

2007 Legislative Summary:

In 2006, we specified five bills that were considered legislative priorities. Of these five, three were signed into law, one made significant advancements, and one was placed on "hold" due to court challenges in other states. In addition to the three bills signed into law listed in our 2006 report, we are proud to announce that the New Jersey State AFL-CIO effectively lobbied to get an additional four bills signed into law, as well as one resolution. A brief description of all nine signed into law are as follows:

1. Misclassification of Construction Workers (1099 Independent Contractor Reform in the Construction Industry): Legislation seeking to debar certain construction contractors from public work as well as establishing criminal penalties for misclassification of construction workers as independent contractors was signed into law July 13, 2007. S-2579 (Karcher / Codey / Sweeney) passed the Senate by a vote of 24-12, with all Democrats present voting in favor, as well as Republicans Littell, McCullough, Lance and Asselta. A-4009 passed the Assembly on June 11, 2007, by a vote of 55-22. All Democrats and Republicans Baroni, Kean, Chatzidakis, Dancer and Malone voted in favor.
2. Clarifies that the Prevailing Wage on Construction Projects Must Be Paid When Land is Publicly Owned: A-3890 (Egan / Van Drew / Moriarty / Huttle / Greenstein) & S-2457 (Doria) clarifies that the prevailing wage must be paid on construction projects being constructed on publicly owned land. The bill passed the Assembly on February 22, 2007, by a vote of 61-13. Voting in favor were all Democrats present and 15 Republicans. The bill passed the Senate on March 12, 2007 by a vote of 31-6. Voting in favor were all Democrats present and 11 Republicans. The bill was signed into law on April 26, 2007. The bill was signed into law on July 13, 2007.
3. Stops Debarred Construction Contractors from Using New Business Entity to Circumvent Prevailing Wage Laws: S-2458 (Madden) & A-3889 (Egan / Van Drew / Scalera / Cohen) established new penalties for debarred construction contractors from using new business entities in order to continue bidding on publicly funded projects. The Senate vote was 35-0-5 and the Assembly vote was 62-13-1-4. The bill was signed into law on April 26, 2007.
4. Bans the Sale, Use or Burning of Creosote Products: Creosote has been known to cause various types of occupational diseases. In particular, the substance is harmful to construction workers handling materials treated with Creosote. The bill (A-2804: Diegnan & S-1965: Sweeney) passed the Senate in March 2007 by a vote of 23-14-3. It passed the Assembly in June 2007, by a vote of 71-7. The bill was signed into law on July 13, 2007.
5. BEIP Prevailing Wage Application: S-2247 (Sweeney / Coniglio) seeks to apply Prevailing wage requirements to BEIP grant recipients. These grants are administered by the EDA. The bill passed the Senate mostly along party lines by a vote of 23-15 on January 8, 2007. All Democrats voted in favor, and Sen. Asselta was the only Republican voting in favor. The Assembly version, A-4001 (Fisher / Egan/ Van Drew) passed on December 13, 2007 and passed the Senate on December 17, 2007. It was signed into law on January 4, 2008.
6. The "Violence Prevention in Health Care Facilities Act:"The "Violence Prevention in Health Care Facilities Act" (S-1761: Vitale & A-3027:Conaway) seeks to incorporate OSHA guidelines and requires health care facilities to establish violence prevention committees. The bill passed the Assembly in June 2007, by a vote of 76-4-0 and passed the Senate on December 17, 2007 unanimously. It was signed into law on January 3, 2008.
7. The "Safe Patient Handling Act:" (S-1758: Vitale & A-3028: Conaway) requires that all health care facilities adopt a safe patient handling program and was strongly supported by nursing and health care unions. The bill was signed into law on January 3, 2008.

The following bill was Conditionally Vetoed by Governor Corzine and subsequently signed into law.

WARN Act Reform: In March 2007, legislation expanding the WARN Act notification requirement from 60 days to 90 days, as well as providing severance pay for certain workers during a mass layoff and increasing employer penalties for non-compliance, passed the Senate. The vote for S-472 (Sweeney / Doria / Asselta) was 24-12-4. Voting in favor were all Democrats present and Senators Allen, Asselta and McCullough. The Assembly companion, A-1044 (Van Drew) passed the Assembly in June by a vote of 57-20-2. Voting in favor were all Democrats present and Republicans Baroni, Blee, Chatzidakis, Dancer, Kean, Malone and Munoz.

Governor Corzine conditional vetoed the bill on November 8, 2007.

Under the veto, the severance pay provision (which also serves as an increased employer penalty in cases of non-compliance) remains, but the 30 day extension was vetoed. The conditionally vetoed bill was signed into law on December 20, 2007.

The following resolution was signed and sent to members of Congress:

SJR-38 / AJR-135: Supports the Employee Free Choice Act. Signed on December 20, 2007.

The following three bills will be priority legislation for the New Jersey State AFL-CIO in 2008.

1. Paid Family Leave: S-2249 (Sweeney) & A-3812 (Albano) was released from two Senate committees in 2007 and Senate President Codey has committed to posting the bill as soon as a compromise version can be negotiated with the Assembly. Although the bill has not moved in the Assembly, the Speaker announced in late 2007 that "it's not a matter of if Paid Family Leave will become law in New Jersey, it's only a matter of when" and both the Senate President and the Speaker issued a joining statement on January 4, 2008 saying paid family leave was part of their "New Year's Resolution to enact." Over the summer of 2007, Governor Corzine also announced his strong support for the measure at our Endorsement Conference and has strongly pushed for the measure throughout 2007.
2. Minimum Wage Increase and COLA: The New Jersey Minimum Wage Council, which was established via statute in 2005 and has two labor representatives on it, published a report in December 2007 requesting an increase to 8.25 and the passage of a COLA. Legislation embracing these recommendations will be introduced in January and strongly lobbied in support by the New Jersey State AFL-CIO. Governor Corzine has already endorsed the concept.
3. The "State Financial Accountability Act." Previously known as the "Misuse of Public Funds to Deter Organizing" bill, this is one of the bills listed on the AFL-CIO legislative priorities for the states. The bill passed the Assembly in 2004, but was placed on "hold" in regard to lobbying by the New Jersey State AFL-CIO after similar laws in California and New York were overturned in court. The laws are currently pending a decision by the US Supreme Court. If upheld, the New Jersey State AFL-CIO will again lobby in support of this bill, which was reintroduced in 2007 by the Senate President.

Other 2008 policy priorities:

1. Secure funding for the Transportation Trust Fund and School Construction Program;
2. Protect public employee pensions and health insurance;
3. Protect the Unemployment Insurance fund;
4. Oppose public employee privatization attempts;
5. Private sector health care reform; and
6. Job Export Disclosure Act.

In closing, we are proud to announce that since 2005 the New Jersey State AFL-CIO has successfully lobbied into law seven of the AFL-CIO "priority" bills. Included are:

1. Card Check law for NLRA exempt private employers and all public employees;
2. EFCA Resolution;
3. The only law in the nation to completely ban the Outsourcing of state funded service contracts;
4. The "Health Care Disclosure Act;"
5. Unemployment Insurance reform;
6. Workers Compensation reform; and
7. Raised the Minimum Wage to \$7.15.