SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 3079

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2009

The Senate Labor Committee reports favorably Senate Bill No. 3079.

This bill requires the State, when purchasing, renting or otherwise acquiring apparel, to do so only under the following circumstances:

1. All of the apparel production be performed in the United States, except in cases in which the commissioner determines that it is not possible to obtain apparel produced in the United States which meets the necessary requirements of the State;

2. The apparel production workers are provided a work environment which is safe, healthy and free of discrimination;

3. The apparel production workers are paid non-poverty compensation at an hourly rate not less than the poverty level for a family of three, based on 40 hours of work a week for 50 weeks a year;

4. The apparel production workers are not terminated except for just cause and vendors and their employers provide a mechanism to resolve all disputes with apparel production workers;

5. The vendors and their contractors and subcontractors adapt a neutrality position with respect to attempts to organize by their employees, and agree to recognize a union whenever a majority of workers have signed cards authorizing union representation;

6. The apparel production facilities are open to inspection by the commissioner, the board, or any appropriate agency of any other state, political subdivision, other governmental unit with which the commissioner is cooperating or by any appropriate consortia in which the board or the commissioner are participating; and

7. The contractors and subcontractors do not have a pattern or practice of violation of legal employment protections, including laws regarding wages and hours, child labor, industrial homework, workers' compensation, discrimination, and occupational safety and health.

The bill requires every bidder for an apparel contract to disclose all locations where apparel production is to take place, the name, business address and names of principal officers of every apparel production subcontractor, and an affidavit that each apparel production location meets the standards of the bill.

The bill establishes an Apparel Procurement Board composed of the seven members as follows: three representatives of uniformed State employee unions, selected by the New Jersey State AFL-CIO;

three representatives of public bodies that employ uniformed personnel, selected by the Governor; and an individual chosen by the Commissioner of Labor and Workforce Development. That board would have the power to receive complaints regarding compliance with the bill.

In cases of noncompliance with the bill, the commissioner may, upon a hearing after notice, terminate an existing apparel contract at the earliest feasible date, and bar the vendor or bidder from receiving pending or subsequent apparel contracts for a period determined by the commissioner, but not less than three years if there is a pattern of repeated serious noncompliance.

The commissioner and the board are directed to give priority to coordinating enforcement, monitoring and information collection activities with any political subdivision of this State, with any other state or its political subdivisions and with any other governmental and intergovernmental units and shall give priority to participating in any appropriate consortia which assist in enforcement, monitoring and information collection activities and are independent of the monitored industries.