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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2012, CHAPTER 7, *approved May 2, 2012*
Senate, No. 873 (*First Reprint*)

1 AN ACT concerning basic skills training and amending P.L.2001,
2 c.152.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1 Section 1 of P.L.2001, c.152 (C.34:15D-21) is amended to
8 read as follows:

9 1. a. A restricted, nonlapsing, revolving "Supplemental
10 Workforce Fund for Basic Skills," to be managed and invested by
11 the State Treasurer, is hereby established in the Department of
12 Labor and Workforce Development to provide basic skills training.
13 All moneys appropriated to the fund, all interest accumulated on
14 balances in the fund and all cash received for the fund from any
15 other source shall be allocated by the Commissioner of Labor and
16 Workforce Development as follows:

17 (1) 24% shall be deposited in an account reserved to support
18 basic skills training delivered by the State's One Stop Career
19 Centers to qualified displaced, disadvantaged and employed
20 workers pursuant to Employability Development Plans developed
21 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7);

22 (2) 28% shall be deposited in an account reserved for Workforce
23 Investment Boards to provide grants for basic skills training for
24 qualified displaced, disadvantaged and employed workers pursuant
25 to Employability Development Plans developed pursuant to section
26 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with
27 learning disabilities or otherwise in need of vocational
28 rehabilitation services;

29 (3) 25% shall be deposited in an account reserved for grants to
30 consortia including one or more of any of the following: eligible
31 individual employers, employer organizations, labor organizations,
32 community-based organizations or educational institutions to
33 provide basic skills training to qualified displaced, disadvantaged or
34 employed workers or to other individuals seeking to enter
35 apprenticeship training;

36 (4) 13% shall be deposited in an account reserved for a grant to
37 the New Jersey Community College Consortium for Workforce and
38 Economic Development, a part of the New Jersey Council of
39 County Colleges, to provide basic skills training to qualified
40 displaced, disadvantaged or employed workers. The New Jersey
41 Community College Consortium for Workforce and Economic

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted January 30, 2012.

1 Development may request additional funds, beyond the amount
2 provided for in this paragraph, from the Commissioner of Labor and
3 Workforce Development, which funds shall be provided in
4 connection with paragraph (3) of this subsection ¹, at the discretion
5 of the commissioner and without any special preference over any
6 other applicant seeking funds in connection with paragraph (3) of
7 this subsection,¹ for the purpose of providing basic skills training to
8 qualified displaced, disadvantaged or employed workers. Any
9 request for those additional funds shall only be authorized after a
10 determination by the commissioner that the funds provided in
11 connection with this paragraph have been encumbered and that
12 there is a demand for additional funds to provide basic skills
13 training; and

14 (5) 10% shall be deposited in an account to be used, at the
15 discretion of the commissioner, for any of the purposes indicated in
16 this subsection a. and any administrative costs incurred by the
17 Department of Labor and Workforce Development in connection
18 with the fund.

19 b. Any grant provided in connection with paragraph (3) of
20 subsection a. of this section directly to an employer or to an
21 employer through a consortium shall be regarded as a customized
22 training grant and shall be administered by the Office of
23 Customized Training and the employer and consortium shall
24 comply with all requirements of section 5 of P.L.1992, c.43
25 (C.34:15D-5), except that any grants provided directly or indirectly
26 to an employer for use in connection with any program which
27 includes apprenticeship training or activities or preparation for
28 entry into apprenticeship training shall be exempt from the
29 requirement of this subsection b. to be administered by the Office of
30 Customized Training and be subject to the requirements of section 5
31 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the
32 Apprenticeship Policy Committee, as defined in section 3 of
33 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the
34 provisions of subsection e. of section 5 of P.L.1993, c.268
35 (C.34:15E-5). Any grant provided in connection with paragraph
36 **[(b)] (2)**¹ of subsection a. of this section directly to an individual
37 shall be regarded as an individual training grant and shall be subject
38 to the requirements of subsections a., c. and d. of section 6 of
39 P.L.1992, c.43 (C.34:15D-6).

40 Also, any funds provided in connection with paragraph (4) of
41 subsection a. of this section shall be provided to the New Jersey
42 Community College Consortium for Workforce and Economic
43 Development by the Office of Customized Training, and shall
44 comply with the following requirements:

45 (1) The New Jersey Community College Consortium for
46 Workforce and Economic Development shall work with all the
47 community colleges throughout the State of New Jersey to deliver

1 basic skills training in the most effective and efficient manner
2 possible at any of their 63 campuses or at any appropriate business
3 facility;

4 (2) There shall be no charge to the employer sending employees
5 to the training, but the employer shall pay employees regular wages
6 for the hours the training takes place, except that any waiver of this
7 requirement to pay employees regular wages, for the hours of
8 training, authorized by the Commissioner of Labor and Workforce
9 Development, '[shall] may, at the discretion of the commissioner,'
10 be offered to the New Jersey Community College Consortium for
11 Workforce and Economic Development on the same basis as any
12 other grant recipient;

13 (3) The employers sending their employees to this training shall
14 not be asked to provide any paperwork or complete any financial
15 disclosure forms, including a tax clearance certificate as provided in
16 section 1 of P.L.2007, c.101 (C.54:50-39), except that employers
17 shall provide the employees participating in the training with the
18 information that the employees need to comply with paragraph (4)
19 of this subsection, and shall provide the New Jersey Community
20 College Consortium for Workforce and Economic Development
21 with the information the employer has regarding its participating
22 employees that the consortium needs to produce the annual report
23 required pursuant to paragraph (7) of this subsection;

24 (4) The employees being trained shall provide the Federal
25 Employer Identification Number (FEIN) of their employer and the
26 employer's contact information at the beginning of the training;

27 (5) The mean class size for training under this subsection shall
28 be 10, but the New Jersey Community College Consortium for
29 Workforce and Economic Development may aggregate employees
30 from multiple employers in a single training to reach that mean of
31 10;

32 (6) The training provided under this subsection shall be basic
33 skills training, but the apportionment of classes in the different
34 areas of basic skills as defined by subsection h. of this section may
35 be determined by the New Jersey Community College Consortium
36 for Workforce and Economic Development in consultation with
37 representatives of the business community;

38 (7) The New Jersey Community College Consortium for
39 Workforce and Economic Development shall file an annual report
40 by September 1 of each year with the New Jersey Legislature and
41 the New Jersey Department of Labor and Workforce Development
42 containing the total number of workers trained, the total funds
43 expended on training, the number of workers trained in each area of
44 basic skills training, the number of businesses with employees
45 trained, the number of classes held in each area of basic skills
46 training, the number of classes held at each community college, the
47 wage ranges of the workers trained, the job titles of the workers

1 trained and the results of the pre-training and post-training
2 assessments. The report shall also include an analysis of the
3 strengths and weaknesses of the training program and how it can be
4 improved in the following year. The report shall supplant all
5 requirements for any other reporting that the New Jersey
6 Community College Consortium for Workforce and Economic
7 Development may be asked to complete with respect to the funds it
8 receives through paragraph (4) of subsection a. of this section; and

9 (8) The New Jersey Community College Consortium for
10 Workforce and Economic Development shall work with the
11 business community to promote this program to businesses across
12 the State, including chambers of commerce, Statewide associations,
13 such as the New Jersey Business and Industry Association, and any
14 other appropriate business organizations.

15 c. Any employment and training services funded by the
16 Supplemental Workforce Fund for Basic Skills shall be provided in
17 a manner which complies with the provisions of subsections b., c.,
18 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the
19 extent that those subsections pertain to remedial education. Any
20 service provider receiving moneys from the Supplemental
21 Workforce Fund for Basic Skills shall be subject to the provisions
22 of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of
23 P.L.1992, c.44 (C.34:15D-19).

24 d. All staff located at any One Stop Career Center supported by
25 funds provided from the Supplemental Workforce Fund for Basic
26 Skills shall be hired and employed by the State pursuant to Title
27 11A, Civil Service, of the New Jersey Statutes.

28 e. Beginning July 1, 2002, and for any subsequent fiscal year,
29 if the unexpended cash balance in any of the accounts indicated in
30 subsection a. of this section, less any amount awarded in grants but
31 not yet disbursed from the account, is determined to exceed 20% of
32 the amount of contributions collected for deposit in the account
33 pursuant to this subsection during the fiscal year then ended, the
34 excess shall be regarded as an unemployment compensation
35 contribution and deposited into the unemployment compensation
36 fund within seven business days of the date that the determination is
37 made.

38 f. The Commissioner of Labor and Workforce Development
39 shall establish standards of performance for providers of basic skills
40 training pursuant to this act. The standards shall include, but not be
41 limited to, standards for the curriculum or training to be furnished,
42 qualifications for persons who will provide the training under the
43 act, and standards for establishing what constitutes successful
44 completion of the training program. The commissioner shall
45 establish means of determining the ability of enrollees to gain or
46 maintain employment following the successful completion of a
47 training program established pursuant to this section. In the event

1 that the commissioner determines that a provider has not conducted
2 its training program in accordance with the standards of
3 performance, he may take that action necessary to correct the
4 deficiencies of the provider, or terminate the contract with the
5 provider of basic skills services if the provider fails to respond to
6 remedial action.

7 g. The State Employment and Training Commission shall
8 review and evaluate the operations of programs supported by the
9 Supplemental Workforce Fund for Basic Skills established pursuant
10 to this section, with special consideration to how those programs
11 assist in the implementation of the goals of the Strategic Five-Year
12 State Plan for New Jersey's Workforce Investment System, and
13 shall consult with the Commissioner of Labor and Workforce
14 Development regarding its findings.

15 h. For the purpose of this section:

16 "Basic skills training" means basic mathematics, reading
17 comprehension, basic computer literacy, English proficiency and
18 work-readiness skills and shall be regarded as a form of "remedial
19 education" for the purposes of section 3 of P.L.1992, c.43
20 (C.34:15D-3);

21 "One Stop Career Center" means one of the centers established
22 in local areas to coordinate a variety of State and local programs
23 providing employment and training services, including job
24 placement services, or any other similar State or local government-
25 sponsored center providing employment and training services as
26 may be developed at any later time; and

27 "Qualified disadvantaged worker," "qualified displaced worker,"
28 "qualified employed worker," and "employment and training
29 services" have the meanings given to them by section 3 of
30 P.L.1992, c.43 (C.34:15D-3).

31 (cf: P.L.2009, c.199, s.3)

32

33 2. This act shall take effect immediately.

34

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36

37

38 _____
39 Concerns basic skills training provided by the New Jersey
40 Community College Consortium for Workforce and Economic
Development.

SENATE, No. 873

STATE OF NEW JERSEY
215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Concerns basic skills training provided by the New Jersey Community College Consortium for Workforce and Economic Development.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S873 CUNNINGHAM

2

1 AN ACT concerning basic skills training and amending P.L.2001,
2 c.152.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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6

7 1 Section 1 of P.L.2001, c.152 (C.34:15D-21) is amended to
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9 1. a. A restricted, nonlapsing, revolving "Supplemental
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11 the State Treasurer, is hereby established in the Department of
12 Labor and Workforce Development to provide basic skills training.
13 All moneys appropriated to the fund, all interest accumulated on
14 balances in the fund and all cash received for the fund from any
15 other source shall be allocated by the Commissioner of Labor and
16 Workforce Development as follows:

17 (1) 24% shall be deposited in an account reserved to support
18 basic skills training delivered by the State's One Stop Career
19 Centers to qualified displaced, disadvantaged and employed
20 workers pursuant to Employability Development Plans developed
21 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7);

22 (2) 28% shall be deposited in an account reserved for Workforce
23 Investment Boards to provide grants for basic skills training for
24 qualified displaced, disadvantaged and employed workers pursuant
25 to Employability Development Plans developed pursuant to section
26 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with
27 learning disabilities or otherwise in need of vocational
28 rehabilitation services;

29 (3) 25% shall be deposited in an account reserved for grants to
30 consortia including one or more of any of the following: eligible
31 individual employers, employer organizations, labor organizations,
32 community-based organizations or educational institutions to
33 provide basic skills training to qualified displaced, disadvantaged or
34 employed workers or to other individuals seeking to enter
35 apprenticeship training;

36 (4) 13% shall be deposited in an account reserved for a grant to
37 the New Jersey Community College Consortium for Workforce and
38 Economic Development, a part of the New Jersey Council of
39 County Colleges, to provide basic skills training to qualified
40 displaced, disadvantaged or employed workers. The New Jersey
41 Community College Consortium for Workforce and Economic
42 Development may request additional funds, beyond the amount
43 provided for in this paragraph, from the Commissioner of Labor and
44 Workforce Development, which funds shall be provided in

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 underlined thus is new matter.

1 connection with paragraph (3) of this subsection for the purpose of
2 providing basic skills training to qualified displaced, disadvantaged
3 or employed workers. Any request for those additional funds shall
4 only be authorized after a determination by the commissioner that
5 the funds provided in connection with this paragraph have been
6 encumbered and that there is a demand for additional funds to
7 provide basic skills training; and

8 (5) 10% shall be deposited in an account to be used, at the
9 discretion of the commissioner, for any of the purposes indicated in
10 this subsection a. and any administrative costs incurred by the
11 Department of Labor and Workforce Development in connection
12 with the fund.

13 b. Any grant provided in connection with paragraph (3) of
14 subsection a. of this section directly to an employer or to an
15 employer through a consortium shall be regarded as a customized
16 training grant and shall be administered by the Office of
17 Customized Training and the employer and consortium shall
18 comply with all requirements of section 5 of P.L.1992, c.43
19 (C.34:15D-5), except that any grants provided directly or indirectly
20 to an employer for use in connection with any program which
21 includes apprenticeship training or activities or preparation for
22 entry into apprenticeship training shall be exempt from the
23 requirement of this subsection b. to be administered by the Office of
24 Customized Training and be subject to the requirements of section 5
25 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the
26 Apprenticeship Policy Committee, as defined in section 3 of
27 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the
28 provisions of subsection e. of section 5 of P.L.1993, c.268
29 (C.34:15E-5). Any grant provided in connection with paragraph (b)
30 of subsection a. of this section directly to an individual shall be
31 regarded as an individual training grant and shall be subject to the
32 requirements of subsections a., c. and d. of section 6 of P.L.1992,
33 c.43 (C.34:15D-6).

34 Also, any funds provided in connection with paragraph (4) of
35 subsection a. of this section shall be provided to the New Jersey
36 Community College Consortium for Workforce and Economic
37 Development by the Office of Customized Training, and shall
38 comply with the following requirements:

39 (1) The New Jersey Community College Consortium for
40 Workforce and Economic Development shall work with all the
41 community colleges throughout the State of New Jersey to deliver
42 basic skills training in the most effective and efficient manner
43 possible at any of their 63 campuses or at any appropriate business
44 facility;

45 (2) There shall be no charge to the employer sending employees
46 to the training, but the employer shall pay employees regular wages
47 for the hours the training takes place, except that any waiver of this

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1 requirement to pay employees regular wages, for the hours of
2 training, authorized by the Commissioner of Labor and Workforce
3 Development, shall be offered to the New Jersey Community
4 College Consortium for Workforce and Economic Development on
5 the same basis as any other grant recipient;

6 (3) The employers sending their employees to this training shall
7 not be asked to provide any paperwork or complete any financial
8 disclosure forms, including a tax clearance certificate as provided in
9 section 1 of P.L.2007, c.101 (C.54:50-39), except that employers
10 shall provide the employees participating in the training with the
11 information that the employees need to comply with paragraph (4)
12 of this subsection, and shall provide the New Jersey Community
13 College Consortium for Workforce and Economic Development
14 with the information the employer has regarding its participating
15 employees that the consortium needs to produce the annual report
16 required pursuant to paragraph (7) of this subsection;

17 (4) The employees being trained shall provide the Federal
18 Employer Identification Number (FEIN) of their employer and the
19 employer's contact information at the beginning of the training;

20 (5) The mean class size for training under this subsection shall
21 be 10, but the New Jersey Community College Consortium for
22 Workforce and Economic Development may aggregate employees
23 from multiple employers in a single training to reach that mean of
24 10;

25 (6) The training provided under this subsection shall be basic
26 skills training, but the apportionment of classes in the different
27 areas of basic skills as defined by subsection h. of this section may
28 be determined by the New Jersey Community College Consortium
29 for Workforce and Economic Development in consultation with
30 representatives of the business community;

31 (7) The New Jersey Community College Consortium for
32 Workforce and Economic Development shall file an annual report
33 by September 1 of each year with the New Jersey Legislature and
34 the New Jersey Department of Labor and Workforce Development
35 containing the total number of workers trained, the total funds
36 expended on training, the number of workers trained in each area of
37 basic skills training, the number of businesses with employees
38 trained, the number of classes held in each area of basic skills
39 training, the number of classes held at each community college, the
40 wage ranges of the workers trained, the job titles of the workers
41 trained and the results of the pre-training and post-training
42 assessments. The report shall also include an analysis of the
43 strengths and weaknesses of the training program and how it can be
44 improved in the following year. The report shall supplant all
45 requirements for any other reporting that the New Jersey
46 Community College Consortium for Workforce and Economic

1 Development may be asked to complete with respect to the funds it
2 receives through paragraph (4) of subsection a. of this section; and
3 (8) The New Jersey Community College Consortium for
4 Workforce and Economic Development shall work with the
5 business community to promote this program to businesses across
6 the State, including chambers of commerce, Statewide associations,
7 such as the New Jersey Business and Industry Association, and any
8 other appropriate business organizations.
9 c. Any employment and training services funded by the
10 Supplemental Workforce Fund for Basic Skills shall be provided in
11 a manner which complies with the provisions of subsections b., c.,
12 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the
13 extent that those subsections pertain to remedial education. Any
14 service provider receiving moneys from the Supplemental
15 Workforce Fund for Basic Skills shall be subject to the provisions
16 of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of
17 P.L.1992, c.44 (C.34:15D-19).
18 d. All staff located at any One Stop Career Center supported by
19 funds provided from the Supplemental Workforce Fund for Basic
20 Skills shall be hired and employed by the State pursuant to Title
21 11A, Civil Service, of the New Jersey Statutes.
22 e. Beginning July 1, 2002, and for any subsequent fiscal year,
23 if the unexpended cash balance in any of the accounts indicated in
24 subsection a. of this section, less any amount awarded in grants but
25 not yet disbursed from the account, is determined to exceed 20% of
26 the amount of contributions collected for deposit in the account
27 pursuant to this subsection during the fiscal year then ended, the
28 excess shall be regarded as an unemployment compensation
29 contribution and deposited into the unemployment compensation
30 fund within seven business days of the date that the determination is
31 made.
32 f. The Commissioner of Labor and Workforce Development
33 shall establish standards of performance for providers of basic skills
34 training pursuant to this act. The standards shall include, but not be
35 limited to, standards for the curriculum or training to be furnished,
36 qualifications for persons who will provide the training under the
37 act, and standards for establishing what constitutes successful
38 completion of the training program. The commissioner shall
39 establish means of determining the ability of enrollees to gain or
40 maintain employment following the successful completion of a
41 training program established pursuant to this section. In the event
42 that the commissioner determines that a provider has not conducted
43 its training program in accordance with the standards of
44 performance, he may take that action necessary to correct the
45 deficiencies of the provider, or terminate the contract with the
46 provider of basic skills services if the provider fails to respond to
47 remedial action.

1 g. The State Employment and Training Commission shall
2 review and evaluate the operations of programs supported by the
3 Supplemental Workforce Fund for Basic Skills established pursuant
4 to this section, with special consideration to how those programs
5 assist in the implementation of the goals of the Strategic Five-Year
6 State Plan for New Jersey's Workforce Investment System, and
7 shall consult with the Commissioner of Labor and Workforce
8 Development regarding its findings.

9 h. For the purpose of this section:

10 "Basic skills training" means basic mathematics, reading
11 comprehension, basic computer literacy, English proficiency and
12 work-readiness skills and shall be regarded as a form of "remedial
13 education" for the purposes of section 3 of P.L.1992, c.43
14 (C.34:15D-3);

15 "One Stop Career Center" means one of the centers established
16 in local areas to coordinate a variety of State and local programs
17 providing employment and training services, including job
18 placement services, or any other similar State or local government-
19 sponsored center providing employment and training services as
20 may be developed at any later time; and

21 "Qualified disadvantaged worker," "qualified displaced worker,"
22 "qualified employed worker," and "employment and training
23 services" have the meanings given to them by section 3 of
24 P.L.1992, c.43 (C.34:15D-3).

25 (cf: P.L.2009, c.199, s.3)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill permits the New Jersey Community College
33 Consortium for Workforce and Economic Development
34 (NJCCCWED) to request additional funds from the "Supplemental
35 Workforce Fund for Basic Skills" (SWFBS) to provide basic skills
36 training.

37 Currently, 13% of all funds appropriated to SWFBS are allocated
38 to NJCCCWED as a grant to provide basic skills training to
39 qualified displaced, disadvantaged or employed workers.

40 This bill provides that, upon encumbrance of its 13% allocation,
41 NJCCCWED may request additional funds from the 25% of
42 SWFBS funds that are allocated for grants to consortia, including
43 one or more of any eligible individual employers, employer
44 organizations, labor organizations, community-based organizations,
45 or educational institutions to provide basic skills training to
46 qualified displaced, disadvantaged or employed workers or to other
47 individuals seeking to enter apprenticeship training.

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1 Finally, the bill provides that any waiver, authorized by the
2 Commissioner of Labor and Workforce Development, of the
3 requirement that an employer pay its employees regular wages for
4 the hours that basic skills training takes place, shall be offered to
5 NJCCCWED on the same basis as any other grant recipient.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 873

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2012

The Senate Labor Committee reports favorably and with committee amendments Senate Bill No. 873.

As amended, this bill permits the New Jersey Community College Consortium for Workforce and Economic Development (CCCWED) to request additional funds from the “Supplemental Workforce Fund for Basic Skills” (SWFBS) to provide basic skills training at the discretion of the Commissioner of Labor and Workforce Development.

Currently, 13% of all funds appropriated to SWFBS are allocated to CCCWED as a grant to provide basic skills training to qualified displaced, disadvantaged or employed workers.

This bill provides that, upon encumbrance of its 13% allocation, CCCWED may request additional funds from the 25% of SWFBS funds that are allocated for grants to consortia, including one or more of any eligible individual employers, employer organizations, labor organizations, community-based organizations, or educational institutions to provide basic skills training to qualified displaced, disadvantaged or employed workers or to other individuals seeking to enter apprenticeship training.

Finally, the bill provides that any waiver, authorized by the commissioner, of the requirement that an employer pay its employees regular wages for the hours that basic skills training takes place, shall be offered to CCCWED on the same basis as any other grant recipient.

The amendments adopted by the committee permit, rather than require, the commissioner to transfer, at the request of the CCCWED, additional funds from the SWFBS to the CCCWED; and permit, rather than require, the commissioner to offer CCCWED a waiver of the requirement to pay employees regular wages for hours that basic skills training takes place.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 873

STATE OF NEW JERSEY

DATED: MARCH 8, 2012

The Assembly Labor Committee reports favorably Senate Bill No. 873 (1R).

This bill permits the New Jersey Community College Consortium for Workforce and Economic Development (CCCWED) to request additional funds from the “Supplemental Workforce Fund for Basic Skills” (SWFBS) to provide basic skills training, at the discretion of the Commissioner of Labor and Workforce Development.

Currently, 13% of all funds appropriated to SWFBS are allocated to CCCWED as a grant to provide basic skills training to qualified displaced, disadvantaged or employed workers.

This bill provides that, upon encumbrance of its 13% allocation, CCCWED may request additional funds from the 25% of SWFBS funds that are allocated for grants to consortia, including one or more of any eligible individual employers, employer organizations, labor organizations, community-based organizations, or educational institutions to provide basic skills training to qualified displaced, disadvantaged or employed workers or to other individuals seeking to enter apprenticeship training.

Finally, the bill provides that any waiver, authorized by the commissioner, of the requirement that an employer pay its employees regular wages for the hours that basic skills training takes place, may be offered to CCCWED, at the discretion of the commissioner, on the same basis as any other grant recipient.

ASSEMBLY, No. 1180

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblyman DeAngelo

SYNOPSIS

Concerns basic skills training provided by the New Jersey Community College Consortium for Workforce and Economic Development.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/9/2012)

A1180 LAMPITT, BENSON

2

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2 c.152.

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19 Centers to qualified displaced, disadvantaged and employed
20 workers pursuant to Employability Development Plans developed
21 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7);

22 (2) 28% shall be deposited in an account reserved for Workforce
23 Investment Boards to provide grants for basic skills training for
24 qualified displaced, disadvantaged and employed workers pursuant
25 to Employability Development Plans developed pursuant to section
26 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with
27 learning disabilities or otherwise in need of vocational
28 rehabilitation services;

29 (3) 25% shall be deposited in an account reserved for grants to
30 consortia including one or more of any of the following: eligible
31 individual employers, employer organizations, labor organizations,
32 community-based organizations or educational institutions to
33 provide basic skills training to qualified displaced, disadvantaged or
34 employed workers or to other individuals seeking to enter
35 apprenticeship training;

36 (4) 13% shall be deposited in an account reserved for a grant to
37 the New Jersey Community College Consortium for Workforce and
38 Economic Development, a part of the New Jersey Council of
39 County Colleges, to provide basic skills training to qualified
40 displaced, disadvantaged or employed workers. The New Jersey
41 Community College Consortium for Workforce and Economic
42 Development may request additional funds, beyond the amount
43 provided for in this paragraph, from the Commissioner of Labor and
44 Workforce Development, which funds shall be provided in
45 connection with paragraph (3) of this subsection for the purpose of

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 underlined thus is new matter.

1 providing basic skills training to qualified displaced, disadvantaged
2 or employed workers. Any request for those additional funds shall
3 only be authorized after a determination by the commissioner that
4 the funds provided in connection with this paragraph have been
5 encumbered and that there is a demand for additional funds to
6 provide basic skills training; and

7 (5) 10% shall be deposited in an account to be used, at the
8 discretion of the commissioner, for any of the purposes indicated in
9 this subsection a. and any administrative costs incurred by the
10 Department of Labor and Workforce Development in connection
11 with the fund.

12 b. Any grant provided in connection with paragraph (3) of
13 subsection a. of this section directly to an employer or to an
14 employer through a consortium shall be regarded as a customized
15 training grant and shall be administered by the Office of
16 Customized Training and the employer and consortium shall
17 comply with all requirements of section 5 of P.L.1992, c.43
18 (C.34:15D-5), except that any grants provided directly or indirectly
19 to an employer for use in connection with any program which
20 includes apprenticeship training or activities or preparation for
21 entry into apprenticeship training shall be exempt from the
22 requirement of this subsection b. to be administered by the Office of
23 Customized Training and be subject to the requirements of section 5
24 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the
25 Apprenticeship Policy Committee, as defined in section 3 of
26 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the
27 provisions of subsection e. of section 5 of P.L.1993, c.268
28 (C.34:15E-5). Any grant provided in connection with paragraph (b)
29 of subsection a. of this section directly to an individual shall be
30 regarded as an individual training grant and shall be subject to the
31 requirements of subsections a., c. and d. of section 6 of P.L.1992,
32 c.43 (C.34:15D-6).

33 Also, any funds provided in connection with paragraph (4) of
34 subsection a. of this section shall be provided to the New Jersey
35 Community College Consortium for Workforce and Economic
36 Development by the Office of Customized Training, and shall
37 comply with the following requirements:

38 (1) The New Jersey Community College Consortium for
39 Workforce and Economic Development shall work with all the
40 community colleges throughout the State of New Jersey to deliver
41 basic skills training in the most effective and efficient manner
42 possible at any of their 63 campuses or at any appropriate business
43 facility;

44 (2) There shall be no charge to the employer sending employees
45 to the training, but the employer shall pay employees regular wages
46 for the hours the training takes place, except that any waiver of this
47 requirement to pay employees regular wages, for the hours of

1 training, authorized by the Commissioner of Labor and Workforce
2 Development, shall be offered to the New Jersey Community
3 College Consortium for Workforce and Economic Development on
4 the same basis as any other grant recipient;

5 (3) The employers sending their employees to this training shall
6 not be asked to provide any paperwork or complete any financial
7 disclosure forms, including a tax clearance certificate as provided in
8 section 1 of P.L.2007, c.101 (C.54:50-39), except that employers
9 shall provide the employees participating in the training with the
10 information that the employees need to comply with paragraph (4)
11 of this subsection, and shall provide the New Jersey Community
12 College Consortium for Workforce and Economic Development
13 with the information the employer has regarding its participating
14 employees that the consortium needs to produce the annual report
15 required pursuant to paragraph (7) of this subsection;

16 (4) The employees being trained shall provide the Federal
17 Employer Identification Number (FEIN) of their employer and the
18 employer's contact information at the beginning of the training;

19 (5) The mean class size for training under this subsection shall
20 be 10, but the New Jersey Community College Consortium for
21 Workforce and Economic Development may aggregate employees
22 from multiple employers in a single training to reach that mean of
23 10;

24 (6) The training provided under this subsection shall be basic
25 skills training, but the apportionment of classes in the different
26 areas of basic skills as defined by subsection h. of this section may
27 be determined by the New Jersey Community College Consortium
28 for Workforce and Economic Development in consultation with
29 representatives of the business community;

30 (7) The New Jersey Community College Consortium for
31 Workforce and Economic Development shall file an annual report
32 by September 1 of each year with the New Jersey Legislature and
33 the New Jersey Department of Labor and Workforce Development
34 containing the total number of workers trained, the total funds
35 expended on training, the number of workers trained in each area of
36 basic skills training, the number of businesses with employees
37 trained, the number of classes held in each area of basic skills
38 training, the number of classes held at each community college, the
39 wage ranges of the workers trained, the job titles of the workers
40 trained and the results of the pre-training and post-training
41 assessments. The report shall also include an analysis of the
42 strengths and weaknesses of the training program and how it can be
43 improved in the following year. The report shall supplant all
44 requirements for any other reporting that the New Jersey
45 Community College Consortium for Workforce and Economic
46 Development may be asked to complete with respect to the funds it
47 receives through paragraph (4) of subsection a. of this section; and

- 1 (8) The New Jersey Community College Consortium for
2 Workforce and Economic Development shall work with the
3 business community to promote this program to businesses across
4 the State, including chambers of commerce, Statewide associations,
5 such as the New Jersey Business and Industry Association, and any
6 other appropriate business organizations.
- 7 c. Any employment and training services funded by the
8 Supplemental Workforce Fund for Basic Skills shall be provided in
9 a manner which complies with the provisions of subsections b., c.,
10 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the
11 extent that those subsections pertain to remedial education. Any
12 service provider receiving moneys from the Supplemental
13 Workforce Fund for Basic Skills shall be subject to the provisions
14 of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of
15 P.L.1992, c.44 (C.34:15D-19).
- 16 d. All staff located at any One Stop Career Center supported by
17 funds provided from the Supplemental Workforce Fund for Basic
18 Skills shall be hired and employed by the State pursuant to Title
19 11A, Civil Service, of the New Jersey Statutes.
- 20 e. Beginning July 1, 2002, and for any subsequent fiscal year,
21 if the unexpended cash balance in any of the accounts indicated in
22 subsection a. of this section, less any amount awarded in grants but
23 not yet disbursed from the account, is determined to exceed 20% of
24 the amount of contributions collected for deposit in the account
25 pursuant to this subsection during the fiscal year then ended, the
26 excess shall be regarded as an unemployment compensation
27 contribution and deposited into the unemployment compensation
28 fund within seven business days of the date that the determination is
29 made.
- 30 f. The Commissioner of Labor and Workforce Development
31 shall establish standards of performance for providers of basic skills
32 training pursuant to this act. The standards shall include, but not be
33 limited to, standards for the curriculum or training to be furnished,
34 qualifications for persons who will provide the training under the
35 act, and standards for establishing what constitutes successful
36 completion of the training program. The commissioner shall
37 establish means of determining the ability of enrollees to gain or
38 maintain employment following the successful completion of a
39 training program established pursuant to this section. In the event
40 that the commissioner determines that a provider has not conducted
41 its training program in accordance with the standards of
42 performance, he may take that action necessary to correct the
43 deficiencies of the provider, or terminate the contract with the
44 provider of basic skills services if the provider fails to respond to
45 remedial action.
- 46 g. The State Employment and Training Commission shall
47 review and evaluate the operations of programs supported by the

1 Supplemental Workforce Fund for Basic Skills established pursuant
2 to this section, with special consideration to how those programs
3 assist in the implementation of the goals of the Strategic Five-Year
4 State Plan for New Jersey's Workforce Investment System, and
5 shall consult with the Commissioner of Labor and Workforce
6 Development regarding its findings.

7 h. For the purpose of this section:

8 "Basic skills training" means basic mathematics, reading
9 comprehension, basic computer literacy, English proficiency and
10 work-readiness skills and shall be regarded as a form of "remedial
11 education" for the purposes of section 3 of P.L.1992, c.43
12 (C.34:15D-3);

13 "One Stop Career Center" means one of the centers established
14 in local areas to coordinate a variety of State and local programs
15 providing employment and training services, including job
16 placement services, or any other similar State or local government-
17 sponsored center providing employment and training services as
18 may be developed at any later time; and

19 "Qualified disadvantaged worker," "qualified displaced worker,"
20 "qualified employed worker," and "employment and training
21 services" have the meanings given to them by section 3 of
22 P.L.1992, c.43 (C.34:15D-3).

23 (cf: P.L.2009, c.199, s.3)

24

25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill permits the New Jersey Community College
31 Consortium for Workforce and Economic Development
32 (NJCCCWED) to request additional funds from the "Supplemental
33 Workforce Fund for Basic Skills" (SWFBS) to provide basic skills
34 training.

35 Currently, 13% of all funds appropriated to SWFBS are allocated
36 to NJCCCWED as a grant to provide basic skills training to
37 qualified displaced, disadvantaged or employed workers.

38 This bill provides that, upon encumbrance of its 13% allocation,
39 NJCCCWED may request additional funds from the 25% of
40 SWFBS funds that are allocated for grants to consortia, including
41 one or more of any eligible individual employers, employer
42 organizations, labor organizations, community-based organizations,
43 or educational institutions to provide basic skills training to
44 qualified displaced, disadvantaged or employed workers or to other
45 individuals seeking to enter apprenticeship training.

46 Finally, the bill provides that any waiver, authorized by the
47 Commissioner of Labor and Workforce Development, of the

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- 1 requirement that an employer pay its employees regular wages for
- 2 the hours that basic skills training takes place, shall be offered to
- 3 NJCCWED on the same basis as any other grant recipient.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1180

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 2012

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 1180.

This bill, as amended, permits the New Jersey Community College Consortium for Workforce and Economic Development (CCCWED) to request additional funds from the “Supplemental Workforce Fund for Basic Skills” (SWFBS) to provide basic skills training, at the discretion of the Commissioner of Labor and Workforce Development.

Currently, 13% of all funds appropriated to SWFBS are allocated to CCCWED as a grant to provide basic skills training to qualified displaced, disadvantaged or employed workers.

This bill provides that, upon encumbrance of its 13% allocation, CCCWED may request additional funds from the 25% of SWFBS funds that are allocated for grants to consortia, including one or more of any eligible individual employers, employer organizations, labor organizations, community-based organizations, or educational institutions to provide basic skills training to qualified displaced, disadvantaged or employed workers or to other individuals seeking to enter apprenticeship training.

The bill, as amended, provides that any waiver, authorized by the commissioner, of the requirement that an employer pay its employees regular wages for the hours that basic skills training takes place, may be offered to CCCWED, at the discretion of the commissioner, on the same basis as any other grant recipient.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to permit, rather than require, the commissioner to transfer, at the request of the CCCWED, additional funds from the SWBFS to the CCCWED; and permit, rather than require, the commissioner to offer CCWED a waiver of the requirement to pay employees regular wages for hours that basic skills training takes place. These amendments make this bill identical to Senate Bill No. 873 (1R).