

ASSEMBLY BILL NO. 1474
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1474 (First Reprint) with my recommendations for reconsideration.

Assembly Bill No. 1474 (First Reprint) provides certain protections to temporary laborers and imposes requirements on temporary help service firms and third-party clients of those firms. The bill requires temporary help service firms operating in the State to register with the Department of Labor and Workforce Development ("DOLWD") and prohibits any third-party client from employing any temporary laborers through a temporary service firm that has not so registered.

The bill also imposes information sharing and records retention requirements on temporary help service firms and subjects firms who violate these requirements to civil penalties. Specifically, the bill requires temporary help service firms to disclose to the temporary laborer, in the temporary laborer's primary language, information regarding the terms of the temporary work to be performed, including a description of the position, the wages offered, the terms of transportation, and the length of the work assignment. The bill further requires that the temporary laborer's paycheck be accompanied by a detailed statement itemizing, among other things, the hourly wages earned and any deductions withheld. Additionally, the bill requires temporary help service firms to keep records of each temporary laborer the firm sends to perform temporary work, including the location of the work site, the type and number of hours of work performed, the hourly wage rate, copies of any contract with a third party client, and the amount of any deductions from the laborer's compensation.

Importantly, the bill also creates affirmative protections for temporary laborers. For example, the bill prohibits a temporary help service firm from charging a temporary laborer a fee for transportation to or from a designated worksite, and from restricting a temporary laborer from accepting a permanent position with a third-party client. The bill also states that temporary laborers' wages shall not fall below the minimum wage after deductions are taken for meals and equipment, and shall not be less than the average rate of pay and equivalent benefits of a third party client's permanent employees performing the same or substantially similar work. In addition, the bill permits temporary laborers to choose whether they will be paid on a weekly, bi-weekly, or semi-monthly basis, and provides a minimum of four hours of pay to temporary laborers who are contracted to work at a third-party client's worksite, but who are not actually utilized for that work. Finally, the bill protects temporary laborers against retaliation for exercising any rights under the bill.

I applaud the bill sponsors' efforts to improve the working conditions of our State's temporary laborers. The protections contained in the bill will promote greater fairness in the industry, help address discriminatory labor practices, and promote racial and gender pay equity. I thus wholeheartedly support the overarching objectives of this bill and agree that we must act to better protect the temporary workers who are critical to our State's economy.

Nevertheless, I am recommending several revisions to the bill to bolster its administration and effectiveness. Rather than establish a duplicative registration scheme in the DOLWD, I propose amending the bill so that the enhanced registration requirements established by the bill are implemented through the existing

registration system currently maintained in the Division of Consumer Affairs in the Department of Law and Public Safety (the "Division"). This recommendation recognizes the resource investment, both in terms of technological infrastructure and retention of trained staff that the State has already made in developing and maintaining in the Division an online registration system for temporary help service firms. Rather than expend resources to create a second such system in the DOLWD, which would impose largely redundant registration requirements on temporary help service firms forced to register with two different State agencies, the better approach is to supplement the existing system to accommodate the additional information and disclosures that registrants must provide under the bill.

The bill calls upon the DOLWD to play a critical role in overseeing and enforcing the substantive protections being established in order to safeguard temporary laborers from unfair treatment, exploitation, and abuse. Accordingly, I am recommending an appropriation of \$1 million to the DOLWD to ensure robust enforcement of the bill's protections.

My suggested amendments also hone the definition of temporary laborers to more clearly delineate the occupations covered by the bill, tailoring the application of the bill to those positions in the workforce at greatest risk of exploitation. This will ease the compliance burdens placed on the temporary help service industry, while ensuring that laborers in certain occupations subject to more extreme hardships receive due protection and consideration in enforcement. I also recommend amending the bill to authorize payments for temporary laborers via bi-weekly paychecks only, rather than allowing selection of pay periods of other durations. This revision recognizes that many businesses

have payroll systems that are likely ill-equipped to comply with multiple pay periods that vary by employee, and also limits the potential for the diminution of temporary laborers' earned wages through expenses such as check cashing fees. Finally, I am recommending amendments to delay the bill's effective date by an additional 90 days to give DOLWD and DCA sufficient time to build out their infrastructure, retain and train additional staff, and make other needed adjustments so that they are fully ready and able to effectively implement the provisions of the bill when it takes effect.

Along with several technical amendments, these recommended substantive changes will advance the bill's primary objectives without unduly hindering the availability of critically important temporary help service workers to businesses that need and benefit greatly from this pool of labor.

Therefore, I herewith return Assembly Bill No. 1474 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 2, Line 41:</u>	After "Safety" insert ", or a designee of the Director"
<u>Page 3, Section 2, Line 15:</u>	After "reasons." insert "'Designated classification placement' means an assignment of a temporary laborer by a temporary help service firm to perform work in any of the following occupational categories as designated by the Bureau of Labor Statistics of the United States Department of Labor: 33-9000 Other Protective Service Workers; 35-0000 Food Preparation and Serving Related Occupations; 37-0000 Building and Grounds Cleaning and Maintenance Occupations; 39-0000 Personal Care and Service Occupations; 47-2060 Construction Laborers; 47-30000 Helpers, Construction Trades; 49-0000 Installation, Maintenance, and Repair Occupations; 51-0000 Production Occupations; 53-0000 Transportation and

Material Moving Occupations; or any successor categories as the Bureau of Labor Statistics may designate."

Page 3, Section 2, Line 22:

After "employment" insert "in a designated classification placement"

Page 3, Section 2, Lines 27-43:

Delete in their entirety

Page 4, Section 2, Line 9:

After "laborers" insert "in a designated classification placement"

Page 4, Section 3, Line 16:

After "laborer" insert "in a designated classification placement"

Page 4, Section 3, Line 35:

After "laborer" insert ", if applicable"

Page 5, Section 3, Line 5:

After "laborer" insert "in a designated classification placement"

Page 5, Section 3, Line 12:

Delete "If a dispute arises" and insert "In the event that the commissioner imposes a civil penalty under subsection d. of this section and the temporary help service firm requests a hearing to challenge the penalty, any dispute concerning whether it was possible for the temporary help service firm to provide the required notice shall be adjudicated during that hearing."

Page 5, Section 3, Lines 13-16:

Delete in their entirety

Page 5, Section 3, Line 17:

After "laborer" insert "in a designated classification placement"

Page 5, Section 3, Line 31:

Delete "place" and insert "designated classification placement"

Page 5, Section 3, Line 35:

Delete "The commissioner shall require temporary" and insert "Temporary"

Page 5, Section 3, Line 36:

Delete "to employ" and insert "that make designated classification placements shall make available, whether through its own employees or the service of a vendor,"

Page 5, Section 3, Line 36:

Delete "who can" and insert "to"

Page 5, Section 3, Line 41:

After "firm" insert "that makes designated classification placements and"

<u>Page 6, Section 3, Line 1:</u>	After "commissioner" insert ", in consultation with the Office of the New Americans within the Department of Human Services,"
<u>Page 6, Section 3, Line 2:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 6, Section 3, Line 4:</u>	After "shall" insert "develop written materials in various languages based on the 10 most prevalent language access needs in the State, and may periodically reevaluate the language access needs and adjust translation efforts accordingly. The program shall"
<u>Page 6, Section 3, Line 5:</u>	Delete "in English, Spanish and any other language that"
<u>Page 6, Section 3, Lines 6-7:</u>	Delete in their entirety
<u>Page 6, Section 3, Line 8:</u>	Delete "centers" and insert "to qualifying organizations"
<u>Page 6, Section 3, Line 8:</u>	After "workers" insert "in a designated classification placement"
<u>Page 6, Section 3, Line 8:</u>	After "and" insert "shall engage in"
<u>Page 6, Section 3, Line 10:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 6, Section 3, Line 10:</u>	After "rights." insert "For purposes of this subsection, qualifying organizations are nonprofit organizations that have a minimum of five years of experience working with temporary laborers or hiring entities, and organizations that work with nonprofit organizations that have a minimum of five years of experience working with temporary laborers or hiring entities."
<u>Page 6, Section 4, Line 13:</u>	After "laborers" insert "in designated classification placements"
<u>Page 6, Section 4, Line 39:</u>	After "tax," insert "withheld contributions to the state unemployment compensation trust fund and the state disability benefits trust fund"

<u>Page 7, Section 4, Line 9:</u>	After "review" delete "or" and insert "and"
<u>Page 7, Section 4, Line 10:</u>	After "laborer" insert "at no cost"
<u>Page 7, Section 4, Line 11:</u>	After "request." insert "For purposes of this subsection, an authorized representative of the temporary laborer is a person as to whom the temporary laborer has presented to the temporary help service firm an authorization signed by the temporary laborer that expressly permits the person to review and copy the subject records."
<u>Page 7, Section 4, Line 12:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 7, Section 4, Line 15:</u>	After "copying" insert ", at no cost,"
<u>Page 7, Section 4, Line 17:</u>	After "available" insert "at no cost"
<u>Page 7, Section 5, Line 46:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 1:</u>	Delete "responsible" and insert "jointly and severally liable"
<u>Page 8, Section 5, Line 3:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 12:</u>	After "laborer" and before "or" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 12:</u>	After "laborer" and before "as" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 13:</u>	Delete "c." and insert "d."
<u>Page 8, Section 5, Line 25:</u>	After "transportation." Insert "c. A temporary help service firm shall not require a temporary laborer in a designated classification placement to use transportation provided by the firm or by another provider of transportation services."
<u>Page 8, Section 5, Line 26:</u>	Delete "c." and insert "d."
<u>Page 8, Section 5, Line 27:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 32:</u>	Delete "the" and insert "a"

<u>Page 8, Section 5, Line 32:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 36:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 40:</u>	Delete "the" and insert "a"
<u>Page 8, Section 5, Line 41:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 8, Section 5, Line 43:</u>	Delete "d., e., and f." and insert "e., f., and g."
<u>Page 8, Section 5, Line 43:</u>	After "section." insert "The commissioner may randomly audit a temporary help service firm to ensure that the firm is maintaining the documentation required by this subsection."
<u>Page 8, Section 5, Line 44:</u>	Delete "d." and insert "e."
<u>Page 8, Section 5, Line 44:</u>	Delete "the" and insert "a"
<u>Page 8, Section 5, Line 45:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 8, Section 5, Line 45:</u>	After "client" insert "of such a firm"
<u>Page 8, Section 5, Line 47:</u>	After "laborer" insert "in a designated classification"
<u>Page 8, Section 5, Line 47:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 9, Section 5, Line 8:</u>	Delete "e." and insert "f."
<u>Page 9, Section 5, Line 9:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 9, Section 5, Line 9:</u>	After "client" insert "of such a firm"
<u>Page 9, Section 5, Line 11:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 9, Section 5, Line 11:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 9, Section 5, Line 15:</u>	Delete "f." and insert "g."
<u>Page 9, Section 5, Line 16:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 9, Section 5, Line 19:</u>	After "day." insert "h. The obligations imposed by this

section shall be in addition to those set forth in subsection d. of section 14 of P.L.1981, c.1 (C.56:8-1.1), and any rules or regulations promulgated thereunder.

i. The commissioner may promulgate regulations under this section in accordance with the 'Administrative Procedure Act,' P.L.1968, c.410 (C.52:14B-1 et seq.)

j. The commissioner may assess a penalty against a temporary help service firm that violates this section or any rules or regulations adopted pursuant to this section of up to \$5,000 for each violation, except that the penalty for a violation of the recordkeeping requirements of this section shall not exceed \$500 for each violation. Each day that a temporary help service firm fails to comply with this section shall constitute a separate offense. Any penalty assessed under this section shall be collected by the commissioner in a summary proceeding in accordance with the 'Penalty Enforcement Law of 1999,' P.L.1999, c.274 (C.2A:58-10 et seq.)."

Page 9, Section 6, Line 22:

After "laborer" insert "in a designated classification placement"

Page 9, Section 6, Line 45:

Delete "either by the third party client or"

Page 10, Section 6, Line 1:

After "deductions," insert "withheld contributions to the state unemployment compensation trust fund and the state disability benefits trust fund,"

Page 10, Section 6, Line 7:

After "laborer" insert "in a designated classification placement"

Page 10, Section 6, Line 21:

After "b." insert "A third party client shall not withhold or divert the wages of a temporary laborer in a designated classification placement for any reason. Except as otherwise authorized pursuant to this section, a temporary help service firm shall not withhold or divert the wages of a temporary

	laborer in a designated classification placement for any reason."
<u>Page 10, Section 6, Line 22:</u>	After "laborer" insert "with"
<u>Page 10, Section 6, Line 25:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 10, Section 6, Line 28:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 10, Section 6, Line 30:</u>	Delete "either weekly,"
<u>Page 10, Section 6, Line 30:</u>	Delete ", or semi-monthly"
<u>Page 10, Section 6, Line 33:</u>	After "period" delete ", "
<u>Page 10, Section 6, Line 34:</u>	Delete in its entirety
<u>Page 10, Section 6, Line 35:</u>	Delete "temporary laborer"
<u>Page 10, Section 6, Line 40:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 10, Section 6, Line 41:</u>	Delete "weekly,"
<u>Page 10, Section 6, Line 41:</u>	Delete ", or semi-monthly"
<u>Page 10, Section 6, Line 46:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 1:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 6:</u>	After "laborers" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 12:</u>	Delete "a temporary laborer's" and insert "the"
<u>Page 11, Section 6, Line 12:</u>	After "wage" insert "of a temporary laborer in a designated classification placement"
<u>Page 11, Section 6, Line 15:</u>	Delete "the" and insert "a"
<u>Page 11, Section 6, Line 15:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 21:</u>	After "that" delete "the" and insert "a"
<u>Page 11, Section 6, Line 22:</u>	After "available" insert "to temporary laborers in designated classification placements"
<u>Page 11, Section 6, Line 24:</u>	After "charge" insert "a"

<u>Page 11, Section 6, Line 25:</u>	Before "for" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 28:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 11, Section 6, Line 30:</u>	Delete "but" and insert "in a designated classification placement but who"
<u>Page 11, Section 6, Line 31:</u>	After "client" insert ", "
<u>Page 11, Section 6, Line 39:</u>	After "performed" insert "for a third party client"
<u>Page 11, Section 6, Line 40:</u>	After "by" delete "the" and insert "a"
<u>Page 11, Section 6, Line 40:</u>	Delete "for the third party client" and insert "in a designated classification placement"
<u>Page 11, Section 6, Line 46:</u>	Delete "licensed"
<u>Page 11, Section 6, Line 47:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 12, Section 7, Line 16:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 12, Section 7, Line 23:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 12, Section 7, Line 31:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 12, Section 7, Line 42:</u>	Delete "the" and insert "a"
<u>Page 12, Section 7, Line 42:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 12, Section 7, Line 43:</u>	Delete "or" and insert ", "
<u>Page 12, Section 7, Line 43:</u>	After "suspension" insert ", or non-renewal"
<u>Page 12, Section 7, Line 44:</u>	Delete "registration" and insert "certification"
<u>Page 12, Section 7, Line 44:</u>	Delete "commissioner" and insert "director"
<u>Page 12, Section 7, Lines 45-48:</u>	Delete in their entirety
<u>Page 13, Section 7, Lines 1-8:</u>	Delete in their entirety
<u>Page 13, Section 7, Line 9:</u>	Delete "c." and insert "b."

<u>Page 13, Section 7, Line 9:</u>	After "client" insert "in a designated classification placement"
<u>Page 13, Section 7, Line 10:</u>	Delete "same"
<u>Page 13, Section 7, Line 11:</u>	Delete "equivalent" and insert "average cost of"
<u>Page 13, Section 7, Line 11:</u>	Delete "as a permanent employee" and insert ", or the cash equivalent thereof,"
<u>Page 13, Section 7, Line 11:</u>	After "of" insert "employees of"
<u>Page 13, Section 7, Line 14:</u>	After "conditions" insert "for the third party client at the time the temporary laborer is assigned to work at the third party client"
<u>Page 13, Section 7, Line 18:</u>	Delete "d." and insert "c."
<u>Page 13, Section 7, Line 24:</u>	Delete "e." and insert "d."
<u>Page 13, Section 7, Line 25:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 13, Section 8, Line 34:</u>	Delete "register with the commissioner" and insert "not make any designated classification placements unless it is certified by the director to do so,"
<u>Page 13, Section 8, Line 35:</u>	Delete "commissioner for temporary help service firms" and insert "director"
<u>Page 13, Section 8, Line 37:</u>	After "firm" insert "seeking certification to make designated classification placements"
<u>Page 13, Section 8, Line 41:</u>	Delete "and" and insert ";
<u>Page 13, Section 8, Line 42:</u>	Delete "registration" and insert "certification"
<u>Page 13, Section 8, Line 42:</u>	after "employees" insert "; on a form created by the director, the number of temporary laborers previously in designated classification placements whom the temporary help service firm has placed in a permanent position with a third party client in the preceding 12 months as well as the percentage those permanent placements represent of the total number of temporary laborers in designated classification placements contracted by the temporary help service firm during the

same period; and such other information as the director may require pursuant to rules adopted under this section"

<u>Page 13, Section 8, Line 43:</u>	Delete "temporary help service firm's" and insert "the"
<u>Page 13, Section 8, Line 44:</u>	After "coverage" insert "for a temporary help service firm that makes designated classification placements"
<u>Page 13, Section 8, Line 45:</u>	Delete "commissioner" and insert "director"
<u>Page 13, Section 8, Line 46:</u>	Delete "registration" and insert "certification"
<u>Page 13, Section 8, Line 48:</u>	After "reinstated." insert "A temporary help service firm shall inform the director of any change or addition to the information required under this subsection within 30 days of the change or addition."
<u>Page 14, Section 8, Line 1:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 1:</u>	After "firm" insert "seeking certification to make designated classification placements"
<u>Page 14, Section 8, Line 2:</u>	Delete "registration" and insert "certification"
<u>Page 14, Section 8, Line 4:</u>	After "\$750" insert "per year"
<u>Page 14, Section 8, Line 5:</u>	Delete "contracts" and insert "conducts its business, including but not limited to contracting with and recruiting"
<u>Page 14, Section 8, Line 5:</u>	After "for" insert "designated classification placement"
<u>Page 14, Section 8, Line 7:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 8:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 9:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 14, Section 8, Line 11:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 12:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 14:</u>	After "bill)." insert "The director shall give the commissioner access to any"

information that the director receives pursuant to this section."

<u>Page 14, Section 8, Lines 15-22:</u>	Delete in their entirety
<u>Page 14, Section 8, Line 24:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 14, Section 8, Line 25:</u>	Delete "registered with" and insert "certified by"
<u>Page 14, Section 8, Line 25:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Lines 26-27:</u>	Delete "Commissioner shall share a list of all registered temporary help service firms with the"
<u>Page 14, Section 8, Lines 28-29:</u>	Delete ", and the division"
<u>Page 14, Section 8, Line 31:</u>	Delete "registered" and insert "certified"
<u>Page 14, Section 8, Line 32:</u>	After "State" insert "that make designated classification placements"
<u>Page 14, Section 8, Line 32:</u>	Delete "registration" and insert "certification"
<u>Page 14, Section 8, Line 33:</u>	After "State" insert "that make designated classification placements"
<u>Page 14, Section 8, Line 34:</u>	Delete "registration" and insert "certification"
<u>Page 14, Section 8, Line 37:</u>	After "State" insert "that make designated classification placements"
<u>Page 14, Section 8, Line 38:</u>	Delete "registration" and insert "certification"
<u>Page 14, Section 8, Line 39:</u>	Delete "registration" and insert "certification"
<u>Page 14, Section 8, Line 40:</u>	Delete "commissioner" and insert "director"
<u>Page 14, Section 8, Line 41:</u>	After "firm" insert "that makes designated classification placements and"
<u>Page 14, Section 8, Line 41:</u>	Delete "register with the commissioner" and insert "obtain a certification from the director"
<u>Page 14, Section 8, Line 46:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 14, Section 8, Line 47:</u>	Delete "registered" and insert "certified"

<u>Page 14, Section 8, Line 47:</u>	Delete "commissioner" and insert "director pursuant to this section"
<u>Page 15, Section 8, Line 2:</u>	Delete "commissioner" and insert "director"
<u>Page 15, Section 8, Line 5:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 15, Section 8, Line 8:</u>	Delete "commissioner" and insert "director"
<u>Page 15, Section 8, Line 16:</u>	Delete "commissioner" and insert "director"
<u>Page 15, Section 8, Line 18:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 15, Section 8, Line 20:</u>	Delete "commissioner" and insert "director"
<u>Page 15, Section 8, Line 33:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 15, Section 8, Line 33:</u>	Delete "registration" and insert "certification"
<u>Page 15, Section 8, Line 35:</u>	Delete "commissioner" and insert "director"
<u>Page 15, Section 8, Line 36:</u>	Delete "registration" and insert "certification"
<u>Page 15, Section 8, Line 45:</u>	Delete "b." and insert "a."
<u>Page 15, Section 8, Line 45:</u>	Delete "7" and insert "8"
<u>Page 16, Section 8, Line 8:</u>	After "bill)" insert "and section 14 of P.L.1981, c.1 (C.56:8-1.1),"
<u>Page 16, Section 8, Line 16:</u>	Delete "register" and insert "obtain or renew a certification"
<u>Page 16, Section 8, Line 17:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 16, Section 8, Line 22:</u>	After "registration" insert "or certification"
<u>Page 16, Section 8, Line 26:</u>	After "firm" insert "that makes designated classification placements"
<u>Page 16, Section 8, Line 32:</u>	After "laborers" insert "in designated classification placements"
<u>Page 16, Section 8, Line 34:</u>	After "firms" insert "that make designated classification placements"

<u>Page 16, Section 8, Line 37:</u>	Delete "register" and insert "obtain or renew a certification"
<u>Page 16, Section 8, Line 38:</u>	Delete "operate" and insert "make designated classification placements"
<u>Page 16, Section 8, Line 39:</u>	After "section." insert "g. Notwithstanding any law, rule, or regulation to the contrary, any person or entity that meets the definition of temporary help service firm and that makes designated classification placements as those terms are defined in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), shall obtain a certification pursuant to this section and otherwise comply with the provisions of P.L. , c. (C.) (pending before the Legislature as this bill), regardless of whether the person or entity is licensed or registered as one or more of the entities identified in section 1 of P.L.1989, c.331 (C.34:8-43). h. The requirements of this section shall be in addition to those imposed by any other applicable law, rule, or regulation, including section 14 of P.L.1981, c.1 (C.56:8-1.1) and any rules or regulations promulgated thereunder. A temporary help service firm shall not receive a certification under this section unless it is either registered as a temporary help service firm pursuant to section 14 of P.L.1981, c.1 (C.56:8-1.1) and any rules or regulations promulgated thereunder, or licensed or registered as an entity authorized by any other law, rule, or regulation to provide temporary help services."
<u>Page 16, Section 9, Line 43:</u>	After "contract" insert "with a temporary help service firm not certified under section 8 of P.L. , c. (C.) (pending before the Legislature as this bill),"
<u>Page 16, Section 9, Line 43:</u>	Delete "employment" and insert "assignment"

<u>Page 16, Section 9, Line 44:</u>	Delete "with a temporary help service firm not registered" and insert "to a designated classification placement"
<u>Page 16, Section 9, Line 45:</u>	Delete in its entirety
<u>Page 16, Section 9, Line 46:</u>	Delete "Legislature as this bill)"
<u>Page 16, Section 9, Line 47:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 1:</u>	After "firm" insert " for the assignment of a temporary laborer to a designated classification placement"
<u>Page 17, Section 9, Line 4:</u>	Delete "registration" and insert "certification"
<u>Page 17, Section 9, Line 5:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 5:</u>	After "contract" insert "for the assignment of a temporary laborer to a designated classification placement"
<u>Page 17, Section 9, Line 7:</u>	Delete "employs" and insert "assigns to a designated classification placement"
<u>Page 17, Section 9, Line 8:</u>	After "contract" insert "for the assignment of a temporary laborer to a designated classification placement"
<u>Page 17, Section 9, Line 9:</u>	Delete "or"
<u>Page 17, Section 9, Line 9:</u>	After "revocation" insert ", or non-renewal"
<u>Page 17, Section 9, Line 9:</u>	Delete "registration" and insert "certification"
<u>Page 17, Section 9, Line 9:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 11:</u>	After "client" insert "for the assignment of a temporary laborer to a designated classification placement"
<u>Page 17, Section 9, Line 12:</u>	Delete "or"
<u>Page 17, Section 9, Line 12:</u>	After "revocation" insert ", or non-renewal"
<u>Page 17, Section 9, Line 12:</u>	Delete "registration" and insert "certification"
<u>Page 17, Section 9, Line 14:</u>	Delete "registered" and insert "certified"
<u>Page 17, Section 9, Line 14:</u>	Delete "commissioner" and insert "director"

<u>Page 17, Section 9, Line 17:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 18:</u>	Delete "registered" and insert "certified"
<u>Page 17, Section 9, Line 18:</u>	After "firms" insert "pursuant to section 8 of P.L. , c. (C.) (pending before the Legislature as this bill)"
<u>Page 17, Section 9, Lines 19-21:</u>	Delete in their entirety
<u>Page 17, Section 9, Line 22:</u>	Delete "registered as temporary help service firms."
<u>Page 17, Section 9, Line 23:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 24:</u>	Delete "division's" and insert "Division of Consumer Affairs'"
<u>Page 17, Section 9, Line 27:</u>	Delete "commissioner" and insert "director"
<u>Page 17, Section 9, Line 31:</u>	Delete "registered" and insert "certified"
<u>Page 18, Section 10, Line 1:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 18, Section 10, Line 4:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 18, Section 10, Line 14:</u>	After "laborer" insert "in a designated classification placement"
<u>Page 20, Section 12, Line 6:</u>	Delete "commissioner" and insert "director"
<u>Page 20, Section 12, Line 7:</u>	After "deny," insert "suspend,"
<u>Page 20, Section 12, Line 7:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 10:</u>	Delete "commissioner" and insert "director"
<u>Page 20, Section 12, Line 11:</u>	After "denial," insert "suspension of,"
<u>Page 20, Section 12, Line 12:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 12:</u>	After "denial," insert "suspension of,"
<u>Page 20, Section 12, Line 13:</u>	Delete "commissioner shall also notify the"
<u>Page 20, Section 12, Line 14:</u>	After "Affairs" insert "shall update the list of temporary"

	help service firms certified to make designated classification placements on its website to reflect"
<u>Page 20, Section 12, Line 14:</u>	Delete "of"
<u>Page 20, Section 12, Line 14:</u>	After "denial," insert "suspension,"
<u>Page 20, Section 12, Line 14:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 15:</u>	Delete ", and the division shall update its"
<u>Page 20, Section 12, Line 16:</u>	Delete in its entirety
<u>Page 20, Section 12, Line 17:</u>	Delete "Consumer Affairs' website to reflect these changes"
<u>Page 20, Section 12, Line 18:</u>	Delete "commissioner" and insert "director"
<u>Page 20, Section 12, Line 18:</u>	After "deny," insert "suspend,"
<u>Page 20, Section 12, Line 18:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 22:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 24:</u>	After "obtain" insert "or maintain"
<u>Page 20, Section 12, Line 29:</u>	Delete "registration" and insert "certification"
<u>Page 20, Section 12, Line 44:</u>	After "commissioner" insert "or the director"
<u>Page 20, Section 12, Line 46:</u>	After "or" insert "issued by the commissioner pursuant to"
<u>Page 20, Section 12, Line 47:</u>	Delete "or"
<u>Page 21, Section 12, Line 3:</u>	After "law" insert "; or (6) The temporary help service firm has committed one or more violations of P.L. , c. (C.) (pending before the Legislature as this bill), that have jeopardized the public health, safety, or welfare, or that call into question the firm's ability to operate as a temporary help service firm in compliance with P.L. , c. (C.) (pending before the Legislature as this bill). c. If a temporary help service firm's application for initial registration or renewal is denied pursuant to

section 14 of P.L.1981, c.1 (C.56:8-1.1) or any rules or regulations promulgated thereunder, or if a temporary help service firm's registration is suspended, revoked, or not renewed for any reason, the director shall take the same action against the temporary help service firm with respect to an application or a certification under section 8 of P.L. , c. (C.) (pending before the Legislature as this bill). If a person or entity that holds or seeks a license or registration that authorizes the person or entity to provide temporary help services pursuant to any other law, rule, or regulation is denied such license or registration, or if such license or registration is suspended, revoked, or not renewed for any reason, the director shall take the same action against the temporary help service firm with respect to an application or a certification under section 8 of P.L. , c. (C.) (pending before the Legislature as this bill).

d. The director shall not deny, revoke, or refuse to renew a certification under this section except upon reasonable notice to, and opportunity to be heard by, the applicant or certification-holder. The director may, if the director finds it to be in the public interest, suspend a certification for any period of time that the director determines to be proper, or assess a penalty in lieu of suspension, or both, and may issue a new certification, notwithstanding the revocation of a prior certification, provided the director finds the applicant to have become entitled to a new certification"

Page 22, Section 13, Lines 45-47: Delete in their entirety

Page 24, Section 13, Line 37: Insert new sections:

"14. The rights and obligations established by P.L. , c. (C.) (pending before the Legislature as this bill) shall be in addition to those

set forth in P.L.1960, c.39 (C.56:8-1 et seq.) and any rules or regulations promulgated thereunder; P.L.1989, c.331 (C.34:8-43 et seq.) and any rules or regulations promulgated thereunder; and any other applicable law, rule, or regulation.

15. There is appropriated from the General Fund to the Department of Labor and Workforce Development the sum of \$1,000,000 for the purpose of funding the Department's activities under P.L. , c. (C.) (pending before the Legislature as this bill)."

Page 24, Section 14, Line 38:

Delete "14." and insert "16."

Page 25, Section 14, Line 38:

Delete "90th" and insert "180th"

Page 25, Section 14, Line 39:

After "enactment" insert ", except that sections 3 and 10 shall take effect on the 90th day after the date of enactment, provided however that the commissioner and director may take such anticipatory action as deemed necessary prior to the effective date"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate McDonnell

Senior Deputy Chief Counsel to the Governor