

CHAPTER 518

AN ACT concerning registered apprenticeship programs, and amending and supplementing P.L.1999, c.238.

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

1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to read as follows:

C.34:11-56.50 Definitions relative to public works contractors.

3. As used in chapter 11 of Title 34 of the Revised Statutes:

“Apprenticeship Agreement” means a written agreement, complying with 29 C.F.R. s.29.7, between an apprentice and either the apprentice’s program sponsor, or an apprenticeship committee acting as agent for a program sponsor, which contains the terms and conditions of the employment and training of the apprentice.

“Apprenticeship cohort” means the group of individual apprentices registered to a specific individual program during a one-year time frame, except that a cohort does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period.

“Apprenticeship committee” means those persons designated by the sponsor to administer the program. A committee may be either joint or non-joint, as follows:

- (1) A joint committee is composed of an equal number of representatives of the employer or employers and of the employees represented by a bona fide collective bargaining agent or agents.

- (2) A non-joint committee, which may also be known as a unilateral or group non-joint committee, has employer representatives, but does not have a bona fide collective bargaining agent as a participant. A non-joint committee may include employees.

“Apprenticeable occupation” means a skilled trade or technical occupation that is included on the United States Department of Labor’s “List of Occupations Officially Recognized as Apprenticeable by the Office of Apprenticeship”.

“Apprenticeship program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, as required under 29 C.F.R. ss.29 and 30, including such matters as the requirement for a written apprenticeship agreement.

"Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives.

“Completion rate” means the percentage of an apprenticeship cohort who receive a certificate of apprenticeship completion within one year of the projected completion date.

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof who enters into a contract which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), and includes any subcontractor or lower tier subcontractor of a contractor as defined herein.

"Department" means the Department of Labor and Workforce Development.

"Director" means the Director of the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development.

"Worker" includes laborer, mechanic, skilled or semi-skilled laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, who have completed or are actively participating in a registered apprenticeship program, regardless of whether their work becomes a component

part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

"Registered apprenticeship program" or "program" means an apprenticeship program which is registered with and approved by the United States Department of Labor, which provides each trainee with combined classroom and on-the-job training in an occupation recognized as an apprenticeable occupation, and which involves the attainment of manual, mechanical, or technical skills and knowledge which, in accordance with the industry standard for the specific apprenticeable occupation, are outlined under 29 C.F.R. s.29.5.

"Sponsor" means any person, association, committee, or organization operating an apprenticeship program and in whose name the program is or will be registered or approved.

C.34:11-56.71 Requirements for registered apprenticeship program.

2. a. A registered apprenticeship program shall require the completion of the on-the-job training hours which conform to the industry standards for learning the skills of a specific craft or trade, as well as on-the-job organized, related instruction in technical subjects related to the specific apprenticeable occupation in conformance with industry standards. The industry standards for program completion shall be based upon the training requirements as registered and certified by the United States Department of Labor each individual occupation and craft title published by the United States Department of Labor Employment and Training Administration.

The length of a program shall depend upon the complexity of the occupation. Program duration shall be not less than one year and not more than six years. During the program, the apprentice shall receive both structured on-the-job-training and related classroom instruction. For each year of the program, the apprentice shall receive at least 2,000 hours of on-the-job-training and at least 144 hours of related classroom instruction.

The program shall include all other recommended minimum requirements as outlined under 29 C.F.R. s.29.5 including, but not limited to, a successful demonstration of competency, the registration of program standards, the submission and publication of program completion rates which meet the program performance standards of enrollment and completion rates as outlined under 29 C.F.R. s.29.6, and meet the training recommendations, the terms and conditions of the employment and training agreement between the employer and the apprentice, and the publication of the graduated wages scales to be paid to the apprentice as outlined under 29 C.F.R. s.29.7.

b. Any person who makes or causes to be made, a false, deceptive or fraudulent statement on the public works contractor registration form shall be guilty of a misdemeanor, and shall, upon conviction, be subject to punishment by a fine of not less than \$100.00 nor more than \$1,000.00, and permanent disqualification from bidding on all public work or contracts; or, in the case of an individual who is an officer or employee charged with the duty of completion to the registration form for a person, firm, copartnership, association or corporation, by such fine or by imprisonment not exceeding six months, or both.

3. This act shall take effect immediately.

Approved January 21, 2020.