

34:1A-1.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 39
NJSA: 34:1A-1.2 (Reorganizes State's workforce development system)
BILL NO: S1452 (Substituted for A2617)

SPONSOR(S): Bryant and others

DATE INTRODUCED: April 29, 2004

COMMITTEE: **ASSEMBLY:** -----
SENATE: Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 17, 2004
SENATE: June 10, 2004

DATE OF APPROVAL: June 23, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

S1452

[SPONSOR'S STATEMENT:](#) (Begins on page 23 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

A2617

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

[ASSEMBLY COMMITTEE SUBSTITUTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Law unites state labor training programs," 6-24-2004 Courier-Post, p.4C

"N.J. consolidates job training role," 6-23-2004 The Times, pA4.

"Law simplifies getting work-related help," 6-24-2004 Asbury Park Press, p.A3

P.L. 2004, CHAPTER 39, *approved June 23, 2004*
Senate Committee Substitute for
Senate, No. 1452

1 **AN ACT** reorganizing and consolidating the State's workforce
2 development system, redesignating the Department of Labor as the
3 Department of Labor and Workforce Development and revising
4 various parts of the statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) On and after the effective date of this 2004
10 amendatory and supplementary act, the Department of Labor shall be
11 entitled and known as the Department of Labor and Workforce
12 Development and whenever, in any law, rule, regulation, order,
13 contract, document, judicial or administrative proceeding, or
14 otherwise, reference is made to the Department of Labor, the same
15 shall mean and refer to the Department of Labor and Workforce
16 Development.

17

18 2. (New section) a. To the extent not inconsistent with any
19 federal law, and notwithstanding any other State law, all employment-
20 directed and workforce development programs and activities of the
21 Department of Human Services which are funded through the Work
22 First New Jersey program established pursuant to P.L.1997, c.38
23 (C.44:10-55 et seq.), the federal "Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996," Pub.L.104-193, 42 U.S.C.
25 601 et seq., and the federal Food Stamp Act of 1977, Pub.L.95-113,
26 7 U.S.C. 2011 et seq. are hereby transferred to the Department of
27 Labor and Workforce Development.

28 b. The employment-directed and workforce development
29 programs and activities which shall be transferred from the Department
30 of Human Services to the Department of Labor and Workforce
31 Development pursuant to this section and provided by the Department
32 of Labor and Workforce Development shall include, but not be limited
33 to:

- 34 (1) Career guidance;
35 (2) Labor market information;
36 (3) Employability assessment;
37 (4) Development of Employability Development Plans;
38 (5) Employment-directed case management;
39 (6) Subsidized and unsubsidized employment in the public and

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 private sectors;
- 2 (7) Job search and readiness programs;
- 3 (8) Community work experience programs;
- 4 (9) Alternative work experience programs;
- 5 (10) Community service programs;
- 6 (11) On-the -job training;
- 7 (12) Vocational education and training;
- 8 (13) Employment-related education and job skill training;
- 9 (14) Basic skills and literacy training;
- 10 (15) Work-related educational enhancements;
- 11 (16) A proportionate share of employment and training related
- 12 expenses;
- 13 (17) Referral and access to work support services, including
- 14 transport and childcare services;
- 15 (18) Early employment initiative; and
- 16 (19) Career advancement vouchers.

17 c. The programmatic, administrative and support staff and
18 equipment comprising the employment-directed and workforce
19 development programs and activities in the Department of Human
20 Services are transferred to the Department of Labor and Workforce
21 Development pursuant to this section and the "State Agency Transfer
22 Act, "P.L.1971, c.375 (C.52:14D-1 et seq.), with all of their functions,
23 powers and duties and a proportionate share of the resources to
24 maintain the programs and activities.

25
26 3. (New section) The New Jersey Youth Corps, established
27 pursuant to P.L.1984, c.198 (C.9:25-1 et seq.), is hereby transferred
28 to the Department of Labor and Workforce Development. To the
29 extent not inconsistent with any federal law, and notwithstanding any
30 other State law, the Department of Labor and Workforce Development
31 is authorized to enhance, strengthen and expand the New Jersey Youth
32 Corps program. The programmatic, administrative and support staff
33 and equipment assigned to the New Jersey Youth Corps are
34 transferred to the Department of Labor and Workforce Development,
35 with all of their functions, powers and duties and the resources to
36 maintain the programs and activities pursuant to this section and the
37 "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

38
39 4. (New section) a. Notwithstanding any other State law, all
40 powers, functions and duties of the Department of Education with
41 respect to the following employment-directed and workforce
42 development programs and activities are hereby transferred to the
43 Department of Labor and Workforce Development:

- 44 (1) The administration and provision of adult education and
- 45 literacy activities as defined in 20 U.S.C. 9202;
- 46 (2) Operational authority for the approval of private or proprietary

1 trade, business or vocational schools or similar training institutions
2 pursuant to section 2 of P.L.1966, c.13 (C.44:12-2); and

3 (3) Registration and approval of registered apprenticeship
4 programs under a joint agreement negotiated with the Bureau of
5 Apprenticeship and Training in the United States Department of
6 Labor.

7 b. The programmatic, administrative and support staff and
8 equipment comprising the employment-directed and workforce
9 development programs and activities in the Department of Education
10 are transferred to the Department of Labor and Workforce
11 Development pursuant to this section and the "State Agency Transfer
12 Act," P.L.1971, c.375 (C.52:14D-1et seq.), with all of their functions,
13 powers and duties and a proportionate share of the resources to
14 maintain the programs and activities.

15

16 5. (New section) a. Nothing in this 2004 amendatory and
17 supplementary act and no transfer carried out pursuant to this act shall
18 be construed or permitted to deprive any person of any tenure rights
19 or reduce or deny any right or protection provided him or her by Title
20 11A, Civil Service, of the New Jersey Statutes, or under any pension
21 law or retirement system.

22 b. All staff who are hired to work at a One Stop Career Center
23 and supported by any resources transferred to the Department of
24 Labor and Workforce Development pursuant to sections 2, 3 or 4 of
25 this act, shall be hired and employed by the State pursuant to Title
26 11A, Civil Service, of the New Jersey Statutes, be hired and employed
27 by a political subdivision of the State, or be qualified staff hired and
28 employed by a non-profit organization which began functioning as the
29 One Stop Career Center operator with the written consent of the chief
30 elected official and the commissioner prior to the effective date of this
31 act.

32 c. Any staff member, including staff located at any One Stop
33 Career Center, providing services to unemployment insurance
34 claimants or services to employment service clients shall be hired and
35 employed pursuant to Title 11A, Civil Service, of the New Jersey
36 Statutes, if that staff member is supported by any funds provided to
37 the State under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or
38 section 903 of the Social Security Act (42 U.S.C. 1103), as amended.

39 d. For the purpose of this section, "One Stop Career Center"
40 means any of the facilities established, sponsored or designated by the
41 State, a political subdivision of the State or a Workforce Investment
42 Board in a local area to coordinate or make available State and local
43 programs providing employment and training services or other
44 employment-directed and workforce development programs and
45 activities, including job placement services, and any other similar
46 facility as may be established, sponsored or designated at any later

1 time to coordinate or make available any of those programs, services
2 or activities, and “qualified staff” means staff whose qualifications
3 meet standards set by regulations adopted by the Commissioner of
4 Labor and Workforce Development.

5
6 6. Section 1 of P.L.1992, c.48 (C.34:15B-35) is amended to read
7 as follows:

8 1. As used in this act:

9 "Approved community-based or faith-based organization" means
10 an organization which is an approved service provider, a nonprofit
11 organization exempt from federal taxation under section 501 of the
12 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the
13 commissioner as demonstrating expertise and effectiveness in the field
14 of workforce investment and being representative of a community or
15 a significant segment of a community where the organization provides
16 services.

17 "Approved service provider" means a service provider approved
18 pursuant to section 6 of this act.

19 "Apprenticeship Policy Committee" means the New Jersey
20 Apprenticeship Policy Committee established by an agreement between
21 the Bureau of Apprenticeship and Training in the United States
22 Department of Labor, the State Department of Labor and Workforce
23 Development and the State Department of Education and consisting
24 of a representative of the Commissioner of the State Department of
25 Education, a representative of the Commissioner of the State
26 Department of Labor and Workforce Development, the Director of
27 Region II of the Bureau of Apprenticeship and Training in the United
28 States Department of Labor, and a representative of the New Jersey
29 State AFL-CIO.

30 "Commissioner" means the Commissioner of Labor and Workforce
31 Development.

32 "Department" means the Department of Labor and Workforce
33 Development.

34 "Employment and training services" means:

- 35 a. Counseling provided pursuant to section 4 of this act;
- 36 b. Vocational training; or
- 37 c. Remedial education.

38 "Federal job training funds" means any moneys expended to obtain
39 employment and training services, pursuant to the Workforce
40 Investment Act of 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.) or
41 any other federal law pursuant to which moneys may be expended to
42 obtain employment and training services or other employment-directed
43 and workforce development programs and activities, except that, to
44 the extent that the application of any specific provision of this act
45 would cause the amount of federal job training funds provided to the
46 State to be reduced, that provision shall not apply.

1 "Labor demand occupation" means an occupation for which there
2 is or is likely to be an excess of demand over supply for adequately
3 trained workers, including, but not limited to, an occupation
4 designated as a labor demand occupation by the New Jersey
5 Occupational Information Coordinating Committee pursuant to section
6 7 of this act.

7 "Office of Customized Training" means the Office of Customized
8 Training established pursuant to section 5 of P.L.1992, c.43
9 (C.34:15D-5).

10 "One Stop Career Center" means any of the facilities established,
11 sponsored or designated by the State, a political subdivision of the
12 State and a Workforce Investment Board in a local area to coordinate
13 or make available State and local programs providing employment and
14 training services or other employment-directed and workforce
15 development programs and activities, including job placement services,
16 and any other similar facility as may be established, sponsored or
17 designated at any later time to coordinate or make available any of
18 those programs, services or activities.

19 "Permanent employment" means full-time employment
20 unsubsidized by government training funds which provides a
21 significant opportunity for career advancement and long-term job
22 security and is in the occupation for which a worker receives
23 vocational training pursuant to this act.

24 "Poverty level" means the official poverty level based on family
25 size, established and adjusted under section 673 (2) of Subtitle B of
26 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.
27 s. 9902 (2)).

28 "Qualified job counselor" means a job counselor whose
29 qualifications meet standards established by the commissioner.

30 "Qualified staff" means staff whose qualifications meet standards
31 set by regulations adopted by the Commissioner of Labor and
32 Workforce Development.

33 "Remedial education" means any literacy or other basic skills
34 training or education which may not be directly related to a particular
35 occupation but is needed to facilitate success in vocational training or
36 work performance, including training or education in basic
37 mathematics, reading comprehension, basic computer literacy, English
38 proficiency and work-readiness skills.

39 "Self-sufficiency" for an individual means a level of earnings from
40 employment not lower than 250% of the poverty level for an
41 individual, taking into account the size of the individual's family.

42 "Service provider" or "provider" means a provider of employment
43 and training services including but not limited to a private or public
44 school or institution of higher education, a business, a labor
45 organization or a community-based organization.

46 "Vocational training" means training or education which is related

1 to an occupation and is designed to enhance the marketable skills and
2 earning power of a worker or job seeker.
3 (cf: P.L.2001, c.152, s.4).

4

5 7. Section 2 of P.L.1992, c.48 (C.34:15B-36) is amended to read
6 as follows:

7 2. a. All vocational training funded with federal job training funds
8 shall be training which is likely to substantially enhance the trainee's
9 marketable skills and earning power and is for a labor demand
10 occupation.

11 b. Federal job training funds shall not be used for job training or
12 any related activities which induce, encourage or assist: any
13 displacement or partial displacement of currently employed workers by
14 trainees by means such as reduced hours of currently employed
15 workers; any replacement of laid off workers by trainees; or any
16 relocation of operations resulting in a loss of employment at a previous
17 workplace, except in cases of multi-establishment employers
18 consolidating establishments. No federal job training funds shall be
19 used for job training in any case in which an employer relocates within
20 the State and does not offer each affected employee the equivalent
21 benefits, pay and working conditions if the employee moves to the new
22 location and into a job or position involving comparable skills,
23 responsibilities, experience and seniority to the prior job or position.

24 c. Federal job training funds shall not be used for job training or
25 any related activities which impair existing contracts for services or
26 collective bargaining agreements, except that job training or any
27 related activities which are inconsistent with the terms of a collective
28 bargaining agreement may be undertaken with the written concurrence
29 of the collective bargaining unit and employer who are parties to the
30 agreement.

31 d. Any federal job training funds which are provided directly to an
32 employer or indirectly to an employer through a consortium shall be
33 regarded as customized training grants and be administered by the
34 Office of Customized Training and the employer and any consortium
35 shall comply with all requirements of section 5 of P.L.1992, c.43
36 (C.34:15D-5), except that federal job training funds provided directly
37 or indirectly to an employer for use in connection with any program
38 which includes apprenticeship training or activities shall be exempt
39 from the requirement of this subsection d. to be administered by the
40 Office of Customized Training and be subject to the requirements of
41 section 5 of P.L.1992, c.43 (C.34:15D-5), but the funds shall be
42 exempt only if **[it is]** approved by the Apprenticeship Policy
43 Committee, as defined in section 3 of P.L.1993, c.268 (C.34:15E-3)
44 and the employer complies with the provisions of subsection e. of
45 section 5 of P.L.1993, c.268 (C.34:15E-5). Employment and training
46 services funded by federal job training funds shall not replace,

1 supplant, compete with or duplicate any approved apprenticeship
2 program.

3 e. All staff who are hired and supported by any federal job training
4 funds, including any of those staff located at any One Stop Career
5 Center, but not including any staff of a service provider providing
6 training services funded by a customized training grant pursuant to
7 subsection d. of this section or an individual training grant pursuant to
8 section 4 of P.L.1992, c.48 (C.34:15B-38), shall be hired and
9 employed by the State pursuant to Title 11A, Civil Service, of the New
10 Jersey Statutes, be hired and employed by a political subdivision of the
11 State, or be qualified staff hired and employed by a non-profit
12 organization which began functioning as the One Stop Career Center
13 operator with the written consent of the chief elected official and the
14 commissioner prior to the effective date of P.L. .c. (C.)(now
15 before the Legislature as this bill), or be qualified staff hired and
16 employed by an approved community-based or faith-based
17 organization to provide services at the level of staffing provided in an
18 agreement entered into by the organization before the effective date of
19 P.L. .c. (C.)(now before the Legislature as this bill).

20 (cf: P.L.2001, c.152, s.5)

21

22 8. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to read
23 as follows:

24 4. a. No individual shall receive employment and training services
25 paid for with federal job training funds unless the individual first
26 receives counseling pursuant to this section. [The department may
27 itself provide the counseling or obtain the counseling from an
28 approved service provider, if the service provider is different from and
29 not affiliated with any service provider offering the individual any
30 employment and training services other than the counseling, except
31 that the department may also obtain testing and assessment services
32 provided pursuant to paragraph (1) of this subsection from a provider
33 which also offers to the individual employment and training services
34 other than counseling.] The counseling shall be provided by a job
35 counselor hired and employed by the State pursuant to Title 11A, Civil
36 Service, of the New Jersey Statutes, or hired and employed by a
37 political subdivision of the State, or be provided by a qualified job
38 counselor hired and employed by a non-profit organization which
39 began functioning as the One Stop Career Center operator with the
40 written consent of the chief elected official and the commissioner prior
41 to the effective date of P.L. .c. (C.)(now before the Legislature
42 as this bill), or hired and employed by an approved community-based
43 or faith-based organization to provide counseling which the
44 organization entered into an agreement to provide before the effective
45 date of P.L. .c. (C.)(now before the Legislature as this bill).

46 The purpose of any counseling provided pursuant to this section is to

1 assist each individual in obtaining the employment and training
2 services most likely to enable the individual to obtain employment
3 providing self-sufficiency for the individual and also to provide the
4 individual with the greatest opportunity for long-range career
5 advancement with high levels of productivity and earning power. The
6 counseling shall include:

7 (1) Testing and assessment of the individual's job skills and
8 aptitudes, including the individual's literacy skills and other basic skills.
9 Basic skills testing and assessment shall be provided to the individual
10 unless information is provided regarding the individual's educational
11 background and occupational or professional experience which clearly
12 demonstrates that the individual's basic skill level meets the standards
13 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
14 or unless the individual is already participating in a remedial education
15 program which meets those standards;

16 (2) An evaluation by a qualified job counselor of what remedial
17 education, if any, is determined to be necessary for the individual to
18 advance in his current career or occupation or to succeed in any
19 particular vocational training which the individual would undertake
20 under the program, provided that the remedial education shall be at a
21 level not lower than that needed to meet the standards established
22 pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11);

23 (3) The provision of information to the individual regarding the
24 labor demand occupations, including the information about the wage
25 levels in those occupations, [which is available to the department] and
26 [any] information [available to the department] regarding the
27 effectiveness of approved service providers of vocational training in
28 labor demand occupations which the claimant is considering, including
29 a consumer report card on service providers showing the long-term
30 success of former trainees of each provider in obtaining permanent
31 employment and increasing earnings over a period of not more than
32 two years following the completion of training;

33 (4) The timely provision of information to the individual regarding
34 the services and benefits available to the individual, and all actions
35 required of the individual to obtain the services and benefits, under
36 programs supported by federal job training funds or the provisions of
37 P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual
38 of a written statement of the individual's rights and responsibilities
39 with respect to programs for which the individual is eligible, which
40 includes a full disclosure to the individual of his right to obtain the
41 services most likely to enable the individual to obtain employment
42 providing self-sufficiency and the individual's right not to be denied
43 employment and training services for any of the reasons indicated in
44 section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's
45 right not to be denied training services because the individual already
46 has identifiable vocational skills, if those existing skills are for

1 employment with a level of earnings lower than the level of self-
2 sufficiency; and

3 (5) Discussion with the counselor of the results of the testing and
4 evaluation and, based on those results, the development of a written
5 Employability Development Plan identifying the training and
6 employment services, including any needed remedial education, to be
7 provided to the individual.

8 b. Federal job training funds shall be used to provide training and
9 employment services to an individual only if the counselor who
10 evaluates the individual pursuant to this section determines that the
11 individual can reasonably be expected to successfully complete the
12 training and education identified in the Employability Development
13 Plan developed pursuant to this section.

14 c. All information regarding an individual applicant or trainee
15 which is obtained or compiled in connection with the testing,
16 assessment and evaluation and which may be identified with the
17 individual shall be confidential and shall be released to an entity other
18 than the individual, the counselor or the department only if the
19 individual provides written permission to the department for the
20 release of the information or the information is used solely for program
21 evaluation.

22 (cf: P.L.1992, c.48, s.4)

23

24 9. Section 3 of P.L.1992, c.43 (C.34:15D-3) is amended to read
25 as follows:

26 3. As used in this act:

27 "Administrative costs" means any costs incurred by the department
28 to administer the program, including any cost required to collect
29 information and conduct evaluations of service providers pursuant to
30 section 8 of this act and conduct surveys of occupations pursuant to
31 section 12 of this act, to the extent that funding is not available from
32 federal or other sources.

33 "Apprenticeship Policy Committee" means the New Jersey
34 Apprenticeship Policy Committee established by an agreement between
35 the Bureau of Apprenticeship and Training in the United States
36 Department of Labor, the State Department of Labor and Workforce
37 Development and the State Department of Education and consisting
38 of a representative of the Commissioner of the State Department of
39 Education, a representative of the Commissioner of the State
40 Department of Labor and Workforce Development, the Director of
41 Region II of the Bureau of Apprenticeship and Training in the United
42 States Department of Labor and a representative of the New Jersey
43 State AFL-CIO.

44 "Approved community-based or faith-based organization" means
45 an organization which is an approved service provider, a nonprofit
46 organization exempt from federal taxation under section 501 of the

1 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the
2 commissioner as demonstrating expertise and effectiveness in the field
3 of workforce investment and being representative of a community or
4 a significant segment of a community where the organization provides
5 services.

6 "Approved service provider" means a service provider approved
7 pursuant to section 8 of this act.

8 "Commission" means the State Employment and Training
9 Commission.

10 "Commissioner" means the Commissioner of Labor and Workforce
11 Development or the commissioner's designees.

12 "Customized training services" means employment and training
13 services which are provided by the Office of Customized Training
14 pursuant to section 5 of this act.

15 "Department" means the State Department of Labor and
16 Workforce Development.

17 "Employer" or "business" means any employer subject to the
18 provisions of R.S.43:21-1 et seq.

19 "Employment and training services" means:

20 a. Counseling provided pursuant to section 7 of this act;

21 b. Vocational training;

22 c. Remedial education; or

23 d. Occupational safety and health training.

24 e. In the case of a qualified disadvantaged worker who is or was
25 receiving, or is eligible for but not receiving, benefits under the Work
26 First New Jersey program, "employment and training services"
27 includes, in addition to any of the benefits listed in subsections a.
28 through d. above, Supplemental Workforce Development Benefits
29 approved as part of the workers' Employability Development Plan
30 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7).

31 "Fund" means the Workforce Development Partnership Fund
32 established pursuant to section 9 of this act.

33 "Labor Demand Occupation" means an occupation for which there
34 is or is likely to be an excess of demand over supply for adequately
35 trained workers, including, but not limited to, an occupation
36 designated as a labor demand occupation by the New Jersey
37 Occupational Information Coordinating Committee pursuant to section
38 12 of this act.

39 "Occupational safety and health training" means training or
40 education which is designed to assist in the recognition and prevention
41 of potential health and safety hazards related to an occupation.

42 "Office" means the Office of Customized Training established
43 pursuant to section 5 of this act.

44 "One Stop Career Center" means any of the facilities established,
45 sponsored or designated by the State, a political subdivision of the
46 State and a Workforce Investment Board in a local area to coordinate

1 or make available State and local programs providing employment and
2 training services or other employment-directed and workforce
3 development programs and activities, including job placement services,
4 and any other similar facility as may be established, sponsored or
5 designated at any later time to coordinate or make available any of
6 those programs, services or activities.

7 "Permanent employment" means full-time employment
8 unsubsidized by government training funds which provides a
9 significant opportunity for career advancement and long-term job
10 security and is in the occupation for which a worker receives
11 vocational training pursuant to this act.

12 "Poverty level" means the official poverty level based on family
13 size, established and adjusted under section 673 (2) of Subtitle B of
14 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.
15 s.9902 (2)).

16 "Program" means the Workforce Development Partnership
17 Program created pursuant to this act.

18 "Qualified disadvantaged worker" means a worker who is not a
19 qualified displaced worker or a qualified employed worker but who
20 otherwise meets the following criteria:

21 a. Is unemployed;

22 b. Is working part-time and actively seeking full-time work or is
23 working full-time but is earning wages substantially below the median
24 salary for others in the labor force with similar qualifications and
25 experience; or

26 c. Is certified by the Department of Human Services as:

27 (1) Currently receiving public assistance;

28 (2) Having been recently removed from the public assistance rolls
29 because of gross income exceeding the grant standard for assistance;
30 or

31 (3) Being eligible for public assistance but not receiving the
32 assistance because of a failure to apply for it.

33 "Qualified displaced worker" means a worker who:

34 a. Is unemployed, and:

35 (1) Is currently receiving unemployment benefits pursuant to
36 R.S.43:21-1 et seq. or any federal or State unemployment benefit
37 extension; or

38 (2) Has exhausted eligibility for the benefits or extended benefits
39 during the preceding 52 weeks; or

40 b. Meets the criteria set by the Workforce Investment Act of
41 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.), to be regarded as a
42 "dislocated worker" pursuant to that act.

43 "Qualified employed worker" means a worker who is employed by
44 an employer participating in a customized training program, or other
45 employed worker who is in need of remedial education.

46 "Qualified job counselor" means a job counselor whose

1 qualifications meet standards established by the commissioner.

2 “Qualified staff” means staff whose qualifications meet standards
3 set by regulations adopted by the Commissioner of Labor and
4 Workforce Development.

5 "Remedial education" means any literacy or other basic skills
6 training or education which may not be directly related to a particular
7 occupation but is needed to facilitate success in vocational training or
8 work performance, including training or education in mathematics,
9 reading comprehension, computer literacy, English proficiency and
10 work-readiness skills.

11 “Self-sufficiency” for an individual means a level of earnings from
12 employment not lower than 250% of the poverty level for an
13 individual, taking into account the size of the individual's family.

14 "Service provider" or "provider" means a provider of employment
15 and training services including but not limited to a private or public
16 school or institution of higher education, a business, a labor
17 organization or a community-based organization.

18 "Supplemental Workforce Fund for Basic Skills" means the fund
19 established pursuant to section 1 of P.L.2001, c.152 (C.34:15D-21).

20 "Total revenues dedicated to the program during any one fiscal
21 year" means all moneys received for the fund during any fiscal year,
22 including moneys withdrawn from the State disability benefits fund
23 pursuant to section 3 of P.L.1992, c.44 (C.34:15D-14), minus any
24 repayment made during that fiscal year from the fund to the State
25 disability benefits fund pursuant to that section.

26 "Training grant" means a grant provided to fund vocational training
27 and any needed remedial education for a qualified displaced or
28 disadvantaged worker pursuant to section 6 of this act, or to fund
29 needed remedial education for a qualified employed worker pursuant
30 to section 1 of P.L.2001, c.152 (C.34:15D-21).

31 "Vocational training" means training or education which is related
32 to an occupation and is designed to enhance the marketable skills and
33 earning power of a worker or job seeker.

34 (cf: P.L.2001, c.152, s.8)

35

36 10. Section 4 of P.L.1992, c.43 (C.34:15D-4) is amended to read
37 as follows:

38 4. a. The Workforce Development Partnership Program is hereby
39 established in the Department of Labor and Workforce Development
40 and shall be administered by the Commissioner of Labor and
41 Workforce Development. The purpose of the program is to provide
42 qualified displaced, disadvantaged and employed workers with the
43 employment and training services most likely to enable the individual
44 to obtain employment providing self-sufficiency for the individual and
45 also to provide the greatest opportunity for long-range career
46 advancement with high levels of productivity and earning power. To

1 implement that purpose, the program shall provide those services by
2 means of training grants or customized training services [, to the extent
3 that] in coordination with funding for the services [is not available]
4 from federal or other sources. The commissioner is authorized to
5 expend moneys from the Workforce Development Partnership Fund to
6 provide the training grants or customized training services and provide
7 for each of the following:

8 (1) The cost of counseling required pursuant to section 7 of
9 P.L.1992, c.43 (C.34:15D-7), to the extent that adequate funding for
10 counseling is not available from federal or other sources;

11 (2) Reasonable administrative costs, which shall not exceed 10%
12 of the revenues collected pursuant to section 2 of P.L.1992, c.44
13 (C.34:15D-13) during any fiscal year ending before July 1, 2001,
14 except for additional start-up administrative costs approved by the
15 Director of the Office of Management and Budget during the first year
16 of the program's operation;

17 (3) Reasonable costs, which shall not exceed 0.5% of the revenues
18 collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13)
19 during any fiscal year ending before July 1, 2001, as required by the
20 State Employment and Training Commission to design criteria and
21 conduct an annual evaluation of the program; and

22 (4) The cost of reimbursement to individuals for excess
23 contributions pursuant to section 6 of P.L.1992, c.44 (C.34:15D-17).

24 b. Not more than 10% of the moneys received by any service
25 provider pursuant to this act shall be expended on anything other than
26 direct costs to the provider of providing the employment and training
27 services, which direct costs shall not include any administrative or
28 overhead expense of the provider.

29 c. Training and employment services shall be provided to a worker
30 who receives counseling pursuant to section 7 of P.L.1992, c.43
31 (C.34:15D-7) only if the counselor who evaluates the worker pursuant
32 to that section determines that the worker can reasonably be expected
33 to successfully complete the training and education identified in the
34 Employability Development Plan developed pursuant to that section
35 for the worker.

36 d. All vocational training provided under this act:

37 (1) Shall be training which is likely to substantially enhance the
38 individual's marketable skills and earning power; and

39 (2) Shall be training for a labor demand occupation, except for:

40 (a) Customized training provided to the present employees of a
41 business which the commissioner deems to be in need of the training
42 to prevent job loss caused by obsolete skills, technological change or
43 national or global competition; or

44 (b) Customized training provided to employees at a facility which
45 is being relocated from another state into New Jersey; or

46 (c) Entrepreneurial training and technical assistance supported by

1 training grants provided pursuant to subsection b. of section 6 of
2 P.L.1992, c.43 (C.34:15D-6).

3 e. During any fiscal year ending before July 1, 2001, not less than
4 25% of the total revenues dedicated to the program during any one
5 fiscal year shall be reserved to provide employment and training
6 services for qualified displaced workers; not less than six percent of
7 the total revenues dedicated to the program during any one fiscal year
8 shall be reserved to provide employment and training services for
9 qualified disadvantaged workers; not less than 45% of the total
10 revenues dedicated to the program during any one fiscal year shall be
11 reserved for and appropriated to the Office of Customized Training;
12 not less than 3% of the total revenues dedicated to the program during
13 any one fiscal year shall be reserved for occupational safety and health
14 training; and 5% of the total revenues dedicated to the program during
15 any one fiscal year shall be reserved for and appropriated to the Youth
16 Transitions to Work Partnership created pursuant to P.L.1993, c.268
17 (C.34:15E-1 et seq.).

18 f. Funds available under the program shall not be used for
19 activities which induce, encourage or assist: any displacement of
20 currently employed workers by trainees, including partial displacement
21 by means such as reduced hours of currently employed workers; any
22 replacement of laid off workers by trainees; or any relocation of
23 operations resulting in a loss of employment at a previous workplace
24 located in the State.

25 g. On-the-job training shall not be funded by the program for any
26 employment found by the commissioner to be of a level of skill and
27 complexity too low to merit training. The duration of on-the-job
28 training funded by the program for any worker shall not exceed the
29 duration indicated by the Specific Vocational Preparation Code
30 developed by the United States Department of Labor for the
31 occupation for which the training is provided and shall in no case
32 exceed 26 weeks. The department shall set the duration of on-the-job
33 training for a worker for less than the indicated maximum, when
34 training for the maximum duration is not warranted because of the
35 level of the individual's previous training, education or work
36 experience. On-the-job training shall not be funded by the program
37 unless it is accompanied, concurrently or otherwise, by whatever
38 amount of classroom-based vocational training, remedial education or
39 both, is deemed appropriate for the worker by the commissioner.
40 On-the-job training shall not be funded by the program unless the
41 trainee is provided benefits, pay and working conditions at a level and
42 extent not less than the benefits and working conditions of other
43 trainees or employees of the trainee's employer with comparable skills,
44 responsibilities, experience and seniority.

45 h. Employment and training services funded by the program shall
46 not replace, supplant, compete with or duplicate in any way approved

1 apprenticeship programs.

2 i. No activities funded by the program shall impair existing
3 contracts for services or collective bargaining agreements, except that
4 activities which would be inconsistent with the terms of a collective
5 bargaining agreement may be undertaken with the written concurrence
6 of the collective bargaining unit and employer who are parties to the
7 agreement.

8 j. All staff who are hired and supported by moneys from the
9 Workforce Development Partnership Fund, including any of those staff
10 located at any One Stop Career Center, but not including any staff of
11 a service provider providing employment and training services
12 supported by a customized training grant pursuant to section 5 of
13 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant
14 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and
15 employed by the State pursuant to Title 11A, Civil Service, of the New
16 Jersey Statutes, be hired and employed by a political subdivision of the
17 State, or be qualified staff hired and employed by a non-profit
18 organization which began functioning as the One Stop Career Center
19 operator with the written consent of the chief elected official and the
20 commissioner prior to the effective date of P.L. .c. (C.)(now
21 before the Legislature as this bill), or be qualified staff hired and
22 employed by an approved community-based or faith-based
23 organization to provide services at the level of staffing provided in an
24 agreement entered into by the organization before the effective date of
25 P.L. .c. (C.)(now before the Legislature as this bill).

26 (cf: P.L.2001, c.152, s.9)

27

28 11. Section 5 of P.L.1992, c.43 (C.34:15D-5) is amended to read
29 as follows:

30 5. a. There is hereby established, as part of the Workforce
31 Development Partnership Program, the Office of Customized Training.
32 Moneys allocated to the office from the fund shall be used to provide
33 employment and training services to eligible applicants approved by
34 the commissioner.

35 b. An applicant shall be eligible for customized training services
36 if it is one of the following:

37 (1) An individual employer that seeks the customized training
38 services to create, upgrade or retain jobs in a labor demand
39 occupation;

40 (2) An individual employer that seeks customized training services
41 to upgrade or retain jobs in an occupation which is not a labor demand
42 occupation, if the commissioner determines that the services are
43 necessary to prevent the likely loss of the jobs or that the services are
44 being provided to employees at a facility which is being relocated from
45 another state into New Jersey;

46 (3) An employer organization, labor organization or

1 community-based or faith-based organization seeking the customized
2 training services to provide training in labor demand occupations in a
3 particular industry; or

4 (4) A consortium made up of one or more educational institutions
5 and one or more eligible individual employers or labor, employer or
6 community-based or faith-based organizations that seeks the
7 customized training services to provide training in labor demand
8 occupations in a particular industry.

9 c. Each applicant seeking funding for customized training services
10 shall submit an application to the commissioner in a form and manner
11 prescribed in regulations adopted by the commissioner. The
12 application shall be accompanied by a business plan of each employer
13 which will receive customized training services if the application is
14 approved. The business plan shall include:

15 (1) A justification of the need for the services and funding from the
16 office, including information sufficient to demonstrate to the
17 satisfaction of the commissioner that the applicant will provide
18 significantly less of the services if the requested funding is not
19 provided by the office;

20 (2) A comprehensive long-term human resource development plan
21 which:

22 (a) Extends significantly beyond the period of time in which the
23 services are funded by the office; **[and]**

24 (b) Significantly enhances the productivity and competitiveness of
25 the employer operations located in the State and the employment
26 security of workers employed by the employer in the State; and

27 (c) States the number of current or newly-hired workers who will
28 be trained under the grant and the pay levels of jobs which will be
29 created or retained for those workers as a result of the funding and the
30 plan.

31 (3) Evidence, if the training sought is for an occupation which is
32 not a labor demand occupation, that the customized training services
33 are needed to prevent job loss caused by obsolete skills, technological
34 change or national or global competition or that the services are being
35 provided to employees at a facility which is being relocated from
36 another state into New Jersey;

37 (4) Information demonstrating that most of the individuals
38 receiving the services will be trained primarily for work in the direct
39 production of goods or services; **[and]**

40 (5) A commitment to provide the information needed by the
41 commissioner to evaluate the success of the funding and the plan in
42 creating and retaining jobs, to assure compliance with the provisions
43 of P.L.1992, c.43 (C.34:15D-1 et seq.); and

44 (6) Any other information or commitments which the commissioner
45 deems appropriate to assure compliance with the provisions of
46 P.L.1992, c.43 (C.34:15D-1 et seq.).

1 The commissioner may provide whatever assistance he deems
2 appropriate in the preparation of the application and business plan,
3 which may include labor market information, projections of
4 occupational demand and information and advice on alternative
5 training and education strategies.

6 d. Each employer that receives a grant for customized training
7 services shall contribute a minimum of ~~[40%]~~ 50% of the total cost
8 of the customized training services, except that the commissioner shall
9 set a higher or lower minimum contribution by an employer, if
10 warranted by the size and economic resources of the employer or other
11 factors deemed appropriate by the commissioner, and except that, for
12 individuals hired by the employer through a One Stop Career Center
13 who receive classroom training under the grant and were recipients of
14 benefits under the Work First New Jersey program at any time during
15 the 12 months preceding the date of employment, the employer shall
16 be eligible for reimbursement of up to 50% of wages paid to the
17 individual during the classroom training in addition to reimbursement
18 for tuition and other direct costs of the training as determined to be
19 appropriate by the office, and provided, further, that no individual
20 shall be hired or placed in a manner which results in a violation of the
21 restrictions of subsection f. of section 4 of P.L.1992, c.43 (C.34:15D-
22 4) against displacing current employees.

23 e. Each employer receiving a grant for customized training
24 services shall hire or retain in permanent employment each worker
25 who successfully completes the training and education provided under
26 the customized training. The employer shall be entitled to select the
27 qualified employed, disadvantaged or displaced workers who will
28 participate in the customized training, except that if any collective
29 bargaining unit represents a qualified employed worker, the selection
30 shall be conducted in a manner acceptable to both the employer and
31 the collective bargaining unit. The commissioner shall provide for the
32 withholding, for a time period he deems appropriate, of whatever
33 portion he deems appropriate of program funding as a final payment
34 for customized training services, contingent upon the hiring and
35 retention of a program completer as required pursuant to this section.
36 If an employer receiving a grant for customized training services
37 pursuant to this section relocates or outsources any or all of the jobs
38 out of the State for which the customized training services were
39 provided under the grant within three years following the end date of
40 the customized contract, the employer shall, if all of the jobs are
41 relocated or outsourced, return all of the moneys provided to the
42 employer by the State for customized training services, or, if only a
43 portion of the jobs are relocated or outsourced, return a part of the
44 moneys, deemed by the commissioner to be appropriate and
45 proportional to the portion of the jobs relocated or outsourced, and
46 the returned amount shall be deposited into the Workforce

1 Development Partnership Fund.

2 f. The customized training services provided to an approved
3 applicant may include any combination of employment and training
4 services or any single employment and training service approved by the
5 commissioner, including remedial education provided to upgrade
6 workplace literacy. Each service may be provided by a separate
7 approved service provider.

8 g. Customized training services shall include any remedial
9 education determined necessary pursuant to section 7 of this act.
10 Applications for customized training services shall include estimates
11 of the total need for remedial education determined in a manner
12 deemed appropriate by the commissioner.

13 h. Any business seeking customized training services shall, in the
14 manner prescribed by the commissioner, participate in the development
15 of a plan to provide the services. Any business seeking customized
16 training services for workers represented by a collective bargaining
17 unit shall notify the collective bargaining unit and permit it to
18 participate in developing the plan. No customized training services
19 shall be provided to a business employing workers represented by a
20 collective bargaining unit without the written consent of both the
21 business and the collective bargaining unit.

22 i. Any business receiving customized training services shall be
23 responsible for providing workers' compensation coverage for any
24 worker participating in the customized training.

25 j. The commissioner shall establish an annual goal that 15% or
26 more of the jobs to be created or retained in connection with training
27 supported by grants from the office shall be jobs provided to
28 individuals who were recipients of benefits under the Work First New
29 Jersey program at any time during the 12 months prior to being placed
30 in the jobs. The means to attain the goal shall include coordinated
31 efforts between the office and One Stop Career Centers to prepare
32 recipients for employment and make them available to employers, but
33 shall not include any policy which may penalize employers or
34 discourage employers from using customized training service provided
35 by the office.

36 (cf: 1992, c.43, s.5)

37

38 12. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
39 as follows:

40 7. Counseling shall be made available by the department to each
41 qualified displaced worker or qualified disadvantaged worker applying
42 to participate in the Workforce Development Partnership program and,
43 in the case of a qualified disadvantaged worker who is a recipient of,
44 or eligible for, benefits under the Work First New Jersey Program, to
45 participate in the Workforce Development Partnership program or in
46 any of those employment-directed workforce development programs

1 or activities transferred to the Department of Labor and Workforce
2 Development pursuant to section 2 of P.L. , c. (C.) (now before
3 the Legislature as this bill) which provide employment and training
4 services as defined in section 3 of P.L.1992, c.43 (C.34:15D-3),
5 including the services indicated in paragraphs (11) through (16) of
6 subsection b. of section 2 of P.L. , c. (C.) (now before the
7 Legislature as this bill). Counseling may also be made available to a
8 qualified employed worker who seeks remedial education or is selected
9 to participate in a customized training program, if the worker's
10 employer requests the counseling. [The department may itself provide
11 the counseling or obtain the counseling from a service provider, if the
12 service provider is different from and not affiliated with any service
13 provider offering any employment and training services to the worker
14 other than the counseling, except that the department may obtain
15 testing and assessment services provided pursuant to subsection a. of
16 this section from a provider which also offers employment and training
17 services to the worker other than the counseling.] The counseling
18 shall be provided by a job counselor hired and employed by the State
19 pursuant to Title 11A, Civil Service, of the New Jersey Statutes, or
20 hired and employed by a political subdivision of the State, or be
21 provided by a qualified job counselor hired and employed by a non-
22 profit organization which began functioning as the One Stop Career
23 Center operator with the written consent of the chief elected official
24 and the commissioner prior to the effective date of P.L. ,c. .
25 (C.)(now before the Legislature as this bill), or hired and employed
26 by an approved community-based or faith-based organization to
27 provide counseling which the organization entered into an agreement
28 to provide before the effective date of P.L. ,c. (C.)(now
29 before the Legislature as this bill). In the case of a qualified
30 disadvantaged worker who is a recipient of, or is eligible for, benefits
31 under the Work First New Jersey Program, the counseling provided
32 pursuant to this section shall be the counseling for the provision of
33 employment and training services either under the Workforce
34 Development Partnership program or under programs or activities
35 transferred to the Department of Labor and Workforce Development
36 pursuant to section 2 of P.L. ,c. (C.) (now before the
37 Legislature as this bill), but the counseling provided pursuant to this
38 section shall be provided in conjunction and in coordination with
39 counseling provided in connection with any services, other than
40 training and employment services, made available to the disadvantaged
41 worker under programs or activities transferred to the Department of
42 Labor and Workforce Development pursuant to section 2 of P.L. ,
43 c. (C.) (now before the Legislature as this bill). The purpose of
44 any counseling made available pursuant to this section is to assist each
45 worker in obtaining the employment and training services most likely
46 to enable the worker to obtain employment providing self-sufficiency

1 for the worker and also to provide the worker with the greatest
2 opportunity for long-range career advancement with high levels of
3 productivity and earning power. [Whether provided by the
4 department or a service provider, the] The counseling shall include:

5 a. Testing and assessment of the worker's job skills and aptitudes,
6 including the worker's literacy skills and other basic skills. Basic skills
7 testing and assessment shall be provided to the worker unless
8 information is provided regarding the worker's educational background
9 and occupational or professional experience which clearly
10 demonstrates that the worker's basic skill level meets the standards
11 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
12 or unless the worker is already participating in a remedial education
13 program which meets those standards;

14 b. An evaluation by a qualified job counselor of what remedial
15 education, if any, is determined to be necessary for the worker to
16 advance in his current employment or occupation or to succeed in any
17 particular vocational training which the worker would undertake under
18 the program, provided that the remedial education shall be at a level
19 not lower than that needed to meet the standards established pursuant
20 to section 14 of P.L.1989, c.293 (C.34:15C-11);

21 c. The provision to the worker of information [to the worker]
22 regarding any of the labor demand occupations for which training
23 meets the requirements of section 4 of this act in the worker's case,
24 including information about the wage levels in those occupations, and
25 information regarding the effectiveness of approved service providers
26 of vocational training in occupations which the worker is considering
27 [and], including a consumer report card on service providers showing
28 the long-term success of former trainees of each provider in obtaining
29 permanent employment and increasing earnings over a period of not
30 more than two years following the completion of training;

31 d. The timely provision of information to the worker regarding the
32 services and benefits available to the worker, and all actions required
33 of the worker to obtain the services and benefits, under the provisions
34 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and under the Work
35 First New Jersey program in the case of a qualified disadvantaged
36 worker receiving or eligible for benefits under that program; and the
37 provision to the worker of a written statement of the worker's rights
38 and responsibilities with respect to programs for which the worker is
39 eligible, which includes a full disclosure to the worker of the worker's
40 right to obtain the services most likely to enable the worker to obtain
41 employment providing self-sufficiency and the workers' right not to be
42 denied training services for any of the reasons indicated in subsection
43 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's
44 right not to be denied training services because the worker already has
45 identifiable vocational skills, if those existing skills are for employment
46 with a level of earnings lower than the level of self-sufficiency; and

1 e. Discussion with the counselor of the results of the testing and
2 evaluation and, based on those results, the development of a written
3 Employability Development Plan identifying the training and
4 employment services, including any needed remedial education, to be
5 provided to the worker pursuant to this act. In the case of a qualified
6 disadvantaged worker, the Employability Development Plan will be, to
7 the greatest extent possible while remaining in compliance with any
8 applicable federal requirements, coordinated and made consistent with
9 any individual responsibility plan developed for the worker under the
10 Work First New Jersey program. In the case of a qualified
11 disadvantaged worker who is or was receiving, or who is eligible for
12 but not receiving, benefits under the Work First New Jersey program,
13 and who does not have a marketable bachelor's degree, the counselor
14 may approve, as part of the workers' Employability Development Plan,
15 the replacement of Work First New Jersey program benefits by
16 Supplemental Workforce Development Benefits paid to the
17 disadvantaged worker for full-time educational activity without, or
18 with insufficient, other work activity from available resources for
19 employment-directed and workforce development programs and
20 activities transferred from the Department of Human Services pursuant
21 to section 2 of P.L. , c. (C.) (now before the Legislature as this
22 bill) or from the account of the Workforce Development Partnership
23 Fund reserved for qualified disadvantaged workers pursuant to
24 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), for any
25 period of time for which the counselor determines that:

26 (1) Full-time remedial education to obtain a high school diploma
27 or G.E.D. or full-time post secondary education in a two-year or four-
28 year degree-granting educational program with a course of study
29 related to work, even if the duration of the full-time education is
30 longer than two years, is the training and employment service that is
31 most likely to enable the worker to obtain employment providing self-
32 sufficiency;

33 (2) The worker has responsibility during that period of time for the
34 care of dependent children or other family members unable to care for
35 themselves the magnitude of which, if added to the full-time
36 educational activities indicated in paragraph (1) of this subsection,
37 make it likely that any additional work activity will jeopardize the
38 success of the educational activity; and

39 (3) Providing Work First New Jersey program benefits to the
40 worker during that period of time for the full-time educational activity
41 without, or with insufficient, work activities would result in a loss of
42 benefits for the worker pursuant to section 9 of P.L.1997, c.38
43 (C.44:10-63) or would be counted toward the maximum limit of 60
44 cumulative months of Work First New Jersey program benefits
45 provided to the worker pursuant to section 2 of P.L.1997, c.37
46 (C.44:10-72).

1 With respect to the use of the funds deposited during any fiscal
2 year in the account of the Workforce Development Partnership Fund
3 reserved for qualified disadvantaged workers pursuant to subsection
4 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be
5 given for the payment of Supplemental Workforce Development
6 Benefits pursuant to this subsection. Not more than 1,500 qualified
7 disadvantaged workers shall receive Supplemental Workforce
8 Development Benefits pursuant to this subsection at any one time.
9 With respect to using available resources for employment-directed and
10 workforce development programs and activities transferred from the
11 Department of Human Services pursuant to section 2 of P.L. _____,
12 c. (C.) (now before the Legislature as this bill) for Supplemental
13 Workforce Development Benefits, no federal funds which are part of
14 those resources may be used for Supplemental Workforce
15 Development Benefits which result in the imposition of conditions of
16 participation other than those established by this subsection. If federal
17 funds are used for childcare costs of a participant, the Department of
18 Human Services may transfer the funds to the Child Care and
19 Development Block Grant, as permitted by law and as needed to
20 permit the use of the federal funds while preventing any loss of
21 benefits to the participant and preventing the childcare time from being
22 counted toward the participant's maximum limit of 60 cumulative
23 months of Work First New Jersey program benefits. The counselor
24 shall assist in facilitating the use, to the maximum extent possible, of
25 Pell grants or other available educational grants to pay for tuition and
26 other educational costs of a recipient of Supplemental Workforce
27 Development Benefits provided pursuant to this section. The
28 requirements for receiving Supplemental Workforce Development
29 Benefits may include work-site experience which will enhance the
30 participant's employability in the participant's field, provided that the
31 required sum of class hours for a full-time class schedule, hours of
32 study time at not less than one and one half times class time, and hours
33 of work-site experience, shall not exceed 40 hours per week and that
34 the commissioner shall adopt regulations for reasonable adjustments
35 in participation requirements for good cause, including verifiable needs
36 related to physical or mental health problems, illness, accident or death
37 or serious personal or family problems that necessitate reduced
38 participation, provided further that no individual shall receive
39 Supplemental Workforce Development Benefits for a period of more
40 than five years. The commissioner shall adopt regulations setting
41 standards for satisfactory academic progress for continued
42 participation. Participation may not be denied for any of the reasons
43 which subsection d. of section 6 of P.L.1992, c.43 (C.34:15D-6)
44 prohibits from being used to deny training grants. For the purposes of
45 this section, "Work First New Jersey benefits" means benefits for
46 which a worker and the worker's family would be eligible if the worker

1 was participating in the Work First New Jersey program or any
2 successor program to the Work First New Jersey program.

3 Counseling made available at the request of an employer
4 participating in a customized training program may include only those
5 components requested by the employer.

6 All information regarding a worker applicant or trainee which is
7 obtained or compiled in connection with the testing, assessment and
8 evaluation and which may be identified with the worker shall be
9 confidential and shall be released to an entity other than the worker,
10 the counselor or the department only if the worker provides written
11 permission to the department for the release of the information or the
12 information is used solely for program evaluation.

13 (cf: P.L.2001, c.152, s.11)

14

15 13. This act shall take effect immediately.

16

17

18

19

20 Reorganizes the State's workforce development system and
21 redesignates the Department of Labor as the Department of Labor and
22 Workforce Development.

SENATE, No. 1452

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED APRIL 29, 2004

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Reorganizes the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/30/2004)

1 AN ACT reorganizing and consolidating the State's workforce
2 development system, redesignating the Department of Labor as the
3 Department of Labor and Workforce Development and revising
4 various parts of the statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) On and after the effective date of this 2004
10 amendatory and supplementary act, the Department of Labor shall be
11 entitled and known as the Department of Labor and Workforce
12 Development and whenever, in any law, rule, regulation, order,
13 contract, document, judicial or administrative proceeding, or
14 otherwise, reference is made to the Department of Labor, the same
15 shall mean and refer to the Department of Labor and Workforce
16 Development.

17

18 2. (New section) a. To the extent not inconsistent with any federal
19 law, and notwithstanding any other State law, all employment-directed
20 and workforce development programs and activities of the Department
21 of Human Services which are funded through the Work First New
22 Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et
23 seq.), the federal "Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996," Pub.L.104-193, 42 U.S.C. 601 et seq.,
25 and the federal Food Stamp Act of 1977, Pub.L.95-113, 7 U.S.C.
26 2011 et seq. are hereby transferred to the Department of Labor and
27 Workforce Development.

28 b. The employment-directed and workforce development programs
29 and activities which shall be transferred from the Department of
30 Human Services to the Department of Labor and Workforce
31 Development pursuant to this section and provided by the Department
32 of Labor and Workforce Development shall include, but not be limited
33 to:

- 34 (1) Career guidance;
35 (2) Labor market information;
36 (3) Employability assessment;
37 (4) Employability plan development;
38 (5) Employment-directed case management;
39 (6) Subsidized and unsubsidized employment in the public and
40 private sectors;
41 (7) Job search and readiness programs;
42 (8) Community work experience programs;
43 (9) Alternative work experience programs;

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 (10) Community service programs;
- 2 (11) On-the -job training;
- 3 (12) Vocational education and training;
- 4 (13) Employment-related education and job skill training;
- 5 (14) Basic skills and literacy training;
- 6 (15) Work-related educational enhancements;
- 7 (16) Employment-related education and job skill training;
- 8 (17) A proportionate share of employment and training related
- 9 expenses;
- 10 (18) Referral and access to work support services, including
- 11 transport and childcare services;
- 12 (19) Early employment initiative; and
- 13 (20) Career advancement vouchers.

14 c. The programmatic, administrative and support staff and
15 equipment comprising the employment-directed and workforce
16 development programs and activities in the Department of Human
17 Services are transferred to the Department of Labor and Workforce
18 Development pursuant to this section and the "State Agency Transfer
19 Act, "P.L.1971, c.375 (C.52:14D-1 et seq.), with all of their functions,
20 powers and duties and a proportionate share of the resources to
21 maintain the programs and activities.

22
23 3. (New section) The New Jersey Youth Corps, established
24 pursuant to P.L.1984, c.198 (C.9:25-1 et seq.), is hereby transferred
25 to the Department of Labor and Workforce Development. To the
26 extent not inconsistent with any federal law, and notwithstanding any
27 other State law, the Department of Labor and Workforce Development
28 is authorized to enhance, strengthen or expand the New Jersey Youth
29 Corps program. The programmatic, administrative and support staff
30 and equipment assigned to the New Jersey Youth Corps are
31 transferred to the Department of Labor and Workforce Development,
32 with all of their functions, powers and duties and the resources to
33 maintain the programs and activities pursuant to this section and the
34 "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

35
36 4. (New section) a. Notwithstanding any other State law, all
37 powers, functions and duties of the Department of Education with
38 respect to the following employment-directed and workforce
39 development programs and activities are hereby transferred to the
40 Department of Labor and Workforce Development:

41 (1) The administration and provision of adult education and
42 literacy as defined under the Workforce Investment Act of 1998,
43 Pub.L.105-220 (29 U.S.C.s.2801 et seq.);

44 (2) Operational authority for the approval of private or proprietary
45 trade, business or vocational schools or similar training institutions
46 pursuant to section 2 of P.L.1966, c.13 (C.44:12-2); and

1 (3) Registration and approval of registered apprenticeship programs
2 under a joint agreement negotiated with the Bureau of Apprenticeship
3 and Training in the United States Department of Labor.

4 b. The programmatic, administrative and support staff and
5 equipment comprising the employment-directed and workforce
6 development programs and activities in the Department of Education
7 are transferred to the Department of Labor and Workforce
8 Development pursuant to this section and the "State Agency Transfer
9 Act," P.L.1971, c.375 (C.52:14D-1et seq.), with all of their functions,
10 powers and duties and a proportionate share of the resources to
11 maintain the programs and activities.

12
13 5. (New section) a. Nothing in this 2004 amendatory and
14 supplementary act shall be construed to deprive any person of any
15 tenure rights or reduce or deny any right or protection provided him
16 or her by Title 11A, Civil Service, of the New Jersey Statutes, or
17 under any pension law or retirement system.

18 b. All staff who are hired to work at a One Stop Career Center
19 after the effective date of this act and supported by any resources
20 transferred to the Department of Labor and Workforce Development
21 pursuant to sections 2, 3 or 4 of this act, shall be hired and employed
22 by the State pursuant to Title 11A, Civil Service, of the New Jersey
23 Statutes, or hired and employed by a political subdivision of the State.

24 c. Any staff member, located at any One Stop Career Center,
25 providing services to unemployment insurance claimants or services to
26 employment service clients shall be hired and employed pursuant to
27 Title 11A, Civil Service, of the New Jersey Statutes, if that staff
28 member is supported by any funds provided to the State under the
29 Wagner-Peyser Act (29 U.S.C.49 et seq.) or section 903 of the Social
30 Security Act (42 U.S.C.1103), as amended.

31 d. For the purpose of this section, "One Stop Career Center"
32 means one of the centers established, sponsored or designated by the
33 State, a political subdivision of the State or a Workforce Investment
34 Board in a local area to coordinate or make available a variety of State
35 and local programs providing training services and employment
36 services, including job placement services, and any other similar center
37 as may be established, sponsored or designated at any later time to
38 coordinate or make available training services and employment
39 services.

40
41 6. Section 1 of P.L.1992, c.48 (C.34:15B-35) is amended to read
42 as follows:

43 1. As used in this act:

44 "Approved service provider" means a service provider approved
45 pursuant to section 6 of this act.

46 "Apprenticeship Policy Committee" means the New Jersey

1 Apprenticeship Policy Committee established by an agreement between
2 the Bureau of Apprenticeship and Training in the United States
3 Department of Labor, the State Department of Labor and Workforce
4 Development and the State Department of Education and consisting
5 of a representative of the Commissioner of the State Department of
6 Education, a representative of the Commissioner of the State
7 Department of Labor and Workforce Development, the Director of
8 Region II of the Bureau of Apprenticeship and Training in the United
9 States Department of Labor, and a representative of the New Jersey
10 State AFL-CIO.

11 "Commissioner" means the Commissioner of Labor and Workforce
12 Development.

13 "Department" means the Department of Labor and Workforce
14 Development.

15 "Employment and training services" means:

- 16 a. Counseling provided pursuant to section 4 of this act;
- 17 b. Vocational training; or
- 18 c. Remedial education.

19 "Federal job training funds" means any moneys expended to obtain
20 employment and training services, pursuant to the Workforce
21 Investment Act of 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.).
22 except that, to the extent that the application of any specific provision
23 of this act would cause the amount of federal job training funds
24 provided to the State to be reduced, that provision shall not apply.

25 "Labor demand occupation" means an occupation for which there
26 is or is likely to be an excess of demand over supply for adequately
27 trained workers, including, but not limited to, an occupation
28 designated as a labor demand occupation by the New Jersey
29 Occupational Information Coordinating Committee pursuant to section
30 7 of this act.

31 "Office of Customized Training" means the Office of Customized
32 Training established pursuant to section 5 of P.L.1992, c.43
33 (C.34:15D-5).

34 "Permanent employment" means full-time employment unsubsidized
35 by government training funds which provides a significant opportunity
36 for career advancement and long-term job security and is in the
37 occupation for which a worker receives vocational training pursuant
38 to this act.

39 "Poverty level" means the official poverty level based on family
40 size, established and adjusted under section 673 (2) of Subtitle B of
41 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.
42 s. 9902 (2)).

43 "Qualified job counselor" means a job counselor whose
44 qualifications meet standards established by the commissioner.

45 "Remedial education" means any literacy or other basic skills
46 training or education which may not be directly related to a particular

1 occupation but is needed to facilitate success in vocational training or
2 work performance, including training or education in basic
3 mathematics, reading comprehension, basic computer literacy, English
4 proficiency and work-readiness skills.

5 “Self-sufficiency” for an individual means a level of earnings from
6 employment not lower than 250% of the poverty level for an
7 individual, taking into account the size of the individual's family.

8 "Service provider" or "provider" means a provider of employment
9 and training services including but not limited to a private or public
10 school or institution of higher education, a business, a labor
11 organization or a community-based organization.

12 "Vocational training" means training or education which is related
13 to an occupation and is designed to enhance the marketable skills and
14 earning power of a worker or job seeker.

15 (cf: P.L.2001, c.152, s.4).

16

17 7. Section 2 of P.L.1992, c.48 (C.34:15B-36) is amended to read
18 as follows:

19 2. a. All vocational training funded with federal job training funds
20 shall be training which is likely to substantially enhance the trainee's
21 marketable skills and earning power and is for a labor demand
22 occupation.

23 b. Federal job training funds shall not be used for job training or
24 any related activities which induce, encourage or assist: any
25 displacement or partial displacement of currently employed workers by
26 trainees by means such as reduced hours of currently employed
27 workers; any replacement of laid off workers by trainees; or any
28 relocation of operations resulting in a loss of employment at a previous
29 workplace, except in cases of multi-establishment employers
30 consolidating establishments. No federal job training funds shall be
31 used for job training in any case in which an employer relocates within
32 the State and does not offer each affected employee the equivalent
33 benefits, pay and working conditions if the employee moves to the new
34 location and into a job or position involving comparable skills,
35 responsibilities, experience and seniority to the prior job or position.

36 c. Federal job training funds shall not be used for job training or
37 any related activities which impair existing contracts for services or
38 collective bargaining agreements, except that job training or any
39 related activities which are inconsistent with the terms of a collective
40 bargaining agreement may be undertaken with the written concurrence
41 of the collective bargaining unit and employer who are parties to the
42 agreement.

43 d. Any federal job training funds which are provided directly to an
44 employer or indirectly to an employer through a consortium shall be
45 regarded as customized training grants and be administered by the
46 Office of Customized Training and the employer and any consortium

1 shall comply with all requirements of section 5 of P.L.1992, c.43
2 (C.34:15D-5), except that federal job training funds provided directly
3 or indirectly to an employer for use in connection with any program
4 which includes apprenticeship training or activities shall be exempt
5 from the requirement of this subsection d. to be administered by the
6 Office of Customized Training and be subject to the requirements of
7 section 5 of P.L.1992, c.43 (C.34:15D-5), but the funds shall be
8 exempt only if [it is] approved by the Apprenticeship Policy
9 Committee, as defined in section 3 of P.L.1993, c.268 (C.34:15E-3)
10 and the employer complies with the provisions of subsection e. of
11 section 5 of P.L.1993, c.268 (C.34:15E-5). Employment and training
12 services funded by federal job training funds shall not replace,
13 supplant, compete with or duplicate any approved apprenticeship
14 program.

15 e. All staff who are hired after the effective date of P.L. c.
16 (C.) (now before the Legislature as this bill) and supported by any
17 federal job training funds, including any of those staff located at any
18 One Stop Career Center, but not including any staff of a service
19 provider providing training services funded by a customized training
20 grant pursuant to subsection d. of this section or an individual training
21 grant pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38), shall be
22 hired and employed by the State pursuant to Title 11A, Civil Service,
23 of the New Jersey Statutes, or hired and employed by a political
24 subdivision of the State. For the purpose of this section, "One Stop
25 Career Center" means one of the centers established, sponsored or
26 designated by the State, a political subdivision of the State or a
27 Workforce Investment Board in a local area to coordinate or make
28 available a variety of State and local programs providing training
29 services and employment services, including job placement services,
30 and any other similar center as may be established, sponsored or
31 designated at any later time to coordinate or make available training
32 services or employment services.

33 (cf: P.L.2001, c.152, s.5)

34

35 8. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to read
36 as follows:

37 4. a. No individual shall receive employment and training services
38 paid for with federal job training funds unless the individual first
39 receives counseling pursuant to this section. [The department may
40 itself provide the counseling or obtain the counseling from an
41 approved service provider, if the service provider is different from and
42 not affiliated with any service provider offering the individual any
43 employment and training services other than the counseling, except
44 that the department may also obtain testing and assessment services
45 provided pursuant to paragraph (1) of this subsection from a provider
46 which also offers to the individual employment and training services

1 other than counseling.] The counseling shall be provided by personnel
2 hired and employed by the State pursuant to Title 11A, Civil Service,
3 of the New Jersey Statutes, or hired and employed by a political
4 subdivision of the State. The purpose of any counseling provided
5 pursuant to this section is to assist each individual in obtaining the
6 employment and training services most likely to enable the individual
7 to obtain employment providing self-sufficiency for the individual and
8 also to provide the individual with the greatest opportunity for
9 long-range career advancement with high levels of productivity and
10 earning power. The counseling shall include:

11 (1) Testing and assessment of the individual's job skills and
12 aptitudes, including the individual's literacy skills and other basic skills.
13 Basic skills testing and assessment shall be provided to the individual
14 unless information is provided regarding the individual's educational
15 background and occupational or professional experience which clearly
16 demonstrates that the individual's basic skill level meets the standards
17 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
18 or unless the individual is already participating in a remedial education
19 program which meets those standards;

20 (2) An evaluation by a qualified job counselor of what remedial
21 education, if any, is determined to be necessary for the individual to
22 advance in his current career or occupation or to succeed in any
23 particular vocational training which the individual would undertake
24 under the program, provided that the remedial education shall be at a
25 level not lower than that needed to meet the standards established
26 pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11);

27 (3) The provision of information to the individual regarding the
28 labor demand occupations, including the information about the wage
29 levels in those occupations, [which is available to the department] and
30 [any] information [available to the department] regarding the
31 effectiveness of approved service providers of vocational training in
32 labor demand occupations which the claimant is considering, including
33 a consumer report card on service providers showing the long-term
34 success of former trainees of each provider in obtaining permanent
35 employment and increasing earnings;

36 (4) The timely provision of information to the individual regarding
37 the services and benefits available to the individual, and all actions
38 required of the individual to obtain the services and benefits, under
39 programs supported by federal job training funds or the provisions of
40 P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual
41 of a written statement of the individual's rights and responsibilities
42 with respect to programs for which the individual is eligible, which
43 includes a full disclosure to the individual of his right to obtain the
44 services most likely to enable the individual to obtain employment
45 providing self-sufficiency and the individual's right not to be denied
46 employment and training services for any of the reasons indicated in

1 section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's
2 right not to be denied training services because the individual already
3 has identifiable vocational skills, if those existing skills are for
4 employment with a level of earnings lower than the level of self-
5 sufficiency; and

6 (5) Discussion with the counselor of the results of the testing and
7 evaluation and, based on those results, the development of a written
8 Employability Development Plan identifying the training and
9 employment services, including any needed remedial education, to be
10 provided to the individual.

11 b. Federal job training funds shall be used to provide training and
12 employment services to an individual only if the counselor who
13 evaluates the individual pursuant to this section determines that the
14 individual can reasonably be expected to successfully complete the
15 training and education identified in the Employability Development
16 Plan developed pursuant to this section.

17 c. All information regarding an individual applicant or trainee
18 which is obtained or compiled in connection with the testing,
19 assessment and evaluation and which may be identified with the
20 individual shall be confidential and shall be released to an entity other
21 than the individual, the counselor or the department only if the
22 individual provides written permission to the department for the
23 release of the information or the information is used solely for program
24 evaluation.

25 (cf: P.L.1992, c.48, s.4)

26

27 9. Section 3 of P.L.1992, c.43 (C.34:15D-3) is amended to read as
28 follows:

29 3. As used in this act:

30 "Administrative costs" means any costs incurred by the department
31 to administer the program, including any cost required to collect
32 information and conduct evaluations of service providers pursuant to
33 section 8 of this act and conduct surveys of occupations pursuant to
34 section 12 of this act, to the extent that funding is not available from
35 federal or other sources.

36 "Apprenticeship Policy Committee" means the New Jersey
37 Apprenticeship Policy Committee established by an agreement between
38 the Bureau of Apprenticeship and Training in the United States
39 Department of Labor, the State Department of Labor and Workforce
40 Development and the State Department of Education and consisting
41 of a representative of the Commissioner of the State Department of
42 Education, a representative of the Commissioner of the State
43 Department of Labor and Workforce Development, the Director of
44 Region II of the Bureau of Apprenticeship and Training in the United
45 States Department of Labor and a representative of the New Jersey
46 State AFL-CIO.

1 "Approved service provider" means a service provider approved
2 pursuant to section 8 of this act.

3 "Commission" means the State Employment and Training
4 Commission.

5 "Commissioner" means the Commissioner of Labor and Workforce
6 Development or the commissioner's designees.

7 "Customized training services" means employment and training
8 services which are provided by the Office of Customized Training
9 pursuant to section 5 of this act.

10 "Department" means the State Department of Labor and Workforce
11 Development.

12 "Employer" or "business" means any employer subject to the
13 provisions of R.S.43:21-1 et seq.

14 "Employment and training services" means:

15 a. Counseling provided pursuant to section 7 of this act;
16 b. Vocational training;
17 c. Remedial education; or
18 d. Occupational safety and health training.

19 e. In the case of a qualified disadvantaged worker who is or was
20 receiving, or is eligible for but not receiving, benefits under the Work
21 First New Jersey program, "employment and training services" may
22 include, in addition to any of the benefits listed in subsections a.
23 through d. above, Supplemental Workforce Development Benefits
24 approved as part of the workers' Employability Development Plan
25 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7).

26 "Fund" means the Workforce Development Partnership Fund
27 established pursuant to section 9 of this act.

28 "Labor Demand Occupation" means an occupation for which there
29 is or is likely to be an excess of demand over supply for adequately
30 trained workers, including, but not limited to, an occupation
31 designated as a labor demand occupation by the New Jersey
32 Occupational Information Coordinating Committee pursuant to section
33 12 of this act.

34 "Occupational safety and health training" means training or
35 education which is designed to assist in the recognition and prevention
36 of potential health and safety hazards related to an occupation.

37 "Office" means the Office of Customized Training established
38 pursuant to section 5 of this act.

39 "Permanent employment" means full-time employment unsubsidized
40 by government training funds which provides a significant opportunity
41 for career advancement and long-term job security and is in the
42 occupation for which a worker receives vocational training pursuant
43 to this act.

44 "Poverty level" means the official poverty level based on family
45 size, established and adjusted under section 673 (2) of Subtitle B of
46 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.

1 s.9902 (2)).

2 "Program" means the Workforce Development Partnership Program
3 created pursuant to this act.

4 "Qualified disadvantaged worker" means a worker who is not a
5 qualified displaced worker or a qualified employed worker but who
6 otherwise meets the following criteria:

7 a. Is unemployed;

8 b. Is working part-time and actively seeking full-time work or is
9 working full-time but is earning wages substantially below the median
10 salary for others in the labor force with similar qualifications and
11 experience; or

12 c. Is certified by the Department of Human Services as:

13 (1) Currently receiving public assistance;

14 (2) Having been recently removed from the public assistance rolls
15 because of gross income exceeding the grant standard for assistance;
16 or

17 (3) Being eligible for public assistance but not receiving the
18 assistance because of a failure to apply for it.

19 "Qualified displaced worker" means a worker who:

20 a. Is unemployed, and:

21 (1) Is currently receiving unemployment benefits pursuant to
22 R.S.43:21-1 et seq. or any federal or State unemployment benefit
23 extension; or

24 (2) Has exhausted eligibility for the benefits or extended benefits
25 during the preceding 52 weeks; or

26 b. Meets the criteria set by the Workforce Investment Act of 1998,
27 Pub.L.105-220 (29 U.S.C.s.2801 et seq.), to be regarded as a
28 "dislocated worker" pursuant to that act.

29 "Qualified employed worker" means a worker who is employed by
30 an employer participating in a customized training program, or other
31 employed worker who is in need of remedial education.

32 "Qualified job counselor" means a job counselor whose
33 qualifications meet standards established by the commissioner.

34 "Remedial education" means any literacy or other basic skills
35 training or education which may not be directly related to a particular
36 occupation but is needed to facilitate success in vocational training or
37 work performance, including training or education in mathematics,
38 reading comprehension, computer literacy, English proficiency and
39 work-readiness skills.

40 "Self-sufficiency" for an individual means a level of earnings from
41 employment not lower than 250% of the poverty level for an
42 individual, taking into account the size of the individual's family.

43 "Service provider" or "provider" means a provider of employment
44 and training services including but not limited to a private or public
45 school or institution of higher education, a business, a labor
46 organization or a community-based organization.

1 "Supplemental Workforce Fund for Basic Skills" means the fund
2 established pursuant to section 1 of P.L.2001, c.152 (C.34:15D-21).

3 "Total revenues dedicated to the program during any one fiscal
4 year" means all moneys received for the fund during any fiscal year,
5 including moneys withdrawn from the State disability benefits fund
6 pursuant to section 3 of P.L.1992, c.44 (C.34:15D-14), minus any
7 repayment made during that fiscal year from the fund to the State
8 disability benefits fund pursuant to that section.

9 "Training grant" means a grant provided to fund vocational training
10 and any needed remedial education for a qualified displaced or
11 disadvantaged worker pursuant to section 6 of this act, or to fund
12 needed remedial education for a qualified employed worker pursuant
13 to section 1 of P.L.2001, c.152 (C.34:15D-21).

14 "Vocational training" means training or education which is related
15 to an occupation and is designed to enhance the marketable skills and
16 earning power of a worker or job seeker.

17 (cf: P.L.2001, c.152, s.8)

18

19 10. Section 4 of P.L.1992, c.43 (C.34:15D-4) is amended to read
20 as follows:

21 4. a. The Workforce Development Partnership Program is hereby
22 established in the Department of Labor and Workforce Development
23 and shall be administered by the Commissioner of Labor and
24 Workforce Development. The purpose of the program is to provide
25 qualified displaced, disadvantaged and employed workers with the
26 employment and training services most likely to enable the individual
27 to obtain employment providing self-sufficiency for the individual and
28 also to provide the greatest opportunity for long-range career
29 advancement with high levels of productivity and earning power. To
30 implement that purpose, the program shall provide those services by
31 means of training grants or customized training services[, to the extent
32 that] in coordination with funding for the services [is not available]
33 from federal or other sources. The commissioner is authorized to
34 expend moneys from the Workforce Development Partnership Fund to
35 provide the training grants or customized training services and provide
36 for each of the following:

37 (1) The cost of counseling required pursuant to section 7 of
38 P.L.1992, c.43 (C.34:15D-7), to the extent that adequate funding for
39 counseling is not available from federal or other sources;

40 (2) Reasonable administrative costs, which shall not exceed 10%
41 of the revenues collected pursuant to section 2 of P.L.1992, c.44
42 (C.34:15D-13) during any fiscal year ending before July 1, 2001,
43 except for additional start-up administrative costs approved by the
44 Director of the Office of Management and Budget during the first year
45 of the program's operation;

46 (3) Reasonable costs, which shall not exceed 0.5% of the revenues

1 collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13)
2 during any fiscal year ending before July 1, 2001, as required by the
3 State Employment and Training Commission to design criteria and
4 conduct an annual evaluation of the program; and

5 (4) The cost of reimbursement to individuals for excess
6 contributions pursuant to section 6 of P.L.1992, c.44 (C.34:15D-17).

7 b. Not more than 10% of the moneys received by any service
8 provider pursuant to this act shall be expended on anything other than
9 direct costs to the provider of providing the employment and training
10 services, which direct costs shall not include any administrative or
11 overhead expense of the provider.

12 c. Training and employment services shall be provided to a worker
13 who receives counseling pursuant to section 7 of P.L.1992, c.43
14 (C.34:15D-7) only if the counselor who evaluates the worker pursuant
15 to that section determines that the worker can reasonably be expected
16 to successfully complete the training and education identified in the
17 Employability Development Plan developed pursuant to that section
18 for the worker.

19 d. All vocational training provided under this act:

20 (1) Shall be training which is likely to substantially enhance the
21 individual's marketable skills and earning power; and

22 (2) Shall be training for a labor demand occupation, except for:

23 (a) Customized training provided to the present employees of a
24 business which the commissioner deems to be in need of the training
25 to prevent job loss caused by obsolete skills, technological change or
26 national or global competition; or

27 (b) Customized training provided to employees at a facility which
28 is being relocated from another state into New Jersey; or

29 (c) Entrepreneurial training and technical assistance supported by
30 training grants provided pursuant to subsection b. of section 6 of
31 P.L.1992, c.43 (C.34:15D-6).

32 e. During any fiscal year ending before July 1, 2001, not less than
33 25% of the total revenues dedicated to the program during any one
34 fiscal year shall be reserved to provide employment and training
35 services for qualified displaced workers; not less than six percent of
36 the total revenues dedicated to the program during any one fiscal year
37 shall be reserved to provide employment and training services for
38 qualified disadvantaged workers; not less than 45% of the total
39 revenues dedicated to the program during any one fiscal year shall be
40 reserved for and appropriated to the Office of Customized Training;
41 not less than 3% of the total revenues dedicated to the program during
42 any one fiscal year shall be reserved for occupational safety and health
43 training; and 5% of the total revenues dedicated to the program during
44 any one fiscal year shall be reserved for and appropriated to the Youth
45 Transitions to Work Partnership created pursuant to P.L.1993, c.268
46 (C.34:15E-1 et seq.).

1 f. Funds available under the program shall not be used for activities
2 which induce, encourage or assist: any displacement of currently
3 employed workers by trainees, including partial displacement by means
4 such as reduced hours of currently employed workers; any replacement
5 of laid off workers by trainees; or any relocation of operations
6 resulting in a loss of employment at a previous workplace located in
7 the State.

8 g. On-the-job training shall not be funded by the program for any
9 employment found by the commissioner to be of a level of skill and
10 complexity too low to merit training. The duration of on-the-job
11 training funded by the program for any worker shall not exceed the
12 duration indicated by the Specific Vocational Preparation Code
13 developed by the United States Department of Labor for the
14 occupation for which the training is provided and shall in no case
15 exceed 26 weeks. The department shall set the duration of on-the-job
16 training for a worker for less than the indicated maximum, when
17 training for the maximum duration is not warranted because of the
18 level of the individual's previous training, education or work
19 experience. On-the-job training shall not be funded by the program
20 unless it is accompanied, concurrently or otherwise, by whatever
21 amount of classroom-based vocational training, remedial education or
22 both, is deemed appropriate for the worker by the commissioner.
23 On-the-job training shall not be funded by the program unless the
24 trainee is provided benefits, pay and working conditions at a level and
25 extent not less than the benefits and working conditions of other
26 trainees or employees of the trainee's employer with comparable skills,
27 responsibilities, experience and seniority.

28 h. Employment and training services funded by the program shall
29 not replace, supplant, compete with or duplicate in any way approved
30 apprenticeship programs.

31 i. No activities funded by the program shall impair existing
32 contracts for services or collective bargaining agreements, except that
33 activities which would be inconsistent with the terms of a collective
34 bargaining agreement may be undertaken with the written concurrence
35 of the collective bargaining unit and employer who are parties to the
36 agreement.

37 j. All staff who are hired after the effective date of P.L. _____ c. _____
38 (C. _____)(now before the Legislature as this bill) and supported by
39 moneys from the Workforce Development Partnership Fund, including
40 any of those staff located at any One Stop Career Center, but not
41 including any staff of a service provider providing employment and
42 training services supported by a customized training grant or an
43 individual training grant, shall be hired and employed by the State
44 pursuant to Title 11A, Civil Service, of the New Jersey Statutes, or
45 hired and employed by a political subdivision of the State. For the
46 purpose of this section, "One Stop Career Center" means one of the

1 centers established, sponsored or designated by the State, a political
2 subdivision of the State or a Workforce Investment Board in a local
3 area to coordinate or make available a variety of State and local
4 programs providing training services and employment services,
5 including job placement services, and any other similar center as may
6 be established, sponsored or designated at any later time to coordinate
7 or make available training services or employment services.

8 (cf: P.L.2001, c.152, s.9)

9
10 11. Section 5 of P.L.1992, c.43 (C.34:15D-5) is amended to read
11 as follows:

12 5. a. There is hereby established, as part of the Workforce
13 Development Partnership Program, the Office of Customized Training.
14 Moneys allocated to the office from the fund shall be used to provide
15 employment and training services to eligible applicants approved by
16 the commissioner.

17 b. An applicant shall be eligible for customized training services if
18 it is one of the following:

19 (1) An individual employer that seeks the customized training
20 services to create, upgrade or retain jobs in a labor demand
21 occupation;

22 (2) An individual employer that seeks customized training services
23 to upgrade or retain jobs in an occupation which is not a labor demand
24 occupation, if the commissioner determines that the services are
25 necessary to prevent the likely loss of the jobs or that the services are
26 being provided to employees at a facility which is being relocated from
27 another state into New Jersey;

28 (3) An employer organization, labor organization or
29 community-based organization seeking the customized training
30 services to provide training in labor demand occupations in a particular
31 industry; or

32 (4) A consortium made up of one or more educational institutions
33 and one or more eligible individual employers or labor, employer or
34 community-based organizations that seeks the customized training
35 services to provide training in labor demand occupations in a particular
36 industry.

37 c. Each applicant seeking funding for customized training services
38 shall submit an application to the commissioner in a form and manner
39 prescribed in regulations adopted by the commissioner. The
40 application shall be accompanied by a business plan of each employer
41 which will receive customized training services if the application is
42 approved. The business plan shall constitute an agreement between the
43 employer and the State upon the receipt of the funding by the
44 employer and shall include:

45 (1) A justification of the need for the services and funding from the
46 office, including information sufficient to demonstrate to the

1 satisfaction of the commissioner that the applicant will provide
2 significantly less of the services if the requested funding is not
3 provided by the office;

4 (2) A comprehensive long-term human resource development plan
5 which:

6 (a) Extends significantly beyond the period of time in which the
7 services are funded by the office; [and]

8 (b) Significantly enhances the productivity and competitiveness of
9 the employer operations located in the State and the employment
10 security of workers employed by the employer in the State; and

11 (c) States the number of current or newly-hired workers who will
12 be trained under the grant, the pay levels of jobs which will be created
13 or retained for those workers as a result of the funding and the plan,
14 and how many, if any, of the jobs will be provided to individuals who
15 were recipients of benefits under the Work First New Jersey program
16 prior to placement in the jobs and how much of the requested grant
17 would be spent on training for those individuals;

18 (3) Evidence, if the training sought is for an occupation which is
19 not a labor demand occupation, that the customized training services
20 are needed to prevent job loss caused by obsolete skills, technological
21 change or national or global competition or that the services are being
22 provided to employees at a facility which is being relocated from
23 another state into New Jersey;

24 (4) Information demonstrating that most of the individuals receiving
25 the services will be trained primarily for work in the direct production
26 of goods or services; [and]

27 (5) A commitment to provide the information needed by the
28 commissioner to evaluate the success of the funding and the plan in
29 creating and retaining jobs, to assure compliance with the provisions
30 of P.L.1992, c.43 (C.34:15D-1 et seq.); and

31 (6) Any other information or commitments which the commissioner
32 deems appropriate to assure compliance with the provisions of
33 P.L.1992, c.43 (C.34:15D-1 et seq.).

34 The commissioner may provide whatever assistance he deems
35 appropriate in the preparation of the application and business plan,
36 which may include labor market information, projections of
37 occupational demand and information and advice on alternative
38 training and education strategies.

39 d. Each employer that receives a grant for customized training
40 services shall contribute a minimum of [40%] 50% of the total cost
41 of the customized training services, except that the commissioner shall
42 set a higher or lower minimum contribution by an employer, if
43 warranted by the size and economic resources of the employer or other
44 factors deemed appropriate by the commissioner.

45 e. Each employer receiving a grant for customized training services
46 shall hire or retain in permanent employment each worker who

1 successfully completes the training and education provided under the
2 customized training. The employer shall be entitled to select the
3 qualified employed, disadvantaged or displaced workers who will
4 participate in the customized training, except that if any collective
5 bargaining unit represents a qualified employed worker, the selection
6 shall be conducted in a manner acceptable to both the employer and
7 the collective bargaining unit. The commissioner shall provide for the
8 withholding, for a time period he deems appropriate, of whatever
9 portion he deems appropriate of program funding as a final payment
10 for customized training services, contingent upon the hiring and
11 retention of a program completer as required pursuant to this section.
12 If the commissioner determines that an employer who received a grant
13 for customized training services pursuant to this section has failed to
14 provide the agreed-upon employment and training services to the
15 employees, or, within three years following the ending date of the
16 customized training, has relocated outside of the State, including by
17 means of outsourcing, any of the jobs for which the training was
18 provided, or has eliminated, but not relocated, more than 20% of the
19 jobs for which the training was provided, the commissioner shall
20 provide written notification to the employer of the commissioner's
21 determination and an opportunity for the employer to request, within
22 15 days after the notification, a hearing before the commissioner to
23 contest the determination, which shall be held not more than 15 days
24 after the request is made. If no hearing is requested or if, upon a
25 hearing, the commissioner reaffirms his determination, the employer
26 shall, not later than 90 days after the notification to the employer of
27 the commissioner's determination, return a portion of the grant
28 prorated according to that share of the training which was not
29 provided or that share of the employment which was relocated or
30 eliminated and that returned amount shall be deposited into the
31 Workforce Development Partnership Fund.

32 f. The customized training services provided to an approved
33 applicant may include any combination of employment and training
34 services or any single employment and training service approved by the
35 commissioner, including remedial education provided to upgrade
36 workplace literacy. Each service may be provided by a separate
37 approved service provider.

38 g. Customized training services shall include any remedial
39 education determined necessary pursuant to section 7 of this act.
40 Applications for customized training services shall include estimates
41 of the total need for remedial education determined in a manner
42 deemed appropriate by the commissioner.

43 h. Any business seeking customized training services shall, in the
44 manner prescribed by the commissioner, participate in the development
45 of a plan to provide the services. Any business seeking customized
46 training services for workers represented by a collective bargaining

1 unit shall notify the collective bargaining unit and permit it to
2 participate in developing the plan. No customized training services
3 shall be provided to a business employing workers represented by a
4 collective bargaining unit without the written consent of both the
5 business and the collective bargaining unit.

6 i. Any business receiving customized training services shall be
7 responsible for providing workers' compensation coverage for any
8 worker participating in the customized training.

9 j. In determining which applicants are awarded grants, the
10 commissioner shall give priority to any applicant who agrees to
11 provide 15% or more of the jobs to be created or retained in
12 connection with training supported by the grant to individuals who
13 were recipients of benefits under the Work First New Jersey program
14 prior to being placed in the jobs, provided that the placement of those
15 individuals shall not violate the restrictions of subsection f. of section
16 4 of P.L.1992, c.43 (C.34:15D-4) against displacing current
17 employees. Any portion of a customized training grant which is used
18 for training of individuals who were recipients of benefits under the
19 Work First New Jersey program prior to being placed in the jobs shall
20 be paid from the account of the Workforce Development Partnership
21 Fund reserved for qualified disadvantaged worker pursuant to
22 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), not from
23 the account of the Workforce Development Partnership Fund reserved
24 for and appropriated to the Office of Customized Training pursuant to
25 that subsection.

26 (cf: 1992, c.43, s.5)

27

28 12. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
29 as follows:

30 7. Counseling shall be made available by the department to each
31 qualified displaced worker or qualified disadvantaged worker applying
32 to participate in the Workforce Development Partnership program and,
33 in the case of a qualified disadvantaged worker who is a recipient of,
34 or eligible for, benefits under the Work First New Jersey Program, to
35 participate in the Workforce Development Partnership program or in
36 any of those employment-directed workforce development programs
37 or activities transferred to the Department of Labor and Workforce
38 Development pursuant to section 2 of P.L. , c. (C.) (now before
39 the Legislature as this bill) which provide employment and training
40 services as defined in section 3 of P.L.1992, c.43 (C.34:15D-3),
41 including the services indicated in paragraphs (11) through (17) of
42 subsection b. of section 2 of P.L. , c. (C.) (now before the
43 Legislature as this bill). Counseling may also be made available to a
44 qualified employed worker who seeks remedial education or is selected
45 to participate in a customized training program, if the worker's
46 employer requests the counseling. [The department may itself provide

1 the counseling or obtain the counseling from a service provider, if the
2 service provider is different from and not affiliated with any service
3 provider offering any employment and training services to the worker
4 other than the counseling, except that the department may obtain
5 testing and assessment services provided pursuant to subsection a. of
6 this section from a provider which also offers employment and training
7 services to the worker other than the counseling.] The counseling shall
8 be provided by personnel hired and employed by the State pursuant to
9 Title 11A, Civil Service, of the New Jersey Statutes, or hired and
10 employed by a political subdivision of the State. In the case of a
11 qualified disadvantaged worker who is a recipient of, or is eligible for,
12 benefits under the Work First New Jersey Program, the counseling
13 provided pursuant to this section shall be the counseling for the
14 provision of employment and training services either under the
15 Workforce Development Partnership program or under programs or
16 activities transferred to the Department of Labor and Workforce
17 Development pursuant to section 2 of P.L. c. (C.) (now before
18 the Legislature as this bill), but the counseling provided pursuant to
19 this section shall be provided in conjunction and in coordination with
20 counseling provided in connection with any services, other than
21 training and employment services, made available to the disadvantaged
22 worker under programs or activities transferred to the Department of
23 Labor and Workforce Development pursuant to section 2 of P.L.
24 c. (C.) (now before the Legislature as this bill). The purpose of
25 any counseling made available pursuant to this section is to assist each
26 worker in obtaining the employment and training services most likely
27 to enable the worker to obtain employment providing self-sufficiency
28 for the worker and also to provide the worker with the greatest
29 opportunity for long-range career advancement with high levels of
30 productivity and earning power. [Whether provided by the
31 department or a service provider, the] The counseling shall include:
32 a. Testing and assessment of the worker's job skills and aptitudes,
33 including the worker's literacy skills and other basic skills. Basic skills
34 testing and assessment shall be provided to the worker unless
35 information is provided regarding the worker's educational background
36 and occupational or professional experience which clearly
37 demonstrates that the worker's basic skill level meets the standards
38 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
39 or unless the worker is already participating in a remedial education
40 program which meets those standards;
41 b. An evaluation by a qualified job counselor of what remedial
42 education, if any, is determined to be necessary for the worker to
43 advance in his current employment or occupation or to succeed in any
44 particular vocational training which the worker would undertake under
45 the program, provided that the remedial education shall be at a level
46 not lower than that needed to meet the standards established pursuant

1 to section 14 of P.L.1989, c.293 (C.34:15C-11);

2 c. The provision to the worker of information [to the worker]
3 regarding any of the labor demand occupations for which training
4 meets the requirements of section 4 of this act in the worker's case,
5 including information about the wage levels in those occupations, and
6 information regarding the effectiveness of approved service providers
7 of vocational training in occupations which the worker is considering
8 [and], including a consumer report card on service providers showing
9 the long-term success of former trainees of each provider in obtaining
10 permanent employment and increasing earnings;

11 d. The timely provision of information to the worker regarding the
12 services and benefits available to the worker, and all actions required
13 of the worker to obtain the services and benefits, under the provisions
14 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and the Work First
15 New Jersey program, in the case of a qualified disadvantaged worker
16 receiving or eligible for benefits under that program; and the provision
17 to the worker of a written statement of the worker's rights and
18 responsibilities with respect to programs for which the worker is
19 eligible, which includes a full disclosure to the worker of the worker's
20 right to obtain the services most likely to enable the worker to obtain
21 employment providing self-sufficiency and the workers' right not to be
22 denied training services for any of the reasons indicated in subsection
23 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's
24 right not to be denied training services because the worker already has
25 identifiable vocational skills, if those existing skills are for employment
26 with a level of earnings lower than the level of self-sufficiency; and

27 e. Discussion with the counselor of the results of the testing and
28 evaluation and, based on those results, the development of a written
29 Employability Development Plan identifying the training and
30 employment services, including any needed remedial education, to be
31 provided to the worker pursuant to this act. In the case of a qualified
32 disadvantaged worker, the Employability Development Plan will be, to
33 the greatest extent possible while remaining in compliance with any
34 applicable federal requirements, coordinated and made consistent with
35 any individual responsibility plan developed for the worker under the
36 Work First New Jersey program. In the case of a qualified
37 disadvantaged worker who is or was receiving, or is who eligible for
38 but not receiving, benefits under the Work First New Jersey program,
39 the counselor may approve, as part of the workers' Employability
40 Development Plan, the replacement of Work First New Jersey program
41 benefits by Supplemental Workforce Development Benefits paid to the
42 disadvantaged worker for full-time educational activity without other
43 work activity from available resources for employment-directed and
44 workforce development programs and activities transferred from the
45 Department of Human Services pursuant to section 2 of P.L. , c.
46 (C.) (now before the Legislature as this bill) or from the account of

1 the Workforce Development Partnership Fund reserved for qualified
2 disadvantaged workers pursuant to subsection b. of section 9 of
3 P.L.1992, c.43 (C.34:15D-9), for any period of time for which the
4 counselor determines that:

5 (1) Full-time remedial education to obtain a high school diploma
6 or G.E.D. or full-time post secondary education in a course of study
7 related to work, even if the duration of the full-time education is
8 longer than two years, is the training and employment service that is
9 most likely to enable the worker to obtain employment providing self-
10 sufficiency:

11 (2) The worker has responsibility during that period of time for the
12 care of dependent children or other family members unable to care for
13 themselves the magnitude of which, if added to the full-time
14 educational activities indicated in paragraph (1) of this subsection,
15 make it likely that any additional work activity will jeopardize the
16 success of the educational activity; and

17 (3) Providing Workforce New Jersey program benefits to the
18 worker during that period of time for the full-time educational activity
19 without other work activities would result in a loss of federal welfare
20 funds provided to the State.

21 Not more than half of the funds deposited during any fiscal year in
22 the account of the Workforce Development Partnership Fund reserved
23 for qualified disadvantaged worker pursuant to subsection b. of section
24 9 of P.L.1992, c.43 (C.34:15D-9) shall be used for the payment of
25 Supplemental Workforce Development Benefits pursuant to this
26 section.

27 Counseling made available at the request of an employer
28 participating in a customized training program may include only those
29 components requested by the employer.

30 All information regarding a worker applicant or trainee which is
31 obtained or compiled in connection with the testing, assessment and
32 evaluation and which may be identified with the worker shall be
33 confidential and shall be released to an entity other than the worker,
34 the counselor or the department only if the worker provides written
35 permission to the department for the release of the information or the
36 information is used solely for program evaluation.

37 (cf: P.L.2001, c.152, s.11)

38
39 13. Section 9 of P.L.1992, c.43 (C.34:15D-9) is amended to read
40 as follows:

41 9. a. A restricted, nonlapsing, revolving Workforce Development
42 Partnership Fund, to be managed and invested by the State Treasurer,
43 is hereby established to: provide employment and training services to
44 qualified displaced, disadvantaged and employed workers by means of
45 training grants grants for or customized training services; provide for
46 the other costs indicated in subsection a. of section 4 of this act; and

1 facilitate the provision of education and training to youth by means of
2 grants provided by the Youth Transitions to Work Partnership
3 pursuant to the provisions of P.L.1993, c.268 (C.34:15E-1 et al.). All
4 appropriations to the fund, all interest accumulated on balances in the
5 fund and all cash received for the fund from any other source shall be
6 used solely for the purposes specifically delineated by this act.

7 b. During any fiscal year beginning after June 30, 2001 and before
8 July 1, 2004, of the total revenues dedicated to the program during
9 any one fiscal year: 25% shall be deposited in an account of the
10 Workforce Development Partnership Fund reserved to provide
11 employment and training services for qualified displaced workers; 6%
12 shall be deposited in an account of the Workforce Development
13 Partnership Fund reserved to provide employment and training
14 services for qualified disadvantaged workers; 45% shall be deposited
15 in an account of the Workforce Development Partnership Fund
16 reserved for and appropriated to the Office of Customized Training;
17 3% shall be deposited in an account of the Workforce Development
18 Partnership Fund reserved for occupational safety and health training;
19 5% shall be deposited in an account of the Workforce Development
20 Partnership Fund reserved for the Youth Transitions to Work
21 Partnership created pursuant to P.L.1993, c.268 (C.34:15E-1 et seq.);
22 10% shall be deposited in an account of the Workforce Development
23 Partnership Fund reserved for administrative costs as defined in
24 section 3 of P.L.1992, c.43 (C.34:15D-3); 0.5% shall be deposited in
25 an account of the Workforce Development Partnership Fund reserved
26 for the State Employment and Training Commission to design criteria
27 and conduct an annual evaluation of the program; and 5.5% shall be
28 deposited in an account of the Workforce Development Partnership
29 Fund to be used, at the discretion of the commissioner, for any of the
30 purposes indicated in subsection a. of section 4 of P.L.1992, c.43
31 (C.34:15D-4).

32 During any fiscal year beginning after June 30, 2004, of the total
33 revenues dedicated to the program during any one fiscal year: 20%
34 shall be deposited in an account of the Workforce Development
35 Partnership Fund reserved to provide employment and training
36 services for qualified displaced workers; 26% shall be deposited in an
37 account of the Workforce Development Partnership Fund reserved to
38 provide employment and training services for qualified disadvantaged
39 workers; 30% shall be deposited in an account of the Workforce
40 Development Partnership Fund reserved for and appropriated to the
41 Office of Customized Training; 3% shall be deposited in an account of
42 the Workforce Development Partnership Fund reserved for
43 occupational safety and health training; 5% shall be deposited in an
44 account of the Workforce Development Partnership Fund reserved for
45 the Youth Transitions to Work Partnership created pursuant to
46 P.L.1993, c.268 (C.34:15E-1 et seq.); 10% shall be deposited in an

1 account of the Workforce Development Partnership Fund reserved for
2 administrative costs as defined in section 3 of P.L.1992, c.43
3 (C.34:15D-3); 0.5% shall be deposited in an account of the Workforce
4 Development Partnership Fund reserved for the State Employment and
5 Training Commission to design criteria and conduct an annual
6 evaluation of the program; and 5.5% shall be deposited in an account
7 of the Workforce Development Partnership Fund to be used, at the
8 discretion of the commissioner, for any of the purposes indicated in
9 subsection a. of section 4 of P.L.1992, c.43 (C.34:15D-4).

10 c. Beginning January 1, 1995, through June 30, 2002, the balance
11 in the fund as of the previous December 31, as determined in
12 accordance with generally accepted accounting principles, shall not
13 exceed 1.5 times the amount of contributions deposited for the
14 calendar year then ended. If the balance exceeds this amount, the
15 excess shall be deposited into the unemployment compensation fund
16 within seven business days of the date that the determination is made.

17 d. Beginning July 1, 2002, and for any subsequent fiscal year, if the
18 unexpended cash balance in any of the accounts indicated in subsection
19 b. of this section, less any amount awarded in grants but not yet
20 disbursed from the account, is determined to exceed 20% of the
21 amount of contributions collected for deposit in the account pursuant
22 to this subsection during the fiscal year then ended, the excess shall be
23 regarded as an unemployment compensation contribution and
24 deposited into the unemployment compensation fund within seven
25 business days of the date that the determination is made.

26 (cf: P.L.2001, c.152, s.12)

27
28 14. This act shall take effect immediately.

29
30
31 STATEMENT

32
33 This bill reorganizes and consolidates the State's workforce
34 development system and redesignates the Department of Labor as the
35 Department of Labor and Workforce Development.

36 The bill, to the extent not inconsistent with federal law, transfers to
37 the Department of Labor and Workforce Development:

38 1. All employment-directed and workforce development programs
39 and activities of the Department of Human Services which are funded
40 through the Work First New Jersey program, the federal "Personal
41 Responsibility and Work Opportunity Reconciliation Act of 1996," and
42 the federal Food Stamp Act of 1977, including: career guidance; labor
43 market information; employability assessment; employability plan
44 development; employment-directed case management; subsidized and
45 unsubsidized employment in the public and private sectors; on-the-job
46 training; community work experience program; alternative work

1 experience program; community service programs; job search and
2 readiness programs; vocational education and training; employment-
3 related education and job skill training; basic skills and literacy
4 training; work-related educational enhancements; employment-related
5 education and job skill training; a proportionate share of employment
6 and training related expenses; referral and access to work support
7 services, including transport and childcare services; early employment
8 initiative; and career advancement vouchers.

9 2. The New Jersey Youth Corps, currently located in the
10 Department of Human Services.

11 3. The following employment-directed and workforce development
12 programs and activities of the Department of Education: the
13 administration and provision of adult education and literacy as defined
14 under Title II of the federal Workforce Investment Act of 1998;
15 operational authority for the approval of private or proprietary trade,
16 business or vocational schools or similar training institutions; and
17 registration and approval of registered apprenticeship programs under
18 a joint agreement negotiated with the Bureau of Apprenticeship and
19 Training in the United States Department of Labor.

20 The bill provides individuals receiving, or eligible for, Work First
21 New Jersey benefits with the access to counseling and information like
22 that provided to other applicants for employment and training services
23 under the Workforce Development Partnership (WDP) program, such
24 as displaced workers. This includes that the goal of the counseling is
25 to assist each individual to obtain the employment and training service
26 most likely to enable the individual to obtain employment providing a
27 standard of economic self-sufficiency, which is set by the bill as 250%
28 of the federal poverty level, based on family size. The standard would
29 be used to set goals for employment and training services and to
30 prevent the denial of those services to clients because the skills they
31 have already are in demand, in cases where those existing skills are
32 insufficient to obtain work with pay high enough to provide self-
33 sufficiency. The counseling is also required to provide information on
34 the long-term effectiveness of training service providers in raising the
35 earning levels of former trainees.

36 In the case of an individual who is or was receiving, or is eligible
37 for but not receiving, benefits under the Work First New Jersey
38 program, the counselor may approve the replacement of the Work
39 First New Jersey program benefits by Supplemental Workforce
40 Development Benefits paid to the individual for full-time educational
41 activity without other work activity from available resources
42 transferred from the Department of Human Services under the bill or
43 from the WDP Fund, for any period of time for which the counselor
44 determines that:

45 1. Full-time remedial education to obtain a high school diploma or
46 G.E.D. or full-time post secondary education in a course of study

1 related to work, is the training and employment service that is most
2 likely to enable the individual to obtain employment providing self-
3 sufficiency;

4 2. The individual has responsibility during that period of time for
5 the care of dependent children or other family members unable to care
6 for themselves the magnitude of which, if added to full-time
7 educational activities, make it likely that any additional work activity
8 may jeopardize the success of the educational activity; and

9 3. Providing Workforce New Jersey program benefits to the
10 worker during that period of time for the full-time educational activity
11 without other work activities would result in a loss of federal welfare
12 funds provided to the State.

13 The bill modifies the activities of the Office of Customized Training
14 in the WDP Program in several ways:

15 1. Requires that, in the awarding of customized training grants,
16 priority be given to applicants who agree to provide 15% or more of
17 the jobs to be created or retained in connection with training
18 supported by the grant to individuals who were recipients of benefits
19 under the Work First New Jersey program prior to being placed in the
20 jobs.

21 2. Raises from 40% to 50% the minimum share an employer is
22 required to contribute to the total cost of the customized training.

23 3. Requires the repayment of customized training grant money by
24 any employer who receives a grant but fails to provide the agreed-
25 upon training to the employees, or, within three years following the
26 ending date of the customized training, has relocated, including by
27 means of outsourcing, outside of the State any of the jobs for which
28 the training was provided or has eliminated, but not relocated, more
29 than 20% of the jobs for which the training was provided. The
30 employer is required to return a portion of the grant prorated
31 according to that share of the training which was not provided or that
32 share of the employment which was relocated or eliminated.

33 The bill modifies the percentage allocations for the various
34 components of the WDP program as follows:

35 1. The share of WDP funds for displaced workers is reduced from
36 25% to 20%;

37 2. The share for customized training is reduced from 45% to 30%;
38 and

39 3. The share for "disadvantaged workers" (mainly recipients of
40 assistance under the Work First New Jersey program) is increased
41 from 6% to 26%.

42 Finally, the bill maintains all existing tenure, civil service and
43 pension rights of State employees whose programs are transferred
44 under the bill and requires that any staff member providing services to
45 unemployment insurance claimants or services to employment service
46 clients, and any other staff located at any One Stop Career Center,

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1 shall be hired and employed pursuant to Title 11A, Civil Service, of
2 the New Jersey Statutes or be hired and employed by a political
3 subdivision of the State.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1452**

STATE OF NEW JERSEY

DATED: MAY 20, 2004

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 1452.

This committee substitute reorganizes and consolidates the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

The substitute bill transfers to that department:

1. All employment-directed and workforce development programs and activities of the Department of Human Services (DHS) which are funded through the Work First New Jersey (WFNJ), federal "Temporary Assistance to Needy Families" (TANF) and federal food stamp programs, including: career guidance; employment-directed casework; public and private sector subsidized and unsubsidized employment; community and alternative work experience programs; job search and readiness programs; vocational education and job training; basic skills and literacy training; and work support services, including transport and child care services.

2. The New Jersey Youth Corps, currently located in the DHS.

3. The following employment-directed and workforce development programs and activities of the Department of Education (DOE): adult education and literacy programs funded under the federal Workforce Investment Act (WIA); authority for the approval of private or proprietary trade, business or vocational schools; and the registration and approval of registered apprenticeship programs.

The bill provides individuals receiving or eligible for WFNJ benefits with the access to counseling and information like that provided to displaced workers and other applicants for employment and training services under WIA and the State-funded Workforce Development Partnership (WDP) program. This includes comprehensive notification of the rights and responsibilities of applicants under all applicable programs and notice that the goal of the counseling is to help obtain the training most likely to lead to employment providing a standard of economic self-sufficiency, which is set by the substitute as 250% of the federal poverty level, based on family size. The standard would be used to set goals for employment and training services and to prevent the denial of those services to

clients because the skills they have already are in demand, in cases where those existing skills are insufficient to obtain work with pay high enough to provide self-sufficiency. Counselors are required to provide information on the long-term effectiveness of training service providers in raising the earning levels of former trainees, including a "consumer report card" on all training providers, reporting average wages of former trainees up to two years following training.

The bill provides that for an individual receiving or eligible for WFNJ benefits, the counselor may approve the replacement of WFNJ benefits by Supplemental Workforce Development Benefits paid from the WDP fund or resources transferred from the DHS under the bill, for the individual to engage in full-time educational activity with reduced or no other work activity, for any period of time for which the counselor determines that:

1. Full-time education to obtain a high school diploma, GED or a 2-year or 4-year degree in work-related study is what is most likely to enable the individual to obtain a job providing self-sufficiency;
2. The individual's responsibility to care for dependent children or other family members, added to the full-time educational activities, make it likely that any additional work activity may jeopardize the success of the educational activity; and
3. Providing WFNJ program benefits to the participant during that period of time for the full-time educational activity with reduced or no other work activities would cause a loss of participant benefits or be counted against the participant's 60 months of WFNJ benefits.

The number of participants is limited to 1,500 at any one time. The required combined class, study and work-site experience time of each participant would be limited to 40 hours per week, with adjustments for serious health or family problems.

The bill modifies the activities of the Office of Customized Training in the WDP Program in several ways:

1. Raises from 40% to 50% the employer share of the total cost of customized training.
2. Sets a goal that at least 15% of the jobs created or retained under customized training be for former WFNJ benefit recipients and reduces employer contributions in cases of former WFNJ recipients.
3. Requires employers to repay customized training grant moneys if any jobs for which the training was provided are outsourced or relocated outside of the State.

The bill maintains all existing tenure, civil service and pension rights of public employees whose programs are transferred under the substitute. The substitute requires all staff providing employment and training services and benefits with funds from WDP, WIA and resources transferred from DHS and DOE, including staff located at One Stop Career Centers, to be public employees or employed by community-based or faith-based organizations, which are allowed to retain the staffing levels agreed to before the substitute's effective date, or employed by nonprofit organizations selected as One Stop

Career Center operators before that date.

The bill, while reallocating resources, does not increase or reduce total State expenditures.

FISCAL IMPACT

The Office of Legislative Services anticipates that there will be no additional costs to the State under the provisions of this legislation.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1452
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 19, 2004

SUMMARY

Synopsis: Reorganizes the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

Type of Impact: No additional State cost

Agencies Affected: Department of Labor; Department of Human Services; Department of Education

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$0	\$0	\$0

- * The Office of Legislative Services (OLS) determines there is no cost as a result of the reorganization of the Department of Labor and consolidation of the State's workforce development system.
- * The Department of Labor informally indicates that there will be no additional cost to the State as a result of the bill.
- * The bill redesignates the Department of Labor as the Department of Labor and Workforce Development.
- * As a result of the bill, all workforce development programs will be transferred to the new Department of Labor and Workforce Development from the Departments of Human Services and Education.
- * The bill also modifies the percentage allocations for a number of components of the Workforce Development Partnership (WDP) program, including: 1) the share of WDP funds for displaced workers is reduced from 25 percent to 20 percent; 2) the share for customized training is reduced from 45 percent to 30 percent; and 3) the share for "disadvantaged workers" is increased from 6 percent to 26 percent. These reallocations are not expected to increase or reduce total State expenditures.
- * The bill maintains all existing tenure, civil service and pension rights of State employees whose programs are transferred under the bill and requires that any staff member providing services to unemployment insurance claimants or employment service clients, and any other staff located at any One Stop Career Center, shall be hired and employed pursuant to Title 11A, Civil Service, of the New Jersey Statutes or be hired and employed by a political subdivision of the State.

BILL DESCRIPTION

Senate Bill No. 1452 of 2004 reorganizes and consolidates the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

The bill, to the extent not inconsistent with federal law, transfers to the Department of Labor and Workforce Development:

1) All employment-directed and workforce development programs and activities of the Department of Human Services which are funded through the Work First New Jersey program, the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," and the federal Food Stamp Act of 1977, including: career guidance; labor market information; employability assessment; employability plan development; employment-directed case management; subsidized and unsubsidized employment in the public and private sectors; on-the-job training; community work experience programs; alternative work experience program; community service programs; job search and readiness programs; vocational education and training; employment-related education and job skill training; basic skills and literacy training; work-related educational enhancements; employment-related education and job skill training; a proportionate share of employment and training related expenses; referral and access to work support services, including transport and child care services; early employment initiative; and career advancement vouchers;

2) The New Jersey Youth Corps, currently located in the Department of Human Services.

3) The following employment-directed and workforce development programs and activities of the Department of Education: the administration and provision of adult education and literacy as defined under Title II of the federal Workforce Investment Act of 1998; operational authority for the approval of private or proprietary trade, business or vocational schools or similar training institutions; and registration and approval of registered apprenticeship programs under a joint agreement negotiated with the Bureau of Apprenticeship and Training in the United States Department of Labor.

The bill modifies the percentage allocations for the various components of the WDP program as follows:

1. The share of WDP funds for displaced workers is reduced from 25 percent to 20 percent;
2. The share for customized training is reduced from 45 percent to 30 percent; and
3. The share for "disadvantaged workers" (mainly recipients of assistance under the Work First New Jersey program) is increased from 6 percent to 26 percent.

Finally, the bill maintains all existing tenure, civil service and pension rights of State employees whose programs are transferred under the bill and requires that any staff member providing services to unemployment insurance claimants or employment service clients, and any other staff located at any One Stop Career Center, shall be hired and employed pursuant to Title 11A, Civil Service, of the New Jersey Statutes or be hired and employed by a political subdivision of the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) anticipates that there will be no additional costs to the State under the provisions of the bill. In addition, the Department of Labor informally indicates that there will be no fiscal impact to the State as a result of the bill.

Section: *Commerce, Labor and Industry*

Analyst: *Sonya S. Davis*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2617

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 3, 2004

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Redesignates the Department of Labor as the Department of Labor and Workforce Development.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the designation of the Department of Labor and
2 supplementing Title 34 of the Revised Statutes.

3

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

6

7 1. On the effective date of this act the Department of Labor shall
8 be entitled and known as the Department of Labor and Workforce
9 Development and whenever, in any law, rule, regulation, order,
10 contract, document, judicial or administrative proceeding, or
11 otherwise, reference is made to the Department of Labor, the same
12 shall mean and refer to the Department of Labor and Workforce
13 Development.

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill redesignates the Department of Labor as the Department
21 of Labor and Workforce Development.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2617**

STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Assembly Labor Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2617.

This bill reorganizes and consolidates the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

The bill transfers to that department:

1. All employment-directed and workforce development programs and activities of the Department of Human Services (DHS) which are funded through the Work First New Jersey (WFNJ), federal "Temporary Assistance to Needy Families" (TANF) and federal food stamp programs, including: career guidance; employment-directed casework; public and private sector subsidized and unsubsidized employment; community and alternative work experience programs; job search and readiness programs; vocational education and job training; basic skills and literacy training; and work support services, including transport and child care services.

2. The New Jersey Youth Corps, currently located in DHS.

3. The following employment-directed and workforce development programs and activities of the Department of Education (DOE): adult education and literacy programs funded under the federal Workforce Investment Act (WIA); authority for the approval of private or proprietary trade, business or vocational schools; and the registration and approval of registered apprenticeship programs.

The bill provides individuals receiving or eligible for WFNJ benefits with access to counseling and information like that provided to displaced workers and other applicants for employment and training services under WIA and the State-funded Workforce Development Partnership (WDP) program. This includes comprehensive notification of the rights and responsibilities of applicants under all applicable programs and notice that the goal of the counseling is to help obtain the training most likely to lead to employment providing a standard of economic self-sufficiency, which is set by the bill as 250% of the federal poverty level, based on family size. The standard would be used to set goals for employment and training services and to prevent the denial of those services to clients because the skills they have

already are in demand, in cases where those existing skills are insufficient to obtain work with pay high enough to provide self-sufficiency. Counselors are required to provide information on the long-term effectiveness of training service providers in raising the earning levels of former trainees, including a "consumer report card" on all training providers, reporting average wages of former trainees up to two years following training.

The bill requires the coordinated use of State and federal job training funds, eliminating the current requirement that federal funds be expended before WDP funds are used.

The bill provides that for an individual receiving or eligible for WFNJ benefits, the counselor may approve the replacement of WFNJ benefits by Supplemental Workforce Development Benefits paid from the WDP fund or resources transferred from the DHS under the bill, for the individual to engage in full-time educational activity with reduced or no other work activity, for any period of time for which the counselor determines that:

1. Full-time education to obtain a high school diploma, GED or a 2-year or 4-year degree in work-related study is what is most likely to enable the individual to obtain a job providing self-sufficiency;
2. The individual's responsibility to care for dependent children or other family members, added to the full-time educational activities, make it likely that any additional work activity may jeopardize the success of the educational activity; and
3. Providing WFNJ program benefits to the participant during that period of time for the full-time educational activity with reduced or no other work activities would cause a loss of participant benefits or be counted against the participant's 60 months of WFNJ benefits.

The number of participants is limited to 1,500 at any one time. The required combined class, study and work-site experience time of each participant would be limited to 40 hours per week, with adjustments for serious health or family problems. No individual may receive more than five years of Supplemental Workforce Development Benefits.

The bill modifies the activities of the Office of Customized Training in the WDP Program in several ways:

1. Raises from 40% to 50% the employer share of the total cost of customized training.
2. Sets a goal that at least 15% of the jobs created or retained under customized training be for former WFNJ benefit recipients and reduces employer contributions in cases of former WFNJ recipients.
3. Requires employers to repay customized training grant moneys if any jobs for which the training was provided are outsourced or relocated outside of the State.

The bill maintains all existing tenure, civil service and pension rights of public employees whose programs are transferred under the bill. The bill requires all staff providing employment and training services and benefits with funds from WDP, WIA and resources

transferred from DHS and DOE, including staff located at One Stop Career Centers, to be public employees or employed by community-based or faith-based organizations, which are allowed to retain the staffing levels agreed to before the bill's effective date, or employed by nonprofit organizations selected as One Stop Career Center operators before that date.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2617

STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED JUNE 3, 2004

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Gordon

SYNOPSIS

Reorganizes the State's workforce development system and redesignates the Department of Labor as the Department of Labor and Workforce Development.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Labor Committee.



(Sponsorship Updated As Of: 6/18/2004)

1 **AN ACT** reorganizing and consolidating the State's workforce
2 development system, redesignating the Department of Labor as the
3 Department of Labor and Workforce Development and revising
4 various parts of the statutory law.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. (New section) On and after the effective date of this 2004
10 amendatory and supplementary act, the Department of Labor shall be
11 entitled and known as the Department of Labor and Workforce
12 Development and whenever, in any law, rule, regulation, order,
13 contract, document, judicial or administrative proceeding, or
14 otherwise, reference is made to the Department of Labor, the same
15 shall mean and refer to the Department of Labor and Workforce
16 Development.

17

18 2. (New section) a. To the extent not inconsistent with any
19 federal law, and notwithstanding any other State law, all employment-
20 directed and workforce development programs and activities of the
21 Department of Human Services which are funded through the Work
22 First New Jersey program established pursuant to P.L.1997, c.38
23 (C.44:10-55 et seq.), the federal "Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996," Pub.L.104-193, 42 U.S.C.
25 601 et seq., and the federal Food Stamp Act of 1977, Pub.L.95-113,
26 7 U.S.C. 2011 et seq. are hereby transferred to the Department of
27 Labor and Workforce Development.

28 b. The employment-directed and workforce development
29 programs and activities which shall be transferred from the Department
30 of Human Services to the Department of Labor and Workforce
31 Development pursuant to this section and provided by the Department
32 of Labor and Workforce Development shall include, but not be limited
33 to:

- 34 (1) Career guidance;
35 (2) Labor market information;
36 (3) Employability assessment;
37 (4) Development of Employability Development Plans;
38 (5) Employment-directed case management;
39 (6) Subsidized and unsubsidized employment in the public and
40 private sectors;
41 (7) Job search and readiness programs;
42 (8) Community work experience programs;
43 (9) Alternative work experience programs;

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 (10) Community service programs;
- 2 (11) On-the -job training;
- 3 (12) Vocational education and training;
- 4 (13) Employment-related education and job skill training;
- 5 (14) Basic skills and literacy training;
- 6 (15) Work-related educational enhancements;
- 7 (16) A proportionate share of employment and training related
- 8 expenses;
- 9 (17) Referral and access to work support services, including
- 10 transport and childcare services;
- 11 (18) Early employment initiative; and
- 12 (19) Career advancement vouchers.

13 c. The programmatic, administrative and support staff and
14 equipment comprising the employment-directed and workforce
15 development programs and activities in the Department of Human
16 Services are transferred to the Department of Labor and Workforce
17 Development pursuant to this section and the "State Agency Transfer
18 Act," P.L.1971, c.375 (C.52:14D-1 et seq.), with all of their functions,
19 powers and duties and a proportionate share of the resources to
20 maintain the programs and activities.

21
22 3. (New section) The New Jersey Youth Corps, established
23 pursuant to P.L.1984, c.198 (C.9:25-1 et seq.), is hereby transferred
24 to the Department of Labor and Workforce Development. To the
25 extent not inconsistent with any federal law, and notwithstanding any
26 other State law, the Department of Labor and Workforce Development
27 is authorized to enhance, strengthen and expand the New Jersey Youth
28 Corps program. The programmatic, administrative and support staff
29 and equipment assigned to the New Jersey Youth Corps are
30 transferred to the Department of Labor and Workforce Development,
31 with all of their functions, powers and duties and the resources to
32 maintain the programs and activities pursuant to this section and the
33 "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

34
35 4. (New section) a. Notwithstanding any other State law, all
36 powers, functions and duties of the Department of Education with
37 respect to the following employment-directed and workforce
38 development programs and activities are hereby transferred to the
39 Department of Labor and Workforce Development:

- 40 (1) The administration and provision of adult education and
- 41 literacy activities as defined in 20 U.S.C. 9202;
- 42 (2) Operational authority for the approval of private or proprietary
- 43 trade, business or vocational schools or similar training institutions
- 44 pursuant to section 2 of P.L.1966, c.13 (C.44:12-2); and
- 45 (3) Registration and approval of registered apprenticeship
- 46 programs under a joint agreement negotiated with the Bureau of

1 Apprenticeship and Training in the United States Department of
2 Labor.

3 b. The programmatic, administrative and support staff and
4 equipment comprising the employment-directed and workforce
5 development programs and activities in the Department of Education
6 are transferred to the Department of Labor and Workforce
7 Development pursuant to this section and the "State Agency Transfer
8 Act," P.L.1971, c.375 (C.52:14D-1 et seq.), with all of their functions,
9 powers and duties and a proportionate share of the resources to
10 maintain the programs and activities.

11

12 5. (New section) a. Nothing in this 2004 amendatory and
13 supplementary act and no transfer carried out pursuant to this act shall
14 be construed or permitted to deprive any person of any tenure rights
15 or reduce or deny any right or protection provided him or her by Title
16 11A, Civil Service, of the New Jersey Statutes, or under any pension
17 law or retirement system.

18 b. All staff who are hired to work at a One Stop Career Center
19 and supported by any resources transferred to the Department of
20 Labor and Workforce Development pursuant to sections 2, 3 or 4 of
21 this act, shall be hired and employed by the State pursuant to Title
22 11A, Civil Service, of the New Jersey Statutes, be hired and employed
23 by a political subdivision of the State, or be qualified staff hired and
24 employed by a non-profit organization which began functioning as the
25 One Stop Career Center operator with the written consent of the chief
26 elected official and the commissioner prior to the effective date of this
27 act.

28 c. Any staff member, including staff located at any One Stop
29 Career Center, providing services to unemployment insurance
30 claimants or services to employment service clients shall be hired and
31 employed pursuant to Title 11A, Civil Service, of the New Jersey
32 Statutes, if that staff member is supported by any funds provided to
33 the State under the Wagner-Peyser Act (29 U.S.C.49 et seq.) or
34 section 903 of the Social Security Act (42 U.S.C.1103), as amended.

35 d. For the purpose of this section, "One Stop Career Center"
36 means any of the facilities established, sponsored or designated by the
37 State, a political subdivision of the State or a Workforce Investment
38 Board in a local area to coordinate or make available State and local
39 programs providing employment and training services or other
40 employment-directed and workforce development programs and
41 activities, including job placement services, and any other similar
42 facility as may be established, sponsored or designated at any later
43 time to coordinate or make available any of those programs, services
44 or activities, and "qualified staff" means staff whose qualifications
45 meet standards set by regulations adopted by the Commissioner of
46 Labor and Workforce Development.

1 6. Section 1 of P.L.1992, c.48 (C.34:15B-35) is amended to read
2 as follows:

3 1. As used in this act:

4 "Approved community-based or faith-based organization" means
5 an organization which is an approved service provider, a nonprofit
6 organization exempt from federal taxation under section 501 of the
7 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the
8 commissioner as demonstrating expertise and effectiveness in the field
9 of workforce investment and being representative of a community or
10 a significant segment of a community where the organization provides
11 services.

12 "Approved service provider" means a service provider approved
13 pursuant to section 6 of this act.

14 "Apprenticeship Policy Committee" means the New Jersey
15 Apprenticeship Policy Committee established by an agreement between
16 the Bureau of Apprenticeship and Training in the United States
17 Department of Labor, the State Department of Labor and Workforce
18 Development and the State Department of Education and consisting
19 of a representative of the Commissioner of the State Department of
20 Education, a representative of the Commissioner of the State
21 Department of Labor and Workforce Development, the Director of
22 Region II of the Bureau of Apprenticeship and Training in the United
23 States Department of Labor, and a representative of the New Jersey
24 State AFL-CIO.

25 "Commissioner" means the Commissioner of Labor and Workforce
26 Development.

27 "Department" means the Department of Labor and Workforce
28 Development.

29 "Employment and training services" means:

- 30 a. Counseling provided pursuant to section 4 of this act;
31 b. Vocational training; or
32 c. Remedial education.

33 "Federal job training funds" means any moneys expended to obtain
34 employment and training services, pursuant to the Workforce
35 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) or
36 any other federal law pursuant to which moneys may be expended to
37 obtain employment and training services or other employment-directed
38 and workforce development programs and activities, except that, to
39 the extent that the application of any specific provision of this act
40 would cause the amount of federal job training funds provided to the
41 State to be reduced, that provision shall not apply.

42 "Labor demand occupation" means an occupation for which there
43 is or is likely to be an excess of demand over supply for adequately
44 trained workers, including, but not limited to, an occupation
45 designated as a labor demand occupation by the New Jersey
46 Occupational Information Coordinating Committee pursuant to section

1 7 of this act.

2 "Office of Customized Training" means the Office of Customized
3 Training established pursuant to section 5 of P.L.1992, c.43
4 (C.34:15D-5).

5 "One Stop Career Center" means any of the facilities established,
6 sponsored or designated by the State, a political subdivision of the
7 State and a Workforce Investment Board in a local area to coordinate
8 or make available State and local programs providing employment and
9 training services or other employment-directed and workforce
10 development programs and activities, including job placement services,
11 and any other similar facility as may be established, sponsored or
12 designated at any later time to coordinate or make available any of
13 those programs, services or activities.

14 "Permanent employment" means full-time employment
15 unsubsidized by government training funds which provides a
16 significant opportunity for career advancement and long-term job
17 security and is in the occupation for which a worker receives
18 vocational training pursuant to this act.

19 "Poverty level" means the official poverty level based on family
20 size, established and adjusted under section 673 (2) of Subtitle B of
21 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.
22 s. 9902 (2)).

23 "Qualified job counselor" means a job counselor whose
24 qualifications meet standards established by the commissioner.

25 "Qualified staff" means staff whose qualifications meet standards
26 set by regulations adopted by the Commissioner of Labor and
27 Workforce Development.

28 "Remedial education" means any literacy or other basic skills
29 training or education which may not be directly related to a particular
30 occupation but is needed to facilitate success in vocational training or
31 work performance, including training or education in basic
32 mathematics, reading comprehension, basic computer literacy, English
33 proficiency and work-readiness skills.

34 "Self-sufficiency" for an individual means a level of earnings from
35 employment not lower than 250% of the poverty level for an
36 individual, taking into account the size of the individual's family.

37 "Service provider" or "provider" means a provider of employment
38 and training services including but not limited to a private or public
39 school or institution of higher education, a business, a labor
40 organization or a community-based organization.

41 "Vocational training" means training or education which is related
42 to an occupation and is designed to enhance the marketable skills and
43 earning power of a worker or job seeker.

44 (cf: P.L.2001, c.152, s.4).

45

46 7. Section 2 of P.L.1992, c.48 (C.34:15B-36) is amended to read

1 as follows:

2 2. a. All vocational training funded with federal job training funds
3 shall be training which is likely to substantially enhance the trainee's
4 marketable skills and earning power and is for a labor demand
5 occupation.

6 b. Federal job training funds shall not be used for job training or
7 any related activities which induce, encourage or assist: any
8 displacement or partial displacement of currently employed workers by
9 trainees by means such as reduced hours of currently employed
10 workers; any replacement of laid off workers by trainees; or any
11 relocation of operations resulting in a loss of employment at a previous
12 workplace, except in cases of multi-establishment employers
13 consolidating establishments. No federal job training funds shall be
14 used for job training in any case in which an employer relocates within
15 the State and does not offer each affected employee the equivalent
16 benefits, pay and working conditions if the employee moves to the new
17 location and into a job or position involving comparable skills,
18 responsibilities, experience and seniority to the prior job or position.

19 c. Federal job training funds shall not be used for job training or
20 any related activities which impair existing contracts for services or
21 collective bargaining agreements, except that job training or any
22 related activities which are inconsistent with the terms of a collective
23 bargaining agreement may be undertaken with the written concurrence
24 of the collective bargaining unit and employer who are parties to the
25 agreement.

26 d. Any federal job training funds which are provided directly to an
27 employer or indirectly to an employer through a consortium shall be
28 regarded as customized training grants and be administered by the
29 Office of Customized Training and the employer and any consortium
30 shall comply with all requirements of section 5 of P.L.1992, c.43
31 (C.34:15D-5), except that federal job training funds provided directly
32 or indirectly to an employer for use in connection with any program
33 which includes apprenticeship training or activities shall be exempt
34 from the requirement of this subsection d. to be administered by the
35 Office of Customized Training and be subject to the requirements of
36 section 5 of P.L.1992, c.43 (C.34:15D-5), but the funds shall be
37 exempt only if [it is] approved by the Apprenticeship Policy
38 Committee, as defined in section 3 of P.L.1993, c.268 (C.34:15E-3)
39 and the employer complies with the provisions of subsection e. of
40 section 5 of P.L.1993, c.268 (C.34:15E-5). Employment and training
41 services funded by federal job training funds shall not replace,
42 supplant, compete with or duplicate any approved apprenticeship
43 program.

44 e. All staff who are hired and supported by any federal job training
45 funds, including any of those staff located at any One Stop Career
46 Center, but not including any staff of a service provider providing

1 training services funded by a customized training grant pursuant to
2 subsection d. of this section or an individual training grant pursuant to
3 section 4 of P.L.1992, c.48 (C.34:15B-38), shall be hired and
4 employed by the State pursuant to Title 11A, Civil Service, of the New
5 Jersey Statutes, be hired and employed by a political subdivision of the
6 State, or be qualified staff hired and employed by a non-profit
7 organization which began functioning as the One Stop Career Center
8 operator with the written consent of the chief elected official and the
9 commissioner prior to the effective date of P.L. , c. (C.)(now
10 before the Legislature as this bill), or be qualified staff hired and
11 employed by an approved community-based or faith-based
12 organization to provide services at the level of staffing provided in an
13 agreement entered into by the organization before the effective date of
14 P.L. , c. (C.)(now before the Legislature as this bill).
15 (cf: P.L.2001, c.152, s.5)

16

17 8. Section 4 of P.L.1992, c.48 (C.34:15B-38) is amended to read
18 as follows:

19 4. a. No individual shall receive employment and training services
20 paid for with federal job training funds unless the individual first
21 receives counseling pursuant to this section. [The department may
22 itself provide the counseling or obtain the counseling from an
23 approved service provider, if the service provider is different from and
24 not affiliated with any service provider offering the individual any
25 employment and training services other than the counseling, except
26 that the department may also obtain testing and assessment services
27 provided pursuant to paragraph (1) of this subsection from a provider
28 which also offers to the individual employment and training services
29 other than counseling.] The counseling shall be provided by a job
30 counselor hired and employed by the State pursuant to Title 11A, Civil
31 Service, of the New Jersey Statutes, or hired and employed by a
32 political subdivision of the State, or be provided by a qualified job
33 counselor hired and employed by a non-profit organization which
34 began functioning as the One Stop Career Center operator with the
35 written consent of the chief elected official and the commissioner prior
36 to the effective date of P.L. , c. (C.)(now before the Legislature
37 as this bill), or hired and employed by an approved community-based
38 or faith-based organization to provide counseling which the
39 organization entered into an agreement to provide before the effective
40 date of P.L. , c. (C.)(now before the Legislature as this bill).
41 The purpose of any counseling provided pursuant to this section is to
42 assist each individual in obtaining the employment and training
43 services most likely to enable the individual to obtain employment
44 providing self-sufficiency for the individual and also to provide the
45 individual with the greatest opportunity for long-range career
46 advancement with high levels of productivity and earning power. The

1 counseling shall include:

2 (1) Testing and assessment of the individual's job skills and
3 aptitudes, including the individual's literacy skills and other basic skills.
4 Basic skills testing and assessment shall be provided to the individual
5 unless information is provided regarding the individual's educational
6 background and occupational or professional experience which clearly
7 demonstrates that the individual's basic skill level meets the standards
8 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
9 or unless the individual is already participating in a remedial education
10 program which meets those standards;

11 (2) An evaluation by a qualified job counselor of what remedial
12 education, if any, is determined to be necessary for the individual to
13 advance in his current career or occupation or to succeed in any
14 particular vocational training which the individual would undertake
15 under the program, provided that the remedial education shall be at a
16 level not lower than that needed to meet the standards established
17 pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11);

18 (3) The provision of information to the individual regarding the
19 labor demand occupations, including the information about the wage
20 levels in those occupations, [which is available to the department] and
21 [any] information [available to the department] regarding the
22 effectiveness of approved service providers of vocational training in
23 labor demand occupations which the claimant is considering, including
24 a consumer report card on service providers showing the long-term
25 success of former trainees of each provider in obtaining permanent
26 employment and increasing earnings over a period of not more than
27 two years following the completion of training;

28 (4) The timely provision of information to the individual regarding
29 the services and benefits available to the individual, and all actions
30 required of the individual to obtain the services and benefits, under
31 programs supported by federal job training funds or the provisions of
32 P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual
33 of a written statement of the individual's rights and responsibilities
34 with respect to programs for which the individual is eligible, which
35 includes a full disclosure to the individual of his right to obtain the
36 services most likely to enable the individual to obtain employment
37 providing self-sufficiency and the individual's right not to be denied
38 employment and training services for any of the reasons indicated in
39 section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's
40 right not to be denied training services because the individual already
41 has identifiable vocational skills, if those existing skills are for
42 employment with a level of earnings lower than the level of self-
43 sufficiency; and

44 (5) Discussion with the counselor of the results of the testing and
45 evaluation and, based on those results, the development of a written
46 Employability Development Plan identifying the training and

1 employment services, including any needed remedial education, to be
2 provided to the individual.

3 b. Federal job training funds shall be used to provide training and
4 employment services to an individual only if the counselor who
5 evaluates the individual pursuant to this section determines that the
6 individual can reasonably be expected to successfully complete the
7 training and education identified in the Employability Development
8 Plan developed pursuant to this section.

9 c. All information regarding an individual applicant or trainee
10 which is obtained or compiled in connection with the testing,
11 assessment and evaluation and which may be identified with the
12 individual shall be confidential and shall be released to an entity other
13 than the individual, the counselor or the department only if the
14 individual provides written permission to the department for the
15 release of the information or the information is used solely for program
16 evaluation.

17 (cf: P.L.1992, c.48, s.4)

18

19 9. Section 3 of P.L.1992, c.43 (C.34:15D-3) is amended to read
20 as follows:

21 3. As used in this act:

22 "Administrative costs" means any costs incurred by the department
23 to administer the program, including any cost required to collect
24 information and conduct evaluations of service providers pursuant to
25 section 8 of this act and conduct surveys of occupations pursuant to
26 section 12 of this act, to the extent that funding is not available from
27 federal or other sources.

28 "Apprenticeship Policy Committee" means the New Jersey
29 Apprenticeship Policy Committee established by an agreement between
30 the Bureau of Apprenticeship and Training in the United States
31 Department of Labor, the State Department of Labor and Workforce
32 Development and the State Department of Education and consisting
33 of a representative of the Commissioner of the State Department of
34 Education, a representative of the Commissioner of the State
35 Department of Labor and Workforce Development, the Director of
36 Region II of the Bureau of Apprenticeship and Training in the United
37 States Department of Labor and a representative of the New Jersey
38 State AFL-CIO.

39 "Approved community-based or faith-based organization" means
40 an organization which is an approved service provider, a nonprofit
41 organization exempt from federal taxation under section 501 of the
42 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the
43 commissioner as demonstrating expertise and effectiveness in the field
44 of workforce investment and being representative of a community or
45 a significant segment of a community where the organization provides
46 services.

1 "Approved service provider" means a service provider approved
2 pursuant to section 8 of this act.

3 "Commission" means the State Employment and Training
4 Commission.

5 "Commissioner" means the Commissioner of Labor and Workforce
6 Development or the commissioner's designees.

7 "Customized training services" means employment and training
8 services which are provided by the Office of Customized Training
9 pursuant to section 5 of this act.

10 "Department" means the State Department of Labor and
11 Workforce Development.

12 "Employer" or "business" means any employer subject to the
13 provisions of R.S.43:21-1 et seq.

14 "Employment and training services" means:

- 15 a. Counseling provided pursuant to section 7 of this act;
- 16 b. Vocational training;
- 17 c. Remedial education; or
- 18 d. Occupational safety and health training.

19 e. In the case of a qualified disadvantaged worker who is or was
20 receiving, or is eligible for but not receiving, benefits under the Work
21 First New Jersey program, "employment and training services"
22 includes, in addition to any of the benefits listed in subsections a.
23 through d. above, Supplemental Workforce Development Benefits
24 approved as part of the workers' Employability Development Plan
25 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7).

26 "Fund" means the Workforce Development Partnership Fund
27 established pursuant to section 9 of this act.

28 "Labor Demand Occupation" means an occupation for which there
29 is or is likely to be an excess of demand over supply for adequately
30 trained workers, including, but not limited to, an occupation
31 designated as a labor demand occupation by the New Jersey
32 Occupational Information Coordinating Committee pursuant to section
33 12 of this act.

34 "Occupational safety and health training" means training or
35 education which is designed to assist in the recognition and prevention
36 of potential health and safety hazards related to an occupation.

37 "Office" means the Office of Customized Training established
38 pursuant to section 5 of this act.

39 "One Stop Career Center" means any of the facilities established,
40 sponsored or designated by the State, a political subdivision of the
41 State and a Workforce Investment Board in a local area to coordinate
42 or make available State and local programs providing employment and
43 training services or other employment-directed and workforce
44 development programs and activities, including job placement services,
45 and any other similar facility as may be established, sponsored or
46 designated at any later time to coordinate or make available any of

1 those programs, services or activities.

2 "Permanent employment" means full-time employment
3 unsubsidized by government training funds which provides a
4 significant opportunity for career advancement and long-term job
5 security and is in the occupation for which a worker receives
6 vocational training pursuant to this act.

7 "Poverty level" means the official poverty level based on family
8 size, established and adjusted under section 673 (2) of Subtitle B of
9 the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C.
10 s.9902 (2)).

11 "Program" means the Workforce Development Partnership
12 Program created pursuant to this act.

13 "Qualified disadvantaged worker" means a worker who is not a
14 qualified displaced worker or a qualified employed worker but who
15 otherwise meets the following criteria:

16 a. Is unemployed;

17 b. Is working part-time and actively seeking full-time work or is
18 working full-time but is earning wages substantially below the median
19 salary for others in the labor force with similar qualifications and
20 experience; or

21 c. Is certified by the Department of Human Services as:

22 (1) Currently receiving public assistance;

23 (2) Having been recently removed from the public assistance rolls
24 because of gross income exceeding the grant standard for assistance;
25 or

26 (3) Being eligible for public assistance but not receiving the
27 assistance because of a failure to apply for it.

28 "Qualified displaced worker" means a worker who:

29 a. Is unemployed, and:

30 (1) Is currently receiving unemployment benefits pursuant to
31 R.S.43:21-1 et seq. or any federal or State unemployment benefit
32 extension; or

33 (2) Has exhausted eligibility for the benefits or extended benefits
34 during the preceding 52 weeks; or

35 b. Meets the criteria set by the Workforce Investment Act of
36 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.), to be regarded as a
37 "dislocated worker" pursuant to that act.

38 "Qualified employed worker" means a worker who is employed by
39 an employer participating in a customized training program, or other
40 employed worker who is in need of remedial education.

41 "Qualified job counselor" means a job counselor whose
42 qualifications meet standards established by the commissioner.

43 "Qualified staff" means staff whose qualifications meet standards
44 set by regulations adopted by the Commissioner of Labor and
45 Workforce Development.

46 "Remedial education" means any literacy or other basic skills

1 training or education which may not be directly related to a particular
2 occupation but is needed to facilitate success in vocational training or
3 work performance, including training or education in mathematics,
4 reading comprehension, computer literacy, English proficiency and
5 work-readiness skills.

6 “Self-sufficiency” for an individual means a level of earnings from
7 employment not lower than 250% of the poverty level for an
8 individual, taking into account the size of the individual's family.

9 "Service provider" or "provider" means a provider of employment
10 and training services including but not limited to a private or public
11 school or institution of higher education, a business, a labor
12 organization or a community-based organization.

13 "Supplemental Workforce Fund for Basic Skills" means the fund
14 established pursuant to section 1 of P.L.2001, c.152 (C.34:15D-21).

15 "Total revenues dedicated to the program during any one fiscal
16 year" means all moneys received for the fund during any fiscal year,
17 including moneys withdrawn from the State disability benefits fund
18 pursuant to section 3 of P.L.1992, c.44 (C.34:15D-14), minus any
19 repayment made during that fiscal year from the fund to the State
20 disability benefits fund pursuant to that section.

21 "Training grant" means a grant provided to fund vocational training
22 and any needed remedial education for a qualified displaced or
23 disadvantaged worker pursuant to section 6 of this act, or to fund
24 needed remedial education for a qualified employed worker pursuant
25 to section 1 of P.L.2001, c.152 (C.34:15D-21).

26 "Vocational training" means training or education which is related
27 to an occupation and is designed to enhance the marketable skills and
28 earning power of a worker or job seeker.

29 (cf: P.L.2001, c.152, s.8)

30

31 10. Section 4 of P.L.1992, c.43 (C.34:15D-4) is amended to read
32 as follows:

33 4. a. The Workforce Development Partnership Program is hereby
34 established in the Department of Labor and Workforce Development
35 and shall be administered by the Commissioner of Labor and
36 Workforce Development. The purpose of the program is to provide
37 qualified displaced, disadvantaged and employed workers with the
38 employment and training services most likely to enable the individual
39 to obtain employment providing self-sufficiency for the individual and
40 also to provide the greatest opportunity for long-range career
41 advancement with high levels of productivity and earning power. To
42 implement that purpose, the program shall provide those services by
43 means of training grants or customized training services[, to the extent
44 that] in coordination with funding for the services [is not available]
45 from federal or other sources. The commissioner is authorized to
46 expend moneys from the Workforce Development Partnership Fund to

1 provide the training grants or customized training services and provide
2 for each of the following:

3 (1) The cost of counseling required pursuant to section 7 of
4 P.L.1992, c.43 (C.34:15D-7), to the extent that adequate funding for
5 counseling is not available from federal or other sources;

6 (2) Reasonable administrative costs, which shall not exceed 10%
7 of the revenues collected pursuant to section 2 of P.L.1992, c.44
8 (C.34:15D-13) during any fiscal year ending before July 1, 2001,
9 except for additional start-up administrative costs approved by the
10 Director of the Office of Management and Budget during the first year
11 of the program's operation;

12 (3) Reasonable costs, which shall not exceed 0.5% of the revenues
13 collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13)
14 during any fiscal year ending before July 1, 2001, as required by the
15 State Employment and Training Commission to design criteria and
16 conduct an annual evaluation of the program; and

17 (4) The cost of reimbursement to individuals for excess
18 contributions pursuant to section 6 of P.L.1992, c.44 (C.34:15D-17).

19 b. Not more than 10% of the moneys received by any service
20 provider pursuant to this act shall be expended on anything other than
21 direct costs to the provider of providing the employment and training
22 services, which direct costs shall not include any administrative or
23 overhead expense of the provider.

24 c. Training and employment services shall be provided to a worker
25 who receives counseling pursuant to section 7 of P.L.1992, c.43
26 (C.34:15D-7) only if the counselor who evaluates the worker pursuant
27 to that section determines that the worker can reasonably be expected
28 to successfully complete the training and education identified in the
29 Employability Development Plan developed pursuant to that section
30 for the worker.

31 d. All vocational training provided under this act:

32 (1) Shall be training which is likely to substantially enhance the
33 individual's marketable skills and earning power; and

34 (2) Shall be training for a labor demand occupation, except for:

35 (a) Customized training provided to the present employees of a
36 business which the commissioner deems to be in need of the training
37 to prevent job loss caused by obsolete skills, technological change or
38 national or global competition; or

39 (b) Customized training provided to employees at a facility which
40 is being relocated from another state into New Jersey; or

41 (c) Entrepreneurial training and technical assistance supported by
42 training grants provided pursuant to subsection b. of section 6 of
43 P.L.1992, c.43 (C.34:15D-6).

44 e. During any fiscal year ending before July 1, 2001, not less than
45 25% of the total revenues dedicated to the program during any one
46 fiscal year shall be reserved to provide employment and training

1 services for qualified displaced workers; not less than six percent of
2 the total revenues dedicated to the program during any one fiscal year
3 shall be reserved to provide employment and training services for
4 qualified disadvantaged workers; not less than 45% of the total
5 revenues dedicated to the program during any one fiscal year shall be
6 reserved for and appropriated to the Office of Customized Training;
7 not less than 3% of the total revenues dedicated to the program during
8 any one fiscal year shall be reserved for occupational safety and health
9 training; and 5% of the total revenues dedicated to the program during
10 any one fiscal year shall be reserved for and appropriated to the Youth
11 Transitions to Work Partnership created pursuant to P.L.1993, c.268
12 (C.34:15E-1 et seq.).

13 f. Funds available under the program shall not be used for
14 activities which induce, encourage or assist: any displacement of
15 currently employed workers by trainees, including partial displacement
16 by means such as reduced hours of currently employed workers; any
17 replacement of laid off workers by trainees; or any relocation of
18 operations resulting in a loss of employment at a previous workplace
19 located in the State.

20 g. On-the-job training shall not be funded by the program for any
21 employment found by the commissioner to be of a level of skill and
22 complexity too low to merit training. The duration of on-the-job
23 training funded by the program for any worker shall not exceed the
24 duration indicated by the Specific Vocational Preparation Code
25 developed by the United States Department of Labor for the
26 occupation for which the training is provided and shall in no case
27 exceed 26 weeks. The department shall set the duration of on-the-job
28 training for a worker for less than the indicated maximum, when
29 training for the maximum duration is not warranted because of the
30 level of the individual's previous training, education or work
31 experience. On-the-job training shall not be funded by the program
32 unless it is accompanied, concurrently or otherwise, by whatever
33 amount of classroom-based vocational training, remedial education or
34 both, is deemed appropriate for the worker by the commissioner.
35 On-the-job training shall not be funded by the program unless the
36 trainee is provided benefits, pay and working conditions at a level and
37 extent not less than the benefits and working conditions of other
38 trainees or employees of the trainee's employer with comparable skills,
39 responsibilities, experience and seniority.

40 h. Employment and training services funded by the program shall
41 not replace, supplant, compete with or duplicate in any way approved
42 apprenticeship programs.

43 i. No activities funded by the program shall impair existing
44 contracts for services or collective bargaining agreements, except that
45 activities which would be inconsistent with the terms of a collective
46 bargaining agreement may be undertaken with the written concurrence

1 of the collective bargaining unit and employer who are parties to the
2 agreement.

3 j. All staff who are hired and supported by moneys from the
4 Workforce Development Partnership Fund, including any of those staff
5 located at any One Stop Career Center, but not including any staff of
6 a service provider providing employment and training services
7 supported by a customized training grant pursuant to section 5 of
8 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant
9 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and
10 employed by the State pursuant to Title 11A, Civil Service, of the New
11 Jersey Statutes, be hired and employed by a political subdivision of the
12 State, or be qualified staff hired and employed by a non-profit
13 organization which began functioning as the One Stop Career Center
14 operator with the written consent of the chief elected official and the
15 commissioner prior to the effective date of P.L. , c. (C.)(now
16 before the Legislature as this bill), or be qualified staff hired and
17 employed by an approved community-based or faith-based
18 organization to provide services at the level of staffing provided in an
19 agreement entered into by the organization before the effective
20 date of P.L. , c. (C.)(now before the Legislature as this bill).
21 (cf: P.L.2001, c.152, s.9)

22

23 11. Section 5 of P.L.1992, c.43 (C.34:15D-5) is amended to read
24 as follows:

25 5. a. There is hereby established, as part of the Workforce
26 Development Partnership Program, the Office of Customized Training.
27 Moneys allocated to the office from the fund shall be used to provide
28 employment and training services to eligible applicants approved by
29 the commissioner.

30 b. An applicant shall be eligible for customized training services
31 if it is one of the following:

32 (1) An individual employer that seeks the customized training
33 services to create, upgrade or retain jobs in a labor demand
34 occupation;

35 (2) An individual employer that seeks customized training services
36 to upgrade or retain jobs in an occupation which is not a labor demand
37 occupation, if the commissioner determines that the services are
38 necessary to prevent the likely loss of the jobs or that the services are
39 being provided to employees at a facility which is being relocated from
40 another state into New Jersey;

41 (3) An employer organization, labor organization or
42 community-based or faith-based organization seeking the customized
43 training services to provide training in labor demand occupations in a
44 particular industry; or

45 (4) A consortium made up of one or more educational institutions
46 and one or more eligible individual employers or labor, employer or

1 community-based or faith-based organizations that seeks the
2 customized training services to provide training in labor demand
3 occupations in a particular industry.

4 c. Each applicant seeking funding for customized training services
5 shall submit an application to the commissioner in a form and manner
6 prescribed in regulations adopted by the commissioner. The
7 application shall be accompanied by a business plan of each employer
8 which will receive customized training services if the application is
9 approved. The business plan shall include:

10 (1) A justification of the need for the services and funding from the
11 office, including information sufficient to demonstrate to the
12 satisfaction of the commissioner that the applicant will provide
13 significantly less of the services if the requested funding is not
14 provided by the office;

15 (2) A comprehensive long-term human resource development plan
16 which:

17 (a) Extends significantly beyond the period of time in which the
18 services are funded by the office; **[and]**

19 (b) Significantly enhances the productivity and competitiveness of
20 the employer operations located in the State and the employment
21 security of workers employed by the employer in the State; and

22 (c) States the number of current or newly-hired workers who will
23 be trained under the grant and the pay levels of jobs which will be
24 created or retained for those workers as a result of the funding and the
25 plan.

26 (3) Evidence, if the training sought is for an occupation which is
27 not a labor demand occupation, that the customized training services
28 are needed to prevent job loss caused by obsolete skills, technological
29 change or national or global competition or that the services are being
30 provided to employees at a facility which is being relocated from
31 another state into New Jersey;

32 (4) Information demonstrating that most of the individuals
33 receiving the services will be trained primarily for work in the direct
34 production of goods or services; **[and]**

35 (5) A commitment to provide the information needed by the
36 commissioner to evaluate the success of the funding and the plan in
37 creating and retaining jobs, to assure compliance with the provisions
38 of P.L.1992, c.43 (C.34:15D-1 et seq.); and

39 (6) Any other information or commitments which the
40 commissioner deems appropriate to assure compliance with the
41 provisions of P.L.1992, c.43 (C.34:15D-1 et seq.).

42 The commissioner may provide whatever assistance he deems
43 appropriate in the preparation of the application and business plan,
44 which may include labor market information, projections of
45 occupational demand and information and advice on alternative
46 training and education strategies.

1 d. Each employer that receives a grant for customized training
2 services shall contribute a minimum of [40%] 50% of the total cost
3 of the customized training services, except that the commissioner shall
4 set a higher or lower minimum contribution by an employer, if
5 warranted by the size and economic resources of the employer or other
6 factors deemed appropriate by the commissioner, and except that, for
7 individuals hired by the employer through a One Stop Career Center
8 who receive classroom training under the grant and were recipients of
9 benefits under the Work First New Jersey program at any time during
10 the 12 months preceding the date of employment, the employer shall
11 be eligible for reimbursement of up to 50% of wages paid to the
12 individual during the classroom training in addition to reimbursement
13 for tuition and other direct costs of the training as determined to be
14 appropriate by the office, and provided, further, that no individual
15 shall be hired or placed in a manner which results in a violation of the
16 restrictions of subsection f. of section 4 of P.L.1992, c.43 (C.34:15D-
17 4) against displacing current employees.

18 e. Each employer receiving a grant for customized training
19 services shall hire or retain in permanent employment each worker
20 who successfully completes the training and education provided under
21 the customized training. The employer shall be entitled to select the
22 qualified employed, disadvantaged or displaced workers who will
23 participate in the customized training, except that if any collective
24 bargaining unit represents a qualified employed worker, the selection
25 shall be conducted in a manner acceptable to both the employer and
26 the collective bargaining unit. The commissioner shall provide for the
27 withholding, for a time period he deems appropriate, of whatever
28 portion he deems appropriate of program funding as a final payment
29 for customized training services, contingent upon the hiring and
30 retention of a program completer as required pursuant to this section.
31 If an employer receiving a grant for customized training services
32 pursuant to this section relocates or outsources any or all of the jobs
33 out of the State for which the customized training services were
34 provided under the grant within three years following the end date of
35 the customized contract, the employer shall, if all of the jobs are
36 relocated or outsourced, return all of the moneys provided to the
37 employer by the State for customized training services, or, if only a
38 portion of the jobs are relocated or outsourced, return a part of the
39 moneys, deemed by the commissioner to be appropriate and
40 proportional to the portion of the jobs relocated or outsourced, and
41 the returned amount shall be deposited into the Workforce
42 Development Partnership Fund.

43 f. The customized training services provided to an approved
44 applicant may include any combination of employment and training
45 services or any single employment and training service approved by the
46 commissioner, including remedial education provided to upgrade

1 workplace literacy. Each service may be provided by a separate
2 approved service provider.

3 g. Customized training services shall include any remedial
4 education determined necessary pursuant to section 7 of this act.
5 Applications for customized training services shall include estimates
6 of the total need for remedial education determined in a manner
7 deemed appropriate by the commissioner.

8 h. Any business seeking customized training services shall, in the
9 manner prescribed by the commissioner, participate in the development
10 of a plan to provide the services. Any business seeking customized
11 training services for workers represented by a collective bargaining
12 unit shall notify the collective bargaining unit and permit it to
13 participate in developing the plan. No customized training services
14 shall be provided to a business employing workers represented by a
15 collective bargaining unit without the written consent of both the
16 business and the collective bargaining unit.

17 i. Any business receiving customized training services shall be
18 responsible for providing workers' compensation coverage for any
19 worker participating in the customized training.

20 j. The commissioner shall establish an annual goal that 15% or
21 more of the jobs to be created or retained in connection with training
22 supported by grants from the office shall be jobs provided to
23 individuals who were recipients of benefits under the Work First New
24 Jersey program at any time during the 12 months prior to being placed
25 in the jobs. The means to attain the goal shall include coordinated
26 efforts between the office and One Stop Career Centers to prepare
27 recipients for employment and make them available to employers, but
28 shall not include any policy which may penalize employers or
29 discourage employers from using customized training service provided
30 by the office.

31 (cf: 1992, c.43, s.5)

32

33 12. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
34 as follows:

35 7. Counseling shall be made available by the department to each
36 qualified displaced worker or qualified disadvantaged worker applying
37 to participate in the Workforce Development Partnership program and,
38 in the case of a qualified disadvantaged worker who is a recipient of,
39 or eligible for, benefits under the Work First New Jersey Program, to
40 participate in the Workforce Development Partnership program or in
41 any of those employment-directed workforce development programs
42 or activities transferred to the Department of Labor and Workforce
43 Development pursuant to section 2 of P.L. , c. (C.) (now before
44 the Legislature as this bill) which provide employment and training
45 services as defined in section 3 of P.L.1992, c.43 (C.34:15D-3),
46 including the services indicated in paragraphs (11) through (16) of

1 subsection b. of section 2 of P.L. , c. (C.) (now before the
2 Legislature as this bill). Counseling may also be made available to a
3 qualified employed worker who seeks remedial education or is selected
4 to participate in a customized training program, if the worker's
5 employer requests the counseling. [The department may itself provide
6 the counseling or obtain the counseling from a service provider, if the
7 service provider is different from and not affiliated with any service
8 provider offering any employment and training services to the worker
9 other than the counseling, except that the department may obtain
10 testing and assessment services provided pursuant to subsection a. of
11 this section from a provider which also offers employment and training
12 services to the worker other than the counseling.] The counseling
13 shall be provided by a job counselor hired and employed by the State
14 pursuant to Title 11A, Civil Service, of the New Jersey Statutes, or
15 hired and employed by a political subdivision of the State, or be
16 provided by a qualified job counselor hired and employed by a non-
17 profit organization which began functioning as the One Stop Career
18 Center operator with the written consent of the chief elected official
19 and the commissioner prior to the effective date of P.L. , c.
20 (C.)(now before the Legislature as this bill), or hired and employed
21 by an approved community-based or faith-based organization to
22 provide counseling which the organization entered into an agreement
23 to provide before the effective date of P.L. , c. (C.)(now
24 before the Legislature as this bill). In the case of a qualified
25 disadvantaged worker who is a recipient of, or is eligible for, benefits
26 under the Work First New Jersey Program, the counseling provided
27 pursuant to this section shall be the counseling for the provision of
28 employment and training services either under the Workforce
29 Development Partnership program or under programs or activities
30 transferred to the Department of Labor and Workforce Development
31 pursuant to section 2 of P.L. , c. (C.) (now before the
32 Legislature as this bill), but the counseling provided pursuant to this
33 section shall be provided in conjunction and in coordination with
34 counseling provided in connection with any services, other than
35 training and employment services, made available to the disadvantaged
36 worker under programs or activities transferred to the Department of
37 Labor and Workforce Development pursuant to section 2 of P.L. ,
38 c. (C.) (now before the Legislature as this bill). The purpose of
39 any counseling made available pursuant to this section is to assist each
40 worker in obtaining the employment and training services most likely
41 to enable the worker to obtain employment providing self-sufficiency
42 for the worker and also to provide the worker with the greatest
43 opportunity for long-range career advancement with high levels of
44 productivity and earning power. [Whether provided by the
45 department or a service provider, the] The counseling shall include:
46 a. Testing and assessment of the worker's job skills and aptitudes,

1 including the worker's literacy skills and other basic skills. Basic skills
2 testing and assessment shall be provided to the worker unless
3 information is provided regarding the worker's educational background
4 and occupational or professional experience which clearly
5 demonstrates that the worker's basic skill level meets the standards
6 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
7 or unless the worker is already participating in a remedial education
8 program which meets those standards;

9 b. An evaluation by a qualified job counselor of what remedial
10 education, if any, is determined to be necessary for the worker to
11 advance in his current employment or occupation or to succeed in any
12 particular vocational training which the worker would undertake under
13 the program, provided that the remedial education shall be at a level
14 not lower than that needed to meet the standards established pursuant
15 to section 14 of P.L.1989, c.293 (C.34:15C-11);

16 c. The provision to the worker of information [to the worker]
17 regarding any of the labor demand occupations for which training
18 meets the requirements of section 4 of this act in the worker's case,
19 including information about the wage levels in those occupations, and
20 information regarding the effectiveness of approved service providers
21 of vocational training in occupations which the worker is considering
22 [and], including a consumer report card on service providers showing
23 the long-term success of former trainees of each provider in obtaining
24 permanent employment and increasing earnings over a period of not
25 more than two years following the completion of training;

26 d. The timely provision of information to the worker regarding the
27 services and benefits available to the worker, and all actions required
28 of the worker to obtain the services and benefits, under the provisions
29 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and under the Work
30 First New Jersey program in the case of a qualified disadvantaged
31 worker receiving or eligible for benefits under that program; and the
32 provision to the worker of a written statement of the worker's rights
33 and responsibilities with respect to programs for which the worker is
34 eligible, which includes a full disclosure to the worker of the worker's
35 right to obtain the services most likely to enable the worker to obtain
36 employment providing self-sufficiency and the workers' right not to be
37 denied training services for any of the reasons indicated in subsection
38 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's
39 right not to be denied training services because the worker already has
40 identifiable vocational skills, if those existing skills are for employment
41 with a level of earnings lower than the level of self-sufficiency; and

42 e. Discussion with the counselor of the results of the testing and
43 evaluation and, based on those results, the development of a written
44 Employability Development Plan identifying the training and
45 employment services, including any needed remedial education, to be
46 provided to the worker pursuant to this act. In the case of a qualified

1 disadvantaged worker, the Employability Development Plan will be, to
2 the greatest extent possible while remaining in compliance with any
3 applicable federal requirements, coordinated and made consistent with
4 any individual responsibility plan developed for the worker under the
5 Work First New Jersey program. In the case of a qualified
6 disadvantaged worker who is or was receiving, or who is eligible for
7 but not receiving, benefits under the Work First New Jersey program,
8 and who does not have a marketable bachelor's degree, the counselor
9 may approve, as part of the workers' Employability Development Plan,
10 the replacement of Work First New Jersey program benefits by
11 Supplemental Workforce Development Benefits paid to the
12 disadvantaged worker for full-time educational activity without, or
13 with insufficient, other work activity from available resources for
14 employment-directed and workforce development programs and
15 activities transferred from the Department of Human Services pursuant
16 to section 2 of P.L. , c. (C.) (now before the Legislature as this
17 bill) or from the account of the Workforce Development Partnership
18 Fund reserved for qualified disadvantaged workers pursuant to
19 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), for any
20 period of time for which the counselor determines that:

21 (1) Full-time remedial education to obtain a high school diploma
22 or G.E.D. or full-time post secondary education in a two-year or four-
23 year degree-granting educational program with a course of study
24 related to work, even if the duration of the full-time education is
25 longer than two years, is the training and employment service that is
26 most likely to enable the worker to obtain employment providing self-
27 sufficiency;

28 (2) The worker has responsibility during that period of time for the
29 care of dependent children or other family members unable to care for
30 themselves the magnitude of which, if added to the full-time
31 educational activities indicated in paragraph (1) of this subsection,
32 make it likely that any additional work activity will jeopardize the
33 success of the educational activity; and

34 (3) Providing Work First New Jersey program benefits to the
35 worker during that period of time for the full-time educational activity
36 without, or with insufficient, work activities would result in a loss of
37 benefits for the worker pursuant to section 9 of P.L.1997, c.38
38 (C.44:10-63) or would be counted toward the maximum limit of 60
39 cumulative months of Work First New Jersey program benefits
40 provided to the worker pursuant to section 2 of P.L.1997, c.37
41 (C.44:10-72).

42 With respect to the use of the funds deposited during any fiscal
43 year in the account of the Workforce Development Partnership Fund
44 reserved for qualified disadvantaged workers pursuant to subsection
45 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be
46 given for the payment of Supplemental Workforce Development

1 Benefits pursuant to this subsection. Not more than 1,500 qualified
2 disadvantaged workers shall receive Supplemental Workforce
3 Development Benefits pursuant to this subsection at any one time.
4 With respect to using available resources for employment-directed and
5 workforce development programs and activities transferred from the
6 Department of Human Services pursuant to section 2 of P.L. , c.
7 (C.) (now before the Legislature as this bill) for Supplemental
8 Workforce Development Benefits, no federal funds which are part of
9 those resources may be used for Supplemental Workforce
10 Development Benefits which result in the imposition of conditions of
11 participation other than those established by this subsection. If federal
12 funds are used for childcare costs of a participant, the Department of
13 Human Services may transfer the funds to the Child Care and
14 Development Block Grant, as permitted by law and as needed to
15 permit the use of the federal funds while preventing any loss of
16 benefits to the participant and preventing the childcare time from being
17 counted toward the participant's maximum limit of 60 cumulative
18 months of Work First New Jersey program benefits. The counselor
19 shall assist in facilitating the use, to the maximum extent possible, of
20 Pell grants or other available educational grants to pay for tuition and
21 other educational costs of a recipient of Supplemental Workforce
22 Development Benefits provided pursuant to this section. The
23 requirements for receiving Supplemental Workforce Development
24 Benefits may include work-site experience which will enhance the
25 participant's employability in the participant's field, provided that the
26 required sum of class hours for a full-time class schedule, hours of
27 study time at not less than one and one half times class time, and hours
28 of work-site experience, shall not exceed 40 hours per week and that
29 the commissioner shall adopt regulations for reasonable adjustments
30 in participation requirements for good cause, including verifiable needs
31 related to physical or mental health problems, illness, accident or death
32 or serious personal or family problems that necessitate reduced
33 participation, provided further that no individual shall receive
34 Supplemental Workforce Development Benefits for a period of more
35 than five years. The commissioner shall adopt regulations setting
36 standards for satisfactory academic progress for continued
37 participation. Participation may not be denied for any of the reasons
38 which subsection d. of section 6 of P.L.1992, c.43 (C.34:15D-6)
39 prohibits from being used to deny training grants. For the purposes of
40 this section, "Work First New Jersey benefits" means benefits for
41 which a worker and the worker's family would be eligible if the worker
42 was participating in the Work First New Jersey program or any
43 successor program to the Work First New Jersey program.

44 Counseling made available at the request of an employer
45 participating in a customized training program may include only those
46 components requested by the employer.

1 All information regarding a worker applicant or trainee which is
2 obtained or compiled in connection with the testing, assessment and
3 evaluation and which may be identified with the worker shall be
4 confidential and shall be released to an entity other than the worker,
5 the counselor or the department only if the worker provides written
6 permission to the department for the release of the information or the
7 information is used solely for program evaluation.

8 (cf: P.L.2001, c.152, s.11)

9

10 13. This act shall take effect immediately.