

**SENATE BILL NO. 2961
(Second Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2961 (Second Reprint) with my recommendations for reconsideration.

Senate Bill No. 2961 (Second Reprint) establishes threshold qualifications that journeypersons must meet in order to work on a public works contract. The bill states that the journeyperson must have either 1) graduated from an apprenticeship program that meets the standards of the union that corresponds to their craft; or 2) worked as a tradesperson for four years in that craft, as verified through their tax filing.

I commend the sponsors of this legislation for endeavoring to ensure that contractors working on public works projects utilize experienced, qualified, and appropriately compensated laborers. I certainly share this goal. I am proposing modest changes to provide the Department of Labor and Workforce Development ("DOLWD") with the tools to properly and more effectively administer the requirements of the bill. My recommended changes also seek to ensure that workers are afforded the opportunity to submit documentation that appropriately proves their expertise.

To those ends, I am recommending revisions to effectuate a uniform procedure for the submission of documentation by requiring that contractors submit a form to DOLWD created by the department. My amendments also require that journeypersons meet one of two requirements: journeypersons must either (1) have graduated from a registered apprenticeship program that meets the "Standards of Apprenticeship" as provided in 29 C.F.R. s. 29.5 for the craft or trade of the respective journeyperson that are equivalent to those of a United States Department of Labor registered apprenticeship

program sponsored by a labor union or jointly sponsored by a labor union and employer association, provided that the labor union is a signatory to a collective bargaining agreement that was, or is, the basis for the determination of the prevailing wage; or (2) have completed four years of documented work experience verified through pay records or sworn statements of the craft worker and their employer. Craft workers who are members of a labor union and are currently employed by an employer that is signatory to a collective bargaining agreement ("CBA") that is or was the basis for a determination of the prevailing wage will be exempt from the qualifications outlined in the bill since the CBA serves as verification that the craft workers are meeting necessary standards and paid the prevailing wage.

Therefore, I herewith return Senate Bill No. 2961 (Second Reprint) and recommend that it be amended as follows:

- Page 5, Section 1, Line 11: Delete "Certification" and insert "A certification form provided by the commissioner, with supporting documentation, establishing to the satisfaction of the commissioner"
- Page 5, Section 1, Line 12: Delete "completing work established in the contract" and insert "employed as a craft worker by the contractor in the performance of public work"
- Page 5, Section 1, Line 13: Delete "(1)"
- Page 5, Section 1, Line 15: Before "has" insert "(a)"
- Page 5, Section 1, Line 15: Delete "an" and insert "a registered"
- Page 5, Section 1, Lines 15-17: Delete "that is equivalent to the apprenticeship standards of the building and construction trade union that is specific to their craft" and insert "with 'Standards of Apprenticeship,' 29 C.F.R. s. 29.5, for the craft or trade of the journey person that are equivalent to those of a United States Department of Labor registered apprenticeship program that is sponsored by a

labor union or jointly sponsored with a labor union and an employer association, provided that the labor union is signatory to a collective bargaining agreement that is or was the basis for a determination by the commissioner of the 'prevailing wage,' pursuant to section 6 of P.L.1963, c.150 (C.34:11-56.30)"

Page 5, Section 1, Line 17:

Delete "(2)"

Page 5, Section 1, Line 18:

Before "has" insert "(b)"

Page 5, Section 1, Line 18:

Delete "tradesperson" and insert "craft worker"

Page 5, Section 1, Line 19:

Delete "tax filings" and insert "pay records or through sworn statements of the craft worker and the employer or employers for whom the craft worker performed services during the four year period; except that craft workers who are members of a labor union and are employed by an employer that is signatory to a collective bargaining agreement that is or was the basis for a determination by the commissioner of the 'prevailing wage,' pursuant to section 6 of P.L.1963, c.150 (C.34:11-56.30), shall be exempt from the qualifications of this paragraph"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor