

34:13B-2

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2007 **CHAPTER:** 343

NJSA: 34:13B-2 (Concerns wages and training provided by public utility contractors)

BILL NO: A4619 (Substituted for S2979)

SPONSOR(S) Stender and Others

DATE INTRODUCED: December 6, 2007

COMMITTEE: **ASSEMBLY:** Telecommunications and Utilities

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008

SENATE: January 7, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

A4619

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 12-13-07
1-7-08

LEGISLATIVE FISCAL NOTE: No

S2979

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH 6/20/08

ASSEMBLY, No. 4619

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED DECEMBER 6, 2007

Sponsored by:

Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblywoman ELEASE EVANS
District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Egan

SYNOPSIS

Concerns wages and training provided by public utility contractors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2007)

1 AN ACT concerning wages paid and training provided by
2 contractors engaged in certain work on public utilities and
3 amending and supplementing P.L.1946, c.38.

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

7
8 1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to
9 read as follows:

10 16. (a) The term "public utility" shall include autobusses; bridge
11 companies; canal companies; electric light, heat and power
12 companies; ferries and steamboats; gas companies; pipeline
13 companies; railroads; sewer companies; steam and water power
14 companies; street railways; telegraph and telephone companies;
15 tunnel companies; water companies.

16 (b) The term "person" means any individual, firm,
17 copartnership, corporation, company, association, or joint stock
18 association; and includes any trustee, receiver, assignee, or personal
19 representative thereof.

20 (c) The term "representative" means any person or persons,
21 labor union, organization, or corporation designated either by a
22 utility or group of utilities or by its or their employees to act or do
23 for them.

24 (d) The term "collective bargaining" shall be understood to
25 embody the philosophy of bargaining by employees through
26 representatives of their own choosing, and shall include the right of
27 representatives of employees' units to be consulted and to bargain
28 upon the exceptional as well as the routine wages, hours, rules, and
29 working conditions.

30 (e) The term "labor dispute" shall involve any controversy
31 between employer and employees as to hours, wages, and working
32 conditions. The fact that employees have amicable relations with
33 their employers shall not preclude the existence of a dispute among
34 them concerning their representative for collective bargaining
35 purposes.

36 (f) The term "employee" shall refer to anyone in the service of
37 another, actually engaged in or connected with the operation of any
38 public utility throughout the State.

39 (g) The term "work on a public utility" shall, in connection with
40 the operation of any public utility in the State, include, but not be
41 limited to, construction, reconstruction, installation, demolition,
42 restoration, alteration of pipelines, mains, fiber-optic cable, conduit
43 work of any description, meters, concrete manholes and valves, and
44 also include pipe fusion, boring, directional drilling, cleaning and

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 lining of water mains and any related excavation and traffic control.
2 (cf: P.L.1946, c.38, s.16)

3

4 2. (New section) Any contractor engaged in work on a public
5 utility shall provide, independently or through agreement with other
6 organizations, craft training for journey worker or apprentice levels
7 through a bona fide program approved and registered with the State
8 Department of Labor and Workforce Development and the United
9 States Department of Labor.

10 Any employee employed by a contractor engaged in work on a
11 public utility shall be paid the wage rate paid by virtue of collective
12 bargaining agreements by employers employing a majority of
13 workers of the craft subject to the collective bargaining agreements
14 in the State. The wage rate shall include the rate of employer
15 contributions for employee benefits.

16

17 3. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill requires any contractor engaged in work on a public
23 utility to provide, independently or through agreement with other
24 organizations, craft training for journey worker or apprentice levels
25 through a bona fide program approved and registered with the State
26 Department of Labor and Workforce Development and the United
27 States Department of Labor.

28 The bill also requires that any employee employed by a
29 contractor engaged in work on a public utility be paid the wage rate
30 paid by virtue of collective bargaining agreements by employers
31 employing a majority of workers of the craft subject to the
32 collective bargaining agreements in the State. The bill requires that
33 the wage rate include the rate of employer contributions for
34 employee benefits.

STATEMENT TO
ASSEMBLY, No. 4619

with Assembly Floor Amendments
(Proposed By Assemblywoman STENDER)

ADOPTED: DECEMBER 13, 2007

These Assembly amendments:

1. Specify that the work on a public utility subject to the requirements of the bill does not include ancillary work, such as flaggers, snow plowing, vegetation management in and around utility rights of way, mark outs, janitorial services, landscaping, leak surveyors, meter work, and miscellaneous repairs related to the normal operations of the utility;

2. Eliminate the bill's requirement that utility construction contractors provide apprenticeship programs and add a requirement that the contractors employ on the site only employees who have successfully completed any require OSHA-certified safety training;

3. Provide that the required rate of pay is based on the collective bargaining agreements covering the majority of construction workers in the State who perform construction "work on public utilities," as defined in the bill, instead of the majority of workers of each craft subject to those collective bargaining agreements.

4. Require the Department of Labor and Workforce Development to publish the wage rates annually; and

5. Specify that violators of the provisions of the bill are liable for penalties which apply to violators of the prevailing wage law, P.L.1963, c.150 (C.34:11-56.25 et seq.).

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4619

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2007

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 4619.

As reported, this bill requires any contractor engaged in work on a public utility to provide, independently or through agreement with other organizations, craft training for journey worker or apprentice levels through a bona fide program approved and registered with the State Department of Labor and Workforce Development and the United States Department of Labor.

The bill also requires that any employee employed by a contractor engaged in work on a public utility be paid the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workers of the craft subject to the collective bargaining agreements in the State. The bill requires that the wage rate include the rate of employer contributions for employee benefits.

[First Reprint]

ASSEMBLY, No. 4619

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED DECEMBER 6, 2007

Sponsored by:

Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblywoman ELEASE EVANS
District 35 (Bergen and Passaic)

Co-Sponsored by:

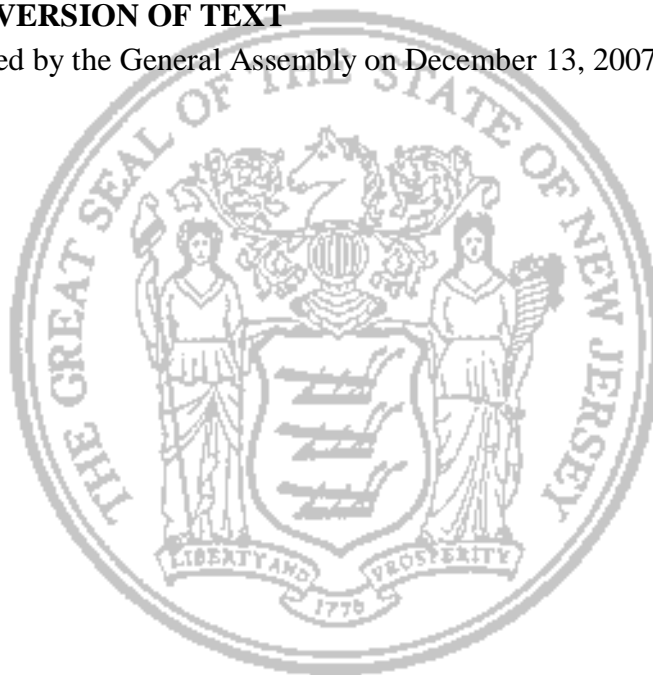
Assemblyman Egan and Senator Adler

SYNOPSIS

Concerns wages and training provided by public utility contractors.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 13, 2007.



(Sponsorship Updated As Of: 1/8/2008)

1 AN ACT concerning wages paid and training provided by
2 contractors engaged in certain work on public utilities and
3 amending and supplementing P.L.1946, c.38.

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

7
8 1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to
9 read as follows:

10 16. (a) The term "public utility" shall include autobusses;
11 bridge companies; canal companies; electric light, heat and power
12 companies; ferries and steamboats; gas companies; pipeline
13 companies; railroads; sewer companies; steam and water power
14 companies; street railways; telegraph and telephone companies;
15 tunnel companies; water companies.

16 (b) The term "person" means any individual, firm, copartnership,
17 corporation, company, association, or joint stock association; and
18 includes any trustee, receiver, assignee, or personal representative
19 thereof.

20 (c) The term "representative" means any person or persons,
21 labor union, organization, or corporation designated either by a
22 utility or group of utilities or by its or their employees to act or do
23 for them.

24 (d) The term "collective bargaining" shall be understood to
25 embody the philosophy of bargaining by employees through
26 representatives of their own choosing, and shall include the right of
27 representatives of employees' units to be consulted and to bargain
28 upon the exceptional as well as the routine wages, hours, rules, and
29 working conditions.

30 (e) The term "labor dispute" shall involve any controversy
31 between employer and employees as to hours, wages, and working
32 conditions. The fact that employees have amicable relations with
33 their employers shall not preclude the existence of a dispute among
34 them concerning their representative for collective bargaining
35 purposes.

36 (f) The term "employee" shall refer to anyone in the service of
37 another, actually engaged in or connected with the operation of any
38 public utility throughout the State.

39 (g) The term "work on a public utility" shall, in connection with
40 the '[operation] construction'¹ of any public utility in the State,
41 include, but not be limited to, construction, reconstruction,
42 installation, demolition, restoration, 'and' alteration of pipelines,
43 mains, fiber-optic cable, conduit work '[of any description]',
44 meters, concrete manholes and valves, and also include pipe fusion,

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:

¹Assembly floor amendments adopted December 13, 2007.

1 boring, directional drilling, cleaning and lining of water mains and
2 any related excavation ¹[and traffic control]¹. ¹The term “work on
3 a public utility” shall not be construed to include work performed
4 which is ancillary thereto, including flaggers, snow plowing,
5 vegetation management in and around utility rights of way, mark
6 outs, janitorial services, landscaping, leak surveyors, meter work,
7 and miscellaneous repairs related to the normal operations of the
8 utility.¹

9 (cf: P.L.1946, c.38, s.16)

10
11 2. (New section) Any ¹construction¹ contractor ¹[engaged]
12 contracting with a public utility to engage¹ in work on a public
13 utility shall ¹[provide, independently or through agreement with
14 other organizations, craft training for journey worker or apprentice
15 levels through a bona fide program approved and registered with the
16 State Department of Labor and Workforce Development and the
17 United States Department of Labor] employ on the site only
18 employees who have successfully completed any OSHA-certified
19 safety training required for work to be performed on that site¹.

20 Any employee employed by a ¹construction¹ contractor engaged
21 in work on a public utility shall be paid the wage ¹[rate] rates¹ paid
22 by virtue of collective bargaining agreements by ¹[employers]
23 construction contractors¹ employing a majority of ¹the¹ workers
24 ¹[of the craft] in the State who perform work on a public utility¹
25 subject to ¹[the] those¹ collective bargaining agreements ¹[in the
26 State]¹. The wage ¹[rate] rates¹ shall include the ¹[rate] rates¹ of
27 employer contributions for employee benefits. ¹The New Jersey
28 Department of Labor and Workforce Development shall publish the
29 wage rates annually by March 1.

30 A construction contractor who is found by the Commissioner of
31 Labor and Workforce Development to be in violation of the
32 provisions of this section shall be subject to the provisions of
33 sections 11 and 12 of P.L.1963, c.150 (C.34:11-56.35 and 34:11-
34 56.36) which apply to an employer for a violation of P.L.1963,
35 c.150 (C.34:11-56.25 et seq.).

36 Nothing in this section shall be construed to apply to any public
37 utility affiliate not regulated under the provisions of Title 48 of the
38 Revised Statutes.

39 The Commissioner of Labor and Workforce Development shall,
40 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
41 (C.52:14B-1 et seq.), adopt regulations to effectuate the provisions
42 of this section.¹

43
44 3. This act shall take effect ¹[immediately] six months after its
45 adoption and shall only apply to construction contracts entered into
46 after the effective date of this act¹.

[Second Reprint]

ASSEMBLY, No. 4619

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED DECEMBER 6, 2007

Sponsored by:

Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblywoman ELEASE EVANS
District 35 (Bergen and Passaic)

Co-Sponsored by:

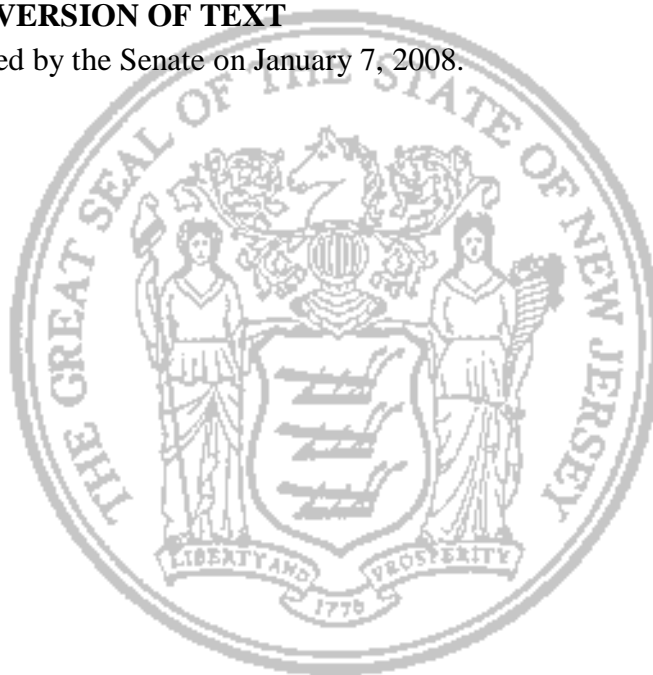
Assemblyman Egan and Senator Adler

SYNOPSIS

Concerns wages and training provided by public utility contractors.

CURRENT VERSION OF TEXT

As amended by the Senate on January 7, 2008.



(Sponsorship Updated As Of: 1/8/2008)

1 AN ACT concerning wages paid and training provided by
 2 contractors engaged in certain work on public utilities and
 3 amending and supplementing P.L.1946, c.38.

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

7
 8 1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to
 9 read as follows:

10 16. (a) The term "public utility" shall include autobusses; bridge
 11 companies; canal companies; electric light, heat and power
 12 companies; ferries and steamboats; gas companies; pipeline
 13 companies; railroads; sewer companies; steam and water power
 14 companies; street railways; telegraph and telephone companies;
 15 tunnel companies; water companies.

16 (b) The term "person" means any individual, firm, copartnership,
 17 corporation, company, association, or joint stock association; and
 18 includes any trustee, receiver, assignee, or personal representative
 19 thereof.

20 (c) The term "representative" means any person or persons,
 21 labor union, organization, or corporation designated either by a
 22 utility or group of utilities or by its or their employees to act or do
 23 for them.

24 (d) The term "collective bargaining" shall be understood to
 25 embody the philosophy of bargaining by employees through
 26 representatives of their own choosing, and shall include the right of
 27 representatives of employees' units to be consulted and to bargain
 28 upon the exceptional as well as the routine wages, hours, rules, and
 29 working conditions.

30 (e) The term "labor dispute" shall involve any controversy
 31 between employer and employees as to hours, wages, and working
 32 conditions. The fact that employees have amicable relations with
 33 their employers shall not preclude the existence of a dispute among
 34 them concerning their representative for collective bargaining
 35 purposes.

36 (f) The term "employee" shall refer to anyone in the service of
 37 another, actually engaged in or connected with the operation of any
 38 public utility throughout the State.

39 (g) The term "²construction² work on a public utility" shall, in
 40 connection with the ¹**[operation]** construction¹ of any public utility
 41 in the State, ²**[include, but not be limited to,]** mean² construction,
 42 reconstruction, installation, demolition, restoration, ¹and¹ alteration
 43 of ²**[pipelines, mains, fiber-optic cable, conduit work]**² ¹**[of any**

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:

¹Assembly floor amendments adopted December 13, 2007.

²Senate floor amendments adopted January 7, 2008.

1 description]¹ ²[, meters, concrete manholes and valves, and also
 2 include pipe fusion, boring, directional drilling, cleaning and lining
 3 of water mains and any related excavation]² ¹[and traffic control]¹
 4 ²facilities of the public utility² . ¹The term “ ²construction² work
 5 on a public utility” shall not be construed to include ²operational²
 6 work ²[performed which is ancillary thereto]² , including flaggers,
 7 snow plowing, vegetation management in and around utility rights
 8 of way, mark outs, janitorial services, landscaping, leak surveyors,
 9 meter work, and miscellaneous repairs ²[related to the normal
 10 operations of the utility]² . ¹

11 (cf: P.L.1946, c.38, s.16)

12

13 2. (New section) Any ¹construction¹ contractor ¹[engaged]
 14 contracting with a public utility to engage¹ in ²construction² work
 15 on a public utility shall ¹[provide, independently or through
 16 agreement with other organizations, craft training for journey
 17 worker or apprentice levels through a bona fide program approved
 18 and registered with the State Department of Labor and Workforce
 19 Development and the United States Department of Labor] employ
 20 on the site only employees who have successfully completed any
 21 OSHA-certified safety training required for work to be performed
 22 on that site¹.

23 Any employee employed by a ¹construction¹ contractor engaged
 24 in ²construction² work on a public utility shall be paid the wage
 25 ¹[rate] ²[rates¹ paid by virtue of collective bargaining agreements
 26 by]² ¹[employers] ²[construction contractors¹ employing a
 27 majority of ¹the¹ workers]² ¹[of the craft] ²[in the State who
 28 perform work on a public utility¹ subject to]² ¹[the] ²[those¹
 29 collective bargaining agreements]² ¹[in the State]¹ ²[. The wage]²
 30 ¹[rate] ²[rates¹ shall include the]² ¹[rate] ²[rates¹ of employer
 31 contributions for employee benefits. ¹The New Jersey Department
 32 of Labor and Workforce Development shall publish the wage rates
 33 annually by March 1.] rate for their craft or trade as determined by
 34 the Commissioner of Labor and Workforce Development pursuant
 35 to the provisions of the "New Jersey Prevailing Wage Act,"
 36 P.L.1963, c.150 (C.34:11-56.25 et seq.).²

37 A construction contractor who is found by the Commissioner of
 38 Labor and Workforce Development to be in violation of the
 39 provisions of this section shall be subject to the provisions of
 40 sections 11 and 12 of P.L.1963, c.150 (C.34:11-56.35 and 34:11-
 41 56.36) which apply to an employer for a violation of P.L.1963,
 42 c.150 (C.34:11-56.25 et seq.).

43 Nothing in this section shall be construed to apply to any public
 44 utility affiliate not regulated under the provisions of Title 48 of the
 45 Revised Statutes.

1 The Commissioner of Labor and Workforce Development shall,
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), adopt regulations to effectuate the provisions
4 of this section.¹

5

6 3. This act shall take effect ¹**【immediately】** six months after
7 ²**【its adoption】** enactment² and shall only apply to construction
8 contracts entered into after the effective date of this act¹.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4619

with Senate Floor Amendments
(Proposed By Senator ADLER)

ADOPTED: JANUARY 7, 2008

These amendments:

1. Specify that the work on a public utility subject to the requirements of the bill does not include operational work, such as flaggers, snow plowing, vegetation management in and around utility rights of way, mark outs, janitorial services, landscaping, leak surveyors, meter work, and miscellaneous repairs;

2. Provide that the required rate of pay is based on the prevailing wage for a worker's craft or trade as determined by the Commissioner of Labor and Workforce Development pursuant to the "New Jersey Prevailing Wage Act," instead of being based on the wage paid by virtue of collective bargaining agreements by employers employing a majority of workers of the craft subject to the collective bargaining agreements in the State.

In so amending this bill, the amendments make this bill identical to Senate Bill No. 2979 (1R).

P.L. 2007, CHAPTER 343, *approved January 13, 2008*
Assembly, No. 4619 (*Second Reprint*)

1 AN ACT concerning wages paid and training provided by
2 contractors engaged in certain work on public utilities and
3 amending and supplementing P.L.1946, c.38.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to
9 read as follows:

10 16. (a) The term "public utility" shall include autobusses; bridge
11 companies; canal companies; electric light, heat and power
12 companies; ferries and steamboats; gas companies; pipeline
13 companies; railroads; sewer companies; steam and water power
14 companies; street railways; telegraph and telephone companies;
15 tunnel companies; water companies.

16 (b) The term "person" means any individual, firm, copartnership,
17 corporation, company, association, or joint stock association; and
18 includes any trustee, receiver, assignee, or personal representative
19 thereof.

20 (c) The term "representative" means any person or persons,
21 labor union, organization, or corporation designated either by a
22 utility or group of utilities or by its or their employees to act or do
23 for them.

24 (d) The term "collective bargaining" shall be understood to
25 embody the philosophy of bargaining by employees through
26 representatives of their own choosing, and shall include the right of
27 representatives of employees' units to be consulted and to bargain
28 upon the exceptional as well as the routine wages, hours, rules, and
29 working conditions.

30 (e) The term "labor dispute" shall involve any controversy
31 between employer and employees as to hours, wages, and working
32 conditions. The fact that employees have amicable relations with
33 their employers shall not preclude the existence of a dispute among
34 them concerning their representative for collective bargaining
35 purposes.

36 (f) The term "employee" shall refer to anyone in the service of
37 another, actually engaged in or connected with the operation of any
38 public utility throughout the State.

39 (g) The term "²construction² work on a public utility" shall, in
40 connection with the ¹**[operation]** construction¹ of any public utility
41 in the State, ²**[include, but not be limited to,]** mean² construction,

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:

¹Assembly floor amendments adopted December 13, 2007.

²Senate floor amendments adopted January 7, 2008.

1 reconstruction, installation, demolition, restoration, and alteration
 2 of [pipelines, mains, fiber-optic cable, conduit work] [of any
 3 description] [, meters, concrete manholes and valves, and also
 4 include pipe fusion, boring, directional drilling, cleaning and lining
 5 of water mains and any related excavation] [and traffic control]
 6 facilities of the public utility . The term “ construction work
 7 on a public utility” shall not be construed to include operational
 8 work [performed which is ancillary thereto] , including flaggers,
 9 snow plowing, vegetation management in and around utility rights
 10 of way, mark outs, janitorial services, landscaping, leak surveyors,
 11 meter work, and miscellaneous repairs [related to the normal
 12 operations of the utility] .

13 (cf: P.L.1946, c.38, s.16)

14

15 2. (New section) Any construction contractor [engaged]
 16 contracting with a public utility to engage in construction work
 17 on a public utility shall [provide, independently or through
 18 agreement with other organizations, craft training for journey
 19 worker or apprentice levels through a bona fide program approved
 20 and registered with the State Department of Labor and Workforce
 21 Development and the United States Department of Labor] employ
 22 on the site only employees who have successfully completed any
 23 OSHA-certified safety training required for work to be performed
 24 on that site .

25 Any employee employed by a construction contractor engaged
 26 in construction work on a public utility shall be paid the wage
 27 [rate] [rates] paid by virtue of collective bargaining agreements
 28 by [employers] [construction contractors] employing a
 29 majority of the workers [of the craft] [in the State who
 30 perform work on a public utility] subject to [the] [those]
 31 collective bargaining agreements] [in the State] . The wage]
 32 [rate] [rates] shall include the [rate] [rates] of employer
 33 contributions for employee benefits. The New Jersey Department
 34 of Labor and Workforce Development shall publish the wage rates
 35 annually by March 1.] rate for their craft or trade as determined by
 36 the Commissioner of Labor and Workforce Development pursuant
 37 to the provisions of the "New Jersey Prevailing Wage Act,"
 38 P.L.1963, c.150 (C.34:11-56.25 et seq.).

39 A construction contractor who is found by the Commissioner of
 40 Labor and Workforce Development to be in violation of the
 41 provisions of this section shall be subject to the provisions of
 42 sections 11 and 12 of P.L.1963, c.150 (C.34:11-56.35 and 34:11-
 43 56.36) which apply to an employer for a violation of P.L.1963,
 44 c.150 (C.34:11-56.25 et seq.).

1 Nothing in this section shall be construed to apply to any public
2 utility affiliate not regulated under the provisions of Title 48 of the
3 Revised Statutes.

4 The Commissioner of Labor and Workforce Development shall,
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), adopt regulations to effectuate the provisions
7 of this section.¹

8
9 3. This act shall take effect ¹【immediately】 six months after
10 ²【its adoption】 enactment² and shall only apply to construction
11 contracts entered into after the effective date of this act¹.

12

13

14

15

16 Concerns wages and training provided by public utility
17 contractors.

CHAPTER 343

AN ACT concerning wages paid and training provided by contractors engaged in certain work on public utilities and amending and supplementing P.L.1946, c.38.

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

1. Section 16 of P.L.1946, c.38 (C.34:13B-16) is amended to read as follows:

C.34:13B-16 Definitions.

16. (a) The term "public utility" shall include autobusses; bridge companies; canal companies; electric light, heat and power companies; ferries and steamboats; gas companies; pipeline companies; railroads; sewer companies; steam and water power companies; street railways; telegraph and telephone companies; tunnel companies; water companies.

(b) The term "person" means any individual, firm, copartnership, corporation, company, association, or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

(c) The term "representative" means any person or persons, labor union, organization, or corporation designated either by a utility or group of utilities or by its or their employees to act or do for them.

(d) The term "collective bargaining" shall be understood to embody the philosophy of bargaining by employees through representatives of their own choosing, and shall include the right of representatives of employees' units to be consulted and to bargain upon the exceptional as well as the routine wages, hours, rules, and working conditions.

(e) The term "labor dispute" shall involve any controversy between employer and employees as to hours, wages, and working conditions. The fact that employees have amicable relations with their employers shall not preclude the existence of a dispute among them concerning their representative for collective bargaining purposes.

(f) The term "employee" shall refer to anyone in the service of another, actually engaged in or connected with the operation of any public utility throughout the State.

(g) The term "construction work on a public utility" shall, in connection with the construction of any public utility in the State, mean construction, reconstruction, installation, demolition, restoration, and alteration of facilities of the public utility. The term "construction work on a public utility" shall not be construed to include operational work, including flaggers, snow plowing, vegetation management in and around utility rights of way, mark outs, janitorial services, landscaping, leak surveyors, meter work, and miscellaneous repairs.

C.34:13B-2.1 Construction contractors, employees, OSHA certification, payment of rate for trade, craft; required on public utility work.

2. Any construction contractor contracting with a public utility to engage in construction work on a public utility shall employ on the site only employees who have successfully completed any OSHA-certified safety training required for work to be performed on that site.

Any employee employed by a construction contractor engaged in construction work on a public utility shall be paid the wage rate for their craft or trade as 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.).

A construction contractor who is found by the Commissioner of Labor and Workforce Development to be in violation of the provisions of this section shall be subject to the

provisions of sections 11 and 12 of P.L.1963, c.150 (C.34:11-56.35 and 34:11-56.36) which apply to an employer for a violation of P.L.1963, c.150 (C.34:11-56.25 et seq.).

Nothing in this section shall be construed to apply to any public utility affiliate not regulated under the provisions of Title 48 of the Revised Statutes.

The Commissioner of Labor and Workforce Development shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations to effectuate the provisions of this section.

3. This act shall take effect six months after enactment and shall only apply to construction contracts entered into after the effective date of this act.

Approved January 13, 2008.