

34:11-56.26
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 253

NJSA: 34:11-56.26 (Concerns sign fabrication and prevailing wage requirements.)

BILL NO: A1536 (Substituted for S3844 (1R))

SPONSOR(S) Spearman, William W. and others

DATE INTRODUCED: 1/14/2020

COMMITTEE: **ASSEMBLY:** Appropriations

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/21/2021

SENATE: 6/21/2021

DATE OF APPROVAL: 10/18/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A1536

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): 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: No

LEGISLATIVE FISCAL ESTIMATE: No

S3844 (1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(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: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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

RWH/JA

P.L. 2021, CHAPTER 253, *approved October 18, 2021*
Assembly, No. 1536 (*First Reprint*)

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

3

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

6

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

9 2. As used in this act:

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

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

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

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

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

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 AAP committee amendments adopted June 16, 2021.

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

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

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

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

18 (8) "Work performed under a rehabilitation program" means work
19 arranged by and at a State institution primarily for teaching and
20 upgrading the skills and employment opportunities of the inmates of
21 such institutions.

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

26 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
27 56.25 et seq.) and the rules and regulations issued hereunder.

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

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

43 (b) In the case of any public work other than a public work
44 described in paragraph (a) of this subsection, an amount equal to
45 \$2,000.

46 (12) "Custom fabrication" means:

47 (a) the fabrication of any of the following: plumbing, heating,
48 cooling, ventilation or exhaust duct systems, **[and]** mechanical

1 insulation, or ¹**[signs]** one or more signs in a project which cost a total
2 of more than \$30,000 and are part of a project upon completion¹; or

3 (b) any other fabrication which is either of components or
4 structures pre-fabricated to specifications for a particular project of
5 public work or of other materials finished into components without
6 further modification for use in a project of public work or for use in a
7 type or classification of a project of public work.

8 (cf: P.L.2019, c.44, s.1)

9

10 ¹**[2.** Section 2 of P.L.2002, c.44 (C.52:38-2) is amended as
11 follows:

12 2. For the purposes of this act:

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

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

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

34 "Project labor agreement" means a form of pre-hire collective
35 bargaining agreement covering terms and conditions of a specific
36 project.

37 "Public entity" means the State, any of its political subdivisions,
38 any authority created by the Legislature and any instrumentality or
39 agency of the State or of any of its political subdivisions.

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

47 (1) It is required by law that workers be paid the prevailing
48 wage determined by the Commissioner of Labor pursuant to the

1 provisions of the "New Jersey Prevailing Wage Act", P.L.1963,
2 c.150 (C.34:11-56.25 et seq.); and
3 (2) The public entity estimates that the total cost of the project,
4 exclusive of any land acquisition costs, will equal or exceed \$5
5 million; and
6 (3) The workers and their employers comply with all applicable
7 provisions of law regarding apprenticeship and other skill training
8 programs, including any applicable provision of P.L.2019, c.84
9 (C.34:15B-46 et al), the "New Jersey Prevailing Wage Act",
10 P.L.1963, c.150 (C.34:11-56.25 et seq.), and "The Public Works
11 Contractor Registration Act", P.L.1999, c.238 (C.34:11-
12 56.48 et seq.).
13 (cf: P.L.2002, c.44, s.2).¹

14
15 ¹[3.] 2.¹ This act shall take effect immediately.

16
17
18
19
20 _____
Concerns sign fabrication and prevailing wage requirements.

ASSEMBLY, No. 1536

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblywoman Murphy, Assemblymen Moriarty, Houghtaling, Moen, Mazzeo, Armato, Johnson, Tully, Assemblywoman Swain and Assemblyman Zwicker

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/14/2021)

A1536 SPEARMAN, MUKHERJI

2

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

3

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

6

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

9 2. As used in this act:

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

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

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

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

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

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

44 (b) The portion of the property or premises that is leased or
45 subject to an agreement to be subsequently leased by the public

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1 body measures more than 20,000 square feet.

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3 Workforce Development or his duly authorized representatives.

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

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

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

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23 56.25 et seq.) and the rules and regulations issued hereunder.

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29 the then current calendar year by the commissioner through rules
30 and regulations promulgated pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
32 amount shall be equal to \$9,850 on July 1, 1994 and which amount
33 shall be adjusted on July 1 every five calendar years thereafter in
34 direct proportion to the rise or fall in the average of the Consumer
35 Price Indices for Urban Wage Earners and Clerical Workers for the
36 New York metropolitan and the Philadelphia metropolitan regions
37 as reported by the United States Department of Labor during the
38 last full calendar year preceding the date upon which the adjustment
39 is made; and

40 (b) In the case of any public work other than a public work
41 described in paragraph (a) of this subsection, an amount equal to
42 \$2,000.

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

47 (b) any other fabrication which is either of components or
48 structures pre-fabricated to specifications for a particular project of

1 public work or of other materials finished into components without
2 further modification for use in a project of public work or for use in
3 a type or classification of a project of public work.

4 (cf: P.L.2019, c.44, s.1)

5

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

8 2. For the purposes of this act:

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

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

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

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

33 "Public entity" means the State, any of its political subdivisions,
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35 agency of the State or of any of its political subdivisions.

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

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

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

4 (3) The workers and their employers comply with all applicable
5 provisions of law regarding apprenticeship and other skill training
6 programs, including any applicable provision of P.L.2019, c.84
7 (C.34:15B-46 et al), the "New Jersey Prevailing Wage Act",
8 P.L.1963, c.150 (C.34:11-56.25 et seq.), and "The Public Works
9 Contractor Registration Act", P.L.1999, c.238 (C.34:11-
10 56.48 et seq.).

11 (cf: P.L.2002, c.44, s.2).

12

13 3. This act shall take effect immediately.

14

15

16

STATEMENT

17

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

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1536

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1536, with committee amendments.

This bill adds sign fabrication to the definition of “custom fabrication” which is subject to prevailing wage requirements under P.L.1963, c.150. Sign fabrication is regarded as custom fabrication covered by the bill only for signs which cost more than \$30,000 and are part of a project.

As amended, this bill is identical to Senate Bill No. 3844 (1R) of the 2020-2021 session.

COMMITTEE AMENDMENTS:

The amendments adopted by the committee remove all provisions of the bill regarding project labor agreements, deleting requirements of the bill that would have permitted custom fabrication, including sign fabrication, to be included as part of public works projects subject to project labor agreements, would have required those agreements to comply with certain training requirements, and would have included public works projects in which public bodies have proprietary interests as being eligible for project labor agreements.

The committee also amended the definition of “custom fabrication,” to include only those signs in a project which cost a total of more than \$30,000 and are part of a project upon completion.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 3844

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2021)

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

3

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

6

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

9 2. As used in this act:

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11 Workforce Development of the State of New Jersey.

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

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

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28 political subdivisions, any authority created by the Legislature of
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30 State of New Jersey or of any of its political subdivisions.

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35 body, except work performed under a rehabilitation program.
36 "Public work" shall also mean construction, reconstruction,
37 demolition, alteration, custom fabrication or repair work, done on
38 any property or premises, whether or not the work is paid for from
39 public funds, if, at the time of the entering into of the contract the
40 property or premises is owned by the public body or:

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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2 Workforce Development or his duly authorized representatives.

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

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

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

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

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

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

42 (12) "Custom fabrication" means:

43 (a) the fabrication of any of the following: plumbing, heating,
44 cooling, ventilation or exhaust duct systems, [and] mechanical
45 insulation, or one or more signs in a project which cost a total of
46 more than \$30,000 and are part of a project upon completion; or

47 (b) any other fabrication which is either of components or
48 structures pre-fabricated to specifications for a particular project of

1 public work or of other materials finished into components without
2 further modification for use in a project of public work or for use in
3 a type or classification of a project of public work.
4 (cf: P.L.2019, c.44, s.1)

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

8 2. For the purposes of this act:

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

17 "Custom fabrication" means custom fabrication as defined by
18 section 2 of P.L.1963, c.150 (C.34:11-56.26), including the
19 fabrication of signs meeting the requirements of the definition in
20 that section.

21 "Disadvantaged community" means a census block group, as
22 determined in accordance with the most recent United States
23 Census, in which:

24 (1) at least 35 percent of the households are low-income
25 households;

26 (2) at least 40 percent of the residents are minority group
27 members or members of a State-recognized tribal community; or

28 (3) at least 40 percent of the households have limited English
29 proficiency.

30 "Labor organization" means, with respect to a contracted work
31 on a public works project, an organization which represents, for
32 purposes of collective bargaining, employees involved in the
33 performance of public works contracts and eligible to be paid
34 prevailing wages under the "New Jersey Prevailing Wage Act",
35 P.L.1963, c.150 (C.34:11-56.25 et seq.) and has the present ability
36 to refer, provide or represent sufficient numbers of qualified
37 employees to perform the contracted work, in a manner consistent
38 with the provisions of this act and an y plan mutually agreed upon
39 by the labor organization and the public entity pursuant to
40 subsection g. of section 5 of this act.

41 "Low-income household" means a household that is at or below
42 twice the poverty threshold as that threshold is determined annually
43 by the United States Census Bureau.

44 "Political subdivision" means any county, municipality, school
45 district or other political subdivision of the State of New Jersey or
46 any instrumentality or agency of the political subdivision.

1 "Project labor agreement" means a form of pre-hire collective
2 bargaining agreement covering terms and conditions of a specific
3 project.

4 "Proprietary interest" means an economic and non-regulatory
5 interest of a public entity in the economic or financial success of a
6 covered public works project, including, but not limited to, the
7 interest of the public entity as a financier, investor, lessee, lessor,
8 operator, or owner of the project or property on which the project is
9 located, or as the provider or facilitator of financial assistance to or
10 for the project, whether by direct loan or grant, or by a guarantee,
11 subsidy, deposit, credit enhancement or similar method.

12 "Public entity" means the State, any of its political subdivisions,
13 any authority created by the Legislature and any instrumentality or
14 agency of the State or of any of its political subdivisions.

15 "Public works project" means any public work project in which a
16 public entity has a proprietary interest for construction,
17 reconstruction, demolition, **[or]** renovation, or custom fabrication
18 for which:

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

23 (2) The public entity estimates that the total cost of the project,
24 exclusive of any land acquisition costs, will equal or exceed \$5
25 million.

26 (cf: P.L.2021, c.69, s.1)

27

28 3. Section 5 of P.L.2002, c.44 (C.52:38-5) is amended to read
29 as follows:

30 5. Each project labor agreement executed pursuant to the
31 provisions of this act shall:

32 a. Advance the interests of the public entity, including the
33 interests in cost, efficiency, quality, timeliness, skilled labor force,
34 and safety;

35 b. Contain guarantees against strikes, lock-outs, or other
36 similar actions;

37 c. Set forth effective, immediate, and mutually binding
38 procedures for resolving jurisdictional and labor disputes arising
39 before the completion of the work;

40 d. Be made binding on all contractors and subcontractors on
41 the public works project through the inclusion of appropriate bid
42 specifications in all relevant bid documents;

43 e. Require that each contractor and subcontractor working on
44 the public works project have an apprenticeship program;

45 f. Fully conform to all statutes, regulations, executive orders
46 and applicable local ordinances regarding the implementation of
47 set-aside goals for women and minority owned businesses, the

- 1 obligation to comply with which shall be expressly provided in the
2 project labor agreement;
- 3 g. Include a publicly available plan regarding the shares of
4 employment and apprenticeship positions in the public works
5 project for minority group members and women which is in full
6 conformance with the requirements of all applicable statutes,
7 regulations, executive orders and local ordinances and is mutually
8 agreed upon by the participating labor organizations and the public
9 entity which will own the facilities which are built, altered or
10 repaired under the public works project, provided that any shares
11 mutually agreed upon pursuant to this subsection shall equal or
12 exceed the requirements of other statutes, regulations, executive
13 orders or local ordinances;
- 14 h. Require the contract for the public works project to provide
15 whatever resources may be needed to prepare for apprenticeship a
16 number of women and minority members sufficient to enable
17 compliance with the plan agreed upon pursuant to subsection g. of
18 this section and provide that the use of those resources be
19 administered jointly by the participating labor organizations and the
20 public entity or community-based organizations selected by the
21 public entity; **[and]**
- 22 i. Require the public body to monitor, or arrange to have a
23 State agency monitor, the amount and share of work done on the
24 project by minority group members and women and the progression
25 of minority group members and women into apprentice and journey
26 worker positions and require the public body to make public, or
27 have the State agency make public, all records of monitoring
28 conducted pursuant to this subsection; and
- 29 j. Require all contractors and subcontractors, and their
30 employees, to comply with all applicable provisions of law
31 regarding apprenticeship and other skill training programs,
32 including any applicable provision of the "Sign Fabrication Safety
33 Quality Assurance Act", P.L.2019, c.84 (C.34:15B-41 et al.), the
34 "New Jersey Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25
35 et seq.), and "The Public Works Contractor Registration Act",
36 P.L.1999, c.238 (C.34:11-56.48 et seq.).
37 (cf: P.L.2002,c.44,s.5)

38
39 4. This act shall take effect immediately.
40
41

42 STATEMENT
43

44 This bill adds sign fabrication to the definition of “custom
45 fabrication” which is subject to prevailing wage requirements under
46 P.L.1963, c.150. The bill also adds custom fabrication, including
47 sign fabrication, to the definition of a public works project for
48 which a project labor agreement may be entered into under the

1 provisions of P.L.2002, c.44, and requires that, under a project labor
2 agreement, the workers and their employers comply with all
3 applicable provisions of law regarding apprenticeship and other
4 skill training programs. Sign fabrication is regarded as custom
5 fabrication covered by the bill only for signs which cost more than
6 \$30,000 and are part of a project.

7 The bill changes the definition of a "public works project" from a
8 project "done at the public expense, including by means of tax
9 incentives or other incentives, or located on public property in
10 which a public entity has a proprietary interest" to projects in which
11 a public body has a "proprietary interest." The bill defines
12 "proprietary interest" as "an economic and non-regulatory interest
13 of a public entity in the economic or financial success of a covered
14 public works project, including, but not limited to, the interest of
15 the public entity as a financier, investor, lessee, lessor, operator, or
16 owner of the project or property on which the project is located, or
17 as the provider or facilitator of financial assistance to or for the
18 project, whether by direct loan or grant, or by a guarantee, subsidy,
19 deposit, credit enhancement or similar method."

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3844

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Labor Committee reports favorably, with committee amendments, Senate Bill No. 3844.

This bill adds sign fabrication to the definition of “custom fabrication” which is subject to prevailing wage requirements under P.L.1963, c.150. Sign fabrication is regarded as custom fabrication covered by the bill only for signs which cost more than \$30,000 and are part of a project.

The amendments adopted by the committee remove all provisions of the bill regarding project labor agreements, deleting requirements of the bill that would have permitted custom fabrication, including sign fabrication, to be included as part of public works projects subject to project labor agreements, would have required those agreements to comply with certain training requirements, and would have included public works projects in which public bodies have proprietary interests as being eligible for project labor agreements.

Governor Murphy Takes Action on Legislation

10/18/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-970/A-1385 (Ruiz, Cunningham/Moen) – Requires members of governing boards of public institutions of higher education to complete training program developed by institution in consultation with Secretary of Higher Education.

S-2875/A-5179 (Singleton, Turner/Reynolds-Jackson, Bergen, Holley) – Revises certain restrictions on ownership of medical cannabis alternative treatment centers; expands scope of review of alternative treatment center permit applications and related materials.

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A-1536/S-3844 (Spearman, Mukherji, Greenwald/Madden, Lagana) – Concerns sign fabrication and prevailing wage requirements.