

State of New Jersey
Executive Order #20

Governor James E. McGreevey

WHEREAS, the State of New Jersey has a compelling interest in guaranteeing that apparel acquired by the State of New Jersey is made in conditions that the State of New Jersey, its citizens, and its employees, can be proud of; and

WHEREAS, the apparel industry has a history of poor conditions for its workers; and

WHEREAS, the largest part of the apparel purchases of the State of New Jersey are for uniforms for New Jersey employees; and

WHEREAS, these uniforms are intended to project a positive image for the State, and pride in the job on the part of State employees; and

WHEREAS, the State of New Jersey has a compelling interest in ensuring that these uniforms are produced under excellent conditions in the United States of America;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby Order and Direct:

1. For the purpose of this Order:
 - a. "Apparel" means any clothing, headwear, linens or fabric.
 - b. "Bidder" means any person making a bid with a public body to serve as a vendor to a public body.
 - c. "Public Body" means the State of New Jersey, any agency of the State or any authority created by the Legislature.
 - d. "Vendor" means any person or business selling or otherwise providing apparel to or for a public body, including the provision of apparel to a public body; or entering into a license agreement with a public body to produce or provide items of apparel bearing names, trademarks or images of, or related to, the public body.
 - e. "Apparel Contracts" shall include all purchases, rental or other acquisition of apparel products by the State of New Jersey, including authorizations by the State of New Jersey for vendors to sell apparel products through cash allowances or vouchers issued by the State of New Jersey, and license agreements with a public body.

- f. "Apparel Production" shall include the cutting, manufacturing of apparel products performed by the vendor or by any sub-contractors, not including the production of supplies or sundries such as buttons, zippers, and thread.
 2. When purchasing or otherwise obtaining apparel from a vendor, including approving a vendor for participation in allowance or voucher programs, a public body shall require that all apparel production be performed in the United States.
 3. When purchasing or otherwise obtaining apparel from a vendor, including approving a vendor for participation in allowance or voucher programs, a public body shall require that all apparel production be performed in production facilities that meet the following requirements:
 - a. Vendors and their contractors and sub-contractors shall adopt a neutrality position with respect to attempts to organize by their employees, and agree to voluntarily recognize a union when a majority of workers have signed cards authorizing union representation.
 - b. Apparel production workers employed to fulfill an apparel contract will not be terminated except for just-cause and vendors and their contractors and sub-contractors shall provide a mechanism to resolve all disputes with apparel production workers.
 - c. Apparel Production workers employed to fulfill an apparel contract are provided a safe and healthy work environment, and a work environment free of discrimination on the basis of race, national origin, religion, sex and sexual preference.
 - d. Apparel contracts shall only be issued to contractors, and apparel production shall only be performed by contractors or sub-contractors, that do not have a pattern or practice of violation of legal employment protections not otherwise preempted, including laws and regulations governing wages and hours, discrimination, occupational safety and health.
 - e. Apparel contracts shall only be issued to contractors, and apparel production shall only be performed by contractors or sub-contractors, that provide non-poverty compensation at an hourly rate which at 40 hours of work a week for 50 weeks a year would be equal to but not less than the threshold family of three as published by the United States Department of Health and Human Services.
4. Information.
 - a. Every bidder for an apparel contract shall inform the contracting agency in writing of the following information, which shall be made available to the

public as soon as possible, but in no case less than thirty (30) days before a decision is made to award an apparel contract to a vendor:

1. Every location where apparel production is to take place, including any sub-contractor locations.
 2. The name, business address, and names of principal officers of each sub-contractor to be used for apparel production in fulfillment of an apparel contract.
 3. An affidavit that each Apparel Production location meets the standards defined above.
- b. Any changes to the reported information during the term of an apparel contract must be reported by the vendor to the public body. The public body shall report all information required under this section to the Apparel Procurement Board, and shall make such information available upon request to the public.
5. Apparel Procurement Board. The Apparel Procurement Board shall be established as follows:
- a. The Apparel Procurement Board shall be composed of:
 1. three individuals representing uniformed unions of employees of the State, selected by the New Jersey State AFL-CIO;
 2. three individuals representing agencies that employ uniformed personnel, selected by the Governor; and
 3. one individual chosen by the Commissioner of Labor.
 - b. The Apparel Procurement Board shall have the power to receive complaints that any bidder or contractor is not in compliance with this Order, and recommend an investigation into the merits of such complaints.
 - c. The Apparel Procurement Board shall be administered by the Commissioner.
6. Violations. If the Commissioner of Labor determines that a vendor, sub-contractor or bidder has not complied with the terms of this Order, including any finding of failure to provide truthful information as required by this Order, the Commissioner of Labor may:
- a. Terminate an existing apparel contract at the earliest feasible date.

- b. Bar the vendor or bidder from receiving pending or subsequent apparel contracts, unless preempted by federal law.
7. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Order is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.
8. Every apparel contract and bid application shall contain a provision or provisions detailing the requirements of this Order, and compliance with this Order shall be made a binding part of all apparel contracts.
9. Waiver. Specific requirements of this Order may be waived if it is determined by the public body that there is no vendor able to meet those specific requirements. In such event, the public body shall take every reasonable measure to contract with a vendor who is able to satisfy most closely the requirements of this section.
10. This Executive Order shall take effect immediately.

Given, under my hand and seal this
11th day of June in the Year of our
Lord, Two Thousand and Two, and of
the Independence of the United
States, the Two Hundred and Twenty-
Sixth.

/s/ James E. McGreevey
Governor
[seal]

Attest:

/s/ Paul A. Levinsohn
Chief Counsel to the Governor