
Committee Meeting

of

JOINT COMMITTEE ON ECONOMIC JUSTICE AND EQUAL EMPLOYMENT OPPORTUNITY

“The Committee will continue to hear testimony regarding the implementation of P.L. 2009, c.313 (C.52:38-7) and other laws and policies designed to foster opportunities for women and minority group members to advance in the construction industry”

LOCATION: Committee Room 3
State House Annex
Trenton, New Jersey

DATE: May 14, 2015
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Ronald L. Rice, Co-Chair
Assemblyman Benjie E. Wimberly, Co-Chair
Senator Shirley K. Turner



ALSO PRESENT:

Robert A. Melcher
Gregory L. Williams
Office of Legislative Services
Committee Aides

Fruqan Mouzan
Senate Majority
Committee Aide

William Murray
Senate Republican
Committee Aide

Kevin Nedza
Assembly Republican
Committee Aide

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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BENJIE E. WIMBERLY
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SHIRLEY K. TURNER
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COMMITTEE NOTICE

TO: MEMBERS OF THE JOINT COMMITTEE ON ECONOMIC JUSTICE AND EQUAL EMPLOYMENT OPPORTUNITY

FROM: SENATOR RONALD L. RICE, CO-CHAIR AND ASSEMBLYMAN BENJIE E. WIMBERLY, CO-CHAIR

SUBJECT: COMMITTEE MEETING - MAY 14, 2015

The public may address comments and questions to Gregory L. Williams, Robert A. Melcher, Committee Aides, or make bill status and scheduling inquiries to Cynthia D. Petty, Secretary, at (609)847-3845 or fax number (609)777-2998. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Joint Committee on Economic Justice and Equal Employment Opportunity will meet on Thursday, May 14, 2015 at 10:00 AM in Committee Room 3, First Floor, State House Annex, Trenton, New Jersey.

The committee will continue to hear testimony regarding the implementation of P.L.2009, c.313 (C.52:38-7) and other laws and policies designed to foster opportunities for women and minority group members to advance in the construction industry.

Issued 5/7/15

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SENATOR RONALD L. RICE (Co-Chair): Good morning.

ALL: Good morning.

SENATOR RICE: I don't want everybody to act like they're dead in here this morning.

Good morning.

ALL: (louder) Good morning.

SENATOR RICE: I know it's not a great day, probably, for Labor, but you know-- We're not going to harm you; we just want to ask some questions. And I know you're the Deputy, and not the Commissioner; and I know you're on a tight schedule. I don't know why you all would be on a tight schedule when it comes to Committees that deal with equity, if you will.

But anyway, we are just happy to have everybody here. I want to just say that this is the Joint Committee on Economic Justice and Equal Employment Opportunity. Today's a voting session; we're doing budgets. And so we've been trying to fit this meeting in so we could have someone from the Department to respond to us. At the last meeting no one showed up.

And so today, the members of this Committee are all over the place -- which means that they will be drifting in and out. We also have people from the Civil Rights community here in the State House, because it's the New Jersey Legislative Black Caucus -- one of our legislative days -- to try to talk to some of the legislators.

Before we get started I just want the Co-Chair, Assemblyman Benjie Wimberly, to say a few words. And maybe someone will drift in; if not, we're going to get you going, Deputy Commissioner. And we're going

to raise a few questions that we need answers to. Hopefully you can answer them, so this is not a waste of our time, nor a waste of your time.

So with that -- Assemblyman.

ASSEMBLYMAN BENJIE E. WIMBERLY (Co-Chair):

Good morning.

Thank you, Chairman; good morning. As the Chairman said, I think this is just a great opportunity to get information in reference to economic justice here in the State of New Jersey when it comes to minorities and females; and making sure that the fair share is being given to these groups, and making sure that New Jersey is on top of, and in compliance with, where they should be when it comes to economic justice and labor.

So I look forward to hearing from you and our Labor leaders today. Thank you.

SENATOR RICE: I just want to point out before we get started something very interesting.

The members of the Legislative Black Caucus were looking for a list of African American legislators throughout the state. And it is interesting to know, in 2015, that no one has a list -- not even the State government -- and we're the ones who are supposed to be following election law reports. So that, in itself, tells you the kind of state we're in when it comes to dealing with women and minorities. It's so bad that the Legislative Black Caucus now has a directory of all the black elected officials in the state because we took the initiative to work with the Institute of Social Justice, Black Issues Convention, and the NAACP, and do the work ourselves.

And so this is reflective of what I see in the Labor Department that's been there for a number of years -- that's not critical of Commissioner Wirths, who I have a good relationship with -- but it is critical of the Administration.

With that being said, I want to read a couple of things into the record. And I hope we're being recorded today?

MR. WILLIAMS (Committee Aide): Yes.

SENATOR RICE: Okay, thank you.

This is the annual report which we're going to be talking about, from New Jersey Builders Utilization Initiative. But I want to read into the record some information so that people here, including the media, will understand where we're coming from and why this Committee was so important to be organized, by way of legislation.

Public Law 2009, Chapter 313 -- which is the law that those of us in the Legislative Black Caucus, and the Women's Caucus, and the Latino Caucus collectively pushed -- under the leadership of the Legislative Black Caucus -- Public Law 2009, Chapter 313, is designed to provide training opportunities for minorities and women in the construction trades and construction-related trades so that minorities and women can realize equal employment opportunities in public contracting. The law requires that the New Jersey Department of Labor and Workforce Development annually submit and publish a report on efforts to implement the law. It further requires that the Department of Treasury, Division of Public Contracts, EEO Compliance in the Treasury, cooperate with the Department of Labor and Workforce Development in preparing the report.

This report summarizes the activities of both agencies, including monitoring efforts, funding allocations, and training program outcomes. The legislation defines the distinct roles of Treasury, and Labor and Workforce Development in carrying out the mandates of the law.

Now, for the purpose of this report the roles are summarized as follows: Treasury is responsible for ensuring that public agencies contribute training funds to New Jersey BUILD -- that's the New Jersey Builders' Utilization Initiative for Labor Diversity -- and their contractors who have been awarded public contracts to hire minorities and women in accordance with applicable target EEO/AA goals. Labor and Workforce Development is responsible for receipt of the training funds, and development and implementation of training funds. That's a responsibility that's statutory. So I need to make that clear for the record.

I want to further read the legislation. The construction trades' training program -- just for your information, a little history -- was originally established in the mid-1980s. And although it did not become fully implemented until 1994, the training program was designed to eliminate discrimination and disparities in the construction trades, particularly with respect to employment on public contracts, based on empirical evidence of minority and women utilization.

Further, as we enhanced that through our actions here in the Legislature under Governor Jon Corzine, Public Law 2009, Chapter 313 and Chapter 335 provided the statutory framework by ensuring that there's a continual pool -- I think that's important for you to note -- a continual pool of qualified minorities and women available for employment on public contracts. And that's for the record.

So it is clear what the legislative intent was -- and still is, by the way, because usually when you do legislative intent you have to go back and find out what the framers and all those folks who died many years ago were thinking. Unfortunately for the Labor Department and State government, and fortunately for us, those who understand legislative intent -- we're still alive. Legislative intent was *my* intent; I wrote the legislation. So it was to provide that pool into perpetuity. And so that's important for you to know.

Public Law 313 (*sic*) required the Department of Labor and Workforce Development to make an annual report, as I said before. But you also are supposed to provide to us the Project Labor Agreement reports. There were two reports that we were supposed to be getting and, to be quite frank about it, there were those of us in the Legislature who supported Project Labor Agreement as it related to the intent, but we opposed it because we couldn't get language in on the initial Project Labor Agreement to make sure that women and minorities would be included. And we were told that would be done later, and it wasn't done; so we put together these statutes that we presently have to ensure. And so someone is supposed to be telling us how we're doing with Project Labor Agreements.

Now, I would suspect -- because of all we've done in the Legislature -- I would suspect that we're going to talk about the wonderful things that have happened. Because I'm trying to shore up your time, since you don't have a lot of time. Because this is what usually happens to us when we call people in: When we ask the hard questions, they tell us about the wonderful things that they're doing and the wonderful things they have vision for. And that's very wonderful, but we supported Hardhats to Helmets (*sic*). I'm a veteran; I think that's a very wonderful thing, so we

don't need to discuss that -- primarily because that's a Veterans' program that is very necessary, and we did that with the intent that a lot of veterans are coming home today from the various wars. I'm a Vietnam veteran who came home from a war.

But we also are smart enough to know, as veterans, that the majority of veterans are not women and minorities. But when you talk about the New Jersey BUILD Program -- the New Jersey BUILD Program was designed to fund and have funding, to perpetuity, for women and minorities.

So let's hope today that we can stick with New Jersey BUILD, okay, so that we aren't here long. Because I hate to see you run out, and ask you to sit down and answer questions. Because then you'll get offended and you'll leave anyway, and I'll be offended because you'll be exercising, you know-- We're due some respect as Legislators, okay? I just want to put that on the record. The Commissioner is not here; you're here representing him, and he wouldn't run out, and I don't expect you to run because we're going to try to get you out in your time.

DEPUTY COMM. AARON R. FICHTNER, Ph.D.:
I'm not going anywhere. (laughter)

SENATOR RICE: All right. So all the records are set straight, right?

Okay. With that being said, why don't you introduce yourselves, for the record -- name, who you represent, what you represent -- so we'll know just who we're dealing with here.

DR. FICHTNER: Sure; and thank you very much.

Senator, you said that it was a bad day for the Labor Department, but I think it's a good day for the Labor Department. And we're very happy and honored to be here to talk about this important topic. We take this very seriously.

My name is Aaron Fichtner; I'm the Deputy Commissioner of the Department of Labor and Workforce Development. And in that role, I'm responsible for all of the program areas of the Department, including NJ BUILD.

And I will let my colleague, Caroline Clarke, introduce herself.

C A R O L I N E N. C L A R K E: Good morning. My name is Caroline Clarke, and I am the Supervisor of the Contract Compliance Unit. I am also the EEO Officer for the Department of Labor.

SENATOR RICE: Okay. Can you tell us, Mr. Deputy, about the New Jersey BUILD Program? And you understand that the law -- which I suspect you understand, and it would be the understanding that the Commissioner understands it as well? Can you interpret what it is we're supposed to be doing over there, and what we're doing with our money?

DR. FICHTNER: Sure. I'll talk about NJ BUILD and the important work that we do to help train women and minorities for construction. I'll let Caroline Clarke talk about the Compliance Unit and their important role.

Senator, Assemblyman, again it's an honor to be here. We take our responsibility around NJ BUILD very, very seriously. We have an incredibly passionate Department to make sure that everybody has economic opportunity. This program -- we are proud of the investments that we have made, the partnerships that we have built to train women and

minorities for construction. We all know that the construction industry has been hit extremely hard in the economy, but we remain committed to making sure that we find good partnerships to be able to make sure that the people who we do train have a pathway to a real job.

So just to summarize: In 2014 -- Fiscal Year 2014, we invested over \$800,000 in a variety of programs; trained 195 women and minorities for jobs in construction. And I'll talk about some of the programs that we funded.

In 2015, we expect to spend about \$950,000 training 288 people -- women and minorities -- for jobs in construction. One of our programs that we're very proud of -- and you mentioned it, Senator Rice -- is the Helmets to Hardhats program. We have-- Because of the experience and the success of that program, we decided to retool that program to focus exclusively on women and minorities who are coming out of the military, who had served our country and were looking for opportunities. And so that program now is exclusively committed to helping women and minorities achieve jobs in the construction trades.

We have a number of other innovative programs I'd be happy to talk about to you as well. One of the things we're most proud of is we gave matching funds to two YouthBuild grantees that leveraged significant investments from the Federal government to allow us to train 80 people in 2014 and 170 people in 2015 -- young people, women, and minorities -- to give them a path to a construction job.

We've launched a couple of initiatives in Camden and in Hudson County to fund pre-apprenticeship programs. Again, all of these programs are partnerships that we believe will lead to real employment

opportunities for people -- for women and minorities. This is a program that we take very, very seriously and are very committed to the work of this program.

SENATOR RICE: Let me ask you a question. You said \$800,000 in 2015?

DR. FICHTNER: That's correct, Senator.

SENATOR RICE: For training?

DR. FICHTNER: That's correct.

SENATOR RICE: And that money came from what program?

DR. FICHTNER: From the NJ BUILD Program.

SENATOR RICE: Okay. And went to what program?

DR. FICHTNER: It went to three different programs: It went to the Helmets to Hardhats program, which is exclusively focused on women and minorities, now, in New Jersey; it went to individual training accounts -- we gave 50 grants to individuals to allow them to get the training that they would need to be successful in the construction trades; and we gave money to two YouthBuild grantees, helping to leverage a Federal investment to train 80 people. So that's what we did in 2014, and we're proud of those investments, and believe that they were a good use of public dollars and very consistent with the legislative intent of the law.

SENATOR RICE: Maybe I'm missing something. I got the Helmets to Hardhats program -- money went there. What were the other programs -- the names of them, or where they're located?

DR. FICHTNER: So the second program is the YouthBuild program. One of them is in Trenton; I believe the other is in Newark. We let anyone applying for Federal YouthBuild dollars in New Jersey know that

if they were successful in getting Federal dollars, that we would contribute \$100,000 per year to their effort to help leverage a Federal investment -- provided, of course, that the \$100,000 from NJ BUILD would go exclusively to women and minorities. And we believe that that was a very creative way to leverage additional Federal dollars to help support community-based organizations that were helping our young people get jobs in construction.

And then the third program for 2014 was a series of individual training accounts -- grants -- that we gave to individuals who came to our One-Stop Career Centers: unemployed women and minorities who expressed an interest in construction. We gave them grants of up to \$4,000 to help them get training in a variety of fields to get into construction.

SENATOR RICE: Let me ask you this question. How much money was in the New Jersey BUILD fund upon it being transferred to Labor?

DR. FICHTNER: Well, in 2014, the total revenues were \$1.6 million. We used \$800,000 of that for the training programs; and we used a little over \$400,000 for our role to fund our compliance efforts around the NJ BUILD Program.

SENATOR RICE: No, my question-- My question-- Maybe you misunderstood the question. The question -- let me put the mike on -- the question was, when the Governor took our legislation and realized he couldn't change it -- unless the Legislators would change it -- he took out the women -- minority and women development group unit that was in Treasury that is supposed to oversight this work with the Federal

government. He dispersed people all over the place, and components of the legislation.

The Labor Department picked up some of this. My question is, when that was dispersed, how much money was in the fund at that time? Not what you got -- because I know what you did with the money for the last five years; we'll have that discussion too.

DR. FICHTNER: Okay.

SENATOR RICE: What was in the fund, do you know?

DR. FICHTNER: I don't have that information, but I'd be happy to get that for you quickly--

SENATOR RICE: Okay.

DR. FICHTNER: --a quick turnaround.

SENATOR RICE: So staff, will you make a note to get that information for us?

Okay. Now, how much money was collected in 2012?

DR. FICHTNER: Our data indicates that we had revenues of about \$4.9 million.

SENATOR RICE: How much was collected in 2013?

DR. FICHTNER: That was \$4.6 million.

SENATOR RICE: You say \$4.6 million--

DR. FICHTNER: That's correct.

SENATOR RICE: --or \$6 million?

DR. FICHTNER: It was \$4.6 million.

SENATOR RICE: My records show \$6 million.

DR. FICHTNER: The table that we got from our financial staff -- and we would be happy to go and double check that -- shows that revenues for 2013 were \$4.69 million.

SENATOR RICE: Okay. Have them double check that; you may be right.

That was 2012?

DR. FICHTNER: That was 2013, Senator.

SENATOR RICE: It was 2013; okay -- I have \$6 million. What about 2012?

DR. FICHTNER: In 2012, the revenues were \$4.9 million.

SENATOR RICE: Well, I have \$5 million; I'll give you \$100,000, okay?

DR. FICHTNER: Okay, thank you. (laughter)

SENATOR RICE: In 2011?

DR. FICHTNER: In 2011, it was \$6.6 million.

SENATOR RICE: It was \$6.6 million in 2011? Okay. So let's talk about those dollars. You described program initiatives of about \$900,000, \$1 million -- a little less than \$2 million, in terms of program initiatives. Can you tell me how much money was spent over the years -- from 2011 to the present -- in program initiatives for training women and minorities, not others?

DR. FICHTNER: So in 2011, we spent \$460,000; in 2012, we spent \$900,000; in 2013, we spent \$730,000; in 2014, we spent \$820,000; and this year we estimate spending \$950,000.

SENATOR RICE: So with all the minorities in Paterson, and Newark, and Camden, and East Orange, and Orange, and Jersey City, and

Passaic, Gloucester County, and all the rest of those places where they're really hurting for jobs because they lack the training -- that's all the money we spent. What happened to the additional money?

DR. FICHTNER: The other money was lapsed to the General Revenue -- the General Revenue Fund.

SENATOR RICE: So about \$17 million was actually lapsed to the General Revenue -- to the Budget? And that's pathetic, for lack of the word I want to use. And I'm not-- Don't take this-- It's not you, personally, I'm blaming; but you represent an entity and a Department in the Governor's Administration. That's pathetic because \$17 million-- First of all, I'm not even sure if you have the authority to lapse that -- I need to check on that -- from the New Jersey BUILD Program. Because when you don't have programs, and you train other ways -- you know, engineers a part of, and things like that. But what it means is that the majority of women and minorities -- a substantial number of women and minorities who the Public Law (*sic*) 313 and 335 was intended to ensure-- Because had we done that, then we would have been prepared for Sandy when it hit us.

Let's talk about Sandy for a moment, because I know the Assemblyman is ready to talk to you about jobs, because he works with young people and I don't think he's happy hearing these numbers; he wasn't aware of them. Let me ask you about Sandy. How many contracts were awarded, or how many people -- women and minorities -- worked on the Sandy projects? Do you have any idea?

DR. FICHTNER: I don't have that information, Senator.

SENATOR RICE: Okay.

DR. FICHTNER: I do not know that.

SENATOR RICE: Were the contracts-- You know, I was told that one reason we weren't spending a lot of money -- we let it lapse -- because the construction field is down. The law doesn't say if construction is down that we don't train people. It doesn't say that if it's up we don't train people. So you need to make a note on that, because I'm going to hold you all accountable and if need be, in the future I will sue. I will force the Legislature to sue for enforcement of the laws that we write, because that's not being done. And people are using a thin line, what lawyers call *interpolation*, to come up with how they're going to do things, and feel that we won't challenge them because they haven't been challenged that much in the past by the Legislature.

But I can say this to you: This Economic Justice Committee -- we're taking a whole different look at how we do business down here. That's why we have this Committee of women and minorities, okay? So I think that's important for you to register and take back to the Commissioner. I'm going to still get him before a meeting, because he is going to have to talk to us. He can't just send staff over here -- (indiscernible) staff. You know, in Vietnam I led my troops; and he needs to lead his too -- regardless of how dangerous it is. He may not be able to answer the questions, but he should be able to say hello. So I'm going to respect it this morning.

So with that being said -- on the Sandy piece, someone needs to tell us, from Labor, how many women and minorities worked on all those contracts that were given out during the Sandy work; and the ones that are still being talked about, okay? Yes? Okay.

DR. FICHTNER: We will look into, and we'll do whatever we can to get that data to you.

SENATOR RICE: Okay. And here comes Senator Turner, and I know she's not happy about women and minorities not getting work, either. (laughter)

How are you doing, Senator?

SENATOR TURNER (off mike): Okay, how are you?

SENATOR RICE: Fine. Let the record reflect that Senator Turner is here.

So now on the contracts -- the law requires that one-half of one percent of contracts over \$1 million be put into New Jersey BUILD and programs to train women and minorities, okay? The question to you is, was the one-half of one percent provided from the contractors and the contracts for all the Sandy work, including those wealthy guys that they (indiscernible) State?

DR. FICHTNER: I'll ask Caroline Clarke if she knows the answer to that question.

MS. CLARKE: I actually do not know the answer to that question, sir.

SENATOR RICE: Okay, thank you. Would you make sure we get that information, because if you go back and read the statute again -- okay? -- you are supposed to have the answer. Do you know why? Because it says, and I read it before, it is your job to monitor and to work with Treasury to make sure that we get the reports right. Isn't that what I read before? That's the law, okay? So it means that someone in Labor was negligent in their responsibilities, and it means that you may have new

people and you didn't take the time to read the laws to them. You shouldn't have hired anybody who doesn't understand the laws that they're supposed to be enforcing. Because you also are supposed to be working with the Labor Department at the Federal level to make certain that the laws governing women and minority participation are not being violated as well. And those are Federal dollars that are coming in there, too, so there should have been some relationship between the Federal government, Labor as it relates to women and minority participation and contracts being awarded -- working with Treasury and all these other entities. Do you understand where I'm coming from?

DR. FICHTNER: I understand.

SENATOR RICE: So you understand why we are upset, as the Economic Justice and Equal Employment Opportunity Committee, and why we had to get the Senator President and the Speaker to do a special resolution to give us a Committee -- that women and minorities can raise questions and then hold people accountable, okay? We can't function this way into the future. And we're going to have that kind of meeting as well; we can't function this way. And that needs to be taken back to the Commissioner as well.

I'm going to break right now, because I know that the Assemblyman has some questions. And then I'll get back with some other questions, okay?

Assemblyman.

ASSEMBLYMAN WIMBERLY: Thank you, Senator.

Most of the questions were asked; obviously, there's a concern with the lapse. Are there new numbers -- employment numbers when it

comes to minorities, and youth, and females that warrant any type of lapse in job training funding?

DR. FICHTNER: Well, Assemblyman, that's a good question. I mean, I just wanted to set some of the context.

I know the Commissioner has talked about this in Budget testimony. In January of 2008, we had 170,000 construction jobs; and after the recession hit, we lost about 45,000 jobs -- meaning that, in 2010, 2011, 2012 we had maybe 50,000 -- close to 50,000 unemployed construction workers. It's always been our concern in this Department, in every investment that we make, that we do not want to train people for jobs that don't exist. And so we are always making sure that we are keeping in touch with our key industries and training people for employment.

The good news is that we've seen good increases in construction over the last year. And so we believe that there are a lot more opportunities for women and minorities, and so we are looking for other further investments that we can make -- always open to creative ideas. We've never turned down a creative idea that someone has brought to us -- of a new strategy for training women and minorities for construction jobs. Now that we've had strong construction growth this last year, we believe there will be great opportunities in the future to train women and minorities for jobs that we know that they have a very good chance of getting.

ASSEMBLYMAN WIMBERLY: I meant no-- Can you give me some of your numbers, I guess, in reference to YouthBuild and who you are servicing in YouthBuild -- age groups that you're servicing in YouthBuild; I guess, the breakdown -- be it gender-- Can you give me some information on that? Do you have that available now?

DR. FICHTNER: I don't have that with us now, but we will get that for you quickly--

ASSEMBLYMAN WIMBERLY: All right. Chairman--

DR. FICHTNER: --to have that available for you.

ASSEMBLYMAN WIMBERLY: Okay, but what age group are you-- I mean, I think I know the number, but what are you targeting when you talk about *YouthBuild*?

DR. FICHTNER: Well, YouthBuild is a program focused on out-of-school youths, so it's usually--

ASSEMBLYMAN WIMBERLY: Oh, I'm familiar with YouthBuild--

DR. FICHTNER: Right.

ASSEMBLYMAN WIMBERLY: --but what age are you--

DR. FICHTNER: I don't have exactly the age groups, but typically our out-of-school youth programs are focused on young people from the ages of 16 to 24.

ASSEMBLYMAN WIMBERLY: And how many cities are you in?

DR. FICHTNER: For YouthBuild, we're in two cities -- our funding goes to two cities for YouthBuild.

ASSEMBLYMAN WIMBERLY: And what warrants those two cities being funded?

DR. FICHTNER: What we said to any entity that was applying for Federal YouthBuild money from the Federal government -- that we would match any investment from the Federal government as a way to leverage Federal investments.

ASSEMBLYMAN WIMBERLY: So is that through the county?

DR. FICHTNER: In some cases; it's different-- Here in Trenton it's the Isles community organization that got the YouthBuild grant. We gave them \$100,000 to supplement their Federal investment. So it's whoever was interested in applying for a YouthBuild grant. We were willing to subsidize, and in many cases I think leverage, additional Federal dollars, by showing that we had a State commitment to an important cause.

ASSEMBLYMAN WIMBERLY: Okay. And you also mentioned one last grant where there was \$4,000 given to individuals. Can you give me a little more clarity on that?

DR. FICHTNER: Sure. So in a larger context, as you all know, we have about 25 to 30 different other workforce programs that we implement. The most important and significant are our One-Stop Career Centers which, you know, are in 30 different locations around the state. As women and minorities came through our One-Stop Career Centers and expressed interest in careers in construction, we were able to use NJ BUILD dollars to help send them to training. That's a great variety of different training programs, very much on an individual case-by-case basis. When you walked in and wanted to work in the building trades, for example, we worked with them to find an appropriate training program -- whether it's a community college, a nonprofit organization, a for-profit training provider, what have you; whatever might be appropriate -- and we made 50 of those grants to individuals in 2014.

ASSEMBLYMAN WIMBERLY: And what is the dollar amount that you spent on it?

DR. FICHTNER: I don't have the exact dollar amount but, on average, it was about \$4,000 per person in the individual training accounts.

ASSEMBLYMAN WIMBERLY: And how many people?

DR. FICHTNER: There were 50 people.

ASSEMBLYMAN WIMBERLY: Fifty people.

DR. FICHTNER: Yes.

ASSEMBLYMAN WIMBERLY: Would you say that is underfunded, or is that something that you see -- foresee being more funded in the future?

DR. FICHTNER: Well, it is something that we're taking a look at. We are strong believers that we want to start with unions--

ASSEMBLYMAN WIMBERLY: Before you go any further, did you say 50?

DR. FICHTNER: Fifty -- 5-0.

ASSEMBLYMAN WIMBERLY: Throughout the whole state?

DR. FICHTNER: That's correct.

ASSEMBLYMAN WIMBERLY: Okay, you can continue.

DR. FICHTNER: So we have worked very, very hard to make sure that we are partnering with employers, with unions to make sure that the people who received training have a very good opportunity of getting a job. And so we are moving-- The Helmets to Hardhats program, the NJ BUILD pre-apprenticeship programs that we're funding in Camden and in Hudson County are very focused on working with unions and employers so that when people get the training we know that they've got a good chance of getting a job.

ASSEMBLYMAN WIMBERLY: Okay, and then this is my last question, Chairman -- is the pre-apprenticeship program. Can you give me numbers on that, and where you're working out of?

DR. FICHTNER: So we just closed a Notice of Grant Opportunity for focus on Camden. And I think that's really a good story that I wanted to tell, so thank you for asking that.

Obviously, there has been a lot of construction growth in Camden as a result of the economic development activities. We've been working very closely with the Mayor and the Mayor's Office to put together a number of programs to help people who live in Camden transition into those job opportunities that are being created. This is one part of that larger initiative, and so we're going to give a grant of \$150,000. We have two very strong proposals that our independent panel is reviewing. We haven't made a final decision on who will get that grant, but we're expecting that they'll train 20 people; and that that will be a direct pathway from that program into an apprenticeship that will lead to a strong career and earnings for individuals in that program. We've had great success with our pre-apprenticeship programs in Newark, and we believe it's a great strategy for getting young people on the path and into unions -- which is a very important strategy.

ASSEMBLYMAN WIMBERLY: Well, I thank you. And I'm going to close by saying that I haven't heard *Paterson* one time yet. (laughter) And I just met with clergy recently, and they gave me an astonishing number -- that 34 percent of African American men between 18 and 30 are unemployed in the City of Paterson. So I think there's much room that we could use. I know your One-Stop does a decent job in our

county, but if there are any future programs targeting, in particularly, black males -- that we have to get jobs, we have to get industry, any type of job training -- we are here, you know? And it's very tough sometimes because we're not the third fiddle, as in third-largest city; we've become the fourth and fifth fiddle when it comes to labor and job opportunities for people.

So I wish you could relay to the Commissioner that I'm sure our administration -- and I know myself, as a legislator on a legislative team -- we are more than open to working with you to give opportunities for employment for minorities and for females.

DR. FICHTNER: Thank you very much for making that point. We would welcome the opportunity to meet with you and others to come up with some ideas that would be a good strategy for Paterson. So we'd be happy to do that.

ASSEMBLYMAN WIMBERLY: Through the Chairman, any opportunity we could, I would appreciate.

DR. FICHTNER: And as you know, Assemblyman, we have -- we're very proud of the work that we're doing at the One-Stop Career Center in Paterson working with Passaic County College in a very, very strong partnership.

ASSEMBLYMAN WIMBERLY: And that is a very good partnership.

DR. FICHTNER: Yes.

ASSEMBLYMAN WIMBERLY: And it's difficult for youth partnerships, because of some of the criteria for those jobs makes it very difficult when it comes to employment situations. I mean, we deal with a lot of working poor; so, I mean, if you're making over, maybe, \$28,000 -- or

whatever the number is -- and you have a certain amount of-- There are so many stipulations -- you know? -- when it comes to IEPs and certain things. So a lot of people in this day and age -- they may not fall under the criteria of the One-Stop. And you have done an excellent job, in particular, with summer employment recently; but so many of the families are just right outside the box of qualifying for the opportunities when it comes to employment.

DR. FICHTNER: Well, thank you. I'd also want to say that our programs, across the board in Workforce Development, reach many, many, many people beyond the NJ BUILD Program. And I think if we look at the data, that we serve a significant number of women and minorities in our One-Stop Career Centers and our Youth Transitions to Work program, in our Dislocated Worker programs, and a whole slew of efforts. So I think our Department has a very, very strong record of helping people achieve economic opportunity through job training and through innovative partnerships. And we're always looking for new ideas to do our jobs more effectively, and so welcome--

ASSEMBLYMAN WIMBERLY: And I won't question that. My concern is the numbers in any type of lapsed funding. In this fiscal climate that we're facing here, in particularly in our urban centers, I don't think there's any room for a financial lapse of training opportunities, or education, or whatever it may be. So I think that's my main concern. Lapse shouldn't be -- in Labor, there should never be a lapse, financially.

Thank you.

SENATOR RICE: Let me ask you a question. Did anyone check to see if you could legally lapse the New Jersey Builders fund?

DR. FICHTNER: Senator, I don't know the answer to that question. It's a budget matter that's not in my -- certainly not in my purview.

SENATOR RICE: Staff, check into it -- primarily because the statute says that you're to train, so there's no need to lapse. When you have \$17 million sitting out there in 5 years, why would you lapse? And if you're telling me that the construction field is down-- Because New Jersey Builders is about construction, and that's why I won't let you get away from New Jersey BUILD. It's nice to talk about all the other programs you have for women, and minorities, and young people; but that's to get us away from New Jersey BUILD. I want the Committee to know that New Jersey BUILD is strictly for women and minorities, and it's about construction. So those other things that you're putting money into -- those dollars are coming from other locations too. The Hardhats to Helmets money is being snatched by New Jersey BUILD, but I believe-- No, it's not?

DR. FICHTNER: Well, I would--

SENATOR RICE: Is it, or not?

DR. FICHTNER: I would respectfully change the language and say not *snatched*. We believe it's a very effective program--

SENATOR RICE: Well, snatched is semantics, okay? Put it this way: It was *taken*, it was *transferred*, it was *line itemed* -- call it what you want; the money came out of there. But those other programs you were talking about were Workforce Development, youth employment in the summertime -- those dollars are not New Jersey BUILD dollars, okay? So we're going to stay with New Jersey BUILD, because I suspected that Labor would come in and want us to feel good about these other wonderful

programs -- some we acknowledge that are wonderful, some we are going to acknowledge are wonderful.

But New Jersey BUILD -- \$17 million. How much does it cost to train someone, say, in the trades? Do you have an idea -- the average person?

DR. FICHTNER: Our training investments typically range from about \$4,000 to maybe higher for more intensive training programs. I don't have the figures specifically for construction.

SENATOR RICE: All right, let me give you 6; I'll give you 6.

DR. FICHTNER: Okay.

SENATOR RICE: I'll give you 7; I'll give you 10 -- \$17 million -- do you know how many black folks, and Latinos, and other ethnic minorities, and women are out there who could have been trained by now -- who could be out there painting my house or doing something until the economy comes up? Then the question is, when you talk about New Jersey BUILD, we're not just talking about training; we're talking about contracts awarded too. You know, Treasury won't come over here. But we're talking about contractors who are supposed to be getting these jobs and training folks.

Then the question is whether or not minority contractors are getting any contract business at all. How much-- If I was to raise the question, "How many minority contractors pay one-half of one percent?" you'd probably tell me not many, and that's because they didn't make over \$1 million worth of work, okay?

So I'm going to hold up on that because I have some other questions. But I'm going to Senator Turner right now.

SENATOR TURNER: Thank you, Senator Rice.

I did miss, I'm sure, a lot of what has been said previously. But, of course, representing the Capital City of Trenton, I'm deeply concerned about the employment opportunities for my constituents in the City of Trenton.

As we all know, we've come through a deep recession. And, in my opinion, the recession is still having its lingering effects on people -- particularly in the urban areas. And we continue to see these reports where the economy is strengthening and the job numbers are improving. But I think it's misrepresented in our urban areas because, I dare say, the unemployment rate is twice as high in the urban areas as to what we see statewide, or even countywide.

So I'm just wondering from what you have reported -- maybe you reported before I arrived -- what is being done for our Capital City, where we have such a high rate of unemployment -- not just for the young men in the city, but also the young women? Because they are the ones who need these jobs most.

DR. FICHTNER: Thank you for your question. And Senator, as a resident of Mercer County, I am proud to have you as my Senator; so thank you.

We have any number of programs. I know we're here to talk about NJ BUILD; I'd be happy to talk about the broader programs that we have in Trenton, because we share your commitment and concern to help make sure that anybody who needs a job and wants a job has the skills, the abilities, and connections to get that job and that career. So we -- our Department works tirelessly with Mercer County and other partners in

Trenton to make sure that we're building pathways to economic opportunity for residents in Trenton.

As it comes to NJ BUILD, we're happy that we have a YouthBuild program run by Isles -- a community organization that is partially funded by NJ BUILD dollars and partially funded by money from the Federal government. We believe that our investment in Isles helped leverage a significant Federal investment, expanding the reach of that important program. So we share the concern that you have about high unemployment rates in cities such as Trenton. And we work very, very hard every day to make sure that we're connecting people to opportunities.

Example: We worked very, very close with the county to make sure that people had opportunities at the new Amazon facility and the training that they needed to get those jobs. We're still looking for opportunities to expand those partnerships. So there is any number of things, and we'd be very happy to have a follow-up discussion about the broad range of things that we're doing in Trenton; because we believe there's a lot of good and important work that's going on, and certainly more work that needs to be done.

SENATOR TURNER: Thank you. I think that, you know, there were some opportunities made available at Amazon. But one of the greatest problems when these jobs are located outside of the city, the real problem is getting our constituents there -- those applicants who do not have transportation. And there are so many people who are transportation-disadvantaged. I know I heard from some of my constituents who wanted to take advantage of those job opportunities in Robbinsville, but had no means of transportation in terms of getting there. So I know that's not

your problem, but I think those are the things that we need to look at and find ways to provide transportation to the jobs that are located outside our urban areas. Because there aren't too many jobs in the City of Trenton, unfortunately. And the largest employer that we have is State government. And I'm here to tell you, State government is not really helping this city.

DR. FICHTNER: So Senator, I completely agree with you that transportation is a critical barrier for people who don't have transportation. I'm happy to say, though, that in the Amazon case -- it didn't solve all the problems, but the county worked very closely with NJ Transit to realign their schedules to create a bus service that would go directly to the Amazon facility. We believe that that was an important model; it may not have solved all the problems about access to Amazon, but it certainly opened up opportunities for many, many residents of Trenton that wouldn't have existed had that bus service not been realigned, and rescheduled, and reorganized to get people to that facility.

So we're always understanding of the need to be creative, to find new solutions. And transportation is certainly an issue that we need to continue to work on with our partners at the county level, and at NJ Transit and other organizations that are willing to do that

So thank you very much for raising that important point.

SENATOR RICE: It's 11 a.m., and I know you have to leave. But I'm going to hold you for about 5 more minutes.

DR. FICHTNER: Senator, we're happy to be here having this dialogue. So--

SENATOR RICE: Well, I'm glad you see it my way now.
(laughter)

Okay. And you're from Mercer County, so your Senator is here. (laughter)

DR. FICHTNER: So I need to stay. (laughter)

SENATOR RICE: You need to stay.

Just a couple of more questions, you know, because this New Jersey BUILD -- this \$17 million just bugs me because, like I said, everything that appears to be dollars and cents surrounding minorities and women -- whether it's lead paint, etc. -- is going to into the general budget.

Out of the programs that you have that deal with women and minorities, programs you have that deal with job training, what other program money lapsed?

DR. FICHTNER: The vast majority of funds that we have for our Department come from the Federal government. So most of our Workforce programs are Federal and so, therefore, it's not a direct question, from a Federal position. We do have issues-- You could look at the Workforce Partnership Fund and some of the issues there; but, for the most part, we're a federally funded agency and most of our Federal programs don't have that issue when it comes to the budget.

SENATOR RICE: You said *for the most part*. I'm asking you for the part that's not Federal -- like New Jersey BUILD. What other funds that address training have lapsed?

DR. FICHTNER: I'd be happy to get that for you in short order.

SENATOR RICE: Please get it for me, because I'm going to tell you the answer. I can almost assure you that the only programs that they lapsed funds for were the ones that are supposed to be dealing directly with

women and minorities; guarantee it, okay? So that needs to be checked; I want that information. Because we're going to be coming at you hard in terms of cooperation, not in terms of beating you up. Because I think Commissioner Wirths has the ability, and I think he's humane enough to want to work with us. And I can say this: I want to acknowledge, first of all, all the brothers, and sisters, and others who have brothers and sisters spiritually who are here. This is Legislative Day for Legislative Black Caucus members -- part of our Legislative Day that we are going to be having every year. There are Civil Rights groups here. I want to thank the Civil Rights groups -- Institute of Social Justice, the NAACP, BIC, etc. They're going to be talking to you because you're saying that there's no-- We need more programs. It seems to me the State should be helping us develop programs; we shouldn't have to come and ask and say, "I have a program," rather than let the money lapse. Because we know what those needs are in State government. No one calls Senator Turner, or Senator Rice, or Assemblyman Wimberly saying, "Look, we have money over here; we don't have enough programs. In your constituency, or nonprofits, or whoever, are there things you are working on that we should be looking at; or people we could talk to?"

Those are the kinds of initiatives that aren't taking place because, if it wasn't our community, I guarantee you they are talking to those other communities with the veterans' programs, etc. But they're not talking to us; they're not talking to Civil Rights groups. But the Civil Rights needs to put together a program. Were going to have to fill some voids in terms of how to get some things done, working with Labor; but it's how to keep training going. There are programs that they have put together

where you could actually take municipal property, package it, and actually train people in our cities on that, fix those abandoned buildings up, and actually convey them back with a mortgage to union workers -- whether they are union workers in the trades, whether they are union workers on the service side. That's a training program -- with Labor cooperation, the Labor Department cooperation, you know, the Redevelopment Authority, the banks, etc. We should be able to rebuild communities almost overnight by way of training programs and put people into the units that can pay the mortgage. And if they can't pay it, then there's a whole list of labor people coming behind who are looking for housing.

So if we could be innovative in our thinking -- because we live in our communities and we know what the needs are -- then someone should be talking to us. I can't tell you what to ask the people in Livingston; you have to have a different series of questions for them. But we should be telling you.

So we're going to be partnershiping with you -- the members of this Committee -- Economic Justice -- because as women and minorities, and those of us in the Legislative Black Caucus, we're going to be meeting with you and the Civil Rights leaders. So you can put that on the record that we don't want people telling us that they don't have time to talk to us and meet with us, okay?

DR. FICHTNER: Senator, if I could quickly respond.

SENATOR RICE: Sure.

DR. FICHTNER: Commissioner Wirths, myself, and all of our employees are committed and welcome the opportunity to work with anybody, to help anybody who wants to work and get training to get a job.

So we have a lot of expertise in our Department, but we're also smart enough to know that we don't have all the answers all the time -- which is why we have to work closely with all sorts of different partners.

So on Tuesday, for example, me and a couple of our senior staff were with the Newark Workforce Investment Board for their annual retreat, talking about how we can work closer to make sure that some of the exciting things that are going on in Workforce Development are aligned with what we're doing at the State level. So we'll never turn down the opportunity to meet to discuss good ideas and to improve what we're doing.

So you have my assurance and Commissioner Wirths' assurance that we are always open. As you know, Commissioner Wirths is always open to new ideas and new partnerships that can effectively get women and minorities opportunities in construction, and get all New Jerseyans the opportunities they deserve around jobs and employment and careers. So we welcome -- we honestly welcome that opportunity to have that conversation.

SENATOR RICE: One final question, and then I'm going to just remind you of something.

Now, when you look at the law, I believe the law can be-- New Jersey BUILD, and Public Law 313 and 335, can be interpreted to mean that if, in fact, in the construction industry -- if, in fact, development is not taking place from a construction perspective, I believe interpretation is that it's construction-related. So it seems to me that, rather than lapse in money, those dollars can go to women and minorities who are moving into engineering fields in schools or things that are related to the field, because they have to come back out to supplement that.

DR. FICHTNER: That's right.

SENATOR RICE: So the question is, are we doing that? Have we looked at it, over the years? I mean, \$17 million is a lot of money. I can see a lot of tuitions that could have been out there, you know? Our money is just going back, being wasted in this budget to help somebody besides women and minorities. Are we doing that with New Jersey BUILD money? I'm not talking about your other pools, now.

DR. FICHTNER: Yes.

SENATOR RICE: Okay.

DR. FICHTNER: Yes. We have a broad, I think, definition of what construction-related is, in line with your question. So yes, engineering, architecture -- all of those are things that we would send people to training for through our individual training accounts. And so -- yes those are good opportunities and it's important to take a broader view of what construction-related is, and we do that at our Department.

SENATOR RICE: Okay. Let me thank you for participating, but take this back: If need be, we will get a map, and we will identify for the Department of Labor and other entities-- You have the numbers. Everybody talks about cities like Newark, and Paterson, and Jersey City. We know where our problems are, etc., etc. But there are three southern counties that are really hurting economically right now, and they're leading on the charts (indiscernible). And all of them may not be minorities, but there are a whole lot of women down there, okay? And there are also minorities. And so we, as nice-- People like to pacify me, and I recognize that I represent the biggest city. But I represent everybody in New Jersey. When we come to these meetings -- and you're going to be back in the

future, because we're going to hold everybody accountable to report to us, something that they should have been doing a long time ago. But we want to hear how we're doing in Paterson. We want to hear how we're doing in Passaic; we want to hear how we're doing in Gloucester; we want to know how we're doing in Salem. You know, I want to make sure that Assemblyman Taliaferro stays on top of that stuff and not let the South Jersey people move him in the wrong direction when it comes to representing his people down there, as well as everybody else.

So you need to identify where the pain is, and then talk to us -- because you have the Economic Justice and Equal Employment Opportunity Committee in the Legislature; but you also have the New Jersey Legislative Black Caucus paying attention to this stuff. And we are legislators, and we can shut the State down anytime we collectively stay together. You also have the Latino Caucus that has the same concerns and interests; and you have the Women's Caucus, chaired by Senator Weinberg.

So you have to understand where we're coming from in the makeup. And once again, as I said, there never was a document to identify all the black elected officials, so there's probably not one that identifies the Latino officials or women, okay? That's how divisive we are, and that's how much people respect us in State government -- they won't even give us a stupid -- a simple document, okay?

So I say all of that for the record, because I know some people, when they leave these Committees, go back to their various agencies and departments and they say, "Senator Rice is a real nice guy; sometimes he's a little wacky, sometimes -- he's always such-and-such." So I want you to

know when you leave here that I'm wacky, but I'm serious. And I just want to say that for the record, as Co-Chair.

I'm going to let you leave by letting my -- if you have any final comments; then let two representatives here maybe make some final comments to you if they want to.

Assemblyman.

ASSEMBLYMAN WIMBERLY: Thank you, Senator Rice.

Obviously the main concern is, a \$17 million lapse in Labor when it comes to women and minorities is a major concern. And I'm sure that we, as a Committee, and a Caucus of the names *Black Caucus*, *Latino Caucus*, *Women's Caucus* -- something that we will vigilantly watch, because I just can't understand that number. I can't really understand how we got a \$17 million lapse.

The issues of vocational schools -- I thought about that. What is your work with vocational schools when you're talking about the job training aspect? Can you just briefly give me something on that before you close?

DR. FICHTNER: Yes, sure. We have been working very closely with vocational schools around the state on a variety of different initiatives. We could go into a lot of detail about that at a separate meeting if you wish.

ASSEMBLYMAN WIMBERLY: Just briefly; just something-- Because it seems like there's a perfect connection there. And I know many of our vocational schools in the State of New Jersey are very high performing. So as Senator Rice said, some of these funds can be used for architecture, engineering -- things that are related to Labor.

DR. FICHTNER: Yes. And I had the honor, I guess, a year-and-a-half or two years ago to go a graduation program at Passaic County Technical Institute -- probably didn't get the name exactly right, so I apologize for that.

ASSEMBLYMAN WIMBERLY: That's the right name.

DR. FICHTNER: Okay. Of individuals who were trained with our funds to go into advanced manufacturing -- some women, some minorities -- a variety of people. So we work very closely with the technical institutes, vocational schools, community colleges in a variety of ways. We believe that they perform a very important role in training people for jobs, and those partnerships are very strong in a variety of ways and we always welcome opportunities to expand those.

ASSEMBLYMAN WIMBERLY: And in closing, Senator Turner had a great point: transportation. I think there's something definitely that has to be put in place when you look at labor and transportation. I know we have a huge project that, I guess, is going to really kick off soon with Xanadu in North Jersey; and one of the main issues from residents of Paterson, Passaic, the surrounding areas there that we have with a lot of minorities will be transportation -- getting there and back.

DR. FICHTNER: Right.

ASSEMBLYMAN WIMBERLY: And I think our One-Stop has done some work with transportation -- working with constituents to get them to jobs, or get them bus tickets, things of that nature. That is a huge, huge impact when it comes to, I think, our urban centers -- transportation there, transportation back to make sure that they're in position to take these jobs; because in many of these instances they do not have cars.

Unfortunately, we work with so many young people or mid-age people trying to get their license restored. So transportation should be a major issue or something you consider for funding when you look at these county programs and these job opportunities and labor.

So I thank you for this opportunity. Thank you, Senator Rice.

SENATOR RICE: Senator.

SENATOR TURNER: I'd like to thank you for coming in today and answering these questions which are, of course, very important.

But just to follow up on my issue of transportation. Many times employers use that as an excuse for not hiring people in the urban areas, in particular, because they don't have a car or they don't have reliable transportation. And, of course, many times you know it's an excuse; because I recall when we had the greatest construction project in this state's history -- when we had somewhere around \$6 billion to \$8 billion to build new schools. And these schools were built in the communities -- in these urban areas -- and they brought in laborers from outside of, not just the cities, but outside of this state. They brought construction people here to build our schools coming from as far as the New England states, and Pennsylvania, and Ohio.

And when I asked why, "Why don't you use the workers that we have that live in those communities?" and the excuse was, "Well, they can't pass a drug test," or "They don't have a driver's license." And I said, "Well, if they live in those communities, they can walk to those school projects." And they said, "Oh, well, you know, maybe in this project; but the next project might be in another county and we can't rely on them getting there because they don't have transportation."

So I think we do need to find a way to get people who live in these urban areas to where the jobs are located. And also we need to work closer with these trade unions to ensure that they're going to be willing to hire people in the communities and the urban areas to work on projects that are located in our cities.

I don't know -- do you provide any kind of grants to unions to help in terms of training, apprentice -- to work on their projects?

DR. FICHTNER: Yes, sure. And I think three of the important programs we fund at NJ BUILD are very much partnerships with unions, because your point is a very important one. So if the unions are not going to take steps to welcome and help accept people into apprenticeship programs, our training programs will be a failure.

So the Building Trades Council is our major partner for the Helmets to Hardhats program. We've required in our grants for Hudson County and for Camden to have union partnerships so that there is the bridge from a pre-apprenticeship program to an apprenticeship opportunity. So unions are very, very heavily involved in everything we do because they're so critical to helping people get jobs and good careers.

SENATOR TURNER: And you do provide them with grants as an incentive to work with getting a lot of these people into apprenticeship programs?

DR. FICHTNER: I could give you more detail on that; I don't have that in front of me exactly -- the amount of money that we've given to unions and what it's used for. But yes, we look for all opportunities to work with the unions to find ways to encourage them to hire people and accept

people who are going through our training programs. So that's an important component to what we do.

SENATOR TURNER: All right. Because as Senator Rice indicated, I know in my city there are so many boarded up homes that have been abandoned, and many of them the city owns. And that would be an excellent opportunity for these trade unions to hire the people in the communities to get the necessary construction skills to work on projects -- not just in the city, but also outside of the city as well.

And these are jobs that are high-paying jobs. And that's what people need in order to take care of themselves and their families.

DR. FICHTNER: Yes.

SENATOR TURNER: Thank you.

DR. FICHTNER: Yes, thank you.

SENATOR RICE: Senator, just for the record, New Jersey BUILD-- Helmets to Hardhats has a program that supplements New Jersey BUILD but doesn't take its place. New Jersey BUILD is strictly for women and minorities. And New Jersey BUILD-- The idea behind New Jersey BUILD was mostly -- not totally -- but mostly for the working relationship of organized labor, because it was about training in construction jobs, and the best trained organized labor. When they stopped funding labor, labor didn't-- Labor wants to train; it gives them something to do even when things are down. They won't fund it -- that's where the problem is, okay? And that's why they let \$17 million lapse. They should have been telling labor, "Here's some more money; go out there and get some more apprentice people in the program -- pre-apprenticeship programs and everything else -- to prepare."

For the record, he's leaving.

The Department of Labor and Workforce Development shall work together with all reporting agencies that will receive the funding, and work together with -- and this is the question I'm asking, before you leave -- with the representatives of the United States Environmental Protection Agency. And the environmental stuff is also related to construction, depending on how you want to interpret it, okay, because some people want to get training in environmental. And the Federal Department of Labor-- They should be working directly with the Federal Department of Labor, Energy, Transportation, Housing and Urban Development, and any other Federal agency distributing funds to the State of New Jersey.

So they have a responsibility that they're not meeting. That's why I keep trying to call them here, and that's why they keep ducking. They're here today, though. They shall coordinate with labor -- this is the point I want to make on what you're saying -- those departments are supposed to coordinate with labor unions that would *aggressively* -- aggressively is highlighted -- aggressively recruit minorities and women for apprenticeship programs, and training opportunities; and increase outreach to -- that's important -- *increase outreach to* -- that was in the legislation we wrote. In fact, I think Assemblywoman Bonnie Watson Coleman -- Congresswoman -- made sure that was inserted: increase outreach to and enrollment of minorities and women apprentices in training and related programs; and ensure, to the greatest extent possible under the law, minority and women apprentices and trainees are working on sites funded with Federal and State dollars.

That's what they're supposed to be doing. So in essence, there is supposed to be an outreach. And the reason that the money is lapsing is because they're not outreaching. No one has called me or called you; they haven't called NAACP statewide, they haven't called BIC, they haven't called women's organizations. They're not outreaching, but we're paying people in that Department, and they keep scaling back. So the lapsed \$17 million -- that cannot happen again. There is probably-- I believe this budget, when you take a look at it-- How much money is being lapsed this year?

DR. FICHTNER: I don't have that figure.

SENATOR RICE: Okay. I believe already they're talking about at least \$800,000 being lapsed this year. Yes, okay? And they're going to play games. And we're going to take a position that we're going to fight back. We're going to set a precedent, and the Speaker knows that.

So my point is, are you working on a regular basis communicating with the Federal government -- those entities that we named, that legislation that you have to work with?

DR. FICHTNER: I'm not familiar with the exact reference that you're speaking to.

SENATOR RICE: Okay.

DR. FICHTNER: But I'd be happy to take a look at that. We work extremely closely with the U.S. Department of Labor on everything that we do and have a strong partnership with them on a variety of efforts -- including this one. And I think YouthBuild is a good example of that.

SENATOR RICE: Okay. Well, thank you very much. Get that information about how you work with the Department of Labor and

what you all are talking about. You know, if you're not talking about New Jersey BUILD and what's going on there -- our failures and our successes -- then that means you're not following the mandate of our intent as well.

But I want to thank you very much for taking the time. And don't take it personally; I wasn't trying to put heat on you. I just want you to know my frustration. And always tell the Commissioner if you're going to send somebody, they're the ones who are going to bring it back, okay? And next time we'll get the Commissioner here. And I'll be meeting with him anyway, okay?

Thank you very much.

DR. FICHTNER: Thank you. It's an honor to be here and to share what we're doing and our commitment to working with all of you to make sure that we're helping everybody get economic opportunities.

Thank you.

SENATOR RICE: Okay. I just want you to know Assemblyman Taliaferro is in the back. I just finished talking about Salem and the number of people who are unemployed there. I told them they better start talking to you.

ASSEMBLYMAN TALIAFERRO: (off mike): I appreciate that, Senator.

SENATOR RICE: Not to talk to your colleagues; talk to you. You're the minority down there.

DR. FICHTNER: We have an incredibly professional and passionate staff, and we are committed to working throughout New Jersey to help anybody who is unemployed, underemployed, achieve a job and a career. So we do that every day, and we're very active in South Jersey.

We're active in all the areas of high employment, and are proud of the work that we're doing.

So thank you for giving us an opportunity to talk about NJ BUILD and the other work that we do at the Department.

SENATOR RICE: Thank you, once again.

Okay, next we have a couple of people who want to testify this morning. One of the people is really working here in the State of New Jersey. I think it's important for us to hear from him, primarily because he's come out of California. He's been doing work in several states, and recently I was able to connect and marry him to the new Mayor of the City of Newark, Ras Baraka.

But we have Mr. Eddie Ahn, who is counsel of Brightline Defense. I need you to tell us a little bit -- we don't have a lot of time -- but about the program and some of the things that you are doing.

And this is all related to how, in California, for example, there was this pushback about women, and minorities, and people in the local community working. There was a pushback from labor, but they were able to get labor at the table, and they have some good things happening working with labor now. And I think the same thing occurred in other states that he can tell you about. And now they're trying to look at a pilot in the City of Newark which may be beneficial for the whole state.

So Eddie, why don't you tell us what you have?

E D D I E A H N, Esq.: Good morning, members of the Committee. Eddie Ahn, Counsel for Brightline Defense Project. And it's a public policy nonprofit based in California that's about empowering communities and creating sustainable environments. We're funded primarily by

philanthropic foundations, including the Surdna Foundation, which makes our work possible. They believe in our workforce development expertise, our legal skill sets, and our policy strategy capacity to do advising about local hire from San Francisco--

Is this on? (referring to PA mike) Excuse me.

SENATOR RICE: Close that door, please. Thank you.

Go ahead.

MR. AHN: So again, Eddie Ahn with Brightline Defense Project. It's a public policy nonprofit about sustainable communities and empowering communities to do local hire. At the end of the day, our work is made possible by the Surdna Foundation, to bring model local hiring policy to different jurisdictions -- from Baltimore; Providence, Rhode Island; Jersey City; Newark, and other jurisdictions across the country -- to talk about how can we bring jobs to our communities that are in need right now, that have been traditionally ignored in the pattern of economy development that exists in our cities.

So I'll have three very brief topics to cover over the course of my testimony: the first of which is the value of local hire; the legal issues surrounding local hire; and third, the policy results gained from local hire itself.

First, the value of local hire -- which is what it means. In principle, it should be about residents who work in geographic proximity to where they live. It also has terms like *targeted hire*, and it's often about what it applies to as well. We've seen before, for instance, with financial subsidized developments, how local hire should be applied to particular instances: where in Paterson or Trenton there has been a lack of economic

diversity within the cities, a lack of racial and gender diversity on particular projects -- development projects; and trying to craft policies that mandate local hiring is part of the challenge. It creates good public policy.

As Senator Turner also noted earlier, it's important to decrease our commutes. Traditional environmental justice communities not only suffer from pollution, but also longer commutes -- which disproportionately affects lower-wage workers. And so looking at that kind of barrier removal is really important. I know Senator Rice also has another bill about removing DMV surcharges in trying to create access, for instance, for people to have the transportation that they need to get to the job. But to begin with, we should all want shorter commutes on a basic human level. I think that creates a better quality of life; it allows us to have more time with our families. And so local hire itself has very potent political, socioeconomic, cultural meaning that people believe in at the end of the day.

Second, the legal issues behind local hire. For a long time many attorneys have told their city governments that local hire is unconstitutional, and it comes from a very superficial understanding of the law. Brightline Defense, alongside other key public policy organizations, has done research into the case law and found differing court interpretations on how to craft a sound law.

I won't get into all the different Federal constitutional challenges that can arise, but I'll focus on just one -- the major one -- which is the privileges and immunities clause: the idea that citizens should enjoy their rights, privileges, and immunities of citizens of any other state. And yes, that is true when it comes to the fundamental right of employment; however, there are two ways to craft a local hire law to make it

constitutional, the first of which is doing fact finding. Talking about disadvantaged neighborhoods, finding the unemployment rates within cities throughout New Jersey would help us figure out which cities to target in and which neighborhoods to create a *substantial reason* -- that's a legal term of art -- to correct the source of evil that exists, which is unemployment itself.

Second is the idea of ensuring that we don't do interstate discrimination. At the end of the day, cities should have the ability to negotiate agreements within New Jersey to trade workers -- to have workers be able to move from city to city, if they so desire.

Third, I'll talk a little bit about the policy successes of local hire itself. For a long time, when there have been local hire laws, there have been usually good faith efforts which haven't meant much in terms of creating results for communities that often traditionally face unemployment. It can mean a newspaper notification; perhaps a job fair; but in no way does it actually guarantee employment.

In San Francisco there was a policy study done that observed, after decades of good faith efforts at a 50 percent goal, in actuality it only produced 20 percent local hire -- local resident hiring. And that in itself -- community members, activists found it to be a travesty. Which is why a mandatory local hiring approach was crafted through a broad collaboration of stakeholders, including elected officials, service providers, and labor organizations who wanted to make a better system in general.

So in the two-sheet memo that I provided to this Committee you'll see the increase from 20 percent and, over the course of four years,

with a 30 percent minimum percentage, the labor market shifted -- where now local hiring is at 45 percent.

And on the second page of that memo you'll also see the increase in racial and gender diversity as well -- where it's more reflective of the city of San Francisco itself. You'll see that the African American population, for instance, hiring numbers have doubled; that the Asian American hiring numbers have tripled -- because the city itself is 35 percent Asian to begin with. And at the end of the day, women hiring as well -- female hiring has increased in construction. Nationally, it remains at an average of roughly 2.6 percent; but in San Francisco, the city itself, local hiring jumped to 4.1 percent from an original 1.8 percent. So they more than doubled, in other words, with the hiring of women.

When you see that -- when you see the increase of diversity and the policy successes that it creates, passing the law is only half the battle -- that implementation -- good implementation needs to happen. In other words, there needs to be good pipelines for our local qualified workforce and strong workforce development systems developed within each municipality. And Brightline continues to work with Newark and Jersey City, in particular, and will talk with other jurisdictions-- Well, Essex County, on a countywide level, is potentially looking at local hiring reform as well.

And then I mentioned earlier the diverse set of stakeholders -- the community-based organizations, the contractors, the developers, and labor -- that need to be brought to work together to bring unemployed communities, diverse communities, our communities -- to get them jobs -- jobs now. Because that is what people really want, at the end of the day.

And to conclude, you're also seeing a shift at the Federal level. More recently, the Department of Transportation, in February 2015, has actually issued a pilot program calling for local hiring in Birmingham, Alabama; Atlanta; and Los Angeles. And these different jurisdictions are all looking at unique local hiring policies by themselves. So we are seeing a sea change in people's attitudes, and this is a different way of approaching a problem that has long affected our communities -- the problem of unemployment, that is also one of discrimination.

So again, thank you for your time today. And I'd be happy to take any questions.

SENATOR RICE: Do you have any questions?

ASSEMBLYMAN WIMBERLY: Thank you very much.

Yes, Chairman. I'd just like the opportunity to get Paterson included in that conversation. (laughter) I mean, like I said, we're dropping further down; we're not third, we're like sixth and seventh. But obviously, everything you talked about are issues that we're facing; and that hopefully we can make a connection with our administration, through me, for you to come into Paterson and assist with this issue.

So I look forward to talking with you offline. Thank you.

SENATOR RICE: I don't have any questions for you, but I want to thank you for the work you're doing here in New Jersey. And it was really a pleasure meeting you and just -- last year, or the year before -- just knowing what you guys are doing throughout the country. And we know if you can get anything done in San Francisco -- particularly with organized labor and local hiring -- you should be able to get it done in New Jersey a lot easier.

But I'm going to thank you; I don't have any questions for your testimony. It's on the record; we're going to share it with the rest of our members.

The next person who is coming up is Jerome Harris. But Eddie, I want you to exchange cards with Jerome Harris, because Jerome also works with the Institute of Social Justice. They pay attention to some of the things that you are doing, and a lot of the work you have done may not need to be duplicated from some of the stuff that they are looking at. So I think it's important that you all share information too.

Jerome Harris -- are you still the Interim Director of the Institute of Social Justice?

J E R O M E C. H A R R I S Jr.: (off mike) No, I'm a Senior Fellow there now, Senator; thank you very much.

SENATOR RICE: Okay, they brought the man in, huh?

MR. HARRIS: That's right.

SENATOR RICE: I have to meet him.

MR. HARRIS: Thank you, Senator Rice and members of the Committee.

First, we want to congratulate you and Assemblyman Wimberly for spearheading the creation and the establishment of this Joint Committee. It raises some very central questions.

Today's discussion with the Department of Labor revealed some information that, perhaps, the African American urban community was not aware of, in terms of the \$17 million lapse of funding in an area of job training and job development. It comes to mind that, having worked in Treasury some time ago to establish the guidelines and to strengthen those

programs-- And to see that money is available, and to hear from nonprofit organizations such as the Urban League -- that has a long-storied history of successful work in job training and job development -- struggling, and there's not a bridge between the Department of Labor and the Urban League in this state-- I think that's an opportunity that we need to explore.

Related to that -- and I know that the Department, in the conversation around the NJ BUILD program, speaks specifically to construction trades and that apprentice model in that area. We know nationally that the notion of trying to reform, rebuild, redesign the employment training pipeline -- workforce development pipeline -- is increasingly talking about trying to apply this apprenticeship model in other areas. So in the growth areas in New Jersey employment, in manufacturing -- advanced manufacturing and health care, I would urge the Committee to begin to explore. Or perhaps have some folks look at whether or not we can reshape, redesign, or figure out as we do economic incentive programs. We're going to be supporting substantially the expansion of health -- the merger of health hospitals. Should we have an apprenticeship, one-half of one percent, training component targeted to Paterson, Hackensack, Plainfield, and places like that as part of that? I think it's an interesting opportunity to examine. I think this Committee is probably the right place to kind of raise those kinds of questions.

One of the other things that was raised by the conversation today: As you know, Senator, the Black Issues Convention, the Legislative Black Caucus, NAACP, and other organizations are spending a day in Trenton around legislative issues. The question of assessing the presence or the data collection of the involvement of people with disabilities in these

training programs -- is there a special consideration? Is the data that's collected -- does that include information about the inclusion in this gateway kind of activity? There is a wide range, as you know, of disabilities, and all disabilities will not prevent people from participating in these programs. And I think that's an important issue that was highlighted today in our conversation earlier.

The other thing I would point out -- and I'll stop and hope to be invited back again in the future -- the question of youth employment. The Department of Labor representative said that they're proud of the job that they're doing. I noticed yesterday that the Zuckerberg Foundation put \$1.5 million in Newark and Paterson to create summer employment. What we see happening in Baltimore and across the country -- and we know that the same conditions of unemployment, youth unemployment, disconnectiveness is something that needs to be addressed. So as the State again makes opportunities available and tax credit programs -- I think Senator Lesniak is proposing a \$750 million tax credit project, or set aside, for Rutgers University to expand its facilities -- maybe we should include a provision that there needs to be some accountability back for generating youth employment. They're hoping that those young people who come to those football games will eventually enroll in the university; but the notion of what work looks like, I think, is an opportunity for us to think about.

And I'd like to come back in the future, Senator, to talk about the Urban Neighborhoods' Investment Opportunities Now, a project that we've modeled; and the possibility of doing -- looking at anchor-based institution commitments, where higher education hospitals and the like have obligations for local hiring, local procurement. And perhaps in this

Committee format we can bring some folks to the table and get some things done, suggested, and move those proposals forward.

Again, thank you for setting up this forum. It is much appreciated.

SENATOR RICE: And thank you for the work that you're doing, and have been doing for so many years -- not only locally, but at the national level too. Because I've been a part of some of those activities with you.

I believe that we're going to have an opportunity -- and I'm assured that Assemblyman Wimberly, who is like a right hand to me in the Black Caucus, as well as Co-Chair of this Committee -- we're going to make sure that there's an opportunity for us to sit collectively with Commissioner Wirths and the Department of Labor to have discussions about projects, and to brainstorm, and to take what we already have that needs to be moved forward to see how that works for our cities, for women and minorities. And certainly, I'm sure that the members of the Economic Justice and Equal Employment Opportunity Committee would be supportive of those kinds of meetings as well, so that we can start to look at things differently.

Understand, this Committee is new, so it's taking a whole different kind of look now. It's a long overdue Committee; but we're trying to get information first so that we can build on the information we have. We kind of know some of the information, because we've been the ones -- meaning women and minorities -- who have been hurting so long and being denied, if you will, opportunities across the board. And so we kind of know what statistics will show us; but we want to hear it from the Administration

side to just confirm what we're saying, and let them know that we are aware, even though we don't work for them -- and therefore kind of encourage them, if you will, to work with us on framing out our issues and putting together the kinds of programs that we believe collectively will be sustainable, number one; but be helpful to our communities. People don't have a monopoly on brains, but I always tell folks I know more about the minority community than I do about the non-minority community. And I know that the people who represent non-minority communities know more about the non-minority community, in terms of all the needs and issues, than they know about our community. So we should be sharing information and learning from each other; that's what this is all about.

It will also give us an opportunity -- this Committee -- to meet people from outside the state who are doing similar works, or maybe have similar problems so that we don't have to reinvent; and they get an opportunity to meet us.

I can say this to you: The National Black Caucus of State Legislators -- the new President asked me to Co-Chair a committee, which I accepted, to deal with labor issues. I'm not sure where that's going, but much of what we do here could very well reach the desks of the Congress, as well as the President, by way of resolutions, if we have resolutions that we think that other states should be supportive of.

Also the work we do here, as it relates to women and minorities throughout the country, if we do it right, it becomes models for other municipalities. And so we can look at best practices from their perspective - - other states, that is -- and they can look at best practices from our state. We don't have a lot of best practices, but we're going to have some, I'm

sure, because of this particular Committee and all the Civil Rights groups, and the support systems for our Civil Rights groups as we start to communicate better and take life seriously.

So with that, I want to thank you once again, okay?

MR. HARRIS: Thank you.

SENATOR RICE: The next speakers -- I'm going to bring two up -- and they are our final speakers.

Did I see Reva Foster here?

REVA FOSTER: (off mike) Yes.

SENATOR RICE: I just want to, at least, acknowledge you. Do you want to say anything, Reva?

MS. FOSTER: Yes, just a couple of words.

SENATOR RICE: Reva is the Chair of the New Jersey Black Issues Convention. I know the Convention is coming up soon.

MS. FOSTER: Yes, it's October.

SENATOR RICE: And some of these issues need to be issues that really seriously get addressed so we'll know, from this Committee's perspective, whatever feedback or issues that go into next year -- that really the Convention people, who are constituency-based, have concerns about.

MS. FOSTER: Yes.

SENATOR RICE: So we can address them from the Committee, okay?

MS. FOSTER: Thank you, Senator Rice, for an opportunity just to speak for a couple of minutes.

Yes, our Convention will be October 1 and 2. It will be in Willingboro, New Jersey, Burlington County, at the Kennedy Center. All of you will receive information and notices regarding it, as well as the agenda.

And as you stated, Senator Rice, a number of the issues that are coming forward today will be addressed, and will be a part of workshops and more information provided to the general community.

But I'd like to also include Burlington County in this labor issue, and also abandoned houses and the foreclosure problem that we're having in Willingboro. I'm from Willingboro; I have a great constituency here from Willingboro; some Haitians, with the Haitian Foundation, as well are here.

And we are in trouble as it relates to foreclosures, as it relates to abandoned housing, as it relates to labor. A number of the issues that labor, more employment would be able to resolve in our community are not being taken care of. And to hear that \$17 million is available for apprentice training and to be able to help people get jobs, help them stay in their homes, help them get fresh fruits and vegetables in their communities, help them with transportation -- it's encouraging to hear it, but it would be more encouraging if we're able to move on it and get it done. And I am committed to making sure that we line up some potential apprentices from Burlington County, especially from Willingboro -- some from the Haitian community and some from the other diverse communities. But definitely the Haitian community, because we've already had a commitment today with three of the representatives from there who will give me a list of names next week -- that we'll be able to send to you, Senator Rice -- to be able to jumpstart this program, at least in our area.

Thank you for the opportunity to speak. I hope I have another opportunity--

SENATOR RICE: I just need to correct the record.

There is not \$17 million available; there *was* \$17 million over the last 5 years that was given back. One year it was something like \$1.6 million; one year it was \$4.9 million or something -- don't hold me to the numbers; I have them here someplace. But over a period of years, this year already I believe that they're talking about at least \$800,000 to be lapsed into the Budget.

We're going to have to put a stop to that movement in the future. That's why I wanted to be on record with it today--

MS. FOSTER: Thank you.

SENATOR RICE: --because had we not raised the issue from this Committee--

MS. FOSTER: Yes.

SENATOR RICE: --the public wouldn't be aware of it. It would have never come out, and it would continue. The statute that we wrote, the legislative intent of that statute is very clear. And by the way, the statutes that we were talking to Labor about today are statutes that had -- that were generated by way of the Legislative Black Caucus, but with the input from the Black Issues Convention and other Civil Rights groups. And that's what we're talking about. So I don't want anyone leaving here today thinking there's \$17 million available for training. What we're saying is that we know that the money is coming in; the economy is picking up, as Labor said; they expect to put more training dollars out there now. Contractors -- we talk to them on a regular basis; they are starting to get

busy now, and that's a good thing for all the workers -- not juts minorities -- because we have about 43,000 workers in the trades who aren't working, you know, etc.

So we're excited about what our future can be, if we work together.

MS. FOSTER: Yes.

SENATOR RICE: It's not going to happen with the Economic Justice Committee, which happens to be made up of women and minorities, okay? It's not going to happen with Assemblyman Benjie Wimberly and myself chairing it. It only happens if, when we move forward legislation, organizations like yours and individuals like you are there to support us; and we communicate to you, we educate you on it so it makes sense, and you have input into it. That's how it's going to work.

So we'll be there, and we'll get the Black Issues Convention too, okay?

MS. FOSTER: Thank you very much, and I really appreciate to hear that. And we're going to be working closely with you, and we're still going to get a list of names of people who will potentially be available when you're ready to start.

Thank you.

SENATOR RICE: Well, one of the things -- and this is for everybody here -- one of the things that we talk about is, we know that we don't have a list of "black elected officials." We also know that we don't have-- The State is supposed to have it, the Port Authority and people, but we don't have in our possession, particularly black organizations, a good list of women and minority businesses; in this case, in the trades in particular,

as it relates to that particular legislation that deals with training minorities and women in the construction field. And so one of the things you can do is to help us generate a list of businesses throughout the state of women and minority businesses. But people who need training and people who can do-- You see, everybody running around with a pickup truck and a paint bucket is not really-- You know, they find us when they can't get work. But we need to know who they are anyway, because we might be able to encourage them -- since they know what a paintbrush looks like and they know what paint looks like -- maybe we can encourage them to get more training through New Jersey BUILD, where they can be what we call *painters*. Okay? And maybe they can get in the unions, okay?

MS. FOSTER: Okay, very good. Thank you.

SENATOR RICE: Assemblyman, anything?

ASSEMBLYMAN WIMBERLY: I just look forward to working with BIC. I mean, your issues are my issues up north.

MS. FOSTER: Yes.

ASSEMBLYMAN WIMBERLY: So that's definitely something at BIC we welcome.

I see Lanisha's here--

MS. FOSTER: Yes.

ASSEMBLYMAN WIMBERLY: --and she's also helpful, because I have a fight of my own when it comes to minorities in our city. And some of the numbers are staggering.

MS. FOSTER: They are.

ASSEMBLYMAN WIMBERLY: And some people don't want to acknowledge the numbers; and the reality is, is that it's a fight that has

had an impact on everybody, you know? In particular, in your community we have a major issue with heroin that has spread throughout the suburbs -- and now everybody is saying it's an epidemic. It's been there. So that has had an impact on these -- we have 2,800 properties abandoned in our city. So, I mean, we're becoming a ghost town, and we acknowledge some of these issues as the Black Legislative Caucus, as BIC; and I definitely want to be part of your conversation.

MS. FOSTER: Thank you very much.

ASSEMBLYMAN WIMBERLY: Thank you.

SENATOR RICE: Okay. The last speakers -- I'm bringing them both up; they're both members of the NAACP, locally and State Conference. And that's Mr. Bruce Davis, as well as Darnell Hardwick.

So why don't the two of you come up.

Also I want to say, while you're coming up -- I'm going to ask the staff to check with Labor to find out in the trades area -- New Jersey BUILD -- are there any areas of opportunities for people who are disabled? In other words, each disability is different, so we recognize that you can't expect a person in a wheelchair to climb up and lay steel, you know? But there may be clerical opportunities or other kinds of things that people can do with some of the trades or the big companies. There may be legal opportunities for legal training in trades, in terms of paralegals and people who can help the various companies know what the codes are and the laws are, okay? So if you could check into that and get back to the Committee, I'd really appreciate it.

Welcome, gentlemen. You can pick and choose who wants to speak first. And just give your name and who you represent, etc.

DARNELL HARDWICK: Okay.

SENATOR RICE: And for the record, in case no one got it, Reva Foster, who just spoke recently, is the Chair of the New Jersey Black Issues Convention; and she is from Burlington County.

MR. HARDWICK: Good morning. Thank you, Senator Rice and members of the Joint Committee of Environmental Justice (*sic*) and EEO. My name is Darnell Hardwick; I wear a couple of hats. I am the Labor and Industry Chair of the New Jersey State Conference NAACP; I'm the First Vice President of the Camden County NAACP. I have been employed with the New Jersey Department of Transportation for 34 years; I am a resident engineer -- I have been a resident engineer for the last 14 years. I am also a Shop Steward for CWA Local 1032; and I am a retired Staff Sergeant from the New Jersey Army National Guard.

In 1998 I was subjected to racial discrimination, denial of promotions, and retaliation for filing charges of discrimination with the Department of Transportation. There weren't many people who looked like me in my place of employment, and also in the construction and consultant firms that did business with the Department Transportation. So with that, I was charged to oversee and inspect construction sites, doing wage-rate inspections, doing the sort of things with the apprenticeships to make sure that they did have apprentices.

So in 1998 I decided upon myself it's time to understand the responsibilities of State agencies in regards to affirmative action. I learned that State agencies are required by State statute to submit yearly affirmative action plans. And because the NJDOT receives Federal funds, they are sort

of like a contractor -- so they are obligated by the requirements of the Code of Federal Regulations, both internally and externally.

When I got the affirmative action plans from the State agencies, what I found out was that there were a lot of people who were just like me. It showed that discrimination complaints -- when you went to the DOT, they all came back with no probable cause. Adversely, promotions, hiring, firing, major/minor discipline -- all adversely affected African Americans.

So I said, "It's upon myself; I have to do something about this." So I filed a complaint with two people; I filed first with the Department of Transportation; they did nothing. They asked me was I Christian and did I pray; they sent me a prayer. (laughter) Then a group of us -- about 16 State employees from the Department of Transportation -- we filed a complaint with the Federal Highway Administration under Title VI, that there was a pattern in practice of racial discrimination at the Department of Transportation. And after a couple of times -- they didn't want to do it; the Department of Transportation (*sic*) made them do it and the compliance review came out. And at that point, in 2005, we got a report back that said that the Department of Transportation had many deficiencies.

They started working on it at first, and then it just stopped. And what we found out with -- I did like five OPRA requests in 2011, 2012, and 2013 on the State affirmative actions. Are the State agencies actually doing affirmative action plans? What I found out -- that the Department of Treasury told all the State agencies to stop doing affirmative action plans until further notice. So you're looking at, since then, there hasn't been a plan since 2008. When we sent one to the DCA, they said, "The

information you've requested could not be provided." The DEP, "due to the State revised its guidelines, the past several years, for the Workforce Development plans, the DEP did not create plans for 2010 through 2012." DOC responded that -- they advised that the "Director of EEO has advised this office that the CSC has requested, in turn, the workforce plans; as such, there are no responsive documents."

DOT responded, "These records do not exist. State agencies have not been required to submit these plans since 2008. We have been advised by the Department of Treasury, EEO affirmative action, in October 2010 to stop all work on the plan until further notice, and we have not received further instructions." The Department of Labor responded, "I have checked with the EEO Officer and have been informed that there was no such plans prepared for the years 2010, 2011, 2012. The most recent plan was prepared for 2008."

So once we got this information we sent a letter to the Director, Mamta Patel, of EEO. She wouldn't respond. It was like radio silence. We sent a letter to CSC Commissioner (*sic*) Czech; no response. We copied the Governor's Office, we sent a letter to the Governor's Office -- no response.

In October 2014, after the Governor did come to our State Convention, I guess now we had a chance to talk to him, so now we set up a meeting. The meeting came; we had a meeting with Mamta Patel. And basically what we came back with is that they have to put an RFP out -- and there are no plans.

So that's where we are at. They have shut down affirmative action policies in the State of New Jersey.

SENATOR RICE: Okay.

Any questions? (no response)

What you need to do is send to us, this Committee, a list of the questions that need to be raised heretofore by the Committee to get answers for. And then maybe tell us some of the things you believe that we should be looking at and doing. Would you do that?

MR. HARDWICK: Oh, yes sir.

SENATOR RICE: Okay. And you're going to send it directly through the Chair, and we'll just distribute it to the Committee members, okay?

MR. HARDWICK: I have a couple of questions I can give to you right now.

SENATOR RICE: Well, you can put them on the record, but send them to us in writing.

MR. HARDWICK: Okay.

SENATOR RICE: Okay?

MR. HARDWICK: For the record, some of the questions that we need to answer: We wanted to know why-- Because my thing was this: When we had the meeting, I said, "Hey, we have a plan in place already." I don't know if you remember Valerie Holman from the Department of Personnel, and also Ms. Castro, who was the Director? I went and did OPRA requests. So I understand what they did; we had a pretty good affirmative action plan. And the biggest point with these plans -- it's not only the plan, it's that we are the watchdogs -- the NAACP. So we want to see who they're hiring and who they're promoting. Without this plan, we can't OPRA that.

SENATOR RICE: Okay.

MR. HARDWICK: You understand?

SENATOR RICE: So what are the questions?

MR. HARDWICK: The questions are: How long does it normally take to revise-- Because they say they are revising the EEO guidelines.

SENATOR RICE: Okay.

MR. HARDWICK: It's now three or four years since they said they were doing that. How long does it normally take to revise guidelines?

How is the Division ensuring each agency -- State agency is in compliance with all the laws and rules relating to equal opportunity, and seeking correction of discriminatory practices, policies, and procedures? How are they doing that when there's no plan in place since 2008?

What will the new guidelines be? How will they differ from the old guidelines? And when will it be completed and implemented?

SENATOR RICE: All right. Get that to us in writing and we'll try to seek answers. We'd like to know the answers as well, okay?

Next, give your name and your relation.

B R U C E D A V I S: Bruce Davis; I am the New Jersey State NAACP Economic Development Chair. I'm also a serving member of the Urban Mayors Association CEDS Steering Committee, among other hats that I wear.

You know, I don't want to repeat all the problems; I mean, I think you gentlemen -- I want to compliment you, first of all, Senator Rice and Assemblyman Wimberly, for having a Committee like this, and giving us the opportunity and a forum by which to express our concerns. I think

Reva and the previous speakers -- Darnell and Jerry Harris -- have done a great job at bringing up the issues.

I want to tell you some of the things that we're doing at the NAACP to create opportunities. You know, as Economic Development Chair, one of my major concerns is small business development. So I know that's not directly to this issue, but it is all about job creation as well. You know, over 80 percent (*sic*) of all jobs created in America are created by small businesses. So if we undermine the opportunity for small businesses because we don't give them the capital to grow, we don't give them the opportunity to be successful regardless of how great their idea, product, design, or service concept is -- if we don't give them that opportunity we have already minimized the opportunity for job growth.

So we're working with the cities. In particular, we'd like to have the opportunity to work with the City of Paterson as well. We had a meeting yesterday with Ras Baraka. He has certain central issues that are important to the City of Newark, as we're going to address them. He's concerned about labor issues as they relate to the poor. So that's an issue that we're going to be working with him and addressing as well.

So we want to work, city by city. We're setting up meetings in Trenton and Jersey City. As I said, we'd like to do it in Paterson and Camden, etc. But it's a series of opportunities for us to support the efforts on a local community basis.

In addition to that, it all goes back to the fact that I think we represent a very creative community; wonderful people who have innovative ideas and concepts, but are rarely recognized (*sic*) the opportunity to grow those ideas; rarely given -- whether it's seed money, or given in terms of

training, etc. -- given the possibility of bringing to fruition all of the creativity that they have.

And again, I respectfully thank you for the opportunity to speak; but also, as I said, for creating this forum by the creation of this Committee.

Thank you very much.

SENATOR RICE: Okay.

Did you want to say something?

ASSEMBLYMAN WIMBERLY: Yes. I definitely, once again, would like to be involved in that conversation with Paterson.

MR. DAVIS: Okay.

ASSEMBLYMAN WIMBERLY: I know Pastor Clayton is our local President of the NAACP; but through Pastor Clayton, if you'd like to arrange a meeting, I think I could do that with our administration also.

MR. DAVIS: Very good.

ASSEMBLYMAN WIMBERLY: Because all of our issues are the same issues.

MR. DAVIS: Absolutely.

ASSEMBLYMAN WIMBERLY: And it's too often, like I said, we're unheard. And earlier I heard the President of BIC talked about Willingboro and places like that; there are some forgotten places, and there other places that receive a lot of attention. And I think we need to kind of share the wealth and some of this knowledge also.

Thank you.

MR. DAVIS: Thank you.

SENATOR RICE: I want to thank you also, and say to you that, from the Economic Justice and Equal Employment Opportunity Committee, a small business is a part of this Committee -- small women and minority businesses. And women's small businesses have grown tremendously over the years; we're just not where we should be.

MR. DAVIS: Right.

SENATOR RICE: Other minority businesses have grown, but not where they should be. And we know that, and I think that's very important; because you'll find that women today, particularly the younger generation of women, really have a strong drive to be independent when it comes to the business community -- probably even more so than most males in terms of the minority community. Most people want jobs and a steady income; they don't want the risk that goes with it. But also we have to be smart when we drive legislation to help the system in creating small business opportunities and employment opportunities. For small business opportunities, in this case, we also need to recognize that there's a need for those who cry out for help to understand that they're going to have to do what they're told. Because people think they can just open a storefront -- don't know anything about business. And we think that we have training dollars and things -- we don't have them; but we should be getting them to help train people. You have to be patient, you have to sit in those classes and understand how to do the books; you know, understand what the corporate payroll tax is, and all the different kinds of things they don't know about -- just putting them out. It costs a lot to run a business, you know? You can't just say, "I want to be in business," and then go into the city and put up some sign you made in the backyard, you know, and don't

paint the place, and the place looks tacky -- and you expect people to come in and purchase it just because you happen to be a minority or a woman.

MR. HARDWICK: Right.

SENATOR RICE: So we have to do some educational pieces too for those who we believe that we should be encouraging being independent and small business people.

MR. DAVIS: Along that line -- not to interrupt you, Senator -- but along that line, we're currently working with the City of Newark. That was the reason for the meeting: to support their efforts in their incubator -- skills training center's projects, through the CEDS. And in addition to that we've requested the city to pull together a collaboration of all of the CDCs -- Community Development Corporations--

SENATOR RICE: Right.

MR. DAVIS: --and CEDCs -- Community Economic Development Corporations -- into a collaborative. Because I think many times a lot of us kind of -- and this is industry -- tend to step on each other's feet; we're chasing the same dollars, we're going after the same population; we're repeating services again and again, not fulfilling the end result that is desired and what is the greatest benefit to a community. So I think a collaborative effort will work more towards that.

Towards that end, we've already established a collaborative program in the City of Trenton where we have partners like the Small Business Administration, the United -- the UCDC -- United Counties Economic Development Corporation, Wells Fargo, and 13 other partners -- Isles -- and many, many other people -- Intersect Fund, etc. And we're interested in building, possibly in the Roebling area of Trenton, an

incubator skills training center. We feel that it is essential for skills training to be housed in an incubator, because we can grow the small businesses and give the skills to those individuals that will fulfill the jobs that those businesses create. So by housing the people, the training centers right in with the incubator, we have an opportunity to provide direct placement of job. Create the jobs onsite, and have direct placement of training and development for those people to fulfill those jobs as well.

SENATOR RICE: Okay. Well, I want to thank both of you. I want to thank everybody who attended. I hope this was an education to those who came down for Legislative Day, and now you have the opportunity to go lobby the Assembly people and the legislators who are here on issues of concerns. And hopefully we'll see you again soon.

I want to thank Assemblyman Benjie Wimberly, the Co-Chair of this Committee, for being here; and the rest for understanding that the Assembly members aren't here because of the day. We wanted this meeting today because *you're* here. That was just as important to us as having the members here, for the record.

So thank you, once again. This meeting is adjourned.

(MEETNG CONCLUDED)