or persons holding the license, except that a
9 corporation may be the holder of an employment agency license. A
10 license shall not authorize activities at any place other than the
11 place designated in the license except upon issuance of a special
12 permit by the director. A licensee may engage in activities
13 requiring registration under sections 23, 24 and 25 of this act if it
14 complies with the requirements of those sections[.];

15 b. Conduct business, or any phase thereof, in any room or place
16 where:

17 (1) An individual sleeps or conducts his or her household
18 affairs, unless the business premises have separate ingress and
19 egress from the residential premises;

20 (2) Premises are rented or leased on an hourly, daily, weekly, or
21 other transient basis except as otherwise provided by regulation;

22 c. Charge or accept payment of any fees which are greater than
23 those shown by any schedule of fees which is required to be filed
24 with the chief and posted in the agency;

25 d. Accept and receive any gift as, or in lieu of, a fee;

26 e. Divide or offer to divide fees, directly or indirectly, with
27 prospective or actual employers or any agent, employee, or
28 representative;

29 f. Accept payment of a fee or attempt to collect any fee for a
30 service rendered or product sold where employment has not been
31 accepted, except that the requirements of this subsection shall not
32 apply to any career counseling service if that service receives no
33 prepayment for services or products and provides services or
34 products strictly on an hourly basis, with no financial obligation
35 required of the job seeker beyond the hourly fee for the services or
36 products rendered;

37 g. Falsely state or imply to a job seeker that the person is
38 seeking to obtain individuals to perform services, tasks or labor for
39 which salary, wages, or other compensation is to be paid;

40 h. Send or cause to be sent any individual to any place used for
41 unlawful purposes;

42 i. Place or assist in placing an individual under 18 years of age
43 into employment which is in violation of the laws of this State;

44 j. Induce or compel any individual to enter the agency, for any
45 purpose, by the use of force or by taking forcible possession of the
46 individual's property;

47 k. Publish or cause to be published any deceptive or misleading
48 notice or advertisement. All advertisements of any agency by any

1 means, including, but not limited to, cards, circulars or signs, or in
2 newspapers and other publications, and all letterheads, receipts and
3 blanks, shall contain the name and address of the agency;

4 l. Make a deceptive or misleading representation to a job seeker
5 or employer, or enter into any contract with any job seeker or
6 employer or induce or attempt to induce any job seeker or employer
7 to make any agreement, the provisions of which contract or
8 agreement, if fulfilled, violate this act;

9 m. Require that a job seeker enter into a contract with the
10 agency or any specific lender for the purpose of fulfilling a
11 financial obligation to the employment agency;

12 n. Demand, charge, collect, or receive a fee unless in accordance
13 with the terms of a written contract or agreement with a job seeker;

14 o. Engage in any act or practice in violation of P.L.1960, c.39
15 (C.56:8-1 et seq.) and regulations promulgated thereunder; or

16 p. Knowingly assign a job seeker on a part-time or temporary
17 assignment basis to, or knowingly render services to, a plant, office
18 or other facility where a strike or lockout is in progress for the
19 purpose of replacing the individuals who are striking or who are
20 locked out, or directly or indirectly counsel, aid or abet that action.
21 (cf: P.L.1989, c.331, s.11)

22

23 4. Section 14 of P.L.1981, c.1 (C.56:8-1.1) is repealed.

24

25 5. This act shall take effect on the 180th day following
26 enactment and the Director of the Division of Consumer Affairs in
27 the Department of Law and Public Safety may take such actions as
28 are necessary to implement its provisions before the effective date.

29

30

31

STATEMENT

32

33 This bill provides for more comprehensive regulation of
34 temporary help service firms by regulating them as employment
35 agencies, as was the case before 1981. The bill therefore makes
36 temporary help service firms subject to standards as stringent as
37 those imposed on employment agencies and gives the Attorney
38 General authority over temporary help service firms equal to his
39 authority over employment agencies.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2983

STATE OF NEW JERSEY

DATED: MAY 15, 2006

The Assembly Labor Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 2983.

This Assembly Committee Substitute regulates the use of certain transportation services utilized in connection with the placement of individuals in employment by temporary help service firms.

The provisions of this Assembly Committee Substitute apply to any temporary help service firm which places individuals in work which requires them to obtain transportation services to get to or from the site of the work, except that the bill does not apply if the firm requires the individuals to use their own vehicles for transportation to and from work and does not apply if public transportation is available at the times needed to get to and from the worksite and the firm allows them to use the public transportation.

If the firm provides transportation services with any vehicle owned, leased or otherwise under the control of the firm, the bill makes the firm responsible for compliance with the relevant laws regarding the vehicle and its use and keeping records as required by the Attorney General. If the firm does not provide transportation services, but refers, directs or requires the individuals to use any other provider or providers of transportation services, or provides no practical alternative to the use of services of the provider or providers, the firm is required to obtain, and keep on file, documentation that each provider is in compliance with the relevant laws. The firm may not require the individuals to use transportation provided by the firm or another provider of transportation services if they have other transportation available.

A firm which fails to comply with the provisions of the bill, including all record-keeping requirements of this subsection, is regarded as having violated relevant transportation laws and the consumer fraud act, P.L.1960, c. 39 (C. 56:8-1 et seq.) and is jointly and severally liable with the provider of transportation services for any injury which occurs to the individuals while being transported in a vehicle owned, leased or otherwise under the control of that provider. In the case of repeated, serious noncompliance with the provisions of the bill and the rest of the law regarding temporary help

service firms, the bill allows the Attorney General to suspend or revoke the firm's status as a temporary help service firm.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2983

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Senate Transportation Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 2983 (2R).

This bill regulates the use of certain transportation services utilized in connection with the placement of individuals in employment by temporary help service firms.

The provisions of this bill apply to any temporary help service firm which places individuals in work which requires them to obtain transportation services to get to or from the site of the work, except that the bill does not apply if the firm requires the individuals to use their own vehicles or other transportation of their choice for transportation to and from work, and also does not apply if public transportation is available at the times needed to get to and from the worksite and the firm allows them to use the public transportation.

If the firm provides transportation services with any vehicle owned, leased, or otherwise under the control of the firm, the bill makes the firm responsible for compliance with the relevant laws regarding the vehicle and its use, and record keeping as required by the Attorney General. If the firm does not provide transportation services, but refers, directs, or requires the individuals to use any other provider of transportation services, or provides no practical alternative to the use of services of the provider or providers, the firm is required to obtain, and keep on file, documentation that each provider is in compliance with the relevant laws. The firm may not require the individuals to use transportation provided by the firm or another provider of transportation services if they have other transportation available.

A firm which fails to comply with the provisions of subsection d. of section 14 of P.L.1981, c.1(C.56:8-1.1), including all record-keeping requirements of this subsection, is regarded as having violated relevant transportation laws and the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and is jointly and severally liable with the provider of transportation services for any injury which occurs to the individuals while being transported in a vehicle owned, leased, or otherwise under the under the control of that provider. In the case of

noncompliance on more than one occasion with the provisions of section 14 of P.L.1981, c.1 (C.56:8-1.1) regarding temporary help service firms, the bill allows the Attorney General to suspend or revoke the firm's registration as a temporary help service firm.

This bill is identical to S-1955, as amended and released by the committee on the same day.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2983**

with Assembly amendments
(Proposed By Assemblyman WISNIEWSKI)

ADOPTED: JUNE 22, 2006

These Assembly amendments:

1. Provide that no penalty will be assessed for a violation of the record keeping requirements of the bill before the 365th day after its enactment;
2. Clarify that the fees which temporary help service firms are required to pay under current law are registration fees and that the provision of the bill for the revocation or suspension of a firm's "status" as a temporary service firm is a suspension of its temporary service firm registration;
3. Change the frequency and type of violations that will result in a suspension or revocation of registration from "serious, repeated" noncompliance to noncompliance on "more than one occasion."
4. Clarify that the term "temporary help service firm" is used as it is used in P.L.1989, c.331 (C.34:8-43 et seq.) or the section of law amended by the bill, section 14 of P.L.1981, c.1 (C.56:8-1.1), a supplement to the consumer fraud act.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2983

with Assembly Floor Amendments
(Proposed By Assemblyman WISNIEWSKI)

ADOPTED: JUNE 26, 2006

These Assembly amendments exempt from the provisions of the bill temporary help service firms which require workers to use transportation of their own choice.

SENATE, No. 1955

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 8, 2006

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Concerns transportation services used in connection with temporary help service firms.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning temporary help service firms and amending
2 P.L.1981, c.1.

3

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

6

7 1. Section 14 of P.L.1981, c.1 (C.56:8-1.1) is amended to read
8 as follows:

9 14. Services provided by a temporary help service firm shall
10 constitute services within the term "merchandise" pursuant to
11 P.L.1960, c. 39, s. 1 (C. 56:8-1(c)), and the provisions of P.L.1960,
12 c. 39, (C. 56:8-1 et seq.) shall apply to the operation of a temporary
13 help service firm.

14 The Attorney General shall promulgate rules and regulations
15 pursuant to section 4 of P.L.1960, c. 39 **[, s. 4]** (C. 56:8-4). The
16 Attorney General shall, by rule or regulation, establish, prescribe or
17 change an annual fee or charge on temporary help service firms to
18 such extent as shall be necessary to defray all proper expenses
19 incurred by his office in the performance of its duties under this
20 section of this act but such fees or charges shall not be fixed at a
21 level that will raise amounts in excess of the amount estimated to be
22 so required. In addition to any other appropriate requirements, the
23 Attorney General shall, by rule or regulation require the following:

24 a. Each temporary help service firm operating within the State
25 of New Jersey shall, prior to the effective date of this act or
26 commencement of operation and annually thereafter, notify the
27 Attorney General as to its appropriate name, if applicable; the trade
28 name of its operation; its complete address, including street and
29 street number of the building and place where its business is to be
30 conducted; and the names and resident addresses of its officers.
31 Each principal or owner shall provide an affidavit to the Attorney
32 General setting forth whether such principal or owner has ever been
33 convicted of a crime.

34 b. When a temporary help service firm utilizes any location
35 other than its primary location for the recruiting of applicants,
36 including mobile locations, it shall notify the Office of the Attorney
37 General of such fact in writing or by telephone, and subsequently
38 confirm in writing prior to the utilization of such facility.

39 c. Each temporary help service firm shall at the time of its initial
40 notification to the Attorney General, and annually thereafter, post a
41 bond of \$1,000.00 with the Attorney General to secure compliance
42 with P.L.1960, c. 39 (C. 56:8-1 et seq.) **[as amended and**
43 **supplemented]**, provided however that the Attorney General may
44 waive such bond for any corporation or entity having a net worth of
45 \$100,000 or more.

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 d. Any temporary help service firm which places individuals in
2 work which requires them to obtain transportation services to get to,
3 or return from, the site of the work shall be subject to the provisions
4 of this subsection, except that the provisions of this subsection shall
5 not apply if the firm requires the individuals to use their own
6 vehicles for transportation to and from work and shall not apply if
7 public transportation is available at the times needed for them to get
8 to, and return from, the site of the work and the firm permits them
9 to use the public transportation. If the firm provides transportation
10 services with any vehicle owned, leased or otherwise under the
11 control of the firm, the firm shall be responsible for compliance
12 with the provisions of R.S.48:4-3 et seq. regarding the vehicle and
13 its use and shall keep records in the manner required by regulations
14 adopted by the Attorney General in consultation with the New
15 Jersey Motor Vehicle Commission. If the firm does not provide
16 transportation services, but refers, directs or requires the individuals
17 to use any other provider or providers of transportation services, or
18 provides no practical alternative to the use of services of the
19 provider or providers, the firm shall obtain, and keep on file,
20 documentation that each provider is in compliance with the
21 provisions of R.S.48:4-3 et seq. in the manner required by
22 regulations adopted by the Attorney General in consultation with
23 the New Jersey Motor Vehicle Commission. The firm may not
24 require the individuals to use transportation provided by the firm or
25 another provider of transportation services if they have other
26 transportation available. A failure to comply with the provisions of
27 this subsection, including all record-keeping requirements of this
28 subsection, shall be regarded as an unlawful practice and a violation
29 of P.L.1960, c.39 (C.56:8-1 et seq.) and of R.S.48:4-3 et seq. and a
30 temporary help service firm found to be in violation shall be subject
31 to penalties provided for violations of those acts, and shall be
32 jointly and severally liable with the provider of transportation
33 services for any injury which occurs to the individuals while being
34 transported in a vehicle owned, leased or otherwise under the under
35 the control of the provider. In the case of repeated, serious
36 noncompliance with the provisions of this section, the Attorney
37 General may suspend or revoke the firm's status as a temporary
38 help service firm for the purposes of P.L.1989, c.331 (C.34:8-43 et
39 seq.).

40 (cf: P.L.1981, c.1, s.14)

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42 2. This act shall take effect immediately.

STATEMENT

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This bill regulates the use of certain transportation services utilized in connection with the placement of individuals in employment by temporary help service firms.

The provisions of this bill apply to any temporary help service firm which places individuals in work which requires them to obtain transportation services to get to or from the site of the work, except that the bill does not apply if the firm requires the individuals to use their own vehicles for transportation to and from work and does not apply if public transportation is available at the times needed to get to and from the worksite and the firm allows them to use the public transportation.

If the firm provides transportation services with any vehicle owned, leased or otherwise under the control of the firm, the bill makes the firm responsible for compliance with the relevant laws regarding the vehicle and its use and keeping records as required by the Attorney General. If the firm does not provide transportation services, but refers, directs or requires the individuals to use any other provider or providers of transportation services, or provides no practical alternative to the use of services of the provider or providers, the firm is required to obtain, and keep on file, documentation that each provider is in compliance with the relevant laws. The firm may not require the individuals to use transportation provided by the firm or another provider of transportation services if they have other transportation available.

A firm which fails to comply with the provisions of the bill, including all record-keeping requirements of this subsection, is regarded as having violated relevant transportation laws and the consumer fraud act, P.L.1960, c. 39 (C. 56:8-1 et seq.) and is jointly and severally liable with the provider of transportation services for any injury which occurs to the individuals while being transported in a vehicle owned, leased or otherwise under the control of that provider. In the case of repeated, serious noncompliance with the provisions of the bill and the rest of the law regarding temporary help service firms, the bill allows the Attorney General to suspend or revoke the firm's status as a temporary help service firm.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1955

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Senate Transportation Committee reports favorably Senate Bill No. 1955 with committee amendments.

This amended bill regulates the use of certain transportation services utilized in connection with the placement of individuals in employment by temporary help service firms.

The provisions of this bill apply to any temporary help service firm which places individuals in work which requires them to obtain transportation services to get to or from the site of the work, except that the bill does not apply if the firm requires the individuals to use their own vehicles or other transportation of their choice for transportation to and from work, and also does not apply if public transportation is available at the times needed to get to and from the worksite and the firm allows them to use the public transportation.

If the firm provides transportation services with any vehicle owned, leased, or otherwise under the control of the firm, the bill makes the firm responsible for compliance with the relevant laws regarding the vehicle and its use, and record keeping as required by the Attorney General. If the firm does not provide transportation services, but refers, directs, or requires the individuals to use any other provider of transportation services, or provides no practical alternative to the use of services of the provider or providers, the firm is required to obtain, and keep on file, documentation that each provider is in compliance with the relevant laws. The firm may not require the individuals to use transportation provided by the firm or another provider of transportation services if they have other transportation available.

A firm which fails to comply with the provisions of subsection d. of section 14 of P.L.1981, c.1 (C.56:8-1.1), including all record-keeping requirements of this subsection, is regarded as having violated relevant transportation laws and the consumer fraud act, P.L.1960, c. 39 (C. 56:8-1 et seq.), and is jointly and severally liable with the provider of transportation services for any injury which occurs to the individuals while being transported in a vehicle owned, leased or otherwise under the control of that provider. In the case of

noncompliance on more than one occasion with the provisions of section 14 of P.L.1981, c.1 (C.56:8-1.1) regarding temporary help service firms, the bill allows the Attorney General to suspend or revoke the firm's registration as a temporary help service firm.

The committee amended the bill to exempt from the provisions of the bill temporary help service firms which require workers to use transportation of their choice and to provide that the Attorney General may suspend or revoke a temporary help service firm's "registration," rather than status, as a temporary help service firm. The amendments also change the frequency and type of violations that will result in a suspension or revocation of registration from "serious, repeated" noncompliance to noncompliance on "more than one occasion" and provide that no penalty will be assessed for a violation of the record keeping requirements of the bill before the 365th day after its enactment.

This bill is identical to ACS (2R) for A2983 released by the committee on the same day.