

34:11-56.70a to 34:11-56.70c et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 **CHAPTER:** 68

NJSA: 34:11-56.70a to 34:11-56.70c et al ("Healthy Terminals Act"; requires certain airport and train station workers to be paid certain wage rates and benefits.)

BILL NO: S989 (Substituted for A2487 (ACS))

SPONSOR(S) Weinberg, Loretta and others

DATE INTRODUCED: 1/30/2020

COMMITTEE: **ASSEMBLY:** Labor
 Appropriations

 SENATE: Labor
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/25/2021

SENATE: 2/19/2021

DATE OF APPROVAL: 4/29/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Senate Committee Substitute enacted) Yes

S989

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Labor
 Appropriations

SENATE: Yes Labor
 Budget & Appropriations

(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

A2487 (ACS)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Labor
 Appropriations

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

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:

Yes

Stacey Barchenger, Trenton Bureau, 'NEWARK AIRPORT WORKERS TO GET BETTER PAY UNDER NEW LAW', Record, The (online), 30 Apr 2021 L2

Brent Johnson - For The Star-Ledger, 'Many workers are now guaranteed wages, benefits', South Jersey Times (online), 30 Apr 2021 014

Daniel J. Munoz, 'NJ, NY govs approve wage hikes, health care supplement for airport workers', NJBIZ (online), 29 Apr 2021

RH/CL

P.L. 2021, CHAPTER 68, *approved April 29, 2021*
Senate Committee Substitute for
Senate, No. 989

1 AN ACT concerning prevailing wages and benefits of certain airport
2 and train station workers and amending and supplementing
3 P.L.2005, c.379.

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

7
8 1. Section 1 of P.L.2005, c.379 (C.34:11-56.58) is amended to
9 read as follows:

10 1. a. It is declared to be the public policy of this State to
11 establish prevailing wage levels for the employees of contractors
12 and subcontractors furnishing building services for any property or
13 premises owned or leased by the State in order to safeguard the
14 efficiency and general well-being of those employees and to protect
15 them and their employers from the effects of serious and unfair
16 competition based on low wage levels which are detrimental to
17 efficiency and well-being.

18 b. It is further declared that:

19 In 2018, over 30 million passengers traveled through Newark
20 Liberty International Airport, making this airport, combined with
21 the Newark Liberty International Airport Train Station, one of the
22 busiest transit hubs in the country.

23 The workers at the airport and train station often cannot afford
24 employer-provided healthcare plans, and unaffordable healthcare
25 expenses is one of the sources of the high rates of turnover for the
26 workers in the airport and train station.

27 Improved retention rates of workers in the airport and train
28 station is an investment in service and safety for all who pass
29 through the airport and train station and compensating these
30 workers so that they can afford healthcare and receive a prevailing
31 wage is a way to increase retention.

32 (cf: P.L.2005, c.379, s.1)

33

34 2. Section 2 of P.L.2005, c.379 (C.34:11-56.59) is amended to
35 read as follows:

36 2. As used in this act:

37 "Commissioner" means the Commissioner of Labor and
38 Workforce Development or the commissioner's duly authorized
39 representatives.

40 "Building services" means any cleaning or building maintenance
41 work, including but not limited to sweeping, vacuuming, floor

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 cleaning, cleaning of rest rooms, collecting refuse or trash, window
2 cleaning, engineering, securing, patrolling, or other work in
3 connection with the care, securing, or maintenance of an existing
4 building, except that "building services" shall not include
5 any maintenance work or other public work for which a contractor is
6 required to pay the "prevailing wage" as defined in section 2 of
7 P.L.1963, c.150 (C.34:11-56.26).

8 "Leased by the State" means that not less than 55% of the
9 property or premises is leased by the State, provided that the portion
10 of the property or premises that is leased by the State measures
11 more than 20,000 square feet.

12 "Prevailing wage for building services and covered airport or
13 related location workers" means the wage and benefit rates
14 designated by the commissioner based on the determinations made
15 by the General Services Administration pursuant to the federal
16 **["Service Contract Act of 1965" (41 U.S.C. s.351 et seq.)]**
17 McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et
18 seq.), for the appropriate localities and classifications of building
19 service employees; provided, however, that in no event shall the
20 prevailing wage rate applicable to a covered airport or related
21 location worker on and after September 1, 2021 and every year
22 thereafter be less than the following:

23 (1) any otherwise applicable minimum wage rate established
24 through a policy of the Port Authority of New York and New
25 Jersey; and

26 (2) an amount of wages or supplements equal to the rate for
27 health and welfare for all occupations, designated by the
28 commissioner based on the determinations made by the federal
29 department of labor pursuant to the McNamara-O'Hara Service
30 Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic
31 region in which the covered airport location is located and in effect
32 on the date of the designation by the commissioner; and

33 (3) paid leave equal to the paid leave requirements designated
34 by the Commissioner the immediately preceding August 1, based on
35 the determinations made by the General Services Administration
36 pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41
37 U.S.C. 6701 et seq.).

38 "The State" means the State of New Jersey and all of its
39 departments, bureaus, boards, commissions, agencies and
40 instrumentalities, including any State institutions of higher
41 education, but does not include political subdivisions.

42 "State institutions of higher education," means Rutgers, The
43 State University of New Jersey, Rowan University, the New Jersey
44 Institute of Technology, and Montclair State University, and any of
45 the State colleges or universities established pursuant to chapter 64
46 of Title 18A of the New Jersey Statutes, but does not include any
47 county college established pursuant to chapter 64A of Title 18A of
48 the New Jersey Statutes.

1 “Covered airport or related location” means the Newark Liberty
2 International Airport and the Newark Liberty International Airport
3 Train Station.

4 “Covered airport or related location employer” means:

5 (1) any person, corporation, limited liability company, or
6 association employing any covered airport or related location
7 worker in an occupation, industry, trade, business or service; or

8 (2) any person who contracts with a person to perform work
9 related to the preparation or delivery of food for consumption on
10 airplanes departing from a covered airport or related location.

11 “Covered airport or related location employer” shall not include
12 a public agency.

13 “Covered airport or related location worker” means:

14 (1) any person employed to perform work at a covered airport or
15 related location, provided at least half of the employee's time during
16 any workweek is performed at a covered airport and related
17 location; or

18 (2) any person who performs work related to the preparation or
19 delivery of food for consumption on airplanes departing from a
20 covered airport or related location.

21 “Covered airport or related location worker” shall not include
22 persons employed in an executive, administrative, or professional
23 capacity as defined in subparagraph 1 of paragraph (a) of section 13
24 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.),
25 persons employed by a public agency.

26 “Public agency” means:

27 (1) any department or agency of the State of New Jersey and
28 any political subdivision thereof;

29 (2) the New Jersey Transit Corporation; and

30 (3) the Port Authority of New York and New Jersey.

31 (cf: P.L.2017, c.178, s.65)

32

33 3. Section 4 of P.L.2005, c.379 (C.34:11-56.61) is amended to
34 read as follows:

35 4. Each contractor and subcontractor shall keep an accurate
36 record showing the name, classification, and actual hourly rate of
37 wages and any benefits paid to each worker employed by him to
38 perform building services pursuant to a State contract or
39 subcontract, and shall preserve those records for two years after the
40 date of payment. **【The record】** Each covered airport or related
41 location employer shall keep an accurate record showing the name,
42 classification, and actual hourly rate of wages and any benefits paid
43 to each covered airport or related location employee, and shall
44 preserve those records for two years after the date of payment.
45 Such records shall be open at all reasonable hours to inspection by
46 the Director of the Division of Purchase and Property and the
47 commissioner.

48 (cf: P.L.2005, c.379. s.4)

1 4. Section 5 of P.L.2005, c.379 (C.34:11-56.62) is amended to
2 read as follows:

3 5. Any worker paid less than the prevailing wage for building
4 services and covered airport or related location workers to which
5 the worker is entitled by the provisions of this act may recover in a
6 civil action the full amount of the prevailing wage for building
7 services and covered airport or related location workers less any
8 amount actually paid to the worker by the employer together with
9 any costs and reasonable attorney's fees allowed by the court, and
10 an agreement between the worker and the employer to work for less
11 than the prevailing wage for building services and covered airport
12 or related location workers shall not be a defense to the action. The
13 worker shall be entitled to maintain an action for and on behalf of
14 the worker or other workers similarly situated and the worker or
15 workers may designate an agent or representative to maintain such
16 actions for and on behalf of all workers similarly situated. At the
17 request of any worker paid less than the prevailing wage for
18 building services and covered airport or related location workers
19 required under the provisions of this act, the commissioner may
20 take an assignment of the wage claim in trust for the assigning
21 worker or workers and may bring any legal action necessary to
22 collect the claim, and the employer shall be required to pay any
23 costs and such reasonable attorney's fee as are allowed by the court.
24 (cf: P.L.2005, c.379, s.5)
25

26 5. Section 6 of P.L.2005, c.379 (C.34:11-56.63) is amended to
27 read as follows:

28 6. The commissioner shall have the authority to:

29 a. investigate and ascertain the wages of any employees of a
30 contractor or subcontractor furnishing building services for any
31 property or premises owned or leased by the State, or of any
32 covered airport or related location workers;

33 b. enter and inspect the place of business or employment of any
34 contractor or subcontractor furnishing building services for any
35 property or premises owned or leased by the State, or of any
36 covered airport or related location employer for the purpose of
37 examining and inspecting any or all books, registers, payrolls, and
38 other records of any such contractor or subcontractor, or of any
39 covered airport or related location employer that in any way relate
40 to or have a bearing upon the question of wages, hours, and other
41 conditions of employment of any employees of such contractor or
42 subcontractor, or of any covered airport or related location workers;
43 copy any or all of such books, registers, payrolls, and other records
44 as the commissioner may deem necessary or appropriate; and
45 question the employees of such contractor or subcontractor or any
46 covered airport or related location workers for the purpose of
47 ascertaining whether the provisions of this act have been and are
48 being complied with;

1 c. require from such contractor or subcontractor, or covered
2 airport or related location employer, full and correct statements in
3 writing, including sworn statements, with respect to wages, hours,
4 names, addresses, and other information pertaining to the contractor
5 or subcontractor's workers, or covered airport or related location
6 workers, and their employment as the commissioner may deem
7 necessary or appropriate; and

8 d. require any contractor or subcontractor, or covered airport or
9 related location employer, to file, within 10 days of receipt of a
10 request, any records enumerated in subsections b. and c. of this
11 section, sworn as to their validity and accuracy. If the contractor or
12 subcontractor fails to provide the requested records within 10 days,
13 the State Treasurer may immediately withhold from payment to the
14 employer up to 25% of the amount, not to exceed \$100,000, to be
15 paid to the employer under the terms of the contract pursuant to
16 which the building services work is being performed. The amount
17 withheld shall be immediately released upon receipt by the State
18 Treasurer of a notice from the commissioner indicating that the
19 request for records has been satisfied.

20 (cf: P.L.2005, c.379, s.6)

21
22 6. Section 7 of P.L.2005, c.379 (C.34:11-56.64) is amended to
23 read as follows:

24 7. Any contractor or subcontractor, or covered airport or
25 related location employer, who willfully hinders or delays the
26 commissioner in the performance of the commissioner's duties in
27 the enforcement of this act, or fails to make, keep, and preserve any
28 records as required under the provisions of this act, or falsifies any
29 such record, or refuses to make any such record accessible to the
30 commissioner upon demand, or refuses to furnish a sworn statement
31 of such record or any other information required for the proper
32 enforcement of this act to the commissioner upon demand, or pays
33 or agrees to pay wages at a rate less than the rate applicable under
34 this act or otherwise violates any provision of this act or of any
35 regulation or order issued under this act shall be guilty of a
36 disorderly persons offense and shall, upon conviction therefor, be
37 fined not less than \$100.00 nor more than \$1,000 or be imprisoned
38 for not less than 10 nor more than 90 days, or by both such fine and
39 imprisonment. Each week, in any day of which a worker is paid
40 less than the rate applicable to that worker under this act and each
41 worker so paid, shall constitute a separate offense.

42 As an alternative to or in addition to any other sanctions
43 provided by law for violations of any provision of this act, if the
44 commissioner finds that a contractor or subcontractor, or covered
45 airport or related location employer, has violated the act, the
46 commissioner is authorized to assess and collect administrative
47 penalties, up to a maximum of \$250 for a first violation and up to a
48 maximum of \$500 for each subsequent violation, specified in a

1 schedule of penalties to be promulgated as a rule or regulation by
2 the commissioner in accordance with the "Administrative Procedure
3 Act," P.L.1968, c.410 (C. 52:14B-1 et seq.). When determining the
4 amount of the penalty imposed because of a violation, the
5 commissioner shall consider factors which include the history of
6 previous violations by the contractor or subcontractor, or covered
7 airport or related location employer, the seriousness of the
8 violation, the good faith of the contractor or subcontractor, or
9 covered airport or related location employer, and the size of the
10 contractor's or subcontractor's, or covered airport or related location
11 employer's, business. No administrative penalty shall be levied
12 pursuant to this section unless the commissioner provides the
13 alleged violator with notification of the violation and of the amount
14 of the penalty by certified mail and an opportunity to request a
15 hearing before the commissioner or the commissioner's designee
16 within 15 days following the receipt of the notice. If a hearing is
17 requested, the commissioner shall issue a final order upon such
18 hearing and a finding that a violation has occurred. If no hearing is
19 requested, the notice shall become a final order upon expiration of
20 the 15-day period. Payment of the penalty shall be due when a final
21 order is issued or when the notice becomes a final order. Any
22 penalty imposed pursuant to this section may be recovered with
23 costs in a summary proceeding commenced by the commissioner
24 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
25 c.274 (C.2A:58-10 et seq.). Any sum collected as a fine or penalty
26 pursuant to this section shall be applied toward enforcement and
27 administration costs of the Division of Workplace Standards in the
28 Department of Labor and Workforce Development.
29 (cf: P.L.2005, c.379, s.7)

30
31 7. Section 8 of P.L.2005, c.379 (C.34:11-56.65) is amended to
32 read as follows:

33 8. As an alternative to any other sanctions or in addition
34 thereto, herein or otherwise provided by law for violation of this
35 act, the commissioner is authorized to supervise the payment of
36 amounts due to workers under this act, and the contractor or
37 subcontractor, or covered airport or related location employer, may
38 be required to make these payments to the commissioner to be held
39 in a special account in trust for the workers, and paid on order of
40 the commissioner directly to the worker or workers affected. The
41 contractor or subcontractor, or covered airport or related location
42 employer shall also pay the commissioner an administrative fee
43 equal to not less than 10% or more than 25% of any payment made
44 to the commissioner pursuant to this section. The amount of the
45 administrative fee shall be specified in a schedule of fees to be
46 promulgated by rule or regulation of the commissioner in
47 accordance with the "Administrative Procedure Act," P.L.1968, c.
48 410 (C. 52:14B-1 et seq.). The fee shall be applied toward

1 enforcement and administration costs of the Division of
2 WorkplaceStandards in the Department of Labor and Workforce
3 Development.

4 (cf: P.L.2005, c.379, s.8)

5

6 8. Section 9 of P.L.2005, c.379 (C.34:11-56.66) is amended to
7 read as follows:

8 9. Any contractor or subcontractor, or covered airport or
9 related location employer, who discharges or in any other manner
10 discriminates against any worker because the worker has made any
11 complaint to the worker's employer, to the State Treasurer or to the
12 commissioner that the worker has not been paid wages in
13 accordance with the provisions of this act, or because the worker
14 has caused to be instituted or is about to cause to be instituted any
15 proceeding under or related to this act, or because the worker has
16 testified or is about to testify in any such proceeding shall be guilty
17 of a disorderly persons offense and shall, upon conviction therefor,
18 be fined not less than \$100 nor more than \$1,000.

19 As an alternative to or in addition to any other sanctions
20 provided by law for violations of any provision of this act, if the
21 commissioner finds that a contractor or subcontractor, or a covered
22 airport or related location employer, has violated the act, the
23 commissioner is authorized to assess and collect administrative
24 penalties, up to a maximum of \$250 for a first violation and up to a
25 maximum of \$500 for each subsequent violation, specified in a
26 schedule of penalties to be promulgated as a rule or regulation by
27 the commissioner in accordance with the "Administrative Procedure
28 Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.). When determining the
29 amount of the penalty imposed because of a violation, the
30 commissioner shall consider factors which include the history of
31 previous violations by the contractor or subcontractor, or covered
32 airport or related location employer, the seriousness of the
33 violation, the good faith of the contractor or subcontractor, or
34 covered airport or related location employer, and the size of the
35 contractor's or subcontractor's, or covered airport or related location
36 employer's, business. No administrative penalty shall be levied
37 pursuant to this section unless the commissioner provides the
38 alleged violator with notification of the violation and of the amount
39 of the penalty by certified mail and an opportunity to request a
40 hearing before the commissioner or the commissioner's designee
41 within 15 days following the receipt of the notice. If a hearing is
42 requested, the commissioner shall issue a final order upon such
43 hearing and a finding that a violation has occurred. If no hearing is
44 requested, the notice shall become a final order upon expiration of
45 the 15-day period. Payment of the penalty shall be due when a final
46 order is issued or when the notice becomes a final order. Any
47 penalty imposed pursuant to this section may be recovered with
48 costs in a summary proceeding commenced by the commissioner

1 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
2 c.274 (C.2A:58-10 et seq.). Any sum collected as a fine or penalty
3 pursuant to this section shall be applied toward enforcement and
4 administration costs of the Division of Workplace Standards in the
5 Department of Labor and Workforce Development.
6 (cf: P.L.2005, c.379, s.9)

7
8 9. (New section) Not earlier than September 1, 2021, every
9 covered airport or related location employer shall pay a covered
10 airport or related location worker a wage of not less than the
11 prevailing wage rate applicable to that covered airport or related
12 location worker. Nothing in this article shall alter or limit any
13 employer's obligation to pay any otherwise applicable prevailing
14 wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150
15 (C.34:11-56.25 et seq.) or the prevailing wage levels for the
16 employees of contractors and subcontractors furnishing building
17 services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).

18
19 10. (New section) On August 1, 2021 and each August 1
20 thereafter, the commissioner shall designate the supplemental
21 benefits rate and paid leave requirements required under the
22 determinations made by the General Services Administration
23 pursuant to the federal McNamara-O'Hara Service Contract Act of
24 1965 (41 U.S.C. 6701 et seq.). The commissioner shall publicly
25 post the designated supplemental benefits rates and paid leave
26 requirements.

27
28 11. (New section) The commissioner, in consultation with the
29 Department of Transportation and the Attorney General, shall
30 promulgate rules and regulations, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six
32 months of the date of enactment of this act, to implement the
33 provisions of this act.

34
35 12. This act shall take effect immediately.

36
37
38
39
40 "Healthy Terminals Act"; requires certain airport and train
41 station workers to be paid certain wage rates and benefits under
42 "New Jersey Prevailing Wage Act."

SENATE, No. 989

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Ruiz, Cruz-Perez, Sacco, Singleton, Diegnan, Stack, Cunningham, Codey, Lagana, Vitale and Gopal

SYNOPSIS

“Healthy Terminals Act”; requires certain airport and train station workers to be paid certain wage rates and benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/10/2020)

1 AN ACT concerning wages and benefits of certain airport and train
2 station workers and supplementing P.L.2005, c.379 (C.34:11-
3 56.58 et seq.).

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

7
8 1. The Legislature finds and declares that:

9 a. In 2018, over 30 million passengers traveled through
10 Newark Liberty International Airport, making this airport and the
11 Newark Liberty International Airport Train Station one of the
12 busiest transit hubs in the country.

13 b. The workers at the airport and train station often cannot
14 afford employer-provided healthcare plans, and unaffordable
15 healthcare expenses is one of the sources of the high rates of
16 turnover for the workers in the airport and train station.

17 c. Improved retention rates of workers in the airport and train
18 station is an investment in service and safety for all who pass
19 through the airport and train station and compensating these
20 workers so that they can afford healthcare and receive a living wage
21 is a way to increase retention.

22
23 2. As used in this act:

24 a. "Applicable standard rate" shall mean a combination of:

- 25 (1) the standard wage rate;
26 (2) the standard benefits supplement rate; and
27 (3) the standard paid leave.

28 b. "Covered airport and related location" means Newark
29 Liberty International Airport and Newark Liberty International
30 Airport Train Station.

31 c. "Covered airport and related location worker" means any
32 person employed to perform work at a covered airport and related
33 location, provided at least half of the employee's time during any
34 workweek is performed at a covered airport and related location.

35 "Covered airport and related location worker" shall not include
36 persons employed in an executive, administrative, or professional
37 capacity as defined in subparagraph 1 of paragraph (a) of section 13
38 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.).

39 "Covered airport and related location worker" shall not include any
40 person employed by a public agency.

41 d. "Public agency" means:

42 (1) any department or agency of the State of New Jersey and
43 any political subdivision thereof;

44 (2) the New Jersey Transit Corporation; and

45 (3) the Port Authority of New York and New Jersey.

46 e. "Standard benefits supplement rate" means an hourly
47 supplement furnished by a contractor to an employee in one of the
48 following ways:

1 (1) in the form of health and other benefits (not including paid
2 leave) that cost the employer the entire required hourly
3 supplemental amount;

4 (2) by providing a portion of the required hourly supplement in
5 the form of health and other benefits (not including paid leave) and
6 the balance in cash; or

7 (3) by providing the entire supplement in cash.

8 Effective September 1, 2020 and each September 1 thereafter,
9 the required hourly supplement shall be an amount equal to the
10 supplemental benefits rate designated by the Commissioner the
11 immediately preceding August 1, based on the determination made
12 by the United States Department of Labor pursuant to the federal
13 “McNamara-O’Hara Service Contract Act” (41 U.S.C. s.6701 et
14 seq.), for the classification of "Guard I" for the county in which the
15 covered airport and related location is located.

16 f. “Standard paid leave” means effective September 1, 2020
17 and each September 1 thereafter, paid leave equal to the paid leave
18 requirements designated by the Commissioner the immediately
19 preceding August 1, based on the determination made by the United
20 States Department of Labor pursuant to the federal “McNamara-
21 O’Hara Service Contract Act” (41 U.S.C. s.6701 et seq.), for the
22 classification of "Guard I" for the county in which the covered
23 airport and related location is located.

24 g. "Standard wage rate" means:

25 (1) effective September 1, 2020, the greater of:

26 (a) \$2.00 more than any minimum wage rate, that would be
27 otherwise applicable to covered airport and related location
28 workers, established by the “New Jersey State Wage and Hour
29 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

30 (b) any otherwise applicable minimum wage rate established
31 through a policy of the Port Authority of New York and New
32 Jersey;

33 (2) effective September 1, 2021 the greater of:

34 (a) \$2.50 more than any minimum wage rate, that would be
35 otherwise applicable to Covered Airport and Related Location
36 workers, established by the “New Jersey State Wage and Hour
37 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

38 (b) any otherwise applicable minimum wage rate established
39 through a policy of the Port Authority of New York and New
40 Jersey;

41 (3) effective September 1, 2022 the greater of:

42 (a) \$3.00 more than any minimum wage rate, that would be
43 otherwise applicable to Covered Airport and Related Location
44 workers, established by the “New Jersey State Wage and Hour
45 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

46 (b) any otherwise applicable minimum wage rate established
47 through a policy of the Port Authority of New York and New
48 Jersey;

1 (4) effective September 1, 2023 the greater of:

2 (a) \$3.50 more than any minimum wage rate, that would be
3 otherwise applicable to covered airport and related location
4 workers, established by the “New Jersey State Wage and Hour
5 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

6 (b) any otherwise applicable minimum wage rate established
7 through a policy of the Port Authority of New York and New
8 Jersey;

9 (5) effective September 1, 2024 the greater of:

10 (a) \$4.00 more than any minimum wage rate, that would be
11 otherwise applicable to covered airport and related location
12 workers, established by the “New Jersey State Wage and Hour
13 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

14 (b) any otherwise applicable minimum wage rate established
15 through a policy of the Port Authority of New York and New
16 Jersey;

17 (6) effective September 1, 2025, and each September 1
18 thereafter, the greater of:

19 (a) \$4.00 more than any minimum wage rate, that would be
20 otherwise applicable to covered airport and related location
21 workers, established by the “New Jersey State Wage and Hour
22 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

23 (b) any otherwise applicable minimum wage rate established
24 through a policy of the Port Authority of New York and New
25 Jersey; or

26 (c) an amount equal to the wage rate designated by the
27 commissioner the immediately preceding August 1 based on the
28 determination made by the United States Department of Labor
29 pursuant to the federal “McNamara-O'Hara Service Contract Act”
30 (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the
31 county in which the covered airport and related location is located.

32

33 3. On August 1, 2020 and each August 1 thereafter, the
34 commissioner shall designate the supplemental benefits rate and
35 paid leave requirements required under the determination made by
36 the United States Department of Labor pursuant to the federal
37 “McNamara-O'Hara Service Contract Act” (41 U.S.C. s.6701 et
38 seq.), for the classification of "Guard I" for the county in which the
39 covered airport and related location is located. The commissioner
40 shall publicly post the designated supplemental benefits rates and
41 paid leave requirements.

42

43 4. Any employer of a covered airport and related location
44 worker shall ensure that such covered airport and related location
45 worker is compensated at a rate that is no less than the applicable
46 standard rate. Nothing in this article shall alter or limit any
47 employer’s obligation to pay any otherwise applicable prevailing
48 wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150

1 (C.34:11-56.25 et seq.) or the prevailing wage levels for the
2 employees of contractors and subcontractors furnishing building
3 services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).
4

5 5. The commissioner, in consultation with the Department of
6 Transportation and the Attorney General, shall promulgate rules and
7 regulations, pursuant to the “Administrative Procedure Act,”
8 P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the date
9 of enactment of this act, to implement the provisions of this act.
10

11 6. This act shall be known and may be cited as the “Healthy
12 Terminals Act.”
13

14 7. This act shall take effect on the first day of the third month
15 next following enactment.
16
17

18 STATEMENT
19

20 This bill requires certain airport and train station workers to be
21 paid certain wage rates and supplemental benefits. Specifically, the
22 bill requires certain workers at the Newark Liberty International
23 Airport and Newark Liberty International Airport Train Station to
24 be paid certain wage rates that rise annually over the course of six
25 years, from September 1, 2020 to September 1, 2025.

26 Under the bill, covered airport and related location worker means
27 any person employed to perform work at Newark Liberty
28 International Airport or Newark Liberty International Airport Train
29 Station, provided at least one-half of the employee's time during
30 any workweek is performed at Newark Liberty International Airport
31 or Newark Liberty International Airport Train Station. The term
32 will not include not include persons employed in an executive,
33 administrative, or professional capacity, or any person employed by
34 a public agency.

35 In 2020, the wage rate will be the greater of: \$2.00 more than
36 any minimum wage rate, that would be otherwise applicable to
37 covered airport and related location workers, established by the
38 “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-
39 56a et seq.); or any otherwise applicable minimum wage rate
40 established through a policy of the Port Authority of New York and
41 New Jersey.

42 In 2025, and each September 1 thereafter, the wage rate will be
43 the greater of: \$4.00 more than any minimum wage rate, that would
44 be otherwise applicable to covered airport and related location
45 workers, established by the “New Jersey State Wage and Hour
46 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or any otherwise
47 applicable minimum wage rate established through a policy of the
48 Port Authority of New York and New Jersey; or an amount equal to

1 the wage rate designated by the commissioner the immediately
2 preceding August 1 based on the determination made by the United
3 States Department of Labor pursuant to the federal “McNamara-
4 O'Hara Service Contract Act” (41 U.S.C. s.6701 et seq.), for the
5 classification of "Guard I" for the county in which the covered
6 airport and related location is located.

7 Additionally, the bill mandates a standard benefits supplement
8 rate and paid leave requirements for covered airport and train
9 station workers.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 989

STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Labor Committee reports favorably Senate Committee Substitute for Senate Bill No. 989.

This committee substitute requires certain airport and train station workers to be paid certain wage rates and benefits and makes those requirements subject to P.L.2005, c.379. The bill requires that the wage rates are at least the wages set under the federal service prevailing wage law, which is the same standard as the State service prevailing wage law. However, the State law pertains only to building services, defined as janitorial and security services, while this bill covers all jobs under the terminal contractors, except certain specified managerial jobs.

Under the bill, "covered airport or related location worker" means

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location. The term does not include persons employed in an executive, administrative, or professional capacity or any person employed by a public agency.

The bill provides that the prevailing wage rates will be a minimum standard rate of compensation for these workers, as follows:

On and after September 1, 2021 and every year thereafter, in no event will the prevailing wage rate applicable to a covered airport or related location worker be less than the following:

(a) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(b) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(c) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.).

The bill defines "covered airport or related location" as Newark Liberty International Airport and Newark Liberty International Airport Train Station.

In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport and the Newark Liberty International Airport Train Station one of the busiest transit hubs in the country.

The workers at the airport and train station often cannot afford employer-provided healthcare plans, and unaffordable healthcare expenses is one of the sources of the high rates of turnover for the workers in the airport and train station.

Improved retention rates of workers in the airport and train station is an investment in service and safety for all who pass through the airport and train station and compensating these workers so that they can afford healthcare and receive a prevailing wage is a way to increase retention.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 989

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 989 SCS.

The bill requires certain airport and train station workers to be paid certain wage rates and benefits and makes those requirements subject to P.L.2005, c.379. The bill requires that the wage rates are at least the wages set under the federal service prevailing wage law, which is the same standard as the State service prevailing wage law. However, the State law pertains only to building services, defined as janitorial and security services, while this bill covers all jobs under the terminal contractors, except certain specified managerial jobs.

Under the bill, "covered airport or related location worker" means

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location. The term does not include persons employed in an executive, administrative, or professional capacity or any person employed by a public agency.

The bill provides that the prevailing wage rates will be a minimum standard rate of compensation for these workers, as follows:

On and after September 1, 2021 and every year thereafter, in no event will the prevailing wage rate applicable to a covered airport or related location worker be less than the following:

(a) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(b) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(c) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.).

The bill defines "covered airport or related location" as Newark Liberty International Airport and Newark Liberty International Airport Train Station.

As reported by the committee, Senate Bill No. 989 (SCS) is identical to Assembly Bill No. 2487 (ACS), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 989

STATE OF NEW JERSEY

DATED: AUGUST 10, 2020

The Senate Labor Committee reports favorably, with committee amendments, Senate Bill, No. 989.

As amended by the committee, this bill requires certain airport and train station workers to be paid certain wage rates and supplemental benefits. Specifically, the bill requires certain workers at the Newark Liberty International Airport and Newark Liberty International Airport Train Station to be paid certain wage rates that rise annually over the course of six years, from September 1, 2021 to September 1, 2026.

Under the bill, covered airport and related location worker means any person employed to perform work at Newark Liberty International Airport or Newark Liberty International Airport Train Station, provided at least one-half of the employee's time during any workweek is performed at Newark Liberty International Airport or Newark Liberty International Airport Train Station. The term will not include persons employed in an executive, administrative, or professional capacity, or any person employed by a public agency.

In 2021, the wage rate will be the greater of: \$2.00 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.); or any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey.

In 2026, and each September 1 thereafter, the wage rate will be the greater of: \$4.00 more than any minimum wage rate, that would be otherwise applicable to covered airport and related location workers, established by the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.); or any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; or an amount equal to the wage rate designated by the commissioner the immediately preceding August 1 based on the determination made by the United States Department of Labor pursuant to the federal "McNamara-O'Hara Service Contract Act" (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the county in which the covered airport and related location is located.

Additionally, the bill mandates a standard benefits supplement rate and paid leave requirements for covered airport and train station workers.

COMMITTEE AMENDMENTS:

The committee amended the bill to delay the dates that the wage increases go into effect by one year, starting with changing the year of the first increase from 2020 to 2021, and concluding with changing the last year of increase from 2025 to 2026.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 989

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 989.

This committee substitute requires certain airport and train station workers to be paid certain wage rates and benefits and makes those requirements subject to the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

Under the bill, "covered airport or related location worker" means

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location. The term does not include persons employed in an executive, administrative, or professional capacity or any person employed by a public agency.

The bill provides that the prevailing wage rates will be a minimum standard rate of compensation for these workers, as follows:

On and after September 1, 2021 and every year thereafter, in no event will the prevailing wage rate applicable to a covered airport or related location worker be less than the following:

(a) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(b) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(c) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.).

The bill defines “covered airport or related location” as Newark Liberty International Airport and Newark Liberty International Airport Train Station.

In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport and the Newark Liberty International Airport Train Station one of the busiest transit hubs in the country.

The workers at the airport and train station often cannot afford employer-provided healthcare plans, and unaffordable healthcare expenses is one of the sources of the high rates of turnover for the workers in the airport and train station.

Improved retention rates of workers in the airport and train station is an investment in service and safety for all who pass through the airport and train station and compensating these workers so that they can afford healthcare and receive a prevailing wage is a way to increase retention.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY, No. 2487

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblyman Holley, Assemblywomen Chaparro, Vainieri Huttle, Timberlake, McKnight, Murphy, Assemblyman Verrelli, Assemblywoman Tucker, Assemblymen McKeon, Chiaravalloti, Assemblywoman Sumter, Assemblymen Mukherji, DeAngelo, Giblin, Johnson, Mejia, Assemblywoman Jimenez, Assemblymen Kennedy, Burzichelli, Moen, Zwicker, Assemblywomen Lopez, Pintor Marin, Assemblyman Danielsen, Assemblywoman Reynolds-Jackson, Assemblymen Schaer, Taliaferro, Wimberly, Freiman, Spearman, Assemblywomen Carter, Swain, Assemblyman Tully, Assemblywomen Jasey, Downey, Assemblymen Caputo, Houghtaling and Karabinchak

SYNOPSIS

“Healthy Terminals Act”; requires certain airport and train station workers to be paid certain wage rates and benefits.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT concerning wages and benefits of certain airport and train
2 station workers and supplementing P.L.2005, c.379 (C.34:11-
3 56.58 et seq.).

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

7
8 1. The Legislature finds and declares that:

9 a. In 2018, over 30 million passengers traveled through
10 Newark Liberty International Airport, making this airport and the
11 Newark Liberty International Airport Train Station one of the
12 busiest transit hubs in the country.

13 b. The workers at the airport and train station often cannot
14 afford employer-provided healthcare plans, and unaffordable
15 healthcare expenses is one of the sources of the high rates of
16 turnover for the workers in the airport and train station.

17 c. Improved retention rates of workers in the airport and train
18 station is an investment in service and safety for all who pass
19 through the airport and train station and compensating these
20 workers so that they can afford healthcare and receive a living wage
21 is a way to increase retention.

22
23 2. As used in this act:

24 a. "Applicable standard rate" shall mean a combination of:

- 25 (1) the standard wage rate;
26 (2) the standard benefits supplement rate; and
27 (3) the standard paid leave.

28 b. "Covered airport and related location" means Newark
29 Liberty International Airport and Newark Liberty International
30 Airport Train Station.

31 c. "Covered airport and related location worker" means any
32 person employed to perform work at a covered airport and related
33 location, provided at least half of the employee's time during any
34 workweek is performed at a covered airport and related location.

35 "Covered airport and related location worker" shall not include
36 persons employed in an executive, administrative, or professional
37 capacity as defined in subparagraph 1 of paragraph (a) of section 13
38 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.).

39 "Covered airport and related location worker" shall not include any
40 person employed by a public agency.

41 d. "Public agency" means:

42 (1) any department or agency of the State of New Jersey and
43 any political subdivision thereof;

44 (2) the New Jersey Transit Corporation; and

45 (3) the Port Authority of New York and New Jersey.

46 e. "Standard benefits supplement rate" means an hourly
47 supplement furnished by a contractor to an employee in one of the
48 following ways:

1 (1) in the form of health and other benefits (not including paid
2 leave) that cost the employer the entire required hourly
3 supplemental amount;

4 (2) by providing a portion of the required hourly supplement in
5 the form of health and other benefits (not including paid leave) and
6 the balance in cash; or

7 (3) by providing the entire supplement in cash.

8 Effective September 1, 2020 and each September 1 thereafter,
9 the required hourly supplement shall be an amount equal to the
10 supplemental benefits rate designated by the Commissioner the
11 immediately preceding August 1, based on the determination made
12 by the United States Department of Labor pursuant to the
13 federal "McNamara-O'Hara Service Contract Act"
14 (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the
15 county in which the covered airport and related location is located.

16 f. "Standard paid leave" means effective September 1, 2020
17 and each September 1 thereafter, paid leave equal to the paid leave
18 requirements designated by the Commissioner the immediately
19 preceding August 1, based on the determination made by the United
20 States Department of Labor pursuant to the federal "McNamara-
21 O'Hara Service Contract Act" (41 U.S.C. s.6701 et seq.), for the
22 classification of "Guard I" for the county in which the covered
23 airport and related location is located.

24 g. "Standard wage rate" means:

25 (1) effective September 1, 2020, the greater of:

26 (a) \$2.00 more than any minimum wage rate, that would be
27 otherwise applicable to covered airport and related location
28 workers, established by the "New Jersey State Wage and Hour
29 Law," P.L.1966, c.113 (C.34:11-56a et seq.); or

30 (b) any otherwise applicable minimum wage rate established
31 through a policy of the Port Authority of New York and New
32 Jersey;

33 (2) effective September 1, 2021 the greater of:

34 (a) \$2.50 more than any minimum wage rate, that would be
35 otherwise applicable to Covered Airport and Related Location
36 workers, established by the "New Jersey State Wage and Hour
37 Law," P.L.1966, c.113 (C.34:11-56a et seq.); or

38 (b) any otherwise applicable minimum wage rate established
39 through a policy of the Port Authority of New York and New
40 Jersey;

41 (3) effective September 1, 2022 the greater of:

42 (a) \$3.00 more than any minimum wage rate, that would be
43 otherwise applicable to Covered Airport and Related Location
44 workers, established by the "New Jersey State Wage and Hour
45 Law," P.L.1966, c.113 (C.34:11-56a et seq.); or

46 (b) any otherwise applicable minimum wage rate established
47 through a policy of the Port Authority of New York and New
48 Jersey;

1 (4) effective September 1, 2023 the greater of:

2 (a) \$3.50 more than any minimum wage rate, that would be
3 otherwise applicable to covered airport and related location
4 workers, established by the “New Jersey State Wage and Hour
5 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

6 (b) any otherwise applicable minimum wage rate established
7 through a policy of the Port Authority of New York and New
8 Jersey;

9 (5) effective September 1, 2024 the greater of:

10 (a) \$4.00 more than any minimum wage rate, that would be
11 otherwise applicable to covered airport and related location
12 workers, established by the “New Jersey State Wage and Hour
13 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

14 (b) any otherwise applicable minimum wage rate established
15 through a policy of the Port Authority of New York and New
16 Jersey;

17 (6) effective September 1, 2025, and each September 1
18 thereafter, the greater of:

19 (a) \$4.00 more than any minimum wage rate, that would be
20 otherwise applicable to covered airport and related location
21 workers, established by the “New Jersey State Wage and Hour
22 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or

23 (b) any otherwise applicable minimum wage rate established
24 through a policy of the Port Authority of New York and New
25 Jersey; or

26 (c) an amount equal to the wage rate designated by the
27 commissioner the immediately preceding August 1 based on the
28 determination made by the United States Department of Labor
29 pursuant to the federal “McNamara-O'Hara Service Contract Act”
30 (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the
31 county in which the covered airport and related location is located.

32

33 3. On August 1, 2020 and each August 1 thereafter, the
34 commissioner shall designate the supplemental benefits rate and
35 paid leave requirements required under the determination made
36 by the United States Department of Labor pursuant to the federal
37 “McNamara-O'Hara Service Contract Act”
38 (41 U.S.C. s.6701 et seq.), for the classification of "Guard I" for the
39 county in which the covered airport and related location is located.
40 The commissioner shall publicly post the designated supplemental
41 benefits rates and paid leave requirements.

42

43 4. Any employer of a covered airport and related location
44 worker shall ensure that such covered airport and related location
45 worker is compensated at a rate that is no less than the applicable
46 standard rate. Nothing in this article shall alter or limit any
47 employer’s obligation to pay any otherwise applicable prevailing
48 wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150

1 (C.34:11-56.25 et seq.) or the prevailing wage levels for the
2 employees of contractors and subcontractors furnishing building
3 services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).
4

5 5. The commissioner, in consultation with the Department of
6 Transportation and the Attorney General, shall promulgate rules and
7 regulations, pursuant to the “Administrative Procedure Act,”
8 P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the date
9 of enactment of this act, to implement the provisions of this act.
10

11 6. This act shall be known and may be cited as the “Healthy
12 Terminals Act.”
13

14 7. This act shall take effect on the first day of the third month
15 next following enactment.
16
17

18 STATEMENT
19

20 This bill requires certain airport and train station workers to be
21 paid certain wage rates and supplemental benefits. Specifically, the
22 bill requires certain workers at the Newark Liberty International
23 Airport and Newark Liberty International Airport Train Station to
24 be paid certain wage rates that rise annually over the course of six
25 years, from September 1, 2020 to September 1, 2025.

26 Under the bill, covered airport and related location worker means
27 any person employed to perform work at Newark Liberty
28 International Airport or Newark Liberty International Airport Train
29 Station, provided at least one-half of the employee's time during
30 any workweek is performed at Newark Liberty International Airport
31 or Newark Liberty International Airport Train Station. The term
32 will not include not include persons employed in an executive,
33 administrative, or professional capacity, or any person employed by
34 a public agency.

35 In 2020, the wage rate will be the greater of: \$2.00 more than
36 any minimum wage rate, that would be otherwise applicable to
37 covered airport and related location workers, established by the
38 “New Jersey State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-
39 56a et seq.); or any otherwise applicable minimum wage rate
40 established through a policy of the Port Authority of New York and
41 New Jersey.

42 In 2025, and each September 1 thereafter, the wage rate will be
43 the greater of: \$4.00 more than any minimum wage rate, that would
44 be otherwise applicable to covered airport and related location
45 workers, established by the “New Jersey State Wage and Hour
46 Law,” P.L.1966, c.113 (C.34:11-56a et seq.); or any otherwise
47 applicable minimum wage rate established through a policy of the
48 Port Authority of New York and New Jersey; or an amount equal to

1 the wage rate designated by the commissioner the immediately
2 preceding August 1 based on the determination made by the United
3 States Department of Labor pursuant to the federal “McNamara-
4 O'Hara Service Contract Act” (41 U.S.C. s.6701 et seq.), for the
5 classification of "Guard I" for the county in which the covered
6 airport and related location is located.

7 Additionally, the bill mandates a standard benefits supplement
8 rate and paid leave requirements for covered airport and train
9 station workers.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2487

STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Labor Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2487.

This committee substitute requires certain airport and train station workers to be paid certain wage rates and benefits and makes those requirements subject to P.L.2005, c.379. The bill requires that the wage rates are at least the wages set under the federal service prevailing wage law, which is the same standard as the State service prevailing wage law. However, the State law pertains only to building services, defined as janitorial and security services, while this bill covers all jobs under the terminal contractors, except certain specified managerial jobs.

Under the bill, "covered airport or related location worker" means

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location. The term does not include persons employed in an executive, administrative, or professional capacity or any person employed by a public agency.

The bill provides that the prevailing wage rates will be a minimum standard rate of compensation for these workers, as follows:

On and after September 1, 2021 and every year thereafter, in no event will the prevailing wage rate applicable to a covered airport or related location worker be less than the following:

(a) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(b) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(c) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.).

The bill defines "covered airport or related location" as Newark Liberty International Airport and Newark Liberty International Airport Train Station.

In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport and the Newark Liberty International Airport Train Station one of the busiest transit hubs in the country.

The workers at the airport and train station often cannot afford employer-provided healthcare plans, and unaffordable healthcare expenses is one of the sources of the high rates of turnover for the workers in the airport and train station.

Improved retention rates of workers in the airport and train station is an investment in service and safety for all who pass through the airport and train station and compensating these workers so that they can afford healthcare and receive a prevailing wage is a way to increase retention.

Assembly Committee Substitute for Assembly Bill No. 2487 is identical to Senate Committee Substitute for Senate Bill No. 989.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2487

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2487 ACS.

This bill requires certain airport and train station workers to be paid certain wage rates and benefits and makes those requirements subject to P.L.2005, c.379. The bill requires that the wage rates are at least the wages set under the federal service prevailing wage law, which is the same standard as the State service prevailing wage law. However, the State law pertains only to building services, defined as janitorial and security services, while this bill covers all jobs under the terminal contractors, except certain specified managerial jobs.

Under the bill, "covered airport or related location worker" means

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location. The term does not include persons employed in an executive, administrative, or professional capacity or any person employed by a public agency.

The bill provides that the prevailing wage rates will be a minimum standard rate of compensation for these workers, as follows:

On and after September 1, 2021 and every year thereafter, in no event will the prevailing wage rate applicable to a covered airport or related location worker be less than the following:

(a) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(b) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(c) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.).

The bill defines "covered airport or related location" as Newark Liberty International Airport and Newark Liberty International Airport Train Station.

As reported by the committee, Assembly Bill No. 2487 (ACS) is identical to Senate Bill No. 989 (SCS), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Signs the Healthy Terminals Act

04/29/2021

Legislation Expands Access to Livable Wages and Affordable Health Care for Newark Liberty International Airport Workers

NEWARK – Governor Phil Murphy today signed the Healthy Terminals Act (S989) which creates new minimum wage and benefits requirements for certain Newark Liberty International Airport (EWR) and Newark Liberty International Train Station workers. The legislation will expand access to livable wages and affordable health care for workers at the airport and train station who often cannot afford employer-provided health care plans.

“For a long time, we have heard the concerns and often desperate pleas from airport workers for access to affordable health care and for wages that allow them to support themselves and their families,” **said Governor Murphy**. “This legislation provides workers at Newark Airport the dignity, respect, and treatment that they deserve. These men and women have selflessly been serving through the COVID-19 pandemic as critical infrastructure workers, and I am proud to sign this legislation that will finally provide them with the health care and compensation that they need and have fought for.”

Primary sponsors of S989 include Senators Loretta Weinberg, Linda Greenstein, and Steve Sweeney, and Assembly members Annette Quijano, Daniel Benson, Joseph Egan, and Shanique Speight.

“Workers in every walk of life, seen and unseen, deserve a livable wage, and access to affordable health care,” **said Senate Majority Leader Loretta Weinberg**. “The people who help keep our planes flying and our trains running, and the men and women who make sure our largest airport is clean, safe and functional, are essential in every respect. This legislation recognizes that fact, and makes sure these workers get the quality treatment they need when they need it. When these front-line workers are able to see a doctor and receive proper care while earning a living wage it makes all of us healthier, safer and stronger.”

“The coronavirus pandemic has underscored the need to ensure that every worker, especially those most at risk, including airport workers, have access to affordable healthcare,” **said Senator Linda Greenstein**. “Newark airport is a vital hub for the entire region and the people who keep it functioning properly, especially in times of crisis, unquestionably deserve affordable health care and a fair, living wage.

“Our dedicated workers at Newark Liberty have without question been among the state’s most resilient and faithful employees throughout the course of the coronavirus pandemic,” **said Senate President Steve Sweeney**. “They deserve to have that work ethic rewarded in these harrowing days by being provided access to quality health care and a living wage. With the signing of this legislation we are reaffirming our commitment to these workers that have been there for our state in good times and bad.”

“Access to affordable health care will ensure Newark Liberty Airport’s frontline workers can safely do their jobs and interact with travelers,” **said Assembly Speaker Craig J. Coughlin**. “The Healthy Terminals Act will finally make it easier for workers to access affordable, quality health insurance. To all of the airline, train and transit workers, thank you for your service and commitment through these challenging times.”

“Before the pandemic, when this bill was introduced, workers needed help,” **said Assemblywoman Annette Quijano**. “It is time we invest in the workforce that makes air travel possible. Winning the

Healthy Terminals Act will be a victory for Black and Brown, men and women who have been on the front lines of COVID-19, sanitizing planes, cleaning terminals, securing the airports, handling baggage and mail, and pushing wheelchairs.”

“While airlines are getting billion-dollar bailouts, we cannot forget that airline workers are in greater need during this pandemic,” **said Assemblyman Daniel Benson**. “While wages have increased, access to good, affordable health care continues to be out of reach for many airport workers. This new law will make sure they don’t have to choose between their health and their job.”

“Many of these workers have to choose between healthcare or paying for housing,” **said Assemblyman Joseph Egan**. “No one should have to ignore their personal health in order to afford rent or a mortgage. This law will help people keep a roof over their head and receive proper medical treatment.”

“These employees include security, baggage handlers and many more positions,” **said Assemblywoman Shanique Speight**. “Travelers rely on these employees to help them maneuver through the airport or train station. This law will enhance their ability to afford healthcare, stay healthy, receive treatment if necessary, and keep everyone who passes through safe and healthy as well.”

S989 requires covered airport and train station employees to be paid wage rates that are at least the wages set under the federal prevailing wage law for building service employees. The bill further requires supplemental benefits equal to those designated by the Commissioner of Labor pursuant to determinations made by the General Services Administration under the federal McNamara-O’Hara Service Contract Act of 1965.

The bill provides that, on and after September 1, 2021 and every year thereafter, the prevailing wage rate applicable to a covered employee may not be less than the following:

- any minimum wage rate established through a policy of the Port Authority; and
- an amount of wages or supplements equal to the rate designated by the Commissioner of Labor based on the federal prevailing wage for the geographic region based on federal contracting laws.

“When this bill was introduced, we did not know that we were headed into an unfathomable threat to our lives, our health and our livelihood. COVID-19 hit us hard, making access to healthcare for our members a matter of life or death,” **said Kyle Bragg, President of SEIU 32BJ**. “Passing this law is a major landmark in the long journey to justice that airport workers have traveled. With the signing of the law, we are one step closer towards a fair contract and the conditions all workers at Newark International deserve.”

“Governor Murphy has championed 32BJ members overall, and airport workers especially, since day one. We are glad that our legislature and the Governor recognize that the Healthy Terminals Act makes sense: it’s good for workers, it’s good for passengers, AND it’s good for the airlines,” **said Kevin Brown, Vice President and New Jersey Director for SEIU 32BJ**. “When we invest in the workforce that fuels one of New Jersey’s largest economies, we have healthier people, and a healthier airport. Making this a reality in New Jersey is a great milestone in the fight for justice and equality.”

“Today is a great day for thousands of workers who were hit the hardest by the Covid-19 pandemic. The last year has taught all of us just how important quality healthcare care is, and today these workers and their families can look forward to a future with a much stronger healthcare safety net,” **said Unite Here Local 100 Secretary-Treasurer Jose Maldonado**. “I want to thank Governor Murphy for helpin

This Week in NJ: April 30th, 2021

04/30/2021



Governor Murphy Announces Loosening of COVID-19 Restrictions

Governor Phil Murphy announced the easing of restrictions for a variety of activities and higher outdoor capacity limits, effective May 10. The changes, which include higher outdoor gathering limits, higher large venue outdoor capacities, higher maximum capacities for private catered events, and more, come as COVID-19 metrics are on the decline and as more New Jerseyans continue to receive COVID-19 vaccines.

“Our robust COVID-19 vaccination program is starting to show results through lower COVID-19 case metrics including a decline in COVID-19 cases and hospitalizations,” **said Governor Murphy.** “This allows us to take steps so that New Jerseyans can have a much more normal summer including allowing for students to celebrate important milestones and events like graduations and proms in-person. We hope to announce further reopening steps in the coming weeks as more and more state residents get vaccinated.”

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Governor Murphy, Assemblyman Andrew Zwicker, NJDOT Commissioner Gutierrez-Scaccetti, Congressman Tom Malinowski, and Hillsborough Mayor Shawn Lipani Break Ground on Route 206 Road Widening Project in Hillsborough

Governor Phil Murphy, Assemblyman Andrew Zwicker, New Jersey Department of Transportation (NJDOT) Commissioner Diane Gutierrez-Scaccetti, Congressman Tom Malinowski, and Hillsborough Mayor Shawn Lipani marked the groundbreaking of a project to widen Route 206 between Doctors Way and Valley Road in Hillsborough, Somerset County.

“Today we are here to mark the ground breaking of a project to widen Route 206 between Valley Doctor’s Way and Valley Road,” **said Governor Murphy**. “It is one of 220 transportation projects under way in the state, creating good jobs and helping to boost our economy. This project exemplifies our commitment to maintaining and revamping transportation infrastructure is critical that is critical to commuters, businesses, and other stakeholders in New Jersey.”

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Governor Murphy Breaks Ground on New NJ TRANSIT Lyndhurst Station

Governor Phil Murphy, New Jersey Department of Transportation Commissioner and NJ TRANSIT Board Chair Diane Gutierrez-Scaccetti, NJ TRANSIT President & CEO Kevin S. Corbett, and state and local officials celebrated the groundbreaking for construction of a new, ADA-accessible train station in Lyndhurst. The new facility, thanks to \$30.9 Million provided by the state's partners at the Federal Transit Administration (FTA), replaces a station more than a century old and will be located at the intersection of Delafield Avenue and Court avenues, a more convenient location closer to the commuter parking lot.

“When this station is completed, residents of Lyndhurst and the surrounding area will have a brand-new, ADA-accessible facility that will benefit them for generations to come,” **said Governor Phil Murphy.** “Our public transit infrastructure is a priority and we will continue to invest in it and modernize mass transit across New Jersey.”

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Governor Murphy Signs Executive Order Permitting Summer Youth Overnight and Day Camps for the 2021 Season

Governor Phil Murphy signed Executive Order No. 237, permitting summer youth overnight and day camps for the 2021 season. The Executive Order requires all overnight and day camps to follow COVID-19 health and safety protocols outlined in guidance issued today by the New Jersey Department of Health.



“As cases of COVID-19 and hospitalizations continue to decline, coupled with millions of New Jerseyans rolling up their sleeves to be vaccinated, we are able to move forward with reopening programs across our state,” **said Governor Murphy**. “We are committed to a safe and fun summer for our kids, and today’s guidance from the Department of Health ensures that we will have the proper safeguards in place for a rewarding summer camp experience.”

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