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LAW/RWH

# ASSEMBLY, No. 4232

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senator Beach**

**SYNOPSIS**

Establishes Apparel Procurement Board; sets standards for procurement of apparel by the State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning the procurement of apparel by the State and  
2 supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. A significant portion of the apparel industry has a history of  
9 poor conditions for its workers;

10 b. The largest part of the apparel purchases of the State of New  
11 Jersey are for State employee uniforms, which should project a  
12 positive image for the State and help to instill pride on the part of  
13 State employees;

14 c. The State of New Jersey has, as a market participant, a  
15 compelling interest in guaranteeing that these uniforms and all of  
16 the other apparel it acquires are produced in the United States of  
17 America in conditions which are conducive to the reliable provision  
18 of high quality apparel and of which the State, its citizens, and its  
19 employees may be proud; and

20 d. It is, therefore, an appropriate policy to establish an Apparel  
21 Procurement Board to ensure that the State's interests as a market  
22 participant are protected with respect to apparel contracts entered  
23 into by the State and its instrumentalities.

24

25 2. For the purpose of this act:

26 "Apparel" means any clothing, headwear, linens or fabric.

27 "Apparel contracts" shall include all purchases, rentals or other  
28 acquisitions of apparel products by the State of New Jersey,  
29 including authorizations by the State of New Jersey for vendors to  
30 sell apparel products through cash allowances or vouchers issued by  
31 the State of New Jersey, and license agreements with a public body.

32 "Apparel production" shall include the cutting and manufacturing  
33 of apparel products performed by the vendor or by any sub-  
34 contractors, not including the production of supplies or sundries  
35 such as buttons, zippers, and thread.

36 "Bidder" means any person making a bid with a public body to  
37 serve as a vendor to a public body.

38 "Board" means the Apparel Procurement Board established by  
39 this act.

40 "Commissioner" means the Commissioner of Labor and  
41 Workforce Development.

42 "Poverty line" means the official poverty line based on family  
43 size, established and adjusted under section 673 (2) of Subtitle B of  
44 the "Community Services Block Grant Act," Pub.L.97-35 (42  
45 U.S.C. s.9902 (2)).

46 "Public body" means the State of New Jersey, any agency of the  
47 State or any authority created by the Legislature.

1 "Vendor" means any person or business selling or otherwise  
2 providing apparel to or for a public body or entering into a license  
3 agreement with a public body to produce or provide items of  
4 apparel bearing names, trademarks or images of, or related to, the  
5 public body.

6  
7 3. When purchasing or otherwise obtaining apparel from a  
8 vendor, including approving a vendor for participation in allowance  
9 or voucher programs, a public body shall require that all apparel  
10 production is in compliance with each of the following  
11 requirements, except in the case of a requirement that is adjudicated  
12 to be unenforceable because of preemption by federal law:

13 a. All apparel production under the contract shall be performed  
14 in the United States, except in cases in which the commissioner  
15 determines that it is not possible for the public body to obtain  
16 apparel produced in the United States which meets the necessary  
17 requirements of the public body;

18 b. Apparel production workers employed to produce the  
19 apparel shall be provided a work environment that is safe, healthy,  
20 and free of discrimination on the basis of race, national origin,  
21 religion, sex and sexual preference;

22 c. Apparel production workers employed to produce the  
23 apparel shall be provided non-poverty compensation at an hourly  
24 rate determined by the commissioner to be not less than the poverty  
25 line for a family of three, based on 40 hours of work a week for 50  
26 weeks a year;

27 d. Apparel production workers employed to produce the  
28 apparel shall not be terminated except for just-cause and vendors  
29 and their contractors and sub-contractors shall provide a mechanism  
30 to resolve all disputes with apparel production workers;

31 e. Vendors and their contractors and sub-contractors shall  
32 adapt a neutrality position with respect to attempts to organize by  
33 their employees, and agree to voluntarily recognize a union when a  
34 majority of workers have signed cards authorizing union  
35 representation;

36 f. The facilities where the apparel production occurs shall be  
37 open to inspection by the commissioner, the board, or any political  
38 subdivision of this State, any other state or other governmental or  
39 intergovernmental unit with which the commissioner or the board  
40 cooperates or by any appropriate consortia in which the board or the  
41 commissioner participates pursuant to section 5 of this act; and

42 g. No contractor or sub-contractor involved in the providing or  
43 production of apparel has a pattern or practice of violation of legal  
44 employment protections, including laws and regulations governing  
45 wages and hours, discrimination, occupational safety and health,  
46 child labor, industrial homework, workers' compensation, and  
47 occupational safety and health.

1 Every apparel contract and bid application shall contain a  
2 provision or provisions detailing the requirements of this act, and  
3 compliance with this act shall be made a binding part of all apparel  
4 contracts.

5

6 4. Every bidder for an apparel contract with a public body shall  
7 inform the public body in writing of the following information,  
8 which shall be made available by the public body to the public as  
9 soon as possible, but in no case less than 30 days before a decision  
10 is made to award an apparel contract to a bidder:

11 a. Every location where apparel production is to take place,  
12 including any sub-contractor locations;

13 b. The name, business address, and names of principal officers  
14 of each sub-contractor to be used for apparel production in  
15 fulfillment of an apparel contract; and

16 c. An affidavit that each apparel production location meets the  
17 requirements of this act.

18 Any changes to the reported information during the term of an  
19 apparel contract must be reported by the vendor to the public body.  
20 The public body shall report all information required under this  
21 section to the Apparel Procurement Board, which shall make the  
22 information available upon request to the public.

23

24 5. a. The Apparel Procurement Board is established and shall  
25 be composed of seven individuals as follows: three individuals  
26 selected by the New Jersey State AFL-CIO who represent unions of  
27 uniformed personnel of the State; three individuals selected by the  
28 Governor who represent agencies that employ uniformed personnel  
29 of the State; and one individual selected by the commissioner to  
30 represent the commissioner. After the effective date of this act,  
31 members shall appointed to serve for terms of three years. Each  
32 member appointed pursuant to this act shall hold office for the term  
33 of appointment and until he is reappointed or a successor is  
34 appointed and qualified. Each member serving upon the effective  
35 date who was selected prior to the effective date of this act shall  
36 hold office until a successor is appointed and qualified or the  
37 member is appointed pursuant to this act, after which he will hold  
38 office for the term of appointment. A member appointed to fill a  
39 vacancy occurring in the membership of the board for any reason  
40 other than the expiration of the term shall have a term of  
41 appointment for the unexpired term only. Each vacancy shall be  
42 filled in the same manner as the original appointment. Any  
43 appointed member may be removed from office by the Governor,  
44 for cause, after a hearing and may be suspended by the Governor  
45 pending the completion of the hearing. Members of the board shall  
46 serve without compensation.

47 b. The Apparel Procurement Board shall be administered by  
48 the commissioner and shall have the power to receive complaints

1 that any bidder or contractor is not in compliance with this act, and  
2 recommend an investigation into the merits of such complaints. If  
3 the commissioner determines, upon a hearing after notice, that a  
4 vendor, sub-contractor or bidder has not complied with any  
5 requirement of this act, including any finding of failure to provide  
6 truthful information as required by this act, the commissioner may  
7 terminate an existing apparel contract at the earliest feasible date,  
8 and may bar the vendor or bidder from receiving pending or  
9 subsequent apparel contracts for a period determined by the  
10 commissioner, but there shall be a period of debarment of not less  
11 than three years if the contractor or subcontractor demonstrates a  
12 pattern of repeated serious noncompliance with the provisions of  
13 this act.

14 c. The commissioner and the board shall give priority to  
15 coordinating enforcement, monitoring and information collection  
16 activities with any political subdivision of this State, with any other  
17 state or its political subdivisions and with any other governmental  
18 and intergovernmental units and shall give priority to participating  
19 in any appropriate consortia which assist in enforcement,  
20 monitoring and information collection activities and are  
21 independent of the monitored industries.

22

23 6. This act shall take effect immediately.

24

25

26

#### STATEMENT

27

28 This bill requires the State, when purchasing, renting or  
29 otherwise acquiring apparel, do so only under the following  
30 circumstances:

31 1. All of the apparel production be performed in the United  
32 States, except in cases in which the commissioner determines that it  
33 is not possible to obtain apparel produced in the United States  
34 which meets the necessary requirements of the State;

35 2. The apparel production workers are provided a work  
36 environment which is safe, healthy and free of discrimination;

37 3. The apparel production workers are paid non-poverty  
38 compensation at an hourly rate not less than the poverty level for a  
39 family of three, based on 40 hours of work a week for 50 weeks a  
40 year;

41 4. The apparel production workers are not terminated except  
42 for just cause and vendors and their employers provide a  
43 mechanism to resolve all disputes with apparel production workers;

44 5. The vendors and their contractors and subcontractors adapt a  
45 neutrality position with respect to attempts to organize by their  
46 employees, and agree to recognize a union whenever a majority of  
47 workers have signed cards authorizing union representation;

48 6. The apparel production facilities are open to inspection by

1 the commissioner, the board, or any appropriate agency of any other  
2 state, political subdivision, other governmental unit with which the  
3 commissioner is cooperating or by any appropriate consortia in  
4 which the board or the commissioner are participating; and

5 7. The contractors and subcontractors do not have a pattern or  
6 practice of violation of legal employment protections, including  
7 laws regarding wages and hours, child labor, industrial homework,  
8 workers' compensation, discrimination, and occupational safety and  
9 health.

10 The bill requires every bidder for an apparel contract to disclose  
11 all locations where apparel production is to take place, the name,  
12 business address and names of principal officers of every apparel  
13 production subcontractor, and an affidavit that each apparel  
14 production location meets the standards of the bill.

15 The bill establishes an Apparel Procurement Board composed of  
16 the seven members as follows: three representatives of uniformed  
17 State employee unions, selected by the New Jersey State AFL-CIO;  
18 three representatives of public bodies that employ uniformed  
19 personnel, selected by the Governor; and an individual chosen by  
20 the Commissioner of Labor and Workforce Development. That  
21 board would have the power to receive complaints regarding  
22 compliance with the bill.

23 In cases of noncompliance with the bill, the commissioner may,  
24 upon a hearing after notice, terminate an existing apparel contract at  
25 the earliest feasible date, and bar the vendor or bidder from  
26 receiving pending or subsequent apparel contracts for a period  
27 determined by the commissioner, but not less than three years if  
28 there is a pattern of repeated serious noncompliance.

29 The commissioner and the board are directed to give priority to  
30 coordinating enforcement, monitoring and information collection  
31 activities with any political subdivision of this State, with any other  
32 state or its political subdivisions and with any other governmental  
33 and intergovernmental units and shall give priority to participating  
34 in any appropriate consortia which assist in enforcement,  
35 monitoring and information collection activities and are  
36 independent of the monitored industries.



# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4232

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Labor Committee reports favorably Assembly Bill No. 4232.

This bill requires the State, when purchasing, renting or otherwise acquiring apparel, do so only under the following circumstances:

1. All of the apparel production be performed in the United States, except in cases in which the commissioner determines that it is not possible to obtain apparel produced in the United States which meets the necessary requirements of the State;

2. The apparel production workers are provided a work environment which is safe, healthy and free of discrimination;

3. The apparel production workers are paid non-poverty compensation at an hourly rate not less than the poverty level for a family of three, based on 40 hours of work a week for 50 weeks a year;

4. The apparel production workers are not terminated except for just cause and vendors and their employers provide a mechanism to resolve all disputes with apparel production workers;

5. The vendors and their contractors and subcontractors adopt a neutrality position with respect to attempts to organize by their employees, and agree to recognize a union whenever a majority of workers have signed cards authorizing union representation;

6. The apparel production facilities are open to inspection by the commissioner, the board, or any appropriate agency of any other state, political subdivision, other governmental unit with which the commissioner is cooperating or by any appropriate consortia in which the board or the commissioner are participating; and

7. The contractors and subcontractors do not have a pattern or practice of violation of legal employment protections, including laws regarding wages and hours, child labor, industrial homework, workers' compensation, discrimination, and occupational safety and health.

The bill requires every bidder for an apparel contract to disclose all locations where apparel production is to take place, the name, business address and names of principal officers of every apparel production subcontractor, and an affidavit that each apparel production location meets the standards of the bill.

The bill establishes an Apparel Procurement Board composed of the seven members as follows: three representatives of uniformed State employee unions, selected by the New Jersey State AFL-CIO;

three representatives of public bodies that employ uniformed personnel, selected by the Governor; and an individual chosen by the Commissioner of Labor and Workforce Development. That board would have the power to receive complaints regarding compliance with the bill.

In cases of noncompliance with the bill, the commissioner may, upon a hearing after notice, terminate an existing apparel contract at the earliest feasible date, and bar the vendor or bidder from receiving pending or subsequent apparel contracts for a period determined by the commissioner, but not less than three years if there is a pattern of repeated serious noncompliance.

The commissioner and the board are directed to give priority to coordinating enforcement, monitoring and information collection activities with any political subdivision of this State, with any other state or its political subdivisions and with any other governmental and intergovernmental units and shall give priority to participating in any appropriate consortia which assist in enforcement, monitoring and information collection activities and are independent of the monitored industries.

**SENATE, No. 3079**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED NOVEMBER 23, 2009

**Sponsored by:**  
**Senator JAMES BEACH**  
**District 6 (Camden)**

**SYNOPSIS**

Establishes Apparel Procurement Board; sets standards for procurement of apparel by the State.

**CURRENT VERSION OF TEXT**

As introduced.



S3079 BEACH

2

1 AN ACT concerning the procurement of apparel by the State and  
2 supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. A significant portion of the apparel industry has a history of  
9 poor conditions for its workers;

10 b. The largest part of the apparel purchases of the State of New  
11 Jersey are for State employee uniforms, which should project a  
12 positive image for the State and help to instill pride on the part of  
13 State employees;

14 c. The State of New Jersey has, as a market participant, a  
15 compelling interest in guaranteeing that these uniforms and all of  
16 the other apparel it acquires are produced in the United States of  
17 America in conditions which are conducive to the reliable provision  
18 of high quality apparel and of which the State, its citizens, and its  
19 employees may be proud; and

20 d. It is, therefore, an appropriate policy to establish an Apparel  
21 Procurement Board to ensure that the State's interests as a market  
22 participant are protected with respect to apparel contracts entered  
23 into by the State and its instrumentalities.

24

25 2. For the purpose of this act:

26 "Apparel" means any clothing, headwear, linens or fabric.

27 "Apparel contracts" shall include all purchases, rentals or other  
28 acquisitions of apparel products by the State of New Jersey,  
29 including authorizations by the State of New Jersey for vendors to  
30 sell apparel products through cash allowances or vouchers issued by  
31 the State of New Jersey, and license agreements with a public body.

32 "Apparel production" shall include the cutting and manufacturing  
33 of apparel products performed by the vendor or by any sub-  
34 contractors, not including the production of supplies or sundries  
35 such as buttons, zippers, and thread.

36 "Bidder" means any person making a bid with a public body to  
37 serve as a vendor to a public body.

38 "Board" means the Apparel Procurement Board established by  
39 this act.

40 "Commissioner" means the Commissioner of Labor and  
41 Workforce Development.

42 "Poverty line" means the official poverty line based on family  
43 size, established and adjusted under section 673 (2) of Subtitle B of  
44 the "Community Services Block Grant Act," Pub.L.97-35 (42  
45 U.S.C. s.9902 (2)).

46 "Public body" means the State of New Jersey, any agency of the  
47 State or any authority created by the Legislature.

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1 "Vendor" means any person or business selling or otherwise  
2 providing apparel to or for a public body or entering into a license  
3 agreement with a public body to produce or provide items of  
4 apparel bearing names, trademarks or images of, or related to, the  
5 public body.

6  
7 3. When purchasing or otherwise obtaining apparel from a  
8 vendor, including approving a vendor for participation in allowance  
9 or voucher programs, a public body shall require that all apparel  
10 production is in compliance with each of the following  
11 requirements, except in the case of a requirement that is adjudicated  
12 to be unenforceable because of preemption by federal law:

13 a. All apparel production under the contract shall be performed  
14 in the United States, except in cases in which the commissioner  
15 determines that it is not possible for the public body to obtain  
16 apparel produced in the United States which meets the necessary  
17 requirements of the public body;

18 b. Apparel production workers employed to produce the  
19 apparel shall be provided a work environment that is safe, healthy,  
20 and free of discrimination on the basis of race, national origin,  
21 religion, sex and sexual preference;

22 c. Apparel production workers employed to produce the  
23 apparel shall be provided non-poverty compensation at an hourly  
24 rate determined by the commissioner to be not less than the poverty  
25 line for a family of three, based on 40 hours of work a week for 50  
26 weeks a year;

27 d. Apparel production workers employed to produce the  
28 apparel shall not be terminated except for just-cause and vendors  
29 and their contractors and sub-contractors shall provide a mechanism  
30 to resolve all disputes with apparel production workers;

31 e. Vendors and their contractors and sub-contractors shall  
32 adapt a neutrality position with respect to attempts to organize by  
33 their employees, and agree to voluntarily recognize a union when a  
34 majority of workers have signed cards authorizing union  
35 representation;

36 f. The facilities where the apparel production occurs shall be  
37 open to inspection by the commissioner, the board, or any political  
38 subdivision of this State, any other state or other governmental or  
39 intergovernmental unit with which the commissioner or the board  
40 cooperates or by any appropriate consortia in which the board or the  
41 commissioner participates pursuant to section 5 of this act; and

42 g. No contractor or sub-contractor involved in the providing or  
43 production of apparel has a pattern or practice of violation of legal  
44 employment protections, including laws and regulations governing  
45 wages and hours, discrimination, occupational safety and health,  
46 child labor, industrial homework, workers' compensation, and  
47 occupational safety and health.

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1 Every apparel contract and bid application shall contain a  
2 provision or provisions detailing the requirements of this act, and  
3 compliance with this act shall be made a binding part of all apparel  
4 contracts.

5

6 4. Every bidder for an apparel contract with a public body shall  
7 inform the public body in writing of the following information,  
8 which shall be made available by the public body to the public as  
9 soon as possible, but in no case less than 30 days before a decision  
10 is made to award an apparel contract to a bidder:

11 a. Every location where apparel production is to take place,  
12 including any sub-contractor locations;

13 b. The name, business address, and names of principal officers  
14 of each sub-contractor to be used for apparel production in  
15 fulfillment of an apparel contract; and

16 c. An affidavit that each apparel production location meets the  
17 requirements of this act.

18 Any changes to the reported information during the term of an  
19 apparel contract must be reported by the vendor to the public body.  
20 The public body shall report all information required under this  
21 section to the Apparel Procurement Board, which shall make the  
22 information available upon request to the public.

23

24 5. a. The Apparel Procurement Board is established and shall  
25 be composed of seven individuals as follows: three individuals  
26 selected by the New Jersey State AFL-CIO who represent unions of  
27 uniformed personnel of the State; three individuals selected by the  
28 Governor who represent agencies that employ uniformed personnel  
29 of the State; and one individual selected by the commissioner to  
30 represent the commissioner. After the effective date of this act,  
31 members shall appointed to serve for terms of three years. Each  
32 member appointed pursuant to this act shall hold office for the term  
33 of appointment and until he is reappointed or a successor is  
34 appointed and qualified. Each member serving upon the effective  
35 date who was selected prior to the effective date of this act shall  
36 hold office until a successor is appointed and qualified or the  
37 member is appointed pursuant to this act, after which he will hold  
38 office for the term of appointment. A member appointed to fill a  
39 vacancy occurring in the membership of the board for any reason  
40 other than the expiration of the term shall have a term of  
41 appointment for the unexpired term only. Each vacancy shall be  
42 filled in the same manner as the original appointment. Any  
43 appointed member may be removed from office by the Governor,  
44 for cause, after a hearing and may be suspended by the Governor  
45 pending the completion of the hearing. Members of the board shall  
46 serve without compensation.

47 b. The Apparel Procurement Board shall be administered by  
48 the commissioner and shall have the power to receive complaints

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1 that any bidder or contractor is not in compliance with this act, and  
2 recommend an investigation into the merits of such complaints. If  
3 the commissioner determines, upon a hearing after notice, that a  
4 vendor, sub-contractor or bidder has not complied with any  
5 requirement of this act, including any finding of failure to provide  
6 truthful information as required by this act, the commissioner may  
7 terminate an existing apparel contract at the earliest feasible date,  
8 and may bar the vendor or bidder from receiving pending or  
9 subsequent apparel contracts for a period determined by the  
10 commissioner, but there shall be a period of debarment of not less  
11 than three years if the contractor or subcontractor demonstrates a  
12 pattern of repeated serious noncompliance with the provisions of  
13 this act.

14 c. The commissioner and the board shall give priority to  
15 coordinating enforcement, monitoring and information collection  
16 activities with any political subdivision of this State, with any other  
17 state or its political subdivisions and with any other governmental  
18 and intergovernmental units and shall give priority to participating  
19 in any appropriate consortia which assist in enforcement,  
20 monitoring and information collection activities and are  
21 independent of the monitored industries.

22

23 6. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill requires the State, when purchasing, renting or  
29 otherwise acquiring apparel, do so only under the following  
30 circumstances:

31 1. All of the apparel production be performed in the United  
32 States, except in cases in which the commissioner determines that it  
33 is not possible to obtain apparel produced in the United States  
34 which meets the necessary requirements of the State;

35 2. The apparel production workers are provided a work  
36 environment which is safe, healthy and free of discrimination;

37 3. The apparel production workers are paid non-poverty  
38 compensation at an hourly rate not less than the poverty level for a  
39 family of three, based on 40 hours of work a week for 50 weeks a  
40 year;

41 4. The apparel production workers are not terminated except  
42 for just cause and vendors and their employers provide a  
43 mechanism to resolve all disputes with apparel production workers;

44 5. The vendors and their contractors and subcontractors adapt a  
45 neutrality position with respect to attempts to organize by their  
46 employees, and agree to recognize a union whenever a majority of  
47 workers have signed cards authorizing union representation;

48 6. The apparel production facilities are open to inspection by

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1 the commissioner, the board, or any appropriate agency of any other  
2 state, political subdivision, other governmental unit with which the  
3 commissioner is cooperating or by any appropriate consortia in  
4 which the board or the commissioner are participating; and

5 7. The contractors and subcontractors do not have a pattern or  
6 practice of violation of legal employment protections, including  
7 laws regarding wages and hours, child labor, industrial homework,  
8 workers' compensation, discrimination, and occupational safety and  
9 health.

10 The bill requires every bidder for an apparel contract to disclose  
11 all locations where apparel production is to take place, the name,  
12 business address and names of principal officers of every apparel  
13 production subcontractor, and an affidavit that each apparel  
14 production location meets the standards of the bill.

15 The bill establishes an Apparel Procurement Board composed of  
16 the seven members as follows: three representatives of uniformed  
17 State employee unions, selected by the New Jersey State AFL-CIO;  
18 three representatives of public bodies that employ uniformed  
19 personnel, selected by the Governor; and an individual chosen by  
20 the Commissioner of Labor and Workforce Development. That  
21 board would have the power to receive complaints regarding  
22 compliance with the bill.

23 In cases of noncompliance with the bill, the commissioner may,  
24 upon a hearing after notice, terminate an existing apparel contract at  
25 the earliest feasible date, and bar the vendor or bidder from  
26 receiving pending or subsequent apparel contracts for a period  
27 determined by the commissioner, but not less than three years if  
28 there is a pattern of repeated serious noncompliance.

29 The commissioner and the board are directed to give priority to  
30 coordinating enforcement, monitoring and information collection  
31 activities with any political subdivision of this State, with any other  
32 state or its political subdivisions and with any other governmental  
33 and intergovernmental units and shall give priority to participating  
34 in any appropriate consortia which assist in enforcement,  
35 monitoring and information collection activities and are  
36 independent of the monitored industries.



# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 3079

# STATE OF NEW JERSEY

DATED: DECEMBER 10, 2009

The Senate Labor Committee reports favorably Senate Bill No. 3079.

This bill requires the State, when purchasing, renting or otherwise acquiring apparel, to do so only under the following circumstances:

1. All of the apparel production be performed in the United States, except in cases in which the commissioner determines that it is not possible to obtain apparel produced in the United States which meets the necessary requirements of the State;

2. The apparel production workers are provided a work environment which is safe, healthy and free of discrimination;

3. The apparel production workers are paid non-poverty compensation at an hourly rate not less than the poverty level for a family of three, based on 40 hours of work a week for 50 weeks a year;

4. The apparel production workers are not terminated except for just cause and vendors and their employers provide a mechanism to resolve all disputes with apparel production workers;

5. The vendors and their contractors and subcontractors adopt a neutrality position with respect to attempts to organize by their employees, and agree to recognize a union whenever a majority of workers have signed cards authorizing union representation;

6. The apparel production facilities are open to inspection by the commissioner, the board, or any appropriate agency of any other state, political subdivision, other governmental unit with which the commissioner is cooperating or by any appropriate consortia in which the board or the commissioner are participating; and

7. The contractors and subcontractors do not have a pattern or practice of violation of legal employment protections, including laws regarding wages and hours, child labor, industrial homework, workers' compensation, discrimination, and occupational safety and health.

The bill requires every bidder for an apparel contract to disclose all locations where apparel production is to take place, the name, business address and names of principal officers of every apparel production subcontractor, and an affidavit that each apparel production location meets the standards of the bill.

The bill establishes an Apparel Procurement Board composed of the seven members as follows: three representatives of uniformed State employee unions, selected by the New Jersey State AFL-CIO;

three representatives of public bodies that employ uniformed personnel, selected by the Governor; and an individual chosen by the Commissioner of Labor and Workforce Development. That board would have the power to receive complaints regarding compliance with the bill.

In cases of noncompliance with the bill, the commissioner may, upon a hearing after notice, terminate an existing apparel contract at the earliest feasible date, and bar the vendor or bidder from receiving pending or subsequent apparel contracts for a period determined by the commissioner, but not less than three years if there is a pattern of repeated serious noncompliance.

The commissioner and the board are directed to give priority to coordinating enforcement, monitoring and information collection activities with any political subdivision of this State, with any other state or its political subdivisions and with any other governmental and intergovernmental units and shall give priority to participating in any appropriate consortia which assist in enforcement, monitoring and information collection activities and are independent of the monitored industries.