

COUNTY OF HUDSON



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THE COUNTY EXECUTIVE**

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**CRAIG GUY
COUNTY EXECUTIVE**

Carol Jean Doyle, Clerk
Hudson County Board of Commissioners
567 Pavonia Avenue
Jersey City, New Jersey 07306

RE: Executive Order No.: CG-11

Dear Ms. Doyle:

Pursuant to the authority vested in this office under the County Executive Form of the Optional County Charter Law, N.J.S.A. 40:41A-36 and 37, and Section 3.3 of the Hudson County Administrative Code, please be advised of the following Executive Order:

**AMENDING EXECUTIVE ORDER TAD-34 AND TAD-56 REGARDING PROJECT
LABOR AGREEMENTS FOR PUBLIC WORKS PROJECTS**

WHEREAS, the purpose of this Executive Order is to reaffirm and amend Executive Orders No. TAD-34 and TAD-56; and

WHEREAS, pursuant to N.J.S.A. 52:38-1 et seq., local governments in New Jersey may enforce bid specifications which require contractors to abide by "project labor agreements", which are defined as a form of a pre-hire collective agreement covering terms and conditions of specific projects, with labor organizations for certain construction projects undertaken by the local government; and

WHEREAS, the County has a compelling interest in carrying out public works at the lowest reasonable costs and the highest degree of quality; and

WHEREAS, the County has a compelling interest in having labor disputes in connection with public works projects resolved without the disruptions of strikes, lockouts, or slowdowns; and

An equal opportunity employer

WHEREAS, Project Labor Agreements make possible legally enforceable guarantees that projects will be carried out in an orderly and timely manner, without strikes, lockouts, or slowdowns; and

WHEREAS, Project Labor Agreements make it possible for peaceful, orderly, and mutually binding procedures for resolving labor issues; and

WHEREAS, the County has a compelling interest in guaranteeing that public works projects meet the highest standards of safety and quality; and

WHEREAS, a highly skilled workforce ensures lower costs for repairs and maintenance over the lifetime of the completed project; and

WHEREAS, Project Labor Agreements make it possible to provide the County with a guarantee that public works projects are completed with highly skilled workers; and

WHEREAS, Project Labor Agreements will allow the County to more accurately predict the actual costs of projects; and

WHEREAS, Project Labor Agreements make it possible to provide the County with assurances that public work projects are completed with a diverse workforce; and

WHEREAS, Project Labor Agreements facilitate the efficient integration of work schedules among different trades on project sites; and

WHEREAS, Project Labor Agreements promote harmonious and productive work environments in public works projects; and

WHEREAS, the County can best accomplish these goals by encouraging, for suitable public works projects, Project Labor Agreements between public works contractors and subcontractors and labor organizations concerning important issues of employment, including work hours, starting times, overtime rates, and procedures for resolving disputes; and

WHEREAS, Project Labor Agreements, therefore, give the County an effective means to advance the interests of efficiency, quality, and timeliness of suitable public works projects;

WHEREAS, pursuant to Executive TAD-56, same stated that whenever the County undertook a public works projects where the County is required to pay workers on the project prevailing wages as determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act" (N.J.S.A. 34:11-56.25 et seq.) and where the estimate for the total cost of the project, exclusive of any land acquisition, will equal or exceed \$5 million, the County Administrator shall on a project by project basis, after taking into consideration the size, complexity and cost of the public works projects, determine whether the interests of the County, as articulated by the terms of this Executive Order, are best served by the employment of a project labor agreement for the public works project; and

WHEREAS, P.L. 2025, c.327, signed into law on January 20, 2025, permits a municipality, county, school district, or fire district to include the use of a project labor agreement for a public works project that does not meet the total project cost established by N.J.S.A. 52:38-2 for public works projects, which is currently five million dollars (\$5,000,000); and

NOW, THEREFORE, I, Craig Guy as County Executive, do hereby order and direct that:

1. Hudson County is authorized to use project labor agreements for public works projects that are equal to or exceed three million dollars (\$3,000,000.00).
2. Whenever the County undertakes a public works project where the County is required to pay workers on the project prevailing wages as determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act" (N.J.S.A. 34:11-56.25, et seq.) and where the estimate for the total cost of the project, exclusive of any land acquisition, will equal or exceed \$3 million dollars, the County Administrator *shall* on a project by project basis, after taking into consideration the size, complexity and cost of the public works project, determine whether the interests of the County, as articulated by the terms of this Executive Order, are best served by the employment of a project labor agreement for the public works project, unless otherwise recommended by the County Engineer.
3. On any public works project that is lower than \$3 million dollars, the County Administrator *may*, on a project by project basis, after taking into consideration the size, complexity and cost of the public works projects, determine whether the interests of the County, as articulated by the terms of this Executive Order, are best served by the employment of a project labor agreement for the public works project, unless otherwise recommended by the County Engineer.
4. As required under N.J.S.A. 52:38-2(1) any Project Labor Agreement negotiated shall include a provision that workers be paid the prevailing wage as determined by the provisions of N.J.S.A. 34:11-56.25, et seq.
5. Any Project Labor Agreement executed pursuant to this Executive Order shall include those provisions required by N.J.S.A. 52:38-5 and shall:
 - a. Advance the interests of the County, including an interest in cost, efficiency, quality, timeliness, skilled labor force, and safety;
 - b. Contain guarantees against strikes, lockouts, or other similar actions;
 - c. Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
 - d. Be made binding on all contractors and sub-contractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents;
 - e. Require that each contractor and subcontractor working on the public work project have an apprenticeship program;

- f. Fully conform to all statutes, regulations, executive orders and applicable local ordinances regarding the implementation of targeted goals as announced by the Division of Public Contracts Equal Employment Compliance for women and minority owned businesses, the obligation to comply with which shall be expressly provided in the Project Labor Agreement;
 - g. Include a publicly available plan regarding the shares of employment and apprenticeship positions in the public works project for minority group members and women which is in full conformance with the targeted goal requirements of all applicable statutes, regulations, executive orders and local ordinances and is mutually agreed upon by the participating labor organizations and the County provided that any shares mutually agreed upon shall equal or exceed the requirements of other statutes, regulations, executive orders or local ordinances;
 - h. Require the contract for the project to provide whatever resources may be needed to prepare the apprenticeship for a number of women and minority members sufficient to enable compliance with the plan agreed upon and provide that the use of those resources be administered jointly by the participating labor organizations and the County or community-based organizations selected by the county;
 - i. Require the County to monitor, or arrange to have a State agency monitor, the amount and share of work done on the project by minority group members and women and the progression of minority group members and women into apprentice and journey worker positions and require the County to make public, or have the State agency make public, all records of monitoring conducted pursuant to this subsection.
 - j. Relative to all of the above provisions as mandated by N.J.A.C. 17:27-3.2, include provisions requiring all parties to the Agreement make a good faith effort to provide equal employment opportunity for minorities and women.
 - k. To the extent permitted by law, require that any Project Labor Agreement contain a provision that at least thirty percent (30%) of the total union apprentice workforce on the project be County residents, fifty percent (50%) of which shall be women or minorities.
6. In the discretion of the County Administrator, the appropriate County personnel shall negotiate in good faith a project labor agreement with one or more labor organizations, or he shall take necessary actions to have the County's contracted construction manager for any public works project negotiate on the County's behalf.
 7. Any bidder for a project as referenced herein refusing to agree to abide by the conditions of a Project Labor Agreement or the requirement to negotiate a Project Labor Agreement shall not be regarded as a responsible bidder.
 8. Any Project Labor Agreement shall take effect at the time, if any, it is approved by a resolution by the Hudson County Board of Commissioners.

This Executive Order shall take effect immediately and shall continue in force until further notice or until it is amended, superseded, or rescinded.



Respectfully Submitted,

Craig Guy
County Executive
Hudson County

ADP:ek

cc: Honorable Anthony Romano, Chairperson, Board of Commissioners
E. Junior Maldonado, County Clerk
Abraham Antun, County Administrator
David Drumeler, Deputy County Administrator
Cheryl Fuller, Director of Finance and Administration
New Jersey Division of Contract Compliance and Equal Opportunity In Public Contracts