

34:15B-13 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:15B-13 et al (Job Training Program-- various amendments)

CHAPTER 71

Laws Of: 1987

Bill No: A342

Sponsor(s): Kern

Date Introduced: Pre-filed

Committee: Assembly: Labor; Appropriations

Senate: Labor, Industry and Professions

Amended during passage: Yes Substituted for S2498 (not attached since identical to A342)

Date of Passage: Assembly: June 19, 1986

Senate: February 2, 1987

Date of Approval: March 11, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes 2-24-86 and 3-6-86

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

Report, referred to in press release:

974.901 New Jersey. Job Training coordinating Council

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ASSEMBLY, No. 342**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman KERN

AN ACT concerning job training and amending and supplementing
P. L. 1983, c. 328.

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

1 1. Section 3 of P. L. 1983, c. 328 (C. 34:15B-13) is amended to
2 read as follows:

3 3. The commissioner shall, in implementing the job training pro-
4 grams established pursuant to this act, consult with the New Jersey
5 State Job Training Coordinating Council established pursuant to
6 Executive order 22, dated December 3, 1982, with respect to the
7 establishment of criteria for approving applications and candi-
8 dates for job training. ***[**The council shall meet at least quarterly,
9 and the members thereof shall be reimbursed for their actual
10 expenses.**]*** Copies of the minutes of each meeting of the council
11 shall be filed with the commissioner. The commissioner may also
12 consult with the **[**regional**]** *local* private industry councils estab-
13 lished pursuant to the provisions of the federal Job Training
14 Partnership Act, Pub. L. 97-300 (29 U. S. C. *§* 1501 et seq.) with
15 respect to the establishment of standards and criteria for job
16 training programs, and he may utilize their services with respect
17 to the identification of industries which are in need of the job
18 training services established by this act and for monitoring the
19 effectiveness of job training programs established pursuant to the
20 provisions of this act.

1 2. Section 4 of P. L. 1983, c. 328 (C. 34:15B-14) is amended to
2 read as follows:

3 4. The commissioner, in consultation with the New Jersey State
4 Job Training Coordinating Council, shall establish criteria for the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted February 24, 1986.**

5 establishment of job training programs and for awarding grants
 6 for any job training program established pursuant to the provisions
 7 of this act. *These criteria shall include requirements which ensure*
 8 *that job training programs established pursuant to the provisions*
 9 *of P. L. 1983, c. 328 (C. 34:15B-11 et seq.) are operated in com-*
 10 *pliance with applicable State and federal labor laws and health and*
 11 *safety standards.* In establishing criteria for the awarding of the
 12 grants, the commissioner shall *also*, where practicable, give pri-
 13 ority to applications for job training or retraining associated with
 14 the entry of new businesses, or with the retention of existing busi-
 15 nesses in this State, or in connection with existing businesses in the
 16 State which plan to expand their work force, **which* are ex-*
 17 *periencing skill shortages due to technological change or *which**
 18 *are unable to remain competitive due to international foreign*
 19 *competition.*

1 3. Section 7 of P. L. 1983, c. 328 (C. 34:15B-17) is amended to
 2 read as follows:

3 7. Any business located or to be located in New Jersey may
 4 apply to the commissioner for the establishment of a job training
 5 program under this act. The application shall identify the specific
 6 jobs for which training is required and the applying business and
 7 the commissioner shall jointly establish standards for the proposed
 8 job training program. The commissioner shall review the applica-
 9 tion in accordance with the criteria established pursuant to section
 10 4 of this act. If the application meets the criteria, the commis-
 11 sioner may solicit proposals from approved organizations to con-
 12 duct the training program and award any grants to these organiza-
 13 tions as may be necessary to effectuate the program.

14 The commissioner shall encourage the establishment of pro-
 15 grams which make the optimum economic use of available resources
 16 to effectuate the job training, including, but not limited to:

- 17 a. Apprenticeship training;
- 18 b. On the job training; **[and]**
- 19 c. A combination of on the job training and classroom training,
 20 using the facilities of the prospective employer;
- 21 d. *Retraining; and*
- 22 e. *Training to upgrade existing skills.*

1 4. Section 9 of P. L. 1983, c. 328 (C. 34:15B-19) is amended to
 2 read as follows:

3 9. Of the funds appropriated annually for activities under this
 4 act, up to **[6%]** 15% may be available to the department for the
 5 costs of administration and program management. Such adminis-
 6 trative costs shall include necessary staff and nonpersonnel ser-

7 vices for the direct management of the program as well as the costs
 8 involved in developing and maintaining program coordination with
 9 other principal departments of State government. At least **[94%]**
 10 85% of the funds appropriated annually for this act shall be used
 11 to finance the actual training components and activities developed
 12 under this act.

1 5. Section 10 of P. L. 1983, c. 328 (C. 34:15B-20) is amended to
 2 read as follows:

3 10. **[As]** *At least 25% of the total cost of the program shall be*
 4 *paid by the applying business, except that the commissioner*, in
 5 *his discretion and for good cause, may approve a lesser amount, but*
 6 *not less than 10%, to be paid by the applying business if there are*
 7 *a sufficient number of approved applications in which businesses*
 8 *agree to pay a portion of the cost of the program in an amount*
 9 *greater than 25% so that the yearly average of matching funds*
 10 *of all approved applications is 25%. The commissioner shall re-*
 11 *port annually to the New Jersey State Job Training Coordinating*
 12 *Council every job training program in which a match of less than*
 13 *25% is paid by the applying business and the reasons for his*
 14 *approval thereof. The remainder of the cost of any job training*
 15 *program shall be paid from State funds appropriated for the*
 16 *purpose by this or any other act, and, where applicable, federal*
 17 *money made available by the provisions of the federal Job Training*
 18 *Partnership Act, Pub. L. 97-300* **[may waive this requirement if**
 19 *an application for funds appropriated under ***[this act]*** *P. L.*
 20 *1983, c. 328 (C. 34:15B-11 et seq.)* *:

21 *a. Is being submitted in order to meet the requirement for*
 22 *matching State funds for training dislocated workers with federal*
 23 *funds made available under the federal Job Training Partnership*
 24 *Act, Pub. L. 97-300 (29 U. S. C. *§* 1501 et seq.); or*

25 *b. Expressly warrants that any funds received under ***[this***
 26 *act]* * *P. L. 1983, c. 328 (C. 34:15B-11 et seq.)* * *shall be used*
 27 *solely to cover the costs of classroom training to be procured from*
 28 *and conducted by a provider of services other than the applying*
 29 *business.*

1 6. Section 11 of P. L. 1983, c. 328 (C. 34:15B-21) is amended to
 2 read as follows:

3 11. **[Every regional private industry council]** *The Sta'e shall*
 4 *monitor the effectiveness of the job training programs establihed*
 5 *pursuant to the provisions of this act to determine such factors,*
 6 *including, but not limited to:*

7 a. *The percentage of trainees who satisfactorily complete the job*
 8 *training program; and*

9 b. The length of time that trainees who complete the program
10 are employed by the employer which initiated the establishment
11 of the job training program.

1 7. Section 14 of P. L. 1983, c. 328 (C. 34:15B-24) is amended to
2 read as follows:

3 14. Program enrollees are not employees of the State. The com-
4 missioner shall arrange for **[appropriate insurance]** *workers' com-*
5 *pensation* coverage for all program enrollees with the exception of
6 those who are employees of a participating industry. **[In those**
7 **cases]** *With respect to program enrollees who are employees of a*
8 *participating industry*, the participating industry shall be responsi-
9 ble for assuring that each enrollee on its payroll is covered by
10 ***[worker's]** **workers'* compensation during all program activi-
11 ties.

1 8. Section 16 of P. L. 1983, c. 328 (C. 34:15B-26) is amended to
2 read as follows:

3 The commissioner shall make such rules and regulations as *are*
4 **[he deems]** necessary to effectuate the purposes of this act, *in-*
5 *cluding regulations which ensure that the records made and main-*
6 *tained and the reports prepared and submitted by providers of*
7 *services pursuant to section 9 of this *1986* amendatory and*
8 *supplementary act provide information which may be used by the*
9 *commissioner in preparing the reports required by section 13 of*
10 *P. L. 1983, c. 328 (C. 34:15B-23).*

1 9. (New section) Providers of services shall make and main-
2 tain records and prepare reports on the performance of programs
3 funded under P. L. 1983, c. 328 (C. 34:15B-11 et seq.) in a manner
4 required by the commissioner by regulation. ***[The commissioner**
5 **shall not require any provider of services to submit reports more**
6 **than once each quarter.]***

1 10. (New section) No currently employed worker shall be dis-
2 placed by a program enrollee by any means, including partial dis-
3 placement through the reduction of non-overtime work hours, wages
4 or employment benefits; nor shall any program enrollee be placed
5 in the same job or a job which is substantially equivalent to the
6 job previously held by a regular worker who was laid off or termi-
7 nated by the employer with the intention of filling the vacancy so
8 created by hiring a worker whose wages would be subsidized under
9 P. L. 1983, c. 328 (C. 34:15B-11 et seq.).

1 11. (New section) No job training program funded under P. L.
2 1983, c. 328 (C. 34:15B-11 et seq) shall impair existing contracts
3 for services or collective bargaining agreements, except that a
4 training program which would be inconsistent with the terms of a

5 collective bargaining agreement may be undertaken with the written
6 concurrence of the labor organization and employer who are parties
7 to the agreement.

1 *12. (New section) *The commissioner is authorized to expend*
2 *funds appropriated under P. L. 1983, c. 328 (C. 34:15B-11 et seq.)*
3 *in conjunction with State and local delivery systems to maximize*
4 *the effectiveness of funds established by the federal "Job Train-*
5 *ing Partnership Act," Pub. L. 97-300 (29 U. S. C. § 1501 et seq.),*
6 *P. L. 1983, c. 328 (C. 34:15B-11 et seq.), and P. L. 1977, c. 461*
7 *to provide customized training programs for businesses submitting*
8 *applications and which are creating new job opportunities by*
9 *opening or expanding within the borders of the State, or which*
10 *are experiencing skill shortages due to technological change, or*
11 *businesses that are unable to remain competitive due to foreign*
12 *competition.*

1 13. (New section) *For purposes of this 1986 amendatory and*
2 *supplementary act, customized training shall include but not be*
3 *limited to on-the-job training, classroom training, retraining, up-*
4 *grading training, on-site training, and job retention training pro-*
5 *grams which are specifically tailored to an industry's needs.*

1 14. (New section) *Training programs under this 1986 amenda-*
2 *tory and supplementary act shall be limited to businesses which*
3 *currently exist in New Jersey, new or expanding businesses, busi-*
4 *nesses needing customized training program assistance to remain*
5 *in or start operations in New Jersey, and those businesses experi-*
6 *encing skill shortages due to technological change.*

1 15. (New section) *Funds appropriated under P. L. 1983, c. 328*
2 *(C. 34:15B-11 et seq.) for the provision of customized training*
3 *programs shall be exempt from any matching requirements except*
4 *that the commissioner may approve plans using other State, pri-*
5 *ivate, or federal funds. The State shall monitor the effectiveness*
6 *of the customized training programs established pursuant to the*
7 *provisions of this act, including but not limited to:*

8 a. *The percent of trainees who satisfactorily complete the cus-*
9 *tomized training programs; and*

10 b. *The percent of trainees who complete the program who are*
11 *employed by the employer which initiated the establishment of*
12 *the job training program.*

1 16. (New section) *Each recipient of funds under P. L. 1983, c. 328*
2 *(C. 34:15B-11 et seq.) shall provide to the Commissioner of Labor*
3 *assurances that none of the funds will be used to assisit, promote*
4 *or deter union organizing activity.**

1 ***[12.]*** *17.* *This act shall take effect immediately.*

STATEMENT

This bill would amend and supplement the New Jersey Job Training Program under P. L. 1983, c. 328 (C. 34:15B-11 et seq.), by:

1. Directing the Commissioner of Labor, in consultation with the New Jersey State Job Training Coordinating Council, to establish criteria for the establishment of and awarding of grants for job training programs which ensure compliance with State and federal labor laws and health and safety standards;

2. Further directing the commissioner to give priority where practicable to, among others, businesses which are experiencing skill shortages due to technological change or which are being driven out of the marketplace by international foreign competitors;

3. Raising the percentage of funds which the Department of Labor may apply toward administrative costs from 6% to 15%, and lowering the percentage of funds which must be used to finance actual training activities from 94% to 85%;

4. Eliminating the provision giving the commissioner discretion to allow a business to pay no less 10% rather than at least 25% of the total cost of any training program sponsored by the business, and instead authorizing the commissioner to waive the 25% requirement altogether if: (a) the applying business needs the funds to comply with the requirement of matching State funds imposed by the federal Job Training Partnership Act, Pub. L. 97-300 (29 U. S. C. § 1501 et seq.); or (b) the applying business warrants that any funds obtained shall be used solely to procure classroom training for its own workers from another service provider;

5. Prohibiting the commissioner from requiring any funded service provider to submit reports more frequently than once each quarter;

6. Requiring the State, rather than private industry councils, to monitor training programs to determine what percentage of trainees satisfactorily complete job training programs and how long it takes for them to be hired as regular employees by the business that established the program;

7. Prohibiting businesses from firing, demoting or laying off employees in order to hire other workers whose wages may be subsidized under the Job Training Program;

8. Prohibiting the use of funds to impair existing contracts for services or collective bargaining agreements, unless, in the case of a collective bargaining agreement, the employer and labor organization give written mutual consent; and

9. Changing the designation of private industry councils from "regional" to "local."

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 342

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1986

As amended, this bill makes numerous modifications in the current job training program, created by P. L. 1983, c. 328 (C. 34:15B-11 et seq.). The bill:

1. Directs the Commissioner of Labor, in consultation with the State Job Training Coordinating Council, to establish criteria for job training programs and for the awarding of grants to programs complying with State and federal labor laws and health and safety standards;

2. Further directs the commissioner to give priority to businesses which are experiencing skilled labor shortages due to technological change or confronting foreign competition;

3. Raises the percentage of program funds which the Department of Labor may apply toward administrative costs (from 6% to 15%), and lowers the percentage of program funds which must be used to finance actual training activities (from 94% to 85%);

4. Allows the commissioner to waive the requirement that a business must pay 25% of the total cost of any training program sponsored by the business if: (a) the applying business needs the funds to comply with the requirement of matching State funds imposed by the federal "Job Training Partnership Act," Pub. L. 97-300 (29 U. S. C. § 1501 et seq.); or (b) the applying business warrants that any funds obtained shall be used solely to procure, from another service provider, classroom training for its own workers;

5. Allows the commissioner to require performance records and reports from funded service providers;

6. Requires the State, rather than private industry councils, to monitor the effectiveness of each training program;

7. Prohibits businesses from firing, demoting or laying off their employees or reducing the nonovertime work hours, wages, or benefits of those employees in order to employ workers whose wages are subsidized by the job training program;

8. Requires the commissioner to arrange for workers' compensation coverage for all program enrollees;

9. Requires any participating industry to provide workers' compensation coverage for all program enrollees on its payroll;

10. Prohibits the use of program funds either to impair existing contracts or collective bargaining agreements (unless the employer and labor organization give written mutual consent) or to assist, promote, or deter union organizing;

11. Eliminates the current requirement that the State Job Training Coordinating Council meet quarterly and that members of the council be reimbursed for their expenses;

12. Authorizes the Commissioner of Labor to use funds appropriated for the Job Training Program in customized job training programs that involve direct dealings between the State and businesses participating in the program;

13. Defines customized job training to include on-the-job training, retraining, skill upgrading training, on-site training, and job-retention training programs; and

14. Limits the kinds of businesses which may participate in the customized portion of the job training program.

Items 11 through 14 were added as amendments to the original bill.

This bill was pre-filed for introduction in the 1986 session pending technical review. As amended, the bill includes the changes required by technical review which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 342

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STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The committee favorably reports this bill.

Assembly Bill No. 342 (OCR) amends and supplements the New Jersey Job Training Program under P. L. 1983, c. 328 (C. 34:15B-11 et seq.), by: (a) establishing criteria to award grants for job training programs; (b) giving priority to businesses experiencing skill shortages due to technological change or being displaced by foreign competitors; (c) raising the percentage of funds for administrative costs from 6% to 15%, and lowering the percentage of funds which must be used to finance actual training activities from 94% to 85%; (d) prohibiting businesses from firing, demoting or laying off employees in order to hire other workers whose wages may be subsidized under the Job Training Program; (e) prohibiting the use of funds to impair existing contracts for services or collective bargaining agreements, unless, in the case of a collective bargaining agreement, the employer and labor organization give written mutual consent; and (f) changing the designation of private industry councils from "regional" to "local."

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 342

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STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 1986

This bill makes numerous modifications in the current job training program created pursuant to P. L. 1983, c. 328 (C. 34:15B-11 et seq.). The bill:

a. Changes the designation of private industry councils from "regional" to "local"; and eliminates the current requirement that the State Job Training Coordinating Council meet quarterly and that members of the council be reimbursed for their expenses;

b. Requires that the criteria for the establishment of job training programs and grants therefor include requirements to ensure that the programs are operated in compliance with applicable State or federal labor laws and health and safety standards;

c. Directs the Commissioner of Labor to add to his job training priorities those existing businesses which are experiencing skill shortages due to technological change or which are unable to remain competitive due to international foreign competition;

d. Raises the percentage of program funds which the Department of Labor may apply toward administrative costs from 6% to 15%, and lowers the percentage of program funds which must be used to finance actual training activities from 94% to 85%;

e. Allows the commissioner to waive the requirement that a business must pay 25% of the total cost of any job training program sponsored by the business if: (1) the applying business needs the funds to comply with the requirement for matching State funds for training dislocated workers with federal funds made available under the federal Job Training Partnership Act; or (2) the applying business guarantees that any funds obtained shall be used solely to procure classroom training conducted by someone other than the business itself;

f. Requires the Department of Labor, rather than private industry councils, to monitor the effectiveness of each job training program;

g. Requires the commissioner to arrange for workers' compensation coverage for all program enrollees; and requires any participating industry to provide workers' compensation coverage for all program enrollees on its payroll;

h. Requires providers of services for job training to maintain records and prepare performance reports on funded programs;

i. Prohibits businesses from firing, demoting or laying off their employees or reducing the non-overtime work hours, wages, or employment benefits of those employees in order to employ workers whose wages would be subsidized by the job training program;

j. Prohibits a job training program from impairing existing contracts for services or collective bargaining agreements, unless the employer and labor organization give written mutual consent to the job training program that would be inconsistent with the collective bargaining agreement; and prohibits job training funds from being used to assist, promote or deter union organizing activity; and

k. Authorizes the commissioner to use funds, appropriated for the Job Training Program, in conjunction with State and local delivery systems to maximize the federal Job Training Partnership Act funds to provide customized training programs for businesses which are opening or expanding or which are experiencing skill shortages due to technological change or which are unable to remain competitive due to foreign competition; and provides that the funds for customized training programs are not subject to any matching requirements and that the Department of Labor is responsible for monitoring the effectiveness of the customized training programs.
