

34:15B-35

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 354

NJSA: 34:15B-35 (Reforms State's workforce investment system)

BILL NO: S2826 (Substituted for A4435)

SPONSOR(S): Vitale and others

DATE INTRODUCED: November 10, 2005

COMMITTEE: **ASSEMBLY:**

SENATE: Labor

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: December 8, 2005

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S2826

[SPONSOR'S STATEMENT:](#) (Begins on page 62 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4435

[SPONSOR'S STATEMENT:](#) (Begins on page 62 of original bill) [Yes](#)

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

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LEGISLATIVE FISCAL ESTIMATE: No

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§12
C.34:15C-7.1
§13, 14
34:15C-10.1
&
34:15C-10.2
§25
34:1A-1.10
§§26-29
C.34:1A-85
to
34:1A-88
§34
Repealer

P.L. 2005, CHAPTER 354, *approved January 12, 2006*
Senate, No. 2826

1 **AN ACT** concerning the State's workforce investment system and
2 revising various parts of the statutory law.

3

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

6

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

9 1. As used in this act:

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

18 "Approved service provider" or "approved training provider" means
19 a service provider [approved pursuant to section 6 of this act] which
20 is on the State Eligible Training Provider List.

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

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 "Commissioner" means the Commissioner of Labor and Workforce
2 Development.

3 "Credential" means a credential recognized by the Department of
4 Education or the Commission on Higher Education, or approved by
5 the Credentials Review Board established by the Department of Labor
6 and Workforce Development pursuant to section 25 of P.L. , c.
7 (C.) (pending before the Legislature as this bill).

8 "Department" means the Department of Labor and Workforce
9 Development.

10 "Employment and training services" means:

- 11 a. Counseling provided pursuant to section 4 of this act;
- 12 b. **[Vocational]** Occupational training; or
- 13 c. Remedial **[education]** instruction.

14 "Federal job training funds" means any moneys expended to obtain
15 employment and training services, pursuant to the Workforce
16 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) or
17 any other federal law pursuant to which moneys may be expended to
18 obtain employment and training services or other employment-directed
19 and workforce development programs and activities, except that, to
20 the extent that the application of any specific provision of this act
21 would cause the amount of federal job training funds provided to the
22 State to be reduced, that provision shall not apply.

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

29 a. The Center for Occupational Employment Information has,
30 pursuant to subsection d. of section 27 of P.L. , c. (C.)
31 (pending before the Legislature as this bill), determined is or will be,
32 on a regional basis, subject to a significant excess of demand over
33 supply for trained workers, based on a comparison of the total need or
34 anticipated need for trained workers with the total number being
35 trained; or

36 b. The Center for Occupational Employment Information, in
37 conjunction with a Workforce Investment Board, has, pursuant to
38 subsection d.of section 27 of P.L. , c. (C.)(pending before
39 the Legislature as this bill), determined is or will be, in the region for
40 which the board is responsible, subject to a significant excess of
41 demand over supply for adequately trained workers, based on a
42 comparison of total need or anticipated need for trained workers with
43 the total number being trained.

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

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

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

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

19 "Qualified job counselor" means a job counselor whose
20 qualifications meet standards established by the commissioner.

21 "Qualified staff" means staff whose qualifications meet standards set
22 by regulations adopted by the Commissioner of Labor and Workforce
23 Development.

24 "Remedial education" or "remedial instruction" means any literacy
25 or other basic skills training or [education] instruction which may not
26 be directly related to a particular occupation but is needed to facilitate
27 success in [vocational] occupational training or work performance,
28 including training or [education] instruction in basic mathematics,
29 reading comprehension, basic computer literacy, English proficiency
30 and work-readiness skills.

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

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

38 "State Eligible Training Provider List" means the Statewide list of
39 eligible training providers maintained pursuant to section 14 of
40 P.L. , c. (C.)(pending before the Legislature as this bill).

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

45 "Workforce investment services" means core, intensive, and
46 training services as defined by the Workforce Investment Act of 1998.

1 Pub.L.105-220 (29 U.S.C. s.2801 et seq.).

2 (cf: P.L.2004, c.39, s.6)

3

4 2. Section 3 of P.L.1992, c.48 (C.34:15B-37) is amended to read
5 as follows:

6 3. a. On the job training shall not be paid for with federal job
7 training funds for any employment found by the commissioner to be of
8 a level of skill and complexity too low to merit training.

9 b. The duration of on the job training for any individual shall not
10 exceed the duration indicated by the [Specific Vocational Preparation
11 code developed by the United States Department of Labor] Bureau of
12 Labor Statistics' Occupational Information Network, or "O*NET," for
13 the occupation for which the training is provided and shall in no case
14 exceed 26 weeks. The department shall set the duration of on the job
15 training for an individual for less than the indicated maximum, when
16 training for the maximum duration is not warranted because of the
17 level of the individual's previous training, education or work
18 experience.

19 c. On the job training shall not be paid for with federal job training
20 funds unless it is accompanied, concurrently or otherwise, by whatever
21 amount of classroom-based [vocational] or equivalent occupational
22 training, remedial [education] instruction or both, is deemed
23 appropriate for the worker by the commissioner.

24 d. Each employer receiving federal job training funds for on the job
25 training shall retain or place in permanent employment each trainee
26 who successfully completes the training. The commissioner may, for
27 a time period he deems appropriate, provide for the withholding of
28 whatever portion he deems appropriate of the funding as a final
29 payment for training, contingent upon the retention of a program
30 completer as required pursuant to this section.

31 e. On the job training shall not be paid for with federal job training
32 funds unless the trainee is provided benefits, pay and working
33 conditions at a level and extent not less than the benefits and working
34 conditions of other trainees or employees of the trainee's employer
35 with comparable skills, responsibilities, experience and seniority.

36 (cf: P.L.2001, c.152, s.6)

37

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

40 4. a. No individual shall receive employment and training services
41 paid for with federal job training funds other than counseling unless
42 the individual first receives counseling pursuant to this section. The
43 counseling shall be provided by a job counselor hired and employed by
44 the State pursuant to Title 11A, Civil Service, of the New Jersey
45 Statutes, or hired and employed by a political subdivision of the State,
46 or be provided by a qualified job counselor hired and employed by a

1 non-profit organization which began functioning as the One Stop
2 Career Center operator with the written consent of the chief elected
3 official and the commissioner prior to the effective date of P.L.2004,
4 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
5 community-based or faith-based organization to provide counseling
6 which the organization entered into an agreement to provide before
7 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). The purpose
8 of any counseling provided pursuant to this section is to assist each
9 individual in obtaining the employment and training services most
10 likely to enable the individual to obtain employment providing
11 self-sufficiency for the individual and also to provide the individual
12 with the greatest opportunity for long-range career advancement with
13 high levels of productivity and earning power. The counseling shall
14 include:

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

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

32 (3) The provision of information to the individual regarding the
33 labor demand occupations, including the information about the wage
34 levels in those occupations, and information regarding the
35 effectiveness of approved service providers of **[vocational]**
36 occupational training in labor demand occupations which the
37 **[claimant]** individual is considering, including a consumer report card
38 on service providers showing the long-term success of former trainees
39 of each provider in obtaining permanent employment and increasing
40 earnings over one or more time periods following the completion or
41 other termination of training, including a period of [not more than]
42 two years following the completion or other termination of training;

43 (4) The timely provision of information to the individual regarding
44 the services and benefits available to the individual, and all actions
45 required of the individual to obtain the services and benefits, under
46 programs supported by federal job training funds or the provisions of

1 P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual
2 of a written statement of the individual's rights and responsibilities
3 with respect to programs for which the individual is eligible, which
4 includes a full disclosure to the individual of his right to obtain the
5 services most likely to enable the individual to obtain employment
6 providing self-sufficiency and the individual's right not to be denied
7 employment and training services for any of the reasons indicated in
8 section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's
9 right not to be denied training services because the individual already
10 has identifiable vocational skills, if those existing skills are for
11 employment with a level of earnings lower than the level of
12 self-sufficiency; [and]

13 (5) Discussion with the counselor of the results of the testing and
14 evaluation; and[, based on those results, the]

15 (6) The development of a written Employability Development Plan
16 identifying the training and employment services or other workforce
17 investment services, including any needed remedial [education]
18 instruction, to be provided to the individual.

19 b. Federal job training funds shall be used to provide training and
20 employment services or other workforce investment services to an
21 individual identified in an Employability Development Plan developed
22 pursuant to this section only if the counselor who evaluates the
23 individual pursuant to this section determines that the individual can
24 reasonably be expected to successfully complete the training and
25 [education] instruction identified in the [Employability Development
26 Plan developed pursuant to this section] plan.

27 c. All information regarding an individual applicant or trainee
28 which is obtained or compiled in connection with the testing,
29 assessment and evaluation and which may be identified with the
30 individual shall be confidential and shall not be released to an entity
31 other than the individual, the counselor [or], the department [only if],
32 the commission or partners of the One-Stop system as necessary for
33 them to provide training and employment services or other workforce
34 investment services to the individual, unless the individual provides
35 written permission to the department for the release of the information
36 or the information is used solely for program evaluation.

37 (cf: P.L.2004, c.39, s.8)

38

39 4. Section 5 of P.L.1992, c.48 (C.34:15B-39) is amended to read
40 as follows:

41 5. An otherwise qualified individual shall not be denied
42 employment and training services or other workforce investment
43 services included in the Employability Development Plan developed for
44 the individual pursuant to section 4 of this act for any of the following
45 reasons: the [employment and training] services include remedial
46 [education] instruction needed by the individual to advance in the

1 individual's current employment or occupation or to succeed in the
2 ~~[vocational]~~ occupational component of the training; the qualified
3 displaced worker or other individual has identifiable ~~[vocational]~~
4 occupational skills but the training services are needed to enable the
5 individual to develop skills necessary to attain at least the level of
6 self-sufficiency; the training is part of a program under which the
7 individual may obtain a college degree enhancing the individual's
8 marketable skills and earning power; the individual has previously
9 received a training grant; the length of the training period under the
10 program; or the lack of a prior guarantee of employment upon
11 completion of the training, except for on the job training. This section
12 shall not be construed as requiring that federal job training funds be
13 used to pay for employment and training services or other workforce
14 investment services for which other assistance, such as State or federal
15 student financial aid, is provided.

16 (cf: P.L.2001, c.152, s.7)

17

18 5. Section 6 of P.L.1992, c.48 (C.34:15B-40) is amended to read
19 as follows:

20 6. a. No federal job training funds shall be used to obtain
21 employment and training services from a service provider unless the
22 provider is an approved ~~[pursuant to the procedures and criteria~~
23 ~~established by the State Employment and Training Commission~~
24 ~~pursuant to section 8 of this act. No]~~ service provider ~~[shall be~~
25 ~~approved pursuant to this section unless]~~ and the provider agrees to
26 provide, on a first-come, first-served basis, the services it offers to any
27 trainee who is referred to it to obtain the offered services, if included
28 in the individual's Employability Development Plan developed pursuant
29 to section 4 of this act, up to the total number of trainees that the
30 provider agrees to serve.

31 b. Each service provider shall maintain, make available and submit
32 appropriate records [available upon request] and data for monitoring
33 ~~[inspection]~~ and evaluation purposes, as required by the
34 ~~[commissioner, including]~~ State Employment and Training
35 Commission. The records and data shall include, but not be limited to:

36 (1) A record for each trainee enrolled, including the trainee's name
37 ~~[and],~~ Social Security number, gender, date of birth, date of
38 enrollment, and any date of completion, termination, start in a job or
39 application for a license, any licensing examination result, date of issue
40 of a license or credential issued, and any other information specified
41 by the State Employment and Training Commission or the Center for
42 Occupational Employment Information. For any individual who does
43 not have a Social Security number, the service provider may substitute
44 an alternate method of identification, except that, at the time of start
45 into employment, the alternate code shall be cross-referenced with the

1 individual's valid Social Security number;

2 (2) A record of all administrative and overhead expenses of the
3 provider related to the providing of employment and training services
4 funded by the program and the provider's direct expenses of providing
5 the services; and

6 (3) Any other information deemed appropriate by the commissioner
7 or the State Employment and Training Commission for evaluation
8 purposes.

9 c. In the case of a provider of **[vocational]** occupational training
10 services, the commissioner shall collect the information needed to
11 measure effectively the long-term success of the former trainees of the
12 provider in obtaining permanent employment and increasing earnings
13 over one or more time periods following the completion or other
14 termination of training, including a period of [not less than] two years
15 following the completion or other termination of training. The
16 commission shall set such standards as it deems appropriate regarding
17 comparisons of the former trainees with groups of otherwise similar
18 individuals who did not receive the training. The **[commissioner shall**
19 **use the]** information obtained pursuant to this subsection shall be used
20 to:

21 (1) Assist in evaluating the performance of providers of
22 **[vocational]** occupational training services;

23 (2) Assist in determining which providers of **[vocational]**
24 occupational training services to **[approve pursuant a.**
25 **of this section]** place on the State Eligible Training Provider List; and

26 (3) Assist in providing reliable information regarding the quality of
27 available providers of **[vocational]** occupational training services as
28 part of the counseling provided pursuant to section 4 of this act,
29 including the furnishing, for use in the counseling, including counseling
30 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
31 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
32 c.47, (C.43:21-59), of a consumer report card on service providers
33 showing the long-term success of former trainees of each provider in
34 obtaining permanent employment and increasing earnings over one or
35 more time periods following the completion or other termination of
36 training, including a period of two years following the completion or
37 other termination of training.

38 d. The State Employment and Training Commission, the
39 commissioner, and each service provider shall comply with all
40 pertinent State and federal laws regarding the privacy of students and
41 other participants in employment and training programs, including but
42 not limited to, the Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552
43 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
44 students and participants required by those laws.

45 (cf: P.L.1992, c.48, s.6)

1 6. Section 4 of P.L.1989, c.293 (C.34:15C-1) is amended to read
2 as follows:

3 4. As used in this act:

4 a. "At-risk youth" means a teenage high school dropout or a
5 teenage parent or other teenager whose pattern of behavior is likely to
6 result in becoming a high school dropout.

7 b. "Commission" means the State Employment and Training
8 Commission established pursuant to section 5 of this act.

9 c. ["Employment and training programs" means programs and
10 services which are State or federally funded and designed to develop
11 or maintain the productivity and earning power of workers and job
12 seekers.] "Federal job training funds" means any moneys expended
13 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
14 (29 U.S.C. s.2801 et seq.) or any other federal law to obtain
15 employment and training services or other employment-directed and
16 workforce development programs and activities, including employment
17 and training services as defined in section 1 of P.L.1992, c.48,
18 (C.34:15B-35) and employment-directed and workforce development
19 programs and activities as described in sections 2 and 4 of P.L.2004,
20 c.39 (C.34:1A-1.3 and 34:1A-1.5).

21 d. "Labor demand occupation" means an occupation which:

22 (1) The [New Jersey Occupational Information Coordinating
23 Committee] Center for Occupational Employment Information has,
24 pursuant to subsection [h.] d. of section [1 of P.L.1987, c.457
25 (C.34:1A-76)] 27 of P.L. , c. (C.)(pending before the
26 Legislature as this bill), determined is or will be, on a [Statewide]
27 regional basis, subject to a significant excess of demand over supply
28 for trained workers, based on a comparison of the total need or
29 anticipated need for trained workers with the total number being
30 trained; or

31 (2) The [New Jersey Occupational Information Coordinating
32 Committee] Center for Occupational Employment Information, in
33 conjunction with a [private industry council] Workforce Investment
34 Board, has, pursuant to subsection [h.] d. of section [1 of P.L.1987,
35 c.457 (C.34:1A-76)] 27 of P.L. , c. (C.)(pending before
36 the Legislature as this bill), determined is or will be, in the region for
37 which the [council] board is responsible, subject to a significant
38 excess of demand over supply for adequately trained workers, based
39 on a comparison of total need or anticipated need for trained workers
40 with the total number being trained.

41 e. ["Private industry council" means a private industry council
42 established pursuant to section 18 of this act] "Owner" of a qualifying
43 school means any person who acts as the proprietor of a qualifying
44 school, including any individual who has an ownership interest of five
45 percent or more in the qualifying school.

1 f. (1) "Qualifying school" means, except as provided in paragraph
2 (2) of this subsection f., a government unit, person, association, firm,
3 corporation, private organization, or any entity doing business or
4 maintaining facilities within the State, whether operating on a for
5 profit or not for profit basis, which:

6 (a) Offers or maintains a course of instruction or instructional
7 program utilized to prepare individuals for future education or the
8 workplace, including instruction in literacy or basic skills, or provides
9 supplemental instruction in recognized occupational skills, pre-
10 employment skills or literacy skills;

11 (b) Offers instruction by any method including, but not limited to,
12 classroom, shop, laboratory experience, correspondence, Internet and
13 other distance learning media, or any combination thereof;

14 (c) Offers instruction to the general public or in conjunction with
15 New Jersey's workforce investment system; and,

16 (d) Charges tuition or other fees or costs, or receives public
17 funding for the delivery of any of the above types of instruction.

18 (2) "Qualifying school" does not mean:

19 (a) Colleges and universities licensed by the Commission on Higher
20 Education or other schools, institutions and entities, including public
21 or private schools below college level, which are regulated and
22 approved pursuant to any law of this State other than this 2005
23 amendatory and supplementary act;

24 (b) Employers offering instruction to their employees directly or
25 through a contract instructor, where there is no cost to the employee
26 and no profit to the employer; or

27 (c) Schools offering instruction which is avocational, cultural or
28 recreational in nature.

29 g. "Service provider," "training provider" or "provider" means a
30 provider of employment and training services including, but not limited
31 to, a private or public school or institution of higher education, a
32 business, a labor organization or a community-based organization.

33 h. "State job training funds" means any moneys expended from the
34 Workforce Development Partnership Fund created pursuant to section
35 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
36 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
37 (C.34:15D-21) or any other source of State moneys to obtain
38 employment and training services or other employment-directed and
39 workforce development programs and activities, including employment
40 and training services as defined in section 3 of P.L.1992, c.43,
41 (C.34:15D-3) and employment-directed and workforce development
42 programs and activities as described in sections 2 and 4 of P.L.2004,
43 c.39 (C.34:1A-1.3 and 34:1A-1.5).

44 i. "Workforce Investment Board" means a board established
45 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
46 (29 U.S.C. s.2801 et seq.).

1 j. “Workforce investment programs” means programs and services
2 that are State or federally funded and designed to develop, improve,
3 or maintain the productivity and earning power of workers and job
4 seekers, including employment and training services, as defined in
5 section 1 of P.L.1992, c.48, (C.34:15B-35) and section 3 of P.L.1992,
6 c.43 (C.34:15D-3), and including employment-directed and workforce
7 development programs and activities as described in sections 2 and 4
8 of P.L.2004, c.39 (C.34:1A-1.3 and 34:1A-1.5).

9 k. “Workforce investment services” means core, intensive, and
10 training services as defined by the "Workforce Investment Act of
11 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.)."
12 (cf: P.L.1989, c.293, s.4)

13
14 7. Section 8 of P.L.1989, c.293 (C.34:15C-5) is amended to read
15 as follows:

16 8. The purpose of the commission shall be to develop and assist in
17 the implementation of a State [employment and training] workforce
18 investment policy with the goal of creating a coherent, integrated
19 system of [employment and training] workforce investment programs
20 and services which, in concert with the efforts of the private sector,
21 will provide each citizen of the State with equal access to the learning
22 opportunities needed to attain and maintain high levels of productivity
23 and earning power. The principal emphasis of the [employment and
24 training] workforce investment policy shall be developing a strategy
25 to fill significant gaps in New Jersey's [training and employments]
26 workforce investment efforts, with special attention to finding ways to
27 mobilize and channel public and private resources to individuals who
28 would otherwise be denied access to the training and education they
29 need to make their fullest contribution to the economic well being of
30 the State. To the extent practicable, the strategy shall emphasize types
31 of training and education which foster the communication and critical
32 thinking skills in workers and job seekers which will be of greatest
33 benefit for long term career advancement.

34 (cf: P.L.1989, c.293, s.8)

35
36 8. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read
37 as follows:

38 9. The commission shall:

39 a. Issue the [annual State employment and training plan] New
40 Jersey Unified Workforce Investment Plan pursuant to the provisions
41 of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
42 s.2801 et seq.) and section 10 of this act;

43 b. Establish performance standards for [training and employment]
44 workforce investment programs pursuant to the Workforce Investment
45 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11
46 of this act;

- 1 c. [Conduct its responsibilities in relationship to the New Jersey
2 Institute for Employment and Training Staff Development as required
3 pursuant to section 12 of this act] Act to ensure the full participation
4 of Workforce Investment Boards in the planning and supervision of
5 local workforce investment systems. The commission shall be
6 responsible to oversee and develop appropriate standards to ensure
7 Workforce Investment Board compliance with State and federal law,
8 the State plan, and other relevant requirements regarding membership,
9 staffing, meetings, and functions;
- 10 d. Foster and coordinate initiatives of the [Departments]
11 Department of Education and Commission on Higher Education to
12 enhance the contributions of public schools and institutions of higher
13 education to the implementation of the State [employment and
14 training] workforce investment policy;
- 15 e. Examine federal and State laws and regulations to assess
16 whether those laws and regulations present barriers to achieving any
17 of the goals of this act. The commission shall, from time to time as it
18 deems appropriate, issue to the Governor and the Legislature reports
19 on its findings, including recommendations for changes in State or
20 federal laws or regulations concerning [employment and training]
21 workforce investment programs or services, including, when
22 appropriate, recommendations to merge other State advisory
23 structures and functions into the commission;
- 24 f. Perform the duties assigned to a State [job training coordinating
25 council] Workforce Investment Board pursuant to subsection (d) of
26 section [122] 111 of [Title I of the "Job Training Partnership Act,"
27 Payable-300 (29 U.S.C. s. 1532) and Title III of that act (29 U.S.C.
28 s. 1651 et seq.)] the Workforce Investment Act of 1998, Pub.L.105-
29 220 (29 U.S.C. s.2821);
- 30 g. Have the authority to enter into agreements with the
31 [commissioner or chancellor, as the case may be,] head of each State
32 department or commission which administers or funds education,
33 employment or training programs, including, but not limited to, the
34 Departments of Labor and Workforce Development, Community
35 Affairs, Education, [Higher Education,] and Human Services and the
36 Commission on Higher Education, the New Jersey Commerce,
37 Economic Growth and Tourism Commission, and the Juvenile Justice
38 Commission, which agreements are for the purpose of assigning
39 planning, policy guidance and oversight functions to each [private
40 industry council] Workforce Investment Board with respect to any
41 [employment or training] workforce investment program funded or
42 administered by the State department or commission within the
43 [private industry council's] Workforce Investment Board's respective
44 labor market area or [service delivery] local area, as the case may be;
45 and

1 h. Establish guidelines to be used by the [private industry
2 councils] Workforce Investment Boards in performing the planning,
3 policy guidance, and oversight functions assigned to the [councils]
4 boards under any agreement reached by the commission with a
5 department or commission pursuant to subsection g. of this section.
6 The commission shall approve all local Workforce Investment Board
7 plans that meet the criteria established by the commission for the
8 establishment of One-Stop systems. The Department of Labor and
9 Workforce Development shall approve the operational portion of the
10 plans for programs administered by the department.

11 The commission shall have access to all files and records of other
12 State agencies and may require any officer or employee therein to
13 provide such information as it may deem necessary in the performance
14 of its functions.

15 Nothing in P.L. _____, c. _____ (C. _____) (pending before the Legislature
16 as this bill) shall be construed as affecting the authority of the
17 Commissioner of Personnel to review and approve training programs
18 for State employees pursuant to N.J.S.11A:6-25;
19 (cf: P.L.1989, c.293, s.9)

20

21 9. Section 10 of P.L.1989, c.293 (C.34:15C-7) is amended to read
22 as follows:

23 10. The commission shall [annually issue] prepare a [State
24 employment and training plan] New Jersey Unified Workforce
25 Investment Plan. The plan shall include:

26 a. A description of the State [employment and training] workforce
27 investment policy developed pursuant to section 8 of this act;

28 b. An assessment and an evaluation of the demand for various
29 kinds of trained workers in New Jersey and recommendations on how
30 to direct the State's [employment and training] workforce investment
31 efforts to be most effective in using that demand to increase the
32 productivity and earning power of the work force;

33 c. [Estimates of the numbers of individuals who are eligible for or
34 in need of different types of training and employment services, the
35 percentage of them who currently receive each type of service from
36 either the public or private sectors, and comprehensive proposals for
37 increasing the percentage of eligible individuals who receive each type
38 of service, with priority given to those individuals who are confronted
39 with the most serious difficulties in obtaining the education and
40 training they need to attain their full productive and earning
41 potentials;] (Deleted by amendment, P.L. _____, c. _____.)

42 d. A description of any performance standards established pursuant
43 to section 11 of this act and remedial [education] instruction
44 standards established pursuant to section 14 of this act and any
45 evaluation of [an employment and training programs] workforce

1 investment activities based on those standards;

2 e. Evaluations of other existing [employment and training]
3 workforce investment programs, their goals and structures, and the
4 consistency of each program with the State [employment and training]
5 workforce investment policy developed by the commission;

6 f. (1) Evaluations of the organizational structures, functions and
7 activities of governmental agencies performing advisory functions or
8 activities in relation to [employment and training] workforce
9 investment programs or services, including advisory functions and
10 activities performed in connection with vocational education, adult
11 education, apprenticeship, vocational rehabilitation and human services
12 programs; and

13 (2) Recommendations to the Governor about coordination of the
14 State's efforts in these program areas, including, if the commission
15 deems appropriate, a recommendation to the Governor for the transfer
16 of these advisory functions and activities to the jurisdiction of the
17 commission; and

18 g. Recommendations for any other changes the commission deems
19 appropriate in the overall structure of the State's [employment and
20 training] workforce investment system, including the consolidation of
21 duplicative programs and services and the reallocation of State and
22 federal funds to the agencies able to make the best use of those funds.

23 [Each report] The New Jersey Unified State Workforce Investment
24 Plan shall be submitted to the Governor, the Legislature and each
25 department charged with the operation of any program or service
26 which is evaluated by the commission or the subject of a
27 recommendation in the report consistent with the timetable established
28 by the federal Workforce Investment Act of 1998, Pub.L.105-220 (29
29 U.S.C. s.2801 et seq.).

30 The New Jersey Unified State Workforce Investment Plan shall be
31 a strategic unified workforce investment plan encompassing all of the
32 required and optional One-Stop partners prescribed by the federal
33 Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801
34 et seq.). The plan is intended to create a comprehensive workforce
35 investment system in New Jersey. The programs included in the plan
36 shall include but not be limited to workforce investment-related
37 activities and programs authorized under: the Carl D. Perkins
38 Vocational and Applied Technology Education Amendments of 1998,
39 Pub.L.105-332 (20 U.S.C. s 2301 et. seq.); the Workforce Investment
40 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.), including
41 activities for adults, dislocated workers and youth under Title I of that
42 act and adult education and family literacy programs under Title II of
43 that act; the Work First New Jersey program established pursuant to
44 P.L.1997, c.38 (C.44:10-55 et seq.); the federal "Personal
45 Responsibility and Work Opportunity Reconciliation Act of 1996,"
46 Pub.L.104-193 (42 U.S.C. 601 et seq.); the federal Food and

1 Agricultural Act of 1977, Pub.L.95-113 (7 U.S.C. 2011 et seq.);
2 chapter 2 of Title II of the Trade Act of 1974, Pub.L.93-618 (19
3 U.S.C. s.2102 et seq.); the Wagner-Peyser Act (29 U.S.C. s.49 et
4 seq.); Part B of Title I of the "Rehabilitation Act of 1973" (29 U.S.C.
5 s.701 et seq.); 38 U.S.C. s.4100 et seq. and 38 U.S.C. s.4200 et seq.,
6 including veterans' employment, disabled veterans' outreach, and local
7 veterans' employment representative programs; the "unemployment
8 compensation law," R.S.43:21-1 et seq.; the "Older Americans Act of
9 1965" (42 U.S.C. s.3001 et seq.); Titles V and XIX of the Social
10 Security Act (42 U.S.C. s.701 et seq. and 42 U.S.C. s.1396 et seq.);
11 U.S. Department of Housing and Urban Development Community
12 Development Block Grants, public housing programs; and Community
13 Services Block Grant Act; and the State Workforce Development
14 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), including
15 individual grants, customized training, youth transition to work,
16 occupational health and safety training, tuition waivers and basic skills
17 including literacy.

18 The commission may, at any other time as it deems appropriate,
19 issue additional reports to the Governor and the Legislature
20 concerning any of the subjects addressed in the [annual State
21 employment and training plan] New Jersey Unified Workforce
22 Investment Plan. Significant changes in the economy or technology or
23 in federal or State policy on any area included in the workforce
24 investment system may result in modifications to the plan.

25 The commission shall conduct a periodic, comprehensive evaluation
26 of the activities of the workforce investment system and make a
27 periodic report to the Governor and the Legislature regarding the
28 effectiveness of the workforce investment system in implementing the
29 purposes of this act.

30 (cf: P.L.1989, c.293, s.10)

31

32 10. Section 11 of P.L.1989, c.293 (C.34:15C-8) is amended to
33 read as follows:

34 11. a. The commission shall establish quantifiable performance
35 standards for evaluating [each employment and training program] the
36 workforce investment system, and guidelines for procedures to
37 encourage and enforce compliance with those standards. The
38 commission shall establish the standards and procedures in conjunction
39 with [the Department of Labor and] any [other] department or
40 commission which funds or administers [the program] workforce
41 investment programs.

42 The standards shall be designed to measure the success of [each
43 program] the system in assisting the individuals it serves to attain and
44 maintain high levels of productivity and earning power, through
45 preparation for employment in occupations with significant
46 opportunities for career advancement. The standards shall take into

1 account the specific needs and characteristics of the target populations
2 [which the programs serve].

3 b. Each [employment and training] workforce investment
4 program, including any program funded or established pursuant to
5 [P.L.1983, c.328 (C.34:15B-11 et al.), P.L.1987, c.71 (C.34:15B-27
6 et seq.), the "Job Training Partnership Act," Payable-300 (29 U.S.C.
7 s.1501 et seq.), or Title VI of the "Omnibus Trade and
8 Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. s.5001 et
9 al.)] the Workforce Investment Act of 1998, Pub. L. 105-220 (29
10 U.S.C. s. 2901 et seq.) the Carl D. Perkins Vocational and Applied
11 Technology Education Amendments of 1998, Pub.L.105-332 (20
12 U.S.C. s.2301 et seq.), or the State Workforce Development
13 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), is hereby
14 deemed to be subject to the performance standards and guidelines
15 established pursuant to subsection a. of this section. The performance
16 standards for the program shall be based on factors including, but not
17 limited to:

18 (1) The percentage of trainees who are placed, following
19 completion of the program, in employment in the occupation for which
20 they are trained or who are enrolled for further education or training,
21 if those enrollments are a goal of the program;

22 (2) The success of the program in sustaining or increasing the
23 trainees' levels of earnings, based on the wage levels upon placement
24 in employment, and the trainees' [potential for further advancement.
25 The factors indicated in this paragraph shall be given a weight of not
26 less than 20% in the evaluation of the program, unless enrollment for
27 further education or training is a goal of the program] retention in
28 employment; and

29 (3) [The percentage of trainees served by the program who are
30 designated under the performance standards as having the greatest
31 need for the services provided by the program, based on criteria
32 appropriate to the program; and] (Deleted by amendment, P.L. _____,
33 c. _____)

34 (4) The success of the program in facilitating the remedial
35 [education] instruction which the program is required to make
36 available to trainees under standards established pursuant to section 14
37 of this act.

38 In establishing performance standards, the commission shall not use
39 criteria which may adversely affect the assessment of a program
40 because of any emphasis the program may have on long-term
41 [vocational] occupational training and [education] instruction.

42 The commission shall establish dates by which each department
43 administering [employment and training] workforce investment
44 programs shall adopt the standards and guidelines for use in the
45 planning, budgeting and administration of those programs.

1 The standards shall apply to a program which is State or federally
2 funded except to the extent that application of the standards would
3 prevent the program from receiving the federal funding.

4 (cf: P.L.1989, c.293, s.11)

5
6 11. Section 13 of P.L.1989, c.293 (C.34:15C-10) is amended to
7 read as follows:

8 13. The commission shall establish such requirements as it deems
9 appropriate for each [~~employment and training~~] workforce investment
10 program to utilize[: the New Jersey Career Information Delivery
11 System for the delivery of individual career decision-making
12 information; and the comprehensive occupational information system
13 designed and implemented by the New Jersey Occupational
14 Information Coordinating Committee pursuant to P.L.1987, c.457
15 (C.34:1A-76 et seq.) for program planning. The New Jersey Career
16 Information Delivery System shall be used by entities administrating
17 job training programs within service delivery areas established
18 pursuant to the provisions of the "Job Training Partnership Act,"
19 Payable-300 (29 U.S.C. s.1501 et seq.), unless it is demonstrated that
20 alternative services are more effective for the delivery of individual
21 career decision-making information] the comprehensive occupational
22 information compiled and disseminated by the Center for Occupational
23 Employment Information established pursuant to section 27 of
24 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill)
25 and other information developed cooperatively by the Department of
26 Labor and Workforce Development and the commission for program
27 planning and individual career decision-making.

28 (cf: P.L.1989, c.293, s.13)

29
30 12. (New section) a. The State Employment and Training
31 Commission shall select industries in which a growing or unmet
32 demand for skilled workers, professionals or other personnel provides
33 an opportunity to generate significant growth in employment or
34 careers providing access to self-sufficiency and shall create State-level
35 industry task forces consisting of key stakeholders in each selected
36 industry to analyze the most significant mismatches between labor
37 supply and demand in the industry and develop State-wide strategies
38 to rectify those mismatches. The membership of each task force shall
39 be selected by the commission and shall include leaders of businesses,
40 labor unions, professional associations and other stakeholders in the
41 industry and representatives from State departments and agencies
42 which the commission determines may be of assistance in rectifying the
43 mismatches of supply and demand.

44 b. The commission shall select Workforce Investment Boards and
45 direct them to create regional planning bodies to address the
46 workforce needs in the regions under the jurisdictions of the boards

1 of specific industries, occupations or career clusters in which a
2 growing or unmet demand for skilled workers, professionals or other
3 personnel provides an opportunity to generate significant growth in
4 employment or careers providing self-sufficiency. The membership of
5 each regional planning body shall include representatives of Workforce
6 Investment Boards and One Stop Career Center partners and leaders
7 of businesses, labor unions and professional associations and other
8 stakeholders of the industries, occupations, career clusters or
9 employers in the region. The region under a regional planning body
10 shall be selected by the commission to enhance local delivery systems
11 by providing meaningful geographic boundaries for labor market
12 rationalization. The region selected for one industry, occupation or
13 career cluster may be different from the region selected for another
14 industry, occupation or career cluster. The size of regions under
15 regional planning bodies may vary in accordance with the
16 concentration of the relevant work forces or in accordance with other
17 factors. The commission may also determine any areas outside of the
18 State which would benefit from a joint effort with a regional planning
19 body and direct the body to seek cooperation with the Workforce
20 Investment Board or boards outside of the State that have jurisdiction
21 over those areas.

22 c. The purpose of each regional planning body shall be to develop,
23 for its area of jurisdiction, strategies to match labor market supply and
24 demands and support a demand-side focus anchoring the employment
25 and training system to the labor market in a manner which increases
26 opportunities for employment and careers providing access to self-
27 sufficiency. Those strategies may include job skill training and
28 utilization of labor market and demographic information to match the
29 location of jobs with the residence of workers. The planning for the
30 development of the strategy shall include an analysis of the adequacy
31 of the transportation system to get the workers to the jobs and the
32 suitability of the training being offered in an area for the needs of the
33 local workplace, and shall take into consideration any State-wide
34 strategy developed by a State-wide industry task force pursuant to
35 subsection a. of this section which is relevant to the jurisdiction of the
36 regional planning body.

37 d. The Legislature finds and declares that the current and growing
38 shortage of skilled and credentialed health care professionals,
39 paraprofessionals, and entry-level workers has reached crisis
40 proportions. The commission shall establish a State-level industry
41 taskforce on the health care industry, as well as regional planning
42 bodies on the health care industry in each region designated by the
43 commission, to address this problem and promote enduring
44 partnerships among employers, labor unions, professional associations
45 and other stakeholders in the health care industry, the public
46 workforce investment system, primary, secondary and postsecondary

1 education, and social service providers to develop and sustain
2 solutions in the areas of recruitment, retention, training and education
3 capacity-building in that industry in a manner which increases
4 opportunities for employment and careers providing access to self-
5 sufficiency.

6
7 13. (New section) a. A qualifying school shall make a written
8 application to the Commissioner of Labor and Workforce
9 Development for a certificate of approval, and shall not be permitted
10 to operate unless it receives the certificate of approval issued by the
11 Commissioner of Labor and Workforce Development and the
12 Commissioner of Education pursuant to the rules that they
13 promulgate. The application shall be in the form prescribed by the
14 commissioners and shall furnish the information required by the
15 commissioners. Upon receipt of this application, with the required
16 documentation, the Commissioner of Labor and Workforce
17 Development shall cause to be conducted an evaluation of the
18 applicant school prior to the issuance of a certificate of approval. The
19 certificate shall be in a form prescribed by the Commissioners of Labor
20 and Workforce Development and Education and shall be prominently
21 displayed so that it is visible to the general public. The certificate is
22 issued to the applicant owner and school and is nontransferable. In the
23 event of a change of ownership, the new owner is required to apply for
24 a change in ownership subject to the conditions and fees prescribed by
25 the Commissioner of Labor and Workforce Development and prior to
26 the issuance of a new certificate of approval. Approval shall also be
27 required for changes in location and any additional locations. Program
28 and course curricula and instructional personnel and administrator
29 credentials shall be submitted for approval and contain sufficient
30 information for proper evaluation as determined by the Commissioner
31 of Education. The personnel of a qualifying school shall meet the
32 qualifications set forth by the Commissioners of Labor and Workforce
33 Development and Education in order to own, operate, market,
34 supervise, or offer instruction.

35 b. A casino gaming school shall not receive a certificate of
36 approval pursuant to subsection a. of this section unless the school is
37 licensed by the New Jersey Casino Control Commission pursuant to
38 subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92).

39 c. An applicant shall not be issued a certificate of approval if, upon
40 the review and consideration of the submitted application, the
41 application is found to be not in accordance with the rules and
42 regulations set forth by the Commissioners of Labor and Workforce
43 Development and Education. The Commissioners of Labor and
44 Workforce Development and Education may revoke, suspend, or place
45 reasonable conditions upon the continued approval represented by the
46 certificate. Prior to revocation, the Commissioners of Labor and

1 Workforce Development and Education shall notify the holder in
2 writing of the impending action and set forth the grounds for the
3 action. The Commissioners of Labor and Workforce Development and
4 Education may reexamine a school during the year in which notice or
5 conditions have been imposed. A certificate of approval may be
6 revoked, suspended, or made conditional if the Commissioners of
7 Labor and Workforce Development and Education have reasonable
8 cause to believe that the school is guilty of violating this section or any
9 of the rules adopted under this section or is found to be financially
10 unsound.

11 d. An approved qualifying school shall maintain a permanent
12 student record for each student enrolled. This information shall
13 include, but not be limited to, the student's Social Security number,
14 gender, date of birth, date of enrollment, and any date of completion,
15 date of termination, date of start in a job, date of application for a
16 license, licensing examination result, date of issue of a license, any
17 credential issued, and other information as specified by the State
18 Employment and Training Commission or the Center for Occupational
19 Employment Information. For any individual who does not have a
20 Social Security number, the qualifying agency may substitute an
21 alternate method of identification, except that, at the time of start into
22 employment the alternate code shall be cross-referenced with the
23 individual's valid Social Security number. The applicant school shall
24 submit a record retention plan to the Commissioner of Labor and
25 Workforce Development that describes the method by which a student
26 or other legitimate requester may obtain a copy of the permanent
27 record verifying attendance and academic achievement of a student at
28 the school. The plan shall identify the organization or individual
29 responsible for maintaining and responding to requests for and
30 distributing records in the event that the school ceases operation or
31 closes. The Department of Labor and Workforce Development and
32 the Department of Education may adopt additional regulations
33 prescribing the manner in which student records, including transcripts,
34 shall be maintained and distributed, and regulations setting penalties
35 for failure to comply with an approved record retention plan.

36 e. An approved qualifying school shall be open for monitoring and
37 inspection to any officer, representative or agent designated by the
38 Commissioners of Labor and Workforce Development and Education.
39 The Departments of Labor and Workforce Development and
40 Education shall conduct examinations of all facilities and methods of
41 operating, as they deem appropriate.

42 f. The Departments of Labor and Workforce Development and
43 Education shall continue to oversee the proper conduct of qualifying
44 schools and shall maintain rules governing curricula, qualifications of
45 instructors and supervisors, facilities, record keeping requirements and
46 any other matters essential to the maintenance of quality instruction

1 and the business integrity of qualifying schools.

2 g. An approved qualifying school shall submit an annual report to
3 the Commissioner of Labor and Workforce Development. The annual
4 report shall include, but not be limited to, enrollment information,
5 post-training placement information and tuition received as well as an
6 electronic or paper copy of student transcripts. Failure to furnish the
7 required report shall be just cause for the commissioner to amend,
8 suspend or revoke the approval to operate as previously granted by
9 whatever governmental entity, or to take other appropriate actions.
10 The annual report shall be for the period of July 1 through June 30 of
11 the preceding year and shall be submitted, not later than 30 calendar
12 days after the close of the reporting period, in the format and on the
13 forms provided by the commissioner. A qualifying school shall also
14 submit any additional reports as requested by the commissioner on a
15 more frequent basis. A qualifying school shall submit the name and
16 Social Security number of each newly enrolled student on a reporting
17 basis to be established by the commissioner.

18 h. Objective performance standards and measures for evaluating
19 qualifying schools shall be jointly developed and implemented by the
20 State Board of Education and the New Jersey State Employment and
21 Training Commission. Policy makers and consumers shall be provided
22 with information concerning approved programs and shall be provided
23 access to a consumer report card on the effectiveness of the qualifying
24 schools on the State Eligible Training Provider List showing the
25 long-term success of former trainees of each qualifying school in
26 obtaining permanent employment and increasing earnings over one or
27 more time periods following the completion or other termination of
28 training, including a period of two years following the completion or
29 other termination of training.

30 i. Any State or federal funds which become available for the school
31 approval functions performed by the Department of Labor and
32 Workforce Development or the Department of Education, as described
33 in this act, shall be appropriated to the respective department for the
34 regulation and oversight of qualifying schools pursuant to the
35 provisions of this act.

36 j. The Commissioner of the Department of Labor and Workforce
37 Development shall, in consultation with the Department of Education,
38 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
39 c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to
40 establish approval and renewal fees and to effectuate the provisions of
41 this section. Existing rules and regulations, as of the effective date of
42 P.L. , c. (C.) (pending before the Legislature as this bill), shall
43 remain in effect for one year or until rules and regulations adopted
44 pursuant to this subsection replace them.

45

46 14. (New section) a. The Department of Labor and Workforce

1 Development shall maintain a Statewide list of approved training
2 providers known as the State Eligible Training Provider List. In order
3 to be placed and retained on the list, a training provider shall meet:

4 (1) The requirements of section 122 of the "Workforce Investment
5 Act of 1998, Pub.L.105-220 (29U.S.C. s.2842);

6 (2) The requirements of this section;

7 (3) Any requirement applicable to that training provider pursuant
8 to section 13 of P.L. , c. (C.) (pending before the
9 Legislature as this bill), section 6 of P.L.1992, c.48 (C.34:15B-40) and
10 section 6 of P.L.1992, c.43 (C.34:15D-8);

11 (4) All reporting requirements of section 29 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill); and

13 (5) Any other requirements established by the State Employment
14 and Training Commission.

15 No training provider who is not an approved training provider
16 included on the State Eligible Training Provider List shall receive any
17 federal job training funds or State job training funds.

18 b. In order to be placed on the State Eligible Training Provider
19 List, each training provider, including a school, shall obtain approval
20 from an authorized government agency. Any provider that is not
21 aligned with a specific cognizant agency shall be required to obtain
22 approval from the Department of Labor and Workforce Development.
23 Authorized government agencies shall include, but are not limited to,
24 the following:

25 (1) The Commission on Higher Education: The commission shall
26 approve programs from all institutions under its jurisdiction. This
27 approval includes course work for degrees and certificates awarded by
28 higher education institutions including public and private institutions.

29 (2) The Department of Education: The Department of Education
30 shall approve all institutions in its jurisdiction. Programs operated by
31 the Division of Vocational Rehabilitation Services shall be approved
32 by the Department of Education cooperatively with the Department of
33 Labor and Workforce Development. Private schools controlled or
34 operated by a charitable institution or any school controlled or
35 operated by a religious denomination requesting to be included on the
36 State Eligible Training Provider List shall be approved by the
37 Department of Labor and Workforce Development in consultation
38 with the Department of Education or any other appropriate State
39 agency. Appropriate fees may be charged for certification and annual
40 renewal.

41 (3) State departments responsible for licensing: Training providers
42 are approved by any State department authorized to license training
43 providers for specific training programs.

44 (4) The federal Government: Training providers required to be
45 approved by an agency of the federal government shall be included on
46 the State Eligible Training Provider List after submission of the

1 application and documentation indicating approval by the appropriate
2 agency.

3 (5) Out-of-state approval: Training providers located in other
4 states may be on the State Eligible Training Provider List if they
5 demonstrate that they are approved by an appropriate state agency in
6 the state in which they are located. Those providers shall complete the
7 appropriate application process, submit to the Center for Occupational
8 Employment Information proof of their approval, agree to the
9 established reports, agree to any other requirements established for in-
10 State providers, and comply with the specific requirements of the
11 funding source.

12 c. Where applicable, training programs shall align with or use
13 existing nationally recognized, industry-based skill standards and
14 certifications as the basis for developing competency-based learning
15 objectives, curricula, instructional methods, teaching materials and
16 worksite activities; prepare students to satisfy employer knowledge
17 and skill requirements assessed by related examination, and provide
18 students with the opportunity to take exams and receive certifications
19 or licenses.

20 d. Each training provider shall apply to be placed on the State
21 Eligible Training Provider List and provide a record for each trainee
22 enrolled. This information shall include, but not be limited to, the
23 participant's Social Security number, gender, date of birth, date of
24 enrollment, any date of completion, date of termination, date of start
25 in a job, date of application for a license, licensing examination result,
26 date of issue of a license, any credential issued, and other information
27 as specified by the State Employment and Training Commission or
28 Center for Occupational Employment Information. For individuals
29 who do not have a Social Security number, the qualifying agency may
30 substitute an alternate method of identification, except that, at the time
31 of start into employment, the alternate code shall be cross-referenced
32 with the individual's valid Social Security number. In addition, the
33 training provider shall agree to provide any other information deemed
34 appropriate by the State Employment and Training Commission, the
35 Department of Labor and Workforce Development and the
36 Department of Education for evaluation purposes.

37 e. Every training provider shall provide access for on site visitation
38 and monitoring by the State or its designee upon request.

39 f. Objective performance standards and measures for evaluating
40 training providers shall be jointly developed and implemented by the
41 State Board of Education and the New Jersey State Employment and
42 Training Commission. Policy makers and consumers shall be provided
43 with information concerning training providers on the State Eligible
44 Training Provider List and shall be provided a consumer report card
45 on the effectiveness of those training providers showing the long-term
46 success of former trainees of each provider in obtaining permanent

1 employment and increasing earnings over one or more time periods
2 following the completion or other termination of training, including a
3 period of two years following the completion or other termination of
4 training.

5 g. Any qualifying school which has a currently valid certificate of
6 approval issued pursuant to section 13 of P.L. , c. , (C.)
7 (pending before the Legislature as this bill) and complies with all
8 requirements of this section applicable to the school shall be placed on
9 State Eligible Training Provider List and any qualifying school which
10 has its certificate revoked or suspended shall be removed from the list
11 until the certification is reinstated.

12

13 15. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to
14 read as follows:

15 14. a. The commission shall foster and coordinate workforce
16 investment initiatives of all State Departments. It shall promote
17 initiatives of the Department of Education and the [Department of]
18 Commission on Higher Education to maximize the contributions of the
19 State's public schools and institutions of higher education in
20 implementing the State [employment and training] workforce
21 investment policy developed by the commission. The commission shall
22 foster and coordinate initiatives of the Department of Education and
23 the [Department of] Commission on Higher Education [which] that
24 will enhance the State's efforts to assist at-risk youths in achieving
25 educational success and making successful transitions to work. The
26 commission shall foster initiatives of the [Department of] Commission
27 on Higher Education among institutions of higher education [which]
28 that will enhance the State's [employment and training] workforce
29 investment efforts, including: the coordination of vocational programs
30 between institutions; more use of facilities at institutions which
31 provide education at or above the level of county colleges, including,
32 but not limited to, the Advanced Technology Centers established
33 pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103
34 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.),
35 P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106
36 (C.18A:64J-22 et seq.); developing more programs to offer four year
37 degrees for working students who attend only at nights and on
38 weekends; and expanding programs which provide college credit for
39 training and educational experiences outside of traditional academic
40 contexts.

41 b. The commission shall have the responsibility, jointly with the
42 Department of Education, the Department of Labor and Workforce
43 Development and the [Department of] Commission on Higher
44 Education, to: (1) establish standards regarding the minimum levels of
45 remedial [education] instruction which shall be made available to a

1 trainee under any [employment and training] workforce investment
2 program, including any program of training undertaken in connection
3 with additional unemployment compensation benefits provided
4 pursuant to the provisions of P.L.1992, c.47 (C.43:21-57 et al.) or any
5 program funded or established pursuant to the "1992 New Jersey
6 Employment and Workforce Development Act," P.L.1992, c.43
7 (C.34:15D-1 et al.)[,] or the ["Job Training Partnership Act,"
8 Payable-300 (29 U.S.C. s.1501 et seq.), or Title VI of the "Omnibus
9 Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C.
10 s.5001 et al.)] Workforce Investment Act of 1998, Pub. L. 105-220
11 (29 U.S.C. s.2801 et seq.); and (2) coordinate the development of
12 appropriate intake and assessment instruments and procedures for the
13 assessment of persons seeking access to [employment and training]
14 workforce investment programs. The remedial [education] instruction
15 standards shall be determined through the use of common diagnostic
16 tools, curricula, and evaluation techniques, and shall take into account
17 the differing needs and characteristics of the various target populations
18 which the programs serve. The remedial [education] instruction
19 standards shall be based on evaluations of the minimum levels of basic
20 skills needed to succeed in particular types of [vocational]
21 occupational training offered under the programs and any additional
22 improvements in basic skills needed by individuals of each target
23 population to successfully adapt to the State's changing economy. The
24 standard for the minimum level of remedial [education which]
25 instruction that shall be made available to an individual receiving the
26 [vocational] occupational training for a particular occupation shall not
27 be less than the level necessary to attain the minimum basic skill levels
28 indicated as needed for that occupation in the [Dictionary of
29 Occupational Titles issued by the United States Department of Labor.]
30 Bureau of Labor Statistics' Occupational Information Network, or
31 "O*NET." The commission, the Department of Education, the
32 Department of Labor and Workforce Development and the
33 [Department of] Commission on Higher Education, may jointly set
34 this standard at a higher level, but if they do not, the level indicated in
35 the [Dictionary of Occupational Titles] Bureau of Labor Statistics'
36 Occupational Information Network, or "O*NET," shall be regarded as
37 the established standard.
38 (cf: P.L.1992, c.48, s.9)

39

40 16. Section 15 of P.L.1989, c.293 (C.34:15C-12) is amended to
41 read as follows:

42 15. a. The chairperson of the commission shall prepare an annual
43 budget for the commission. Resources to support the activities of the
44 commission and commission staff shall be contributed by each of the
45 State's workforce investment system's partner State departments. Up

1 to 15 percent of allowable State administrative funds from all federally
2 supported and State-supported workforce investment programs may
3 be used to support the commission.

4 b. Funding for the commission and local Workforce Investment
5 Boards shall be obtained from all workforce investment programs.
6 Funding shall be established cooperatively by the departments who are
7 partners to the workforce investment system. The Commissioner of
8 Labor and Workforce Development, in consultation with the
9 commission, shall set criteria and standards for any Workforce
10 Investment Board administrators hired with these administrative
11 resources.

12 (cf: P.L.1989, c.293, s.15)

13
14 17. Section 18 of P.L.1989, c.293 (C.34:15C-15) is amended to
15 read as follows:

16 18. a. [There shall be a private industry council for each service
17 delivery area.] Each workforce investment area shall be under the
18 jurisdiction of a Workforce Investment Board. Each [service
19 delivery] local workforce investment area established by the Governor
20 shall have the same boundaries as the labor market area of which it is
21 a part, except in cases where the boundaries are different because the
22 Governor is required, pursuant to section [101 of Payable-300 (29
23 U.S.C. s. 1511)] 116 of Pub. L. 105-220 (29 U.S.C. s. 2831), to
24 approve a request to be a [service delivery] workforce investment
25 area [made by a unit of general local government with a population of
26 200,000 or more, or a consortium of contiguous units of general local
27 government with an aggregate population of 200,000 or more which
28 serves a substantial part, but not all, of the labor market area].

29 b. Each [private industry council] Workforce Investment Board
30 shall be in conformity with section [102 of Payable-300 (29 U.S.C. s.
31 1512)] 116 of Pub. L. 105-220 (29 U.S.C. s.2831) and the guidelines
32 issued by the State Employment and Training Commission and shall
33 consist of:

34 (1) Representatives of [the private sector, who shall constitute a
35 majority of the membership of the council and who shall be owners of
36 business concerns, chief executives or chief operating officers of
37 nongovernmental employers, or other private sector executives who
38 have substantial management or policy responsibility; and] businesses
39 who:

40 (a) Are owners of businesses, chief executives or operating officers
41 of businesses, and other business executives or employers with
42 optimum policy making or hiring authority;

43 (b) Represent businesses with employment opportunities that
44 reflect the employment opportunities of the local area;

45 (c) Are appointed from among individuals nominated by local

- 1 business organizations and business trade associations; and
2 (d) Constitute a majority of the membership of the local board;
3 (2) Representatives of [organized labor, rehabilitation agencies,
4 community-based organizations, economic development agencies, the
5 public employment service and educational agencies which are
6 representative of all educational agencies in the service delivery area]
7 local educational entities who:
8 (a) Are representatives of local educational agencies, local school
9 boards, entities providing adult education and literacy activities,
10 county vocational technical schools and post-secondary educational
11 institutions, including representatives of community colleges; and
12 (b) Are selected from nominations by regional or local educational
13 agencies, institutions or organizations representing such local
14 educational entities;
15 (3) Representatives of local area labor organizations who are
16 nominated by local labor federations;
17 (4) Representatives of community-based organizations including
18 organizations representing individuals with disabilities, organizations
19 representing veterans, and faith-based organizations;
20 (5) Representatives of local economic development agencies
21 including private sector entities;
22 (6) Representatives of each of the One-Stop partners; and
23 (7) Representatives that chief elected officials deem appropriate for
24 board membership.

25 The [chairman] chairperson of the [council] board shall be
26 selected from among members of the [council] board who are
27 representative of [the private sector] business in the local area.

28 c. Members of the [council] board shall be appointed from among
29 individuals nominated by appropriate organizations in accordance with
30 section [102 of Payable-300 (29 U.S.C. s. 1512)] 117 of Pub. L. 105-
31 220 (29 U.S.C. s.2832). If there is only one unit of general local
32 government in the [service delivery] local area with experience in
33 administering [job training] workforce investment programs, the chief
34 elected official of that unit shall determine the initial number of
35 members on the [council] board and shall appoint the members. If
36 there are two or more units in the [service delivery] local area with
37 experience in administering job training programs, the chief elected
38 officials of those units shall, in accordance with an agreement entered
39 into by all of those units, determine the initial number of members on
40 the [council] board and appoint the members. In the absence of an
41 agreement by all of the units, the Governor shall determine the initial
42 number of members on the [council] board and appoint the members.
43 Members shall be appointed for fixed and staggered terms and may
44 serve until their successors are appointed. A vacancy in the
45 membership of the [council] board shall be filled in the same manner

1 as the original appointment. A member of the [council] board may be
2 removed for cause in accordance with procedures established by the
3 [council] board.

4 d. The Governor shall certify a [private industry council] board if
5 [he determines] it is determined that [its] the board's composition
6 and appointments are consistent with the provisions of this section and
7 [Payable-300 (29 U.S.C. s. 1501 et seq.)] section 117 of Pub. L. 105-
8 220 (29 U.S.C. s.2832) and the requirements of the State Employment
9 and Training Commission. The certification shall be made or denied
10 not later than 30 days after the date on which a list of members and
11 necessary supporting documentation are submitted to the Governor.
12 The [council] board shall, within 30 days after its certification by the
13 Governor, be convened by the official or officials who made the
14 appointments to the [council] board under subsection c. of this
15 section. The [council] board shall meet at least four times per year,
16 with meetings open to attendance by interested persons pursuant to the
17 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

18 e. Each [private industry council] Workforce Investment Board
19 established pursuant to this act shall:

20 (1) Provide policy guidance for, and exercise oversight with
21 respect to, all [employment and training] workforce investment
22 programs within its labor market area in partnership with the unit or
23 units of general local government within the area. To provide the
24 policy guidance and oversight, the [council] board shall review and
25 evaluate the programs and, as appropriate, make recommendations to
26 the Governor, the Legislature, or any State agency or local governing
27 entity involved in the funding or administration of the programs. The
28 recommendations shall be based primarily on how effective each
29 program is in meeting relevant performance standards, including
30 standards regarding the cost and quality of training and the
31 characteristics of participants. The [council] board shall provide any
32 planning, policy guidance or oversight with respect to [employment
33 and training] workforce investment programs in accordance with any
34 agreement entered into pursuant to subsection g. of section 9 of this
35 act by the commission and the department administering or funding the
36 programs.

37 (2) Establish skill level and competency guidelines, which may be
38 above the criteria established by the commission, consistent with the
39 provisions of this act to be used as a basis for the selection of skill
40 training programs and competency curriculum in its [service delivery]
41 local area;

42 (3) Assist in the development, approval and submission of the State
43 [employment services] workforce investment operating plan for its
44 labor market area;

45 (4) Prepare [and], approve and submit to the Department of Labor

1 and Workforce Development and the State Employment and Training
2 Commission a budget for itself in accordance with the [job training
3 plan adopted pursuant to Payable-300 (29 U.S.C. s. 1501 et seq.)]
4 Workforce Investment Act of 1998, Pub. L. 105-220 (29 U.S.C. s.
5 2801 et seq.);

6 (5) Submit to the State Employment and Training Commission, by
7 September 1 of each year, an annual report covering the immediately
8 preceding program period of July 1 to June 30. The report shall
9 contain:

10 (a) An account of activities during the program period, including
11 all coordination activities undertaken by the [council] board to
12 eliminate unnecessary duplication of services and foster a unified One-
13 Stop delivery system;

14 (b) Information describing the extent to which the activities failed
15 or succeeded in meeting relevant performance standards; and

16 (c) The skill level and competency guidelines to be used in the
17 upcoming year;

18 (6) Fulfill any other role or function of a [private industry council]
19 Workforce Investment Board required pursuant to [Payable-300 (29
20 U.S.C. s. 1501 et seq.)] Pub. L. 105-220 (29 U.S.C. s. 2801 et seq.);
21 and

22 (7) Assume any additional responsibilities assigned to it by the
23 Governor in consultation with the State Employment and Training
24 Commission.

25 f. In order to carry out its functions under this act, a [private
26 industry council] Workforce Investment Board may:

27 (1) Hire staff;

28 (2) Incorporate as a non-profit or other entity;

29 (3) [Act] Select, under agreement with the chief elected official or
30 officials, [as] the administrative entity for [employment and training]
31 workforce investment programs funded within the [labor market]
32 workforce investment area; [and]

33 (4) Seek, obtain and expend additional funding for the programs
34 from public and private sources; and

35 (5) Establish as many committees as are necessary to satisfactorily
36 perform its duties. There shall be, at a minimum, a local Youth
37 Council, a Disability Committee, a One-Stop Committee and a
38 Literacy Committee.

39 g. [Funds provided or administered by a private industry council
40 shall not be used to duplicate facilities or services available in the
41 council's service delivery area, with or without reimbursement, from
42 federal, State or local sources, unless it is demonstrated that
43 alternative services or facilities would be more effective or more likely
44 to achieve the service delivery area's performance goals. Appropriate
45 educational agencies and services available for participants living in the

1 service delivery area shall be utilized unless the administrative entity
2 demonstrates that alternative agencies or services would be more
3 effective and have greater potential to enhance the participants'
4 continued occupational and career growth.] (Deleted by amendment,
5 P.L. _____, c. _____.)

6 h. No member of a [private industry council] Workforce
7 Investment Board established pursuant to this act shall cast a vote on
8 the provision of services by that member or any organization which
9 that member directly represents or vote on any matter which would
10 provide direct financial benefit to that member. [Private industry
11 council] Workforce Investment Boards shall be subject to policies
12 concerning conflict of interest and nepotism prescribed by the
13 Commissioner of Labor and Workforce Development.

14 i. [The Commissioner of Labor, in conjunction with the State
15 Employment and Training Commission, shall establish criteria for
16 awarding pilot grants to private industry councils to assist them in
17 implementing the purposes of this section. The commissioner shall
18 expend not less than 85% of any funds appropriated to effectuate the
19 purposes of this subsection for the pilot grants and not more than 15%
20 of the funds for the costs of contracting, monitoring, evaluating and
21 auditing the pilot grants. The commissioner shall report to the
22 Governor and the Legislature and to the State Employment and
23 Training Commission on the results of the evaluation of the pilot
24 grants.] (Deleted by amendment, P.L. _____, c. _____.)

25 (P.L.1989, c.293, s.18)

26
27 18. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to
28 read as follows:

29 2. a. There is created within the State Employment and Training
30 Commission, established pursuant to section 5 of P.L.1989, c.293
31 (C.34:15C-2) in the Department of Labor and Workforce
32 Development, a State Council for Adult Literacy Education Services.

33 b. The 27-member council shall consist of the following ex officio
34 members: the Commissioners of Labor and Workforce Development,
35 Human Services, Education, Community Affairs[,] and Corrections,
36 [Commerce and Economic Development] the Secretary and Chief
37 Executive Officer of the New Jersey Commerce, Economic Growth
38 and Tourism Commission, the Executive Director of the Commission
39 on Higher Education, and the Executive Director of the State
40 Employment and Training Commission. The council shall also include
41 one member of the Senate appointed by the President thereof and one
42 member of the General Assembly appointed by the Speaker thereof,
43 who shall serve during the two-year legislative session in which the
44 appointment is made and who shall not be of the same political party;
45 and 17 public members as follows: five public members appointed by
46 the Governor including a member of a Workforce Investment Board

1 literacy committee, a State or national adult education expert and three
2 representatives of the business community, at least one of whom shall
3 represent a small business; six public members appointed by the
4 President of the Senate including a student or former student who
5 received adult literacy services and a representative from each of the
6 following: a county college, a four-year institution of higher education,
7 the State Library or a local library, a Department of Education-funded
8 adult education provider of adult basic education programs, general
9 educational development programs or English as a second language
10 programs and a community-based organization which is an adult
11 education provider; and six public members appointed by the Speaker
12 of the General Assembly including a representative from each of the
13 following: a vocational school providing adult academic education
14 programs, a trade union, the New Jersey Network, the New Jersey
15 Association of Lifelong Learning, the Literacy Volunteers of America
16 and the New Jersey Education Association.

17 c. The public members shall serve for terms of three years, but of
18 the public members first appointed, six shall serve a term of three
19 years, six shall serve a term of two years and five shall serve a term of
20 one year. Each member shall hold office for the term of appointment
21 and until his successor is appointed and qualified. A member
22 appointed to fill a vacancy occurring in the membership of the board
23 for any reason other than the expiration of the term shall have a term
24 of appointment for the unexpired term only. All vacancies shall be
25 filled in the same manner as the original appointment. A member may
26 be appointed for any number of successive terms. A member may be
27 removed from office by the Governor, for cause, after a hearing and
28 may be suspended by the Governor pending the completion of the
29 hearing.

30 d. The members shall select annually a chairperson and a
31 vice-chairperson, who shall be nongovernmental members of the
32 council, and shall appoint an executive director. The executive
33 director shall report to the chairperson of the council and be
34 responsible for administering the daily operations of the council. The
35 executive director shall serve in the State unclassified service. The
36 council may call to its assistance and avail itself of the services of the
37 employees of any State, county or municipal department, board,
38 bureau, commission or agency as it may require and as may be
39 available to it for its purposes.

40 e. Members of the council shall serve without compensation, but
41 ~~[shall]~~ may be reimbursed for necessary expenses incurred in the
42 performance of their duties as members, within the limits of funds
43 appropriated or otherwise made available to the council for its
44 purposes. Actions may be taken and motions and resolutions may be
45 adopted by the council by an affirmative vote of a majority of the

1 members.
2 (cf: P.L.1999, c.107, s.2)

3
4 19. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to
5 read as follows:

6 1. a. There is created, in the New Jersey State Employment and
7 Training Commission, a council which shall be known as the Council
8 on Gender Parity in Labor and Education.

9 b. The council shall consist of ~~[13]~~ 17 members who are
10 individuals with experience in the fields of labor, education, training
11 or gender equity. The ~~[13]~~ 17 members shall include:~~[four]~~ six
12 members appointed by the Director of the Division on Women; ~~[four]~~
13 six members appointed by the Executive Director of the State
14 Employment and Training Commission; and five members who shall
15 serve ex officio, one of whom shall be appointed by the Commissioner
16 of Community Affairs, one by the Commissioner of Education, one by
17 the Commissioner of Human Services, one by the Commissioner of
18 Labor and Workforce Development and one by the ~~[Chairperson]~~
19 Executive Director of the Commission on Higher Education. Not
20 more than half of the members appointed by the Director of the
21 Division on Women and not more than half of the members appointed
22 by the Executive Director of the State Employment and Training
23 Commission shall be of the same political party. The members
24 appointed by the director and executive director shall serve for terms
25 of three years, except that of the eight members first appointed by the
26 director and the executive director, four shall be appointed for three
27 years, two shall be appointed for two years, and two shall be
28 appointed for one year. Each member shall hold office for the term of
29 appointment and until his successor is appointed and qualified. A
30 member appointed to fill a vacancy occurring in the membership of the
31 council for any reason other than the expiration of the term shall have
32 a term of appointment for the unexpired term only. Vacancies shall be
33 filled in the same manner as the original appointment. A member may
34 be appointed for any number of successive terms. Any member
35 appointed by the director or the executive director may be removed
36 from the council by the director or the executive director, as the case
37 may be, for cause, after a hearing and may be suspended by the
38 director or the executive director pending the completion of the
39 hearing.

40 c. Members of the council shall serve without compensation, but
41 ~~[shall]~~ may be reimbursed for necessary expenses incurred in the
42 performance of their duties as members. Action may be taken and
43 motions and resolutions may be adopted by the council at a council
44 meeting by an affirmative vote of a majority of the members. The
45 council shall elect from its members a chairperson who shall be a
46 nongovernmental member of the council. Advanced notification for,

1 and copies of the minutes of, each meeting of the council shall be filed
2 with the Governor, the President of the Senate and the Speaker of the
3 General Assembly.

4 (cf. P.L.1999, c.223, s. 1)

5

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

8 3. As used in this act:

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

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

26 "Approved community-based or faith-based organization" means an
27 organization which is an approved service provider, a nonprofit
28 organization exempt from federal taxation under section 501 of the
29 Internal Revenue Code of 1986 (26 U.S.C. s. 501), and approved by
30 the commissioner as demonstrating expertise and effectiveness in the
31 field of workforce investment and being representative of a community
32 or a significant segment of a community where the organization
33 provides services.

34 "Approved service provider" or "approved training provider"
35 means a service provider [approved pursuant to section 6 of this act]
36 which is on the State Eligible Training Provider List.

37 "Commission" means the State Employment and Training
38 Commission.

39 "Commissioner" means the Commissioner of Labor and Workforce
40 Development or the commissioner's designees.

41 "Credential" means a credential recognized by the Department of
42 Education or the Commission on Higher Education, or approved by
43 the Credentials Review Board established by the Department of Labor
44 and Workforce Development pursuant to section 25 of P.L. _____,
45 c. _____ (C. _____).

46 "Customized training services" means employment and training

1 services which are provided by the Office of Customized Training
2 pursuant to section 5 of this act.

3 "Department" means the State Department of Labor and Workforce
4 Development.

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

7 "Employment and training services" means:

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

9 b. ~~Vocational~~ Occupational training;

10 c. Remedial ~~education~~ instruction; or

11 d. Occupational safety and health training.

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

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

21 "Labor Demand Occupation" means an occupation ~~for~~ which
22 ~~there is or is likely to be an excess of demand over supply for~~
23 ~~adequately trained workers, including, but not limited to, an~~
24 ~~occupation designated as a labor demand occupation by the New~~
25 ~~Jersey Occupational Information Coordinating Committee pursuant to~~
26 ~~section 12 of this act.];~~

27 a. The Center for Occupational Employment Information has,
28 pursuant to subsection d. of section 27 of P.L. , c. (C.)
29 (pending before the Legislature as this bill), determined is or will be,
30 on a regional basis, subject to a significant excess of demand over
31 supply for trained workers, based on a comparison of the total need or
32 anticipated need for trained workers with the total number being
33 trained; or

34 b. The Center for Occupational Employment Information, in
35 conjunction with a Workforce Investment Board, has, pursuant to
36 subsection d.of section 27 of P.L. , c. (C.) (pending before
37 the Legislature as this bill), determined is or will be, in the region for
38 which the board is responsible, subject to a significant excess of
39 demand over supply for adequately trained workers, based on a
40 comparison of total need or anticipated need for trained workers with
41 the total number being trained.

42 "Occupational safety and health training" means training or
43 ~~education~~ instruction which is designed to assist in the recognition
44 and prevention of potential health and safety hazards related to an
45 occupation.

46 "Office" means the Office of Customized Training established

1 pursuant to section 5 of this act.

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

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

16 "Poverty level" means the official poverty level based on family
17 size, established and adjusted under section 673 (2) of Subtitle B of
18 the "Community Services Block Grant Act," Payable-35 (42 U.S.C. s.
19 9902 (2)).

20 "Program" means the Workforce Development Partnership Program
21 created pursuant to this act.

22 "Qualified disadvantaged worker" means a worker who is not a
23 qualified displaced worker or a qualified employed worker but who
24 otherwise meets the following criteria:

25 a. Is unemployed;

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

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

31 (1) Currently receiving public assistance;

32 (2) Having been recently removed from the public assistance rolls
33 because of gross income exceeding the grant standard for assistance;

34 or

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

37 "Qualified displaced worker" means a worker who:

38 a. Is unemployed, and:

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

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

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

1 "Qualified employed worker" means a worker who is employed by
2 an employer participating in a customized training program, or other
3 employed worker who is in need of remedial [education] instruction.

4 "Qualified job counselor" means a job counselor whose
5 qualifications meet standards established by the commissioner.

6 "Qualified staff" means staff whose qualifications meet standards set
7 by regulations adopted by the [Commissioner of Labor and Workforce
8 Development] commissioner.

9 "Remedial education" or "remedial instruction" means any literacy
10 or other basic skills training or [education] instruction which may not
11 be directly related to a particular occupation but is needed to facilitate
12 success in [vocational] occupational training or work performance,
13 including training or [education] instruction in mathematics, reading
14 comprehension, computer literacy, English proficiency and
15 work-readiness skills.

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

19 "Service provider," "training provider" or "provider" means a
20 provider of employment and training services including but not limited
21 to a private or public school or institution of higher education, a
22 business, a labor organization or a community-based organization.

23 "State Eligible Training Provider List" means the Statewide list of
24 eligible training providers maintained pursuant to section 14 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

34 "Training grant" means a grant provided to fund [vocational]
35 occupational training and any needed remedial [education] instruction
36 for a qualified displaced or disadvantaged worker pursuant to section
37 6 of this act, or to fund needed remedial [education] instruction for
38 a qualified employed worker pursuant to section 1 of P.L.2001, c.152
39 (C.34:15D-21).

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

44 "Workforce Investment Services" means core, intensive, and
45 training services as defined by the Workforce Investment Act of 1998.

1 Pub.L.105-220 (29 U.S.C. s.2801 et seq.)

2 (P.L.2004, c.39, s. 9)

3

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

6 4. a. The Workforce Development Partnership Program is hereby
7 established in the Department of Labor and Workforce Development
8 and shall be administered by the Commissioner of Labor and
9 Workforce Development. The purpose of the program is to provide
10 qualified displaced, disadvantaged and employed workers with the
11 employment and training services most likely to enable the individual
12 to obtain employment providing self-sufficiency for the individual and
13 also to provide the greatest opportunity for long-range career
14 advancement with high levels of productivity and earning power. To
15 implement that purpose, the program shall provide those services by
16 means of training grants or customized training services in
17 coordination with funding for the services from federal or other
18 sources. The commissioner is authorized to expend moneys from the
19 Workforce Development Partnership Fund to provide the training
20 grants or customized training services and provide for each of the
21 following:

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

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

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

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

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

43 c. Training and employment services or other workforce
44 investment services shall be provided to a worker who receives
45 counseling pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7) only
46 if the counselor who evaluates the worker pursuant to that section

1 determines that the worker can reasonably be expected to successfully
2 complete the training and [education] instruction identified in the
3 Employability Development Plan developed pursuant to that section
4 for the worker.

5 d. All [vocational] occupational training provided under this act:

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

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

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

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

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

18 e. During any fiscal year ending before July 1, 2001, not less than
19 25% of the total revenues dedicated to the program during any one
20 fiscal year shall be reserved to provide employment and training
21 services for qualified displaced workers; not less than six percent of
22 the total revenues dedicated to the program during any one fiscal year
23 shall be reserved to provide employment and training services for
24 qualified disadvantaged workers; not less than 45% of the total
25 revenues dedicated to the program during any one fiscal year shall be
26 reserved for and appropriated to the Office of Customized Training;
27 not less than 3% of the total revenues dedicated to the program during
28 any one fiscal year shall be reserved for occupational safety and health
29 training; and 5% of the total revenues dedicated to the program during
30 any one fiscal year shall be reserved for and appropriated to the Youth
31 Transitions to Work Partnership created pursuant to P.L.1993, c.268
32 (C.34:15E-1 et seq.).

33 f. Funds available under the program shall not be used for activities
34 which induce, encourage or assist: any displacement of currently
35 employed workers by trainees, including partial displacement by means
36 such as reduced hours of currently employed workers; any replacement
37 of laid off workers by trainees; or any relocation of operations
38 resulting in a loss of employment at a previous workplace located in
39 the State.

40 g. On-the-job training shall not be funded by the program for any
41 employment found by the commissioner to be of a level of skill and
42 complexity too low to merit training. The duration of on-the-job
43 training funded by the program for any worker shall not exceed the
44 duration indicated by the [Specific Vocational Preparation Code
45 developed by the United States Department of Labor] Bureau of
46 Labor Statistics' Occupational Information Network, or "O*NET," for

1 the occupation for which the training is provided and shall in no case
2 exceed 26 weeks. The department shall set the duration of on-the-job
3 training for a worker for less than the indicated maximum, when
4 training for the maximum duration is not warranted because of the
5 level of the individual's previous training, education or work
6 experience. On-the-job training shall not be funded by the program
7 unless it is accompanied, concurrently or otherwise, by whatever
8 amount of classroom-based [vocational] or equivalent occupational
9 training, remedial [education] instruction or both, is deemed
10 appropriate for the worker by the commissioner. On-the-job training
11 shall not be funded by the program unless the trainee is provided
12 benefits, pay and working conditions at a level and extent not less than
13 the benefits and working conditions of other trainees or employees of
14 the trainee's employer with comparable skills, responsibilities,
15 experience and seniority.

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

19 i. No activities funded by the program shall impair existing
20 contracts for services or collective bargaining agreements, except that
21 activities which would be inconsistent with the terms of a collective
22 bargaining agreement may be undertaken with the written concurrence
23 of the collective bargaining unit and employer who are parties to the
24 agreement.

25 j. All staff who are hired and supported by moneys from the
26 Workforce Development Partnership Fund, including any of those staff
27 located at any One Stop Career Center, but not including any staff of
28 a service provider providing employment and training services
29 supported by a customized training grant pursuant to section 5 of
30 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant
31 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and
32 employed by the State pursuant to Title 11A, Civil Service, of the New
33 Jersey Statutes, be hired and employed by a political subdivision of the
34 State, or be qualified staff hired and employed by a non-profit
35 organization which began functioning as the One Stop Career Center
36 operator with the written consent of the chief elected official and the
37 commissioner prior to the effective date of P.L.2004, c.39
38 (C.34:1A-1.2 et al.), or be qualified staff hired and employed by an
39 approved community-based or faith-based organization to provide
40 services at the level of staffing provided in an agreement entered into
41 by the organization before the effective date of P.L.2004, c.39
42 (C.34:1A-1.2 et al.).

43 (cf: P.L.2004, c.39, s.10)

44

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

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

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

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

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

17 (3) An employer organization, labor organization or
18 community-based or faith-based organization seeking the customized
19 training services to provide training in labor demand occupations in a
20 particular industry; or

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

26 c. Each applicant seeking funding for customized training services
27 shall submit an application to the commissioner in a form and manner
28 prescribed in regulations adopted by the commissioner. The
29 application shall be accompanied by a business plan of each employer
30 which will receive customized training services if the application is
31 approved. The business plan shall include:

32 (1) A justification of the need for the services and funding from the
33 office, including information sufficient to demonstrate to the
34 satisfaction of the commissioner that the applicant will provide
35 significantly less of the services if the requested funding is not
36 provided by the office;

37 (2) A comprehensive long-term human resource development plan
38 which:

39 (a) Extends significantly beyond the period of time in which the
40 services are funded by the office;

41 (b) Significantly enhances the productivity and competitiveness of
42 the employer operations located in the State and the employment
43 security of workers employed by the employer in the State; and

44 (c) States the number of current or newly-hired workers who will
45 be trained under the grant and the pay levels of jobs which will be
46 created or retained for those workers as a result of the funding and the

1 plan.

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

8 (4) Information demonstrating that most of the individuals
9 receiving the services will be trained primarily for work in the direct
10 production of goods or services;

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

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

18 The commissioner may provide whatever assistance he deems
19 appropriate in the preparation of the application and business plan,
20 which may include labor market information, projections of
21 occupational demand and information and advice on alternative
22 training and [education] instruction strategies.

23 d. Each employer that receives a grant for customized training
24 services shall contribute a minimum of 50% of the total cost of the
25 customized training services, except that the commissioner shall set a
26 higher or lower minimum contribution by an employer, if warranted by
27 the size and economic resources of the employer or other factors
28 deemed appropriate by the commissioner, and except that, for
29 individuals hired by the employer through a One Stop Career Center
30 who receive classroom training under the grant and were recipients of
31 benefits under the Work First New Jersey program at any time during
32 the 12 months preceding the date of employment, the employer shall
33 be eligible for reimbursement of up to 50% of wages paid to the
34 individual during the classroom training in addition to reimbursement
35 for tuition and other direct costs of the training as determined to be
36 appropriate by the office, and provided, further, that no individual
37 shall be hired or placed in a manner which results in a violation of the
38 restrictions of subsection f. of section 4 of P.L.1992, c.43
39 (C.34:15D-4) against displacing current employees.

40 e. Each employer receiving a grant for customized training services
41 shall hire or retain in permanent employment each worker who
42 successfully completes the training and [education] instruction
43 provided under the customized training. The employer shall be
44 entitled to select the qualified employed, disadvantaged or displaced
45 workers who will participate in the customized training, except that if
46 any collective bargaining unit represents a qualified employed worker,

1 the selection shall be conducted in a manner acceptable to both the
2 employer and the collective bargaining unit. The commissioner shall
3 provide for the withholding, for a time period he deems appropriate,
4 of whatever portion he deems appropriate of program funding as a
5 final payment for customized training services, contingent upon the
6 hiring and retention of a program completer as required pursuant to
7 this section. If an employer receiving a grant for customized training
8 services pursuant to this section relocates or outsources any or all of
9 the jobs out of the State for which the customized training services
10 were provided under the grant within three years following the end
11 date of the customized contract, the employer shall, if all of the jobs
12 are relocated or outsourced, return all of the moneys provided to the
13 employer by the State for customized training services, or, if only a
14 portion of the jobs are relocated or outsourced, return a part of the
15 moneys, deemed by the commissioner to be appropriate and
16 proportional to the portion of the jobs relocated or outsourced, and
17 the returned amount shall be deposited into the Workforce
18 Development Partnership Fund.

19 f. The customized training services provided to an approved
20 applicant may include any combination of employment and training
21 services or any single employment and training service approved by the
22 commissioner, including remedial [education] instruction provided to
23 upgrade workplace literacy. Each service may be provided by a
24 separate approved service provider. No training or employment
25 service shall be funded through a customized training grant, unless the
26 service is provided directly by an employer or is provided by an
27 approved service provider. An employer who directly provides
28 training and employment services to his own employees shall not be
29 regarded as a service provider and shall not be subject to any
30 requirement to obtain approval by the State as a service provider,
31 including the requirements of section 13 of P.L. , c. (C.)
32 (pending before the Legislature as this bill) to be approved as a
33 qualifying school or the requirements of section 14 of P.L. , c.
34 (C.) (pending before the Legislature as this bill) to be included on
35 the State Eligible Training Provider List.

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

41 h. Any business seeking customized training services shall, in the
42 manner prescribed by the commissioner, participate in the development
43 of a plan to provide the services. Any business seeking customized
44 training services for workers represented by a collective bargaining
45 unit shall notify the collective bargaining unit and permit it to
46 participate in developing the plan. No customized training services

1 shall be provided to a business employing workers represented by a
2 collective bargaining unit without the written consent of both the
3 business and the collective bargaining unit.

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

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

18 (cf: P.L.2004, c.39, s.11)

19

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

22 7. Counseling shall be made available by the department to each
23 qualified displaced worker or qualified disadvantaged worker applying
24 to participate in the Workforce Development Partnership program and,
25 in the case of a qualified disadvantaged worker who is a recipient of,
26 or eligible for, benefits under the Work First New Jersey Program, to
27 participate in the Workforce Development Partnership program or in
28 any of those employment-directed workforce development programs
29 or activities transferred to the Department of Labor and Workforce
30 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3)
31 which provide employment and training services as defined in section
32 3 of P.L.1992, c.43 (C.34:15D-3), including the services indicated in
33 paragraphs (11) through (16) of subsection b. of section 2 of
34 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made available
35 to a qualified employed worker who seeks remedial **[education]**
36 instruction or is selected to participate in a customized training
37 program, if the worker's employer requests the counseling. The
38 counseling shall be provided by a job counselor hired and employed by
39 the State pursuant to Title 11A, Civil Service, of the New Jersey
40 Statutes, or hired and employed by a political subdivision of the State,
41 or be provided by a qualified job counselor hired and employed by a
42 non-profit organization which began functioning as the One Stop
43 Career Center operator with the written consent of the chief elected
44 official and the commissioner prior to the effective date of P.L.2004,
45 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
46 community-based or faith-based organization to provide counseling

1 which the organization entered into an agreement to provide before
2 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). In the case
3 of a qualified disadvantaged worker who is a recipient of, or is eligible
4 for, benefits under the Work First New Jersey Program, the counseling
5 provided pursuant to this section shall be the counseling for the
6 provision of employment and training services either under the
7 Workforce Development Partnership program or under programs or
8 activities transferred to the Department of Labor and Workforce
9 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
10 but the counseling provided pursuant to this section shall be provided
11 in conjunction and in coordination with counseling provided in
12 connection with any services, other than training and employment
13 services, made available to the disadvantaged worker under programs
14 or activities transferred to the Department of Labor and Workforce
15 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3).
16 The purpose of any counseling made available pursuant to this section
17 is to assist each worker in obtaining the employment and training
18 services most likely to enable the worker to obtain employment
19 providing self-sufficiency for the worker and also to provide the
20 worker with the greatest opportunity for long-range career
21 advancement with high levels of productivity and earning power. The
22 counseling shall include:

23 a. Testing and assessment of the worker's job skills and aptitudes,
24 including the worker's literacy skills and other basic skills. Basic skills
25 testing and assessment shall be provided to the worker unless
26 information is provided regarding the worker's educational background
27 and occupational or professional experience which clearly
28 demonstrates that the worker's basic skill level meets the standards
29 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)
30 or unless the worker is already participating in a remedial [education]
31 instruction program which meets those standards;

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

40 c. The provision to the worker of information regarding any of the
41 labor demand occupations for which training meets the requirements
42 of section 4 of this act in the worker's case, including information
43 about the wage levels in those occupations, and information regarding
44 the effectiveness of approved service providers of [vocational]
45 occupational training in occupations which the worker is considering,
46 including a consumer report card on service providers showing the

1 long-term success of former trainees of each provider in obtaining
2 permanent employment and increasing earnings over one or more time
3 periods following the completion or other termination of training,
4 including a period of [not more than] two years following the
5 completion or other termination of training;

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

23 e. Discussion with the counselor of the results of the testing and
24 evaluation; and [,based on those results, the]

25 f. The development of a written Employability Development Plan
26 identifying the training [and] a employment and other workforce
27 investment services, including any needed remedial [education]
28 instruction, to be provided to the worker pursuant to this act. In the
29 case of a qualified disadvantaged worker, the Employability
30 Development Plan will be, to the greatest extent possible while
31 remaining in compliance with any applicable federal requirements,
32 coordinated and made consistent with any individual responsibility plan
33 developed for the worker under the Work First New Jersey program.
34 In the case of a qualified disadvantaged worker who is or was
35 receiving, or who is eligible for but not receiving, benefits under the
36 Work First New Jersey program, and who does not have a marketable
37 bachelor's degree, the counselor may approve, as part of the workers'
38 Employability Development Plan, the replacement of Work First New
39 Jersey program benefits by Supplemental Workforce Development
40 Benefits paid to the disadvantaged worker for full-time educational
41 activity without, or with insufficient, other work activity from
42 available resources for employment-directed and workforce
43 development programs and activities transferred from the Department
44 of Human Services pursuant to section 2 of P.L.2004, c.39
45 (C.34:1A-1.3) or from the account of the Workforce Development
46 Partnership Fund reserved for qualified disadvantaged workers

1 pursuant to subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9),
2 for any period of time for which the counselor determines that:

3 (1) Full-time remedial [education] instruction to obtain a high
4 school diploma or G.E.D. or full-time post secondary education in a
5 two-year or four-year degree-granting educational program with a
6 course of study related to work, even if the duration of the full-time
7 education is longer than two years, is the training and employment
8 service that is most likely to enable the worker to obtain employment
9 providing self-sufficiency;

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

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

24 With respect to the use of the funds deposited during any fiscal year
25 in the account of the Workforce Development Partnership Fund
26 reserved for qualified disadvantaged workers pursuant to subsection
27 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be
28 given for the payment of Supplemental Workforce Development
29 Benefits pursuant to this subsection. Not more than 1,500 qualified
30 disadvantaged workers shall receive Supplemental Workforce
31 Development Benefits pursuant to this subsection at any one time.
32 With respect to using available resources for employment-directed and
33 workforce development programs and activities transferred from the
34 Department of Human Services pursuant to section 2 of P.L.2004,
35 c.39 (C.34:1A-1.3) for Supplemental Workforce Development
36 Benefits, no federal funds which are part of those resources may be
37 used for Supplemental Workforce Development Benefits which result
38 in the imposition of conditions of participation other than those
39 established by this subsection. If federal funds are used for childcare
40 costs of a participant, the Department of Human Services may transfer
41 the funds to the Child Care and Development Block Grant, as
42 permitted by law and as needed to permit the use of the federal funds
43 while preventing any loss of benefits to the participant and preventing
44 the childcare time from being counted toward the participant's
45 maximum limit of 60 cumulative months of Work First New Jersey
46 program benefits. The counselor shall assist in facilitating the use, to

1 the maximum extent possible, of Pell grants or other available
2 educational grants to pay for tuition and other educational costs of a
3 recipient of Supplemental Workforce Development Benefits provided
4 pursuant to this section. The requirements for receiving Supplemental
5 Workforce Development Benefits may include work-site experience
6 which will enhance the participant's employability in the participant's
7 field, provided that the required sum of class hours for a full-time class
8 schedule, hours of study time at not less than one and one half times
9 class time, and hours of work-site experience, shall not exceed 40
10 hours per week and that the commissioner shall adopt regulations for
11 reasonable adjustments in participation requirements for good cause,
12 including verifiable needs related to physical or mental health
13 problems, illness, accident or death or serious personal or family
14 problems that necessitate reduced participation, provided further that
15 no individual shall receive Supplemental Workforce Development
16 Benefits for a period of more than five years. The commissioner shall
17 adopt regulations setting standards for satisfactory academic progress
18 for continued participation. Participation may not be denied for any
19 of the reasons which subsection d. of section 6 of P.L.1992, c.43
20 (C.34:15D-6) prohibits from being used to deny training grants. For
21 the purposes of this section, "Work First New Jersey benefits" means
22 benefits for which a worker and the worker's family would be eligible
23 if the worker was participating in the Work First New Jersey program
24 or any successor program to the Work First New Jersey program.

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

28 All information regarding a worker applicant or trainee which is
29 obtained or compiled in connection with the testing, assessment and
30 evaluation and which may be identified with the worker shall be
31 confidential and shall not be released to an entity other than the
32 worker, the counselor [or], the department [only if] or partners of
33 the One-Stop system as necessary for them to provide training and
34 employment services or other workforce investment services to the
35 individual, unless the worker provides written permission to the
36 department for the release of the information or the information is
37 used solely for program evaluation.

38 (cf: P.L.2004, c.39, s.12)

39

40 24. Section 8 of P.L.1992, c.43 (C.34:15D-8) is amended to read
41 as follows:

42 8. a. No employment and training services shall be obtained from
43 a service provider with moneys from the fund unless the provider is
44 located in New Jersey and the provider is [approved, pursuant to the
45 procedures and criteria established by the State Employment and
46 Training Commission pursuant to section 13 of this act, by:

1 (1) The commissioner in consultation with the Department of
2 Education and the Department of Higher Education, in the case of
3 counseling, vocational training or remedial instruction; or

4 (2) The commissioner in consultation with the Department of
5 Health] an approved service provider, except that, in the case of
6 occupational safety and health training, the service provider shall be
7 approved by the commissioner in consultation with the Commissioner
8 of Health and Senior Services.

9 b. No service provider shall be approved to be funded by the
10 program to provide an employment and training service unless the
11 provider agrees to provide the service to each trainee referred to it on
12 a first-come, first-served basis, up to the total number of trainees that
13 the provider agrees to serve. This subsection shall not be construed
14 as limiting or curtailing in any way an employer's right to select the
15 workers who participate in customized training pursuant to the
16 provisions of subsection e. of section 5 of this act.

17 c. Each service provider shall maintain, make available and submit
18 appropriate records [available upon request] and data for monitoring
19 [or inspection] and evaluation purposes, as required by the
20 [commissioner, including] State Employment and Training
21 Commission and the department. The records and data shall include,
22 but not be limited to:

23 (1) A record for each student enrolled, including the student's name
24 [and], Social Security number, gender, date of birth, date of
25 enrollment, and any date of completion, termination, start in a job or
26 application for a license, any licensing examination result, date of issue
27 of a license or credential issued, and any other information specified
28 by the State Employment and Training Commission or the Center for
29 Occupational Employment Information. For any individual who does
30 not have a Social Security number, the service provider may substitute
31 an alternate method of identification, except that, at the time of start
32 into employment, the alternate code shall be cross-referenced with the
33 individual's valid Social Security number;

34 (2) A record of all administrative and overhead expenses of the
35 provider related to the providing of employment and training services
36 funded by the program and the provider's direct expenses of providing
37 the services; and

38 (3) Any other information deemed appropriate by the commissioner
39 or the State Employment and Training Commission for evaluation
40 purposes.

41 d. In the case of a provider of [vocational] occupational training
42 services, the commissioner shall collect the information needed to
43 effectively measure the long-term success of the former trainees of the
44 provider in obtaining permanent employment and increasing earnings
45 over one or more time periods following the completion or other
46 termination of training, including a period of [not less than] two years

1 following the completion or other termination of training. The
2 commission shall set such standards as it deems appropriate regarding
3 comparisons of the former trainees with groups of otherwise similar
4 individuals who did not receive the training. The [commissioner shall
5 use the] information obtained pursuant to this subsection shall be used
6 to:

7 (1) Assist in evaluating the performance of providers of
8 [vocational] occupational training services;

9 (2) Assist in determining which providers of [vocational]
10 occupational training services to [approve pursuant to subsection a.
11 of this section] place on the State Eligible Training Provider List;

12 (3) Assist in providing reliable information regarding the quality of
13 available providers of [vocational] occupational training services as
14 part of the counseling provided pursuant to section 7 of this act,
15 including the furnishing, for use in the counseling, including counseling
16 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
17 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
18 c.47, (C.43:21-59), of a consumer report card on service providers
19 showing the long-term success of former trainees of each provider in
20 obtaining permanent employment and increasing earnings over one or
21 more time periods following the completion or other termination of
22 training, including a period of two years following the completion or
23 other termination of training; and

24 (4) Assist in evaluating the overall effectiveness of training funded
25 by the program.

26 e. The State Employment and Training Commission, the
27 commissioner, and each service provider shall comply with all
28 pertinent State and federal laws regarding the privacy of students and
29 other participants in employment and training programs, including but
30 not limited to, the Privacy Act of 1974, Pub. L.93-579 (5 U.S.C. s.552
31 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
32 students and participants required by those laws.

33 (cf: P.L.1992, c.43, s.8)

34

35 25. (New section) There is established, in the Department of Labor
36 and Workforce Development, the Credentials Review Board, for the
37 purpose of directing the technical credentialing process for the
38 workforce investment system and approving such credentials as it
39 deems appropriate for issuance to individuals in connection with
40 employment and training programs. The board shall include the
41 following members or their designated representatives: the
42 Commissioner of Education; the Staff Director of the Center for
43 Occupational Employment Information; the Chairman of the
44 Commission on Higher Education; the Director of the Division of
45 Vocational Education; the Commissioner of Labor and Workforce
46 Development; the Executive Director of the State Employment and

1 Training Commission; a Workforce Investment Board director as
2 designated by the commissioner; and a One-Stop Career Center
3 operator as designated by the department.

4
5 26. (New section) As used in sections 26 through 29 of P.L. ,
6 c. (C.)(now pending before the Legislature as this bill):

7 “Career cluster” means any of the career clusters and related
8 educational programs as defined in the Perkins Act and the federal
9 Department of Education’s career cluster taxonomy.

10 "Center for Occupational Employment Information" or "center"
11 means the Center for Occupational Employment Information
12 established pursuant to section 27 of P.L. , c. (C.)
13 (pending before the Legislature as this bill).

14 “Career pathway” means any of the career pathways and related
15 educational programs as defined in the Perkins Act and the federal
16 Department of Education’s career cluster taxonomy.

17 "Federal job training funds" means any moneys expended pursuant
18 to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
19 s.2801 et seq.) or any other federal law to obtain employment and
20 training services or other employment-directed and workforce
21 development programs and activities, including employment and
22 training services as defined in section 1 of P.L.1992, c.48, (C.34:15B-
23 35) and employment-directed and workforce development programs
24 and activities as described in sections 2 and 4 of P.L.2004, c.39
25 (C.34:1A-1.3 and 34:1A-1.5).

26 “Occupational license” means a license, registration or certificate
27 which, when issued by an authorized entity of government or
28 recognized industry, enables an individual to work within a recognized
29 occupation in the State of New Jersey.

30 "Perkins Act" means the Carl D. Perkins Vocational and Applied
31 Technology Education Amendments of 1998, Pub.L.105-332 (20
32 U.S.C. s.2301 et seq.)

33 “Qualifying agency” means any executive agency of State
34 government, including, but not limited to, the Departments of
35 Community Affairs, Education, Environmental Protection, Health and
36 Senior Services, Human Services, Labor and Workforce Development,
37 Law and Public Safety, Military and Veterans Affairs and the
38 Commission on Higher Education. A qualifying agency may include
39 any additional agency of State government, which oversees the
40 operation of, or collects or disseminates information from any
41 qualifying school, or issues an occupational license.

42 “Qualifying school” means, except as provided below, a
43 government unit, person, association, firm, corporation, private
44 organization, or any entity doing business or maintaining facilities
45 within the State, whether operating for profit or not for profit which:

46 (1) Offers or maintains a course of instruction or instructional

1 program utilized to prepare individuals for future education or the
2 workplace, including instruction in literacy or basic skills, or provides
3 supplemental instruction in recognized occupational skills, pre-
4 employment skills or literacy skills;

5 (2) Offers instruction by any method including, but not limited to,
6 classroom, shop, laboratory experience, correspondence, Internet and
7 other distance learning media, or any combination thereof;

8 (3) Offers instruction to the general public or in conjunction with
9 New Jersey's workforce investment system; or,

10 (4) Charges tuition or other fees or costs, or receives public funding
11 for the delivery of any of the above types of instruction.

12 "Qualifying school" shall not mean:

13 (1) Colleges and universities licensed by the Commission on Higher
14 Education or other schools, institutions and entities which are
15 otherwise regulated and approved pursuant to any other law or rule
16 making process of this State;

17 (2) Employers offering instruction to their employees directly or
18 through a contract instructor, where there is no cost to the employee
19 and no profit to the employer; or

20 (3) Schools offering instruction for the purpose of self-enrichment,
21 avocational, cultural, or recreational in nature.

22 "Regional" means a geographic configuration used to aggregate
23 information as designated by the Center for Occupational Employment
24 Information.

25 "Service provider," "training provider" or "provider" means a
26 provider of employment and training services including but not limited
27 to a private or public school or institution of higher education, a
28 business, a labor organization or a community-based organization.

29 "State Employment and Training Commission" or "commission"
30 means the "State Employment and Training Commission" created
31 pursuant to section 5 of P.L.1989, c.293, s.5 (C.34:15C-2).

32 "State job training funds" means any moneys expended from the
33 Workforce Development Partnership Fund created pursuant to section
34 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
35 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
36 (C.34:15D-21) or any other source of State moneys to obtain
37 employment and training services or other employment-directed and
38 workforce development programs and activities, including employment
39 and training services as defined in section 3 of P.L.1992, c.43
40 (C.34:15D-3) and employment-directed and workforce development
41 programs and activities as described in sections 2 and 4 of P.L.2004,
42 c.39 (C.34:1A-1.3 and 34:1A-1.5).

43 "Student outcome information" means information pertaining to
44 individual enrollment, participation, and completion in any education
45 or training program designed to provide workforce skills or provide
46 supplemental education or training in a recognized occupation. This

1 information shall include, but not be limited to, the participant's Social
2 Security number, gender, date of birth, date of enrollment, any date of
3 completion, date of termination, date of start in a job, date of
4 application for a license, licensing examination result, date of issue of
5 a license, any credential issued, and other information as specified by
6 the commission or the center. For any individual who does not have
7 a Social Security number, the qualifying agency may substitute an
8 alternate method of identification. However, at the time of start into
9 employment the alternate code shall be cross-referenced with the
10 individual's valid Social Security number.

11

12 27. (New section) There is established in the Department of Labor
13 and Workforce Development, the Center for Occupational
14 Employment Information, which shall:

15 a. Serve as the entity designated to carry out the State level career
16 information activities prescribed in the Perkins Act. In accordance with
17 that act, the center shall, in cooperation with the New Jersey
18 Department of Education and the Commission on Higher Education:

19 (1) Provide support for career guidance and academic counseling
20 programs designed to promote improved career and education
21 decision-making by individuals, especially in areas of career
22 information delivery and use;

23 (2) Make information and planning resources that relate
24 educational preparation to career goals and expectations available, on
25 the Internet to the extent possible, to students, parents, teachers,
26 administrators, counselors, job-seekers, workers and other clients of
27 the workforce investment system, including the consumer report card
28 on the effectiveness of qualified schools and other approved training
29 providers placed on the State Eligible Training Provider List provided
30 pursuant to section 13 of P.L. , c. (C.)(pending before
31 the Legislature as this bill), section 4 of P.L.1992, c.48 (C.34:15B-
32 38), section 7 of P.L.1992, c.43, s.7 (C.34:15D-7) and section 3 of
33 P.L.1992, c.47 (C.43:21-59).

34 (3) Equip workforce investment system professionals, including
35 teachers, administrators, and counselors, with the knowledge and skills
36 needed to assist clients of the workforce investment system, including
37 students and parents, with career exploration, educational
38 opportunities and education financing;

39 (4) Assist appropriate State entities in tailoring career-related
40 educational resources and training for use by such entities;

41 (5) Improve coordination and communication among administrators
42 and planners of programs included in the State's workforce investment
43 system to ensure non-duplication of efforts and the appropriate use of
44 shared information and data; and,

45 (6) Provide ongoing means for clients of the workforce investment
46 system, including students and parents, to provide comments and

1 feedback on products and services and to update resources, as
2 appropriate, to better meet customer requirements.

3 b. Design and implement a comprehensive workforce information
4 system to meet the needs for the planning and operation of all public
5 and private training and job placement programs, which is responsive
6 to the economic demands of the employer community and education
7 and training needs of the State and of Workforce Investment Board
8 areas within the State, as recommended by the commission and
9 designated by the Commissioner of Labor and Workforce
10 Development. In doing so, the center shall insure that the information:

11 (1) Is delivered in a user friendly, timely and easily understood
12 manner;

13 (2) Pays special attention to the particular needs of each
14 Workforce Investment Board and is consistent with the labor market
15 of each Workforce Investment Board; and

16 (3) Is delivered, to the extent possible, on the Internet in a format
17 designed to meet the needs of all user groups.

18 c. Use the occupational employment information system to
19 implement an electronic career information delivery system, which
20 shall provide students, parents, counselors and other career decision
21 makers with accurate, timely and locally relevant information on the
22 careers available in the New Jersey labor market.

23 d. Analyze, not less than once every two years and on a regional
24 basis, the relationship between the projected need for trained
25 individuals in each of the career clusters and each of the career
26 pathways, and the total number of individuals being trained in the skills
27 or skill sets needed to work in each of the clusters and pathways.
28 Based on this relationship, the center shall designate as a labor demand
29 occupation any occupation that is in a cluster or pathway for which the
30 number of individuals needed significantly exceeds, or shall exceed, the
31 number being trained, and may designate as a labor demand
32 occupation an occupation for which the center determines that the
33 number of individuals needed significantly exceeds, or will exceed, the
34 number being trained, even if that is not the case for the entire career
35 cluster or pathway to which the occupation belongs. In cases where
36 a Workforce Investment Board established pursuant to section 18 of
37 P.L.1989, c.293 (C.34:15C-15) submits information to the center that
38 there is or is likely to be, in the region for which the board is
39 responsible, a significant excess of demand over supply of adequately
40 trained workers for an occupation, the center may conduct a survey of
41 the need or anticipated need in that region for trained workers in that
42 occupation and, whether or not it conducts that survey, shall, in
43 conjunction with the board, determine whether to designate the
44 occupation to be a labor demand occupation in that region. The center
45 may utilize survey data obtained by other agencies or from other
46 sources to fulfill its responsibilities under this subsection.

1 e. Assist the commission in preparing the New Jersey Unified
2 Workforce Investment Plan pursuant to section 10 of P.L.1989, c.293
3 (C.34:15C-7) by providing information requested by the commission.
4

5 28. (New section) The center shall be managed by a Steering
6 Committee comprised of the Commissioners of Community Affairs,
7 Education, Health and Senior Services, Human Services, and Labor
8 and Workforce Development; the Executive Directors of the
9 Commission on Higher Education and the State Employment and
10 Training Commission; the Secretary and Chief Executive Officer of the
11 New Jersey Commerce, Economic Growth and Tourism Commission;
12 the Director of the Division of Vocational Rehabilitation Services; a
13 director or member of a Workforce Investment Board as designated
14 by the Executive Director of the State Employment and Training
15 Commission; and a One-Stop Career Center operator as designated by
16 the Commissioner of Labor and Workforce Development. The
17 committee shall set policy for the operation of the center and shall
18 have the authority to increase membership of the committee, as it
19 deems necessary, to carry out the purposes of sections 25 through 29
20 of P.L. , c. (C.)(pending before the Legislature as this bill).
21

22 29. (New section) a. The Center for Occupational Employment
23 Information and the State Employment and Training Commission are
24 authorized to access the files and records of other State agencies
25 which administer or distribute State job training funds or federal job
26 training funds or issue any license necessary for an individual to work
27 in a specific occupation. Student outcomes and licensing information,
28 including individual Social Security numbers, shall be reported to the
29 commission through the center by:

30 (1) Each qualifying agency;

31 (2) Each qualifying school; and

32 (3) Each training provider receiving State job training funds or
33 federal job training funds, including a provider which is not a
34 qualifying school.

35 The entities required to report that information shall include, but
36 not be limited to, all post-secondary institutions engaged in any form
37 of workforce preparation or adult literacy education and training.

38 b. The information required by this section shall be provided
39 annually, or on any other mutually agreed schedule, to the center by
40 December 31st, for the preceding 12-month period ending June 30th.

41 c. The information reported or accessed pursuant to subsection a.
42 of this section may be used by the commission and the center for:

43 (1) The development and analysis of information on the demand
44 for trained workers in any of the recognized career clusters, career
45 pathways or occupations at the State and local area level as required
46 or permitted by subsection d. of section 27 of P.L. , c. (C.)

1 (pending before the Legislature as this bill).

2 (2) Establishing standards for training and job placement;

3 (3) Evaluating the effectiveness of programs, services and service
4 providers under the State's workforce investment system and
5 providing information regarding those evaluations, including the
6 collection of information used to help produce a consumer report card
7 on service providers showing the long-term success of former trainees
8 of each provider in obtaining permanent employment and increasing
9 earnings;

10 (4) Assisting in determining which training providers to place on
11 the State Eligible Training Provider List;

12 (5) Assisting State agencies in preparing reports to federal grantor
13 agencies; and

14 (6) Any other purpose deemed necessary for the accomplishment
15 of the mission of the center as determined by the center's steering
16 committee or any federal funding agency.

17 d. Information reported to the center by a qualifying agency or
18 school or other training provider shall not be utilized for any purpose
19 other than the governmental purposes authorized in subsection c. of
20 this section. The center shall only use aggregate statistical summaries
21 of individual data in assessing or evaluating any program at a
22 qualifying school or other training provider. The commission and the
23 center shall adopt standards and procedures to prevent any State
24 agency from publishing, disclosing or releasing information which
25 could identify any individual and shall not publish, disclose or
26 otherwise release information which could identify any individual,
27 except to an agency of government requiring such information in the
28 performance of its statutory duties. Any executive agency of State
29 government precluded by law from sharing information on specific
30 individuals may provide student outcome and licensing information
31 through statistical summary or other forms which prevent the
32 identification of specific individuals.

33 e. The commission, the center, each qualifying agency, and any
34 entity which reports student outcome or licensing information to a
35 qualifying agency, shall comply with all pertinent State and federal
36 laws regarding the privacy of students and other participants in
37 employment and training programs, including but not limited to, the
38 Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552 and 20 U.S.C.
39 s.1232g) and shall provide all disclosures to the students and
40 participants required by those laws.

41

42 30. Section 2 of P.L.1992, c.47 (C.43:21-58) is amended to read
43 as follows:

44 2. As used in this act:

45 "Approved service provider" or "approved training provider" means
46 a service provider which is on the State Eligible Training Provider

1 List.

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

4 "Employment and training services" means: counseling provided
5 pursuant to section 3 of this act; [vocational] occupational training;
6 or remedial [education] instruction.

7 "Labor Demand Occupation" means an occupation [for] which
8 [there is or is likely to be an excess of demand over supply for
9 adequately trained workers, including, but not limited to, an
10 occupation designated as a labor demand occupation by the New
11 Jersey Occupational Information Coordinating Committee pursuant to
12 section 11 of this act];

13 a. The Center for Occupational Employment Information has,
14 pursuant to subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
15 (pending before the Legislature as this bill), determined is or will be,
16 on a regional basis, subject to a significant excess of demand over
17 supply for trained workers, based on a comparison of the total need or
18 anticipated need for trained workers with the total number being
19 trained; or

20 b. The Center for Occupational Employment Information, in
21 conjunction with a Workforce Investment Board, has, pursuant to
22 subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
23 (pending before the Legislature as this bill), determined is or will be, in the
24 region for which the board is responsible, subject to a significant
25 excess of demand over supply for adequately trained workers, based
26 on a comparison of total need or anticipated need for trained workers
27 with the total number being trained.

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

30 ["Service provider" means a provider of employment and training
31 services other than the State.]

32 "Remedial education" or "remedial instruction" means any literacy
33 or other basic skills training or [education] instruction which may not
34 be directly related to a particular occupation but is needed to facilitate
35 success in [vocational] occupational training or work performance.

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

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

44 (P.L.1992, c.47, s.2)

1 31. Section 3 of P.L.1992, c.47 (C.43:21-59) is amended to read
2 as follows:

3 3. Counseling shall be made available by the Department of Labor
4 and Workforce Development to each individual who meets the
5 requirements indicated in subsections a. and b. of section 4 of this act.
6 The department may provide the counseling or obtain the counseling
7 from a service provider, if the service provider is different from and
8 not affiliated with any service provider offering any employment and
9 training services to the worker other than the counseling. The purpose
10 of the counseling is to assist the individual in obtaining the
11 employment and training services most likely to enable the individual
12 to obtain employment providing self-sufficiency for the individual and
13 also to provide the [worker] individual with the greatest opportunity
14 for long-range career advancement with high levels of productivity and
15 earning power. The counseling shall include:

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

25 b. An evaluation by a qualified job counselor of:

26 (1) Whether the individual is eligible for the additional benefits
27 indicated in section 5 of this act; and

28 (2) What remedial [education] instruction, if any, is determined to
29 be necessary for the individual to advance in his current occupation or
30 succeed in any particular [vocational] occupational training which the
31 individual would undertake in connection with additional benefits
32 indicated in section 4 of this act, provided that the remedial
33 [education] instruction shall be at a level not lower than that needed
34 to meet the standards indicated in section 14 of P.L.1989, c.293
35 (C.34:15C-11);

36 c. The provision of information to the individual regarding any of
37 the labor demand occupations for which training meets the
38 requirements of subsection e. of section 4 of this act in the claimant's
39 case, including information about the wage levels in those occupations,
40 the effectiveness of any particular provider of training for any of those
41 occupations which the [claimant] individual is considering using,
42 [and] including a consumer report card on service providers showing
43 the long-term success of former trainees of the provider in obtaining
44 permanent employment and increasing earnings over one or more time
45 periods following the completion or other termination of training,
46 including a period of two years following the completion or other

1 termination of training;

2 d. The timely provision of information to the individual regarding
3 the services and benefits available to the individual, and all actions
4 required of the individual to obtain the services and benefits, under the
5 provisions of this act and employment and training programs provided
6 or funded pursuant to the "1992 New Jersey Employment and
7 Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and
8 the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
9 s.2801 et seq.). and regarding the tuition waivers available pursuant to
10 P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470
11 (C.18A:64A-23.1 et seq.); and the timely provision to the individual
12 of a written statement of the individual's rights and responsibilities
13 with respect to programs for which the individual is eligible, which
14 includes a full disclosure to the individual of his right to obtain the
15 services most likely to enable the individual to obtain employment
16 providing self-sufficiency and the individual's right not to be denied
17 employment and training services for any of the reasons indicated in
18 section 4 of P.L.1992, c.47 (C.43:21-60), including the individual's
19 right not to be denied training services because the individual already
20 has identifiable vocational skills, if those existing skills are for
21 employment with a level of earnings lower than the level of
22 self-sufficiency;

23 e. Discussion with the counselor of the results of the testing and
24 evaluation; and[, based on those results, the]

25 f. The development of a written Employability Development Plan,
26 consistent with the requirements of subsections e., f. and g. of section
27 4 of this act, for the individual describing any remedial [education]
28 instruction and the [vocational] occupational training that the
29 individual will undertake in connection with benefits provided pursuant
30 to the provisions of this act.

31 All information regarding an individual applicant or trainee which
32 is obtained or compiled in connection with the testing, assessment and
33 evaluation and which may be identified with the individual shall be
34 confidential and shall not be released to an entity other than the
35 individual, the counselor [or], the department [only if:], the
36 commission or partners of the One-Stop system as necessary for them
37 to provide training and employment services or other workforce
38 investment services to the individual, unless the individual provides
39 written permission to the department for the release of the
40 information; or the information is used solely for program evaluation.
41 (cf: P.L.2001, c.152, s.14)

42

43 32. Section 4 of P.L.1992, c.47 (C.43:21-60) is amended to read
44 as follows:

45 4. Except as provided in section 8 of this act, the additional
46 benefits indicated in section 5 of this act shall be provided to any

- 1 individual who:
- 2 a. Has received a notice of a permanent termination of employment
3 by the individual's employer or has been laid off and is unlikely to
4 return to his previous employment because work opportunities in the
5 individual's job classification are impaired by a substantial reduction of
6 employment at the worksite;
- 7 b. Is, at the time of the layoff or termination, eligible, pursuant to
8 the "unemployment compensation law," R.S.43:21-1 et seq., for
9 unemployment benefits;
- 10 c. Enters into the counseling made available pursuant to section 3
11 of this act as soon as possible following notification by the Department
12 of Labor and Workforce Development of its availability;
- 13 d. (1) Notifies the department of the individual's intention to enter
14 into the [education] instruction and training identified in the
15 Employability Development Plan developed pursuant to section 3 of
16 this act, not later than 60 days after the date of the individual's
17 termination or layoff, not later than 30 days after the department
18 provides notice to the individual pursuant to section 6 of this act or
19 not later than 30 days after the Employability Development Plan is
20 developed, whichever occurs last;
- 21 (2) Enters into the [education] instruction and training identified
22 in the Employability Development Plan as soon as possible after giving
23 the notice required by paragraph (1) of this subsection d.; and
- 24 (3) Maintains satisfactory progress in the [education] instruction
25 and training;
- 26 e. Enrolls in [vocational] occupational training which:
- 27 (1) Is training for a labor demand occupation;
- 28 (2) Is likely to facilitate a substantial enhancement of the
29 individual's marketable skills and earning power;
- 30 (3) Is provided by [a] approved service provider [approved by
31 the Commissioner of Labor, which approval shall be made, if the
32 "1992 New Jersey Employment and Workforce Development Act,"
33 P.L.1992, c.43 (C.34:15D-1 et al.) is enacted, pursuant to the
34 provisions of section 8 of that act]; and
- 35 (4) Does not include on the job training or other training under
36 which the individual is paid by an employer for work performed by the
37 individual during the time that the individual receives additional
38 benefits pursuant to the provisions of section 5 of this act;
- 39 f. Enrolls in [vocational] occupational training, remedial
40 [education] instruction or a combination of both on a full-time basis;
41 and
- 42 g. Reasonably can be expected to successfully complete the
43 [vocational] occupational training and any needed remedial
44 [education] instruction, either during or after the period of additional
45 benefits.

1 If the requirements of this section are met, the division shall not
2 deny an individual unemployment benefits pursuant to the
3 "unemployment compensation law," R.S.43:21-1 et seq., P.L.1970,
4 c.324 (C.43:21-24.11 et seq.) or the additional benefits indicated in
5 section 5 of this act for any of the following reasons: the training
6 includes remedial [education] instruction needed by the individual to
7 succeed in the [vocational] occupational component of the training;
8 the individual has identifiable [vocational] occupational skills but the
9 training services are needed to enable the individual to develop skills
10 necessary to attain at least the level of self-sufficiency; the training is
11 part of a program under which the individual may obtain any college
12 degree enhancing the individual's marketable skills and earning power;
13 the individual has previously received a training grant; the length of
14 the training period under the program; or the lack of a prior guarantee
15 of employment upon completion of the training. If the requirements of
16 this section are met, the division shall regard a training program as
17 approved for the purposes of paragraph (4) of subsection (c) of
18 R.S.43:21-4.

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

20

21 33. Section 2 of P.L.1966, c.13 (C.44:12-2) is amended to read as
22 follows:

23 2. In order to facilitate cooperation with the Federal Government
24 in carrying out the programs contemplated by the Economic
25 Opportunity Act of 1964 or related Federal legislation, every local unit
26 is authorized:

27 (a) To accept from the Federal Government, subject to terms and
28 conditions appertaining thereto, grants of funds, equipment, supplies,
29 material and other property; and

30 (b) to hold, use, expend, deal with, employ, distribute and dispose
31 of such funds, equipment, supplies, material and other property; and

32 (c) to appropriate money; and

33 (d) to enter into contracts and agreements with the Federal and
34 State Governments, other local units or private organizations; and

35 (e) to engage in such activities and to do such other acts and things
36 as may be necessary or convenient to carry out the powers given in
37 this act.

38 [Notwithstanding any other provision of the law no local unit shall
39 enter into a contract or agreement with a private business school,
40 school of beauty culture, technical school, trade school, vocational
41 school or similar training institution, for the purpose of training
42 individuals or upgrading their skills for employment in occupations
43 generally not requiring an associate or baccalaureate degree, unless the
44 Commissioner of Labor has accredited, or otherwise approved, the
45 programs and courses which the institution provides, and has received
46 from the construction code official and local health officer of the

1 municipality certification that the facilities have been issued a
2 certificate of occupancy and are in compliance with the applicable
3 provisions of the local health ordinance; except that a community
4 based organization shall not be subject to the program and course
5 accreditation and approval requirements contained in this section, but
6 only to the requirements contained in this section concerning municipal
7 certification of the facilities. This act shall not apply to private
8 business sponsored in-house training programs conducted primarily for
9 the training of the employees of the respective business. This act also
10 shall apply to the extent it would result in a violation of federal
11 statutes or regulations or otherwise prevent the receipt of federal
12 grants or contracts.]

13 (cf: P.L.1981, c. 531, s. 1)

14

15 34. The following are repealed:

16 N.J.S.18A:69-1 to N.J.S.18A:69-16, inclusive;

17 Section 1 and 2 of P.L.1987, c.457, (C.34:1A-76 and 34:1A-77);

18 Section 12 of P.L.1992, c.43, (C.34:1A-78);

19 Section 11 of P.L.1992, c.47, (C.34:1A-79);

20 Section 7 of P.L.1992, c.48, (C.34:1A-80);

21 Section 13 of P.L.1992, c.43, (C.34:15C-8.1);

22 Section 8 of P.L.1992, c.48, (C.34:15C-8.2);

23 Section 9 of P.L.1993, c.268, (C.34:15C-8.3);

24 Section 12 of P.L.1989, c.293, (C.34:15C-9);

25 Section 17 of P.L.1989, c.293, (C.34:15C-14); and

26 Section 19 of P.L.1989, c.293, (C.34:15C-16).

27

28 35. This act shall take effect immediately.

29

30 STATEMENT

31

32 This bill establishes the Center for Occupational Employment
33 Information (COEI) in the Department of Labor and Workforce
34 Development and requires it to:

35 1. Carry out federally-required, State-level career information
36 activities including: supporting career guidance and academic
37 counseling programs; making information and planning resources
38 relating education to careers available to workforce investment system
39 clients; equipping teachers, administrators, and counselors to assist
40 clients; helping State entities tailoring career-related educational
41 resources and training; improving communication among
42 administrators and planners in the workforce investment system; and
43 provide means for clients to provide feedback;

44 2. Design and implement a workforce information system and an
45 electronic career information delivery system for the planning and
46 operation needs of training and job placement programs; and

1 3. Designate labor demand occupations.

2 The COEI is the successor organization to the State Occupational
3 Information Coordinating Committee established by P.L.1987, c.457
4 (C.34:1A-76 et seq.), which is repealed by the bill.

5 The COEI and the State Employment and Training Commission
6 (SETC) are authorized to access records of other State agencies which
7 administer or distribute State or federal job training funds. All
8 approved providers, all public or private post-secondary schools
9 providing training services, and all State agencies which approve
10 training programs and schools are required to report student outcomes
11 and licensing information, including individual Social Security
12 numbers. The information may be used to designate labor demand
13 occupations, establish training and job placement standards, evaluate
14 the effectiveness of programs, services and training service providers
15 and provide a consumer report card on the providers, determining
16 which training providers to place on the State Eligible Training
17 Provider List; and assisting State agencies in preparing reports to
18 federal grantor agencies.

19 The bill prohibits from operating, with certain exceptions, any
20 public or private, profit or non-profit post-secondary school which
21 charges tuition or receives public funding for instruction in
22 occupational, pre-employment or literacy skills or instruction to
23 prepare individuals for future education or the workplace, unless the
24 school has a certificate of approval issued by the Commissioner of
25 Labor and Workforce Development and the Commissioner of
26 Education. Exceptions are made for colleges and universities,
27 employers offering instruction to their employees, and schools offering
28 instruction which is avocational, cultural or recreational. The bill sets
29 procedures and conditions for withdrawal of the certificates.

30 A certified school is required to maintain records for each student,
31 including the student's Social Security number, gender, date of birth,
32 dates of enrollment, completion, termination and start in a job and any
33 license or credential issued.

34 The Departments of Labor and Workforce Development and
35 Education are required to oversee the certified schools and maintain
36 rules governing curricula, staff qualifications, facilities, record keeping
37 and other matters regarding instruction and business integrity.

38 The bill requires the State Board of Education and the SETC to
39 develop performance standards and measures to evaluate certified
40 schools. Policy makers and consumers are to be provided information
41 concerning approved programs and access to a consumer report card
42 on the effectiveness of all the certified schools on the State Eligible
43 Training Provider List showing the long-term success of former
44 trainees of each school in obtaining permanent employment and
45 increasing earnings over one or more time periods after the end of
46 training, including a period of two years after the end of training.

1 The bill requires the State to maintain a State Eligible Training
2 Provider List. Only training providers who are on that list may receive
3 federal or State job training funds. In addition to the schools certified
4 by the Commissioner of Labor and Workforce Development and the
5 Commissioner of Education, the list includes public and private
6 colleges and universities under the jurisdiction of the Commission on
7 Higher Education, post secondary institutions under the jurisdiction of
8 the Department of Education, and training providers licensed by other
9 State departments or approved by the federal government or agencies
10 of other states. All training providers approved for the list are subject
11 to the same requirements as the certified schools regarding records of
12 individual trainees, performance standards and measures for evaluation
13 and the consumer report card on the effectiveness of training
14 providers.

15 The bill establishes a Credentials Review Board to oversee the
16 technical credentialing process for the workforce investment system
17 and approve credentials for employment and training programs.

18 The bill directs the SETC to prepare a Unified State Workforce
19 Investment Plan creating a comprehensive workforce investment
20 system encompassing all One-Stop partners. The scope of the SETC's
21 role in developing policy, guidelines and performance standards is
22 expanded to cover employment and training services and other
23 workforce investment services, such as placement services.

24 The bill gives the each local Workforce Investment Board (WIB) a
25 stronger role in the planning and supervision of local workforce
26 investment services, while giving the SETC the responsibility of
27 approving WIB plans to establish One Stop Career Centers.

28 The requires the SETC to select industries with shortages of skilled
29 personnel and create State-level industry task forces of stakeholders
30 for each selected industry to analyze the shortages and develop State-
31 wide strategies to address them. The SETC is also required to select
32 WIBs for regional planning bodies (RPBs) to address the skilled
33 workforce shortages of specific industries, occupations or career
34 clusters at the regional level. The bill directs the SETC to establish a
35 State-level industry taskforce and RPBs on the health care industry to
36 address the growing shortage of skilled personnel in that industry.

37 The bill requires each State department which is a partner in the
38 State's workforce investment system to provide resources to support
39 SETC activities and staff, of up to 15 percent of allowable State
40 administrative funds from federal and State supported workforce
41 investment programs. All workforce investment programs are required
42 to provide funding for the SETC and the local WIBs.

1

2

3 Reforms State's workforce investment system, establishes Center for

4 Occupational Employment Information.

SENATE, No. 2826

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED NOVEMBER 10, 2005

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman LOUIS MANZO

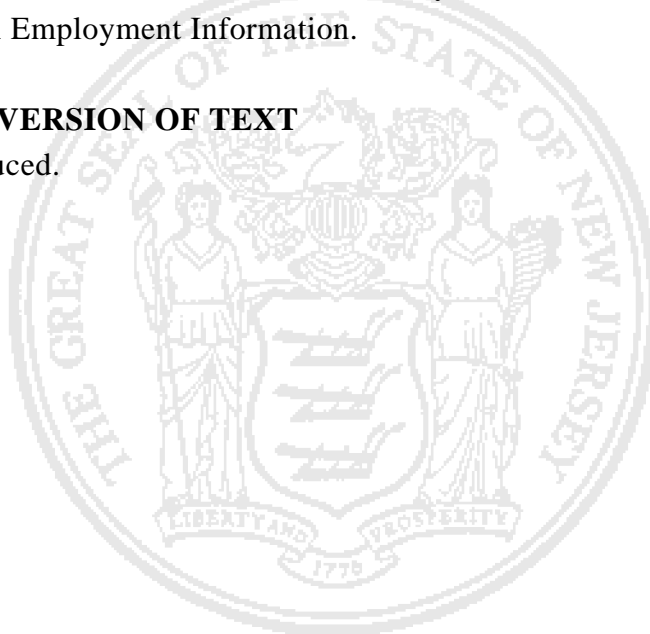
District 31 (Hudson)

SYNOPSIS

Reforms State's workforce investment system, establishes Center for Occupational Employment Information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning the State's workforce investment system and
2 revising various parts of the statutory law.

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

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

9 1. As used in this act:

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

18 "Approved service provider" or "approved training provider" means
19 a service provider [approved pursuant to section 6 of this act] which
20 is on the State Eligible Training Provider List.

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

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

34 "Credential" means a credential recognized by the Department of
35 Education or the Commission on Higher Education, or approved by
36 the Credentials Review Board established by the Department of Labor
37 and Workforce Development pursuant to section 25 of P.L. __, c. __
38 (C. __) (pending before the Legislature as this bill).

39 "Department" means the Department of Labor and Workforce
40 Development.

41 "Employment and training services" means:

- 42 a. Counseling provided pursuant to section 4 of this act;
43 b. [Vocational] Occupational training; or

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 c. Remedial [education] instruction.

2 "Federal job training funds" means any moneys expended to obtain
3 employment and training services, pursuant to the Workforce
4 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) or
5 any other federal law pursuant to which moneys may be expended to
6 obtain employment and training services or other employment-directed
7 and workforce development programs and activities, except that, to
8 the extent that the application of any specific provision of this act
9 would cause the amount of federal job training funds provided to the
10 State to be reduced, that provision shall not apply.

11 "Labor demand occupation" means an occupation [for] which
12 [there is or is likely to be an excess of demand over supply for
13 adequately trained workers, including, but not limited to, an
14 occupation designated as a labor demand occupation by the New
15 Jersey Occupational Information Coordinating Committee pursuant to
16 section 7 of this act.]:

17 a. The Center for Occupational Employment Information has,
18 pursuant to subsection d. of section 27 of P.L. , c. (C.)
19 (pending before the Legislature as this bill), determined is or will be,
20 on a regional basis, subject to a significant excess of demand over
21 supply for trained workers, based on a comparison of the total need or
22 anticipated need for trained workers with the total number being
23 trained; or

24 b. The Center for Occupational Employment Information, in
25 conjunction with a Workforce Investment Board, has, pursuant to
26 subsection d.of section 27 of P.L. , c. (C.)(pending before
27 the Legislature as this bill), determined is or will be, in the region for
28 which the board is responsible, subject to a significant excess of
29 demand over supply for adequately trained workers, based on a
30 comparison of total need or anticipated need for trained workers with
31 the total number being trained.

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

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

44 "Permanent employment" means full-time employment unsubsidized
45 by government training funds which provides a significant opportunity
46 for career advancement and long-term job security [and is in the

1 occupation for which a worker receives vocational training pursuant
2 to this act].

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

7 "Qualified job counselor" means a job counselor whose
8 qualifications meet standards established by the commissioner.

9 "Qualified staff" means staff whose qualifications meet standards set
10 by regulations adopted by the Commissioner of Labor and Workforce
11 Development.

12 "Remedial education" or "remedial instruction" means any literacy
13 or other basic skills training or [education] instruction which may not
14 be directly related to a particular occupation but is needed to facilitate
15 success in [vocational] occupational training or work performance,
16 including training or [education] instruction in basic mathematics,
17 reading comprehension, basic computer literacy, English proficiency
18 and work-readiness skills.

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

22 "Service provider," "training provider" or "provider" means a
23 provider of employment and training services including but not limited
24 to a private or public school or institution of higher education, a
25 business, a labor organization or a community-based organization.

26 "State Eligible Training Provider List" means the Statewide list of
27 eligible training providers maintained pursuant to section 14 of
28 P.L. , c. (C.)(pending before the Legislature as this bill).

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

33 "Workforce investment services" means core, intensive, and
34 training services as defined by the Workforce Investment Act of 1998,
35 Pub.L.105-220 (29 U.S.C. s.2801 et seq.).

36 (cf: P.L.2004, c.39, s.6)

37

38 2. Section 3 of P.L.1992, c.48 (C.34:15B-37) is amended to read
39 as follows:

40 3. a. On the job training shall not be paid for with federal job
41 training funds for any employment found by the commissioner to be of
42 a level of skill and complexity too low to merit training.

43 b. The duration of on the job training for any individual shall not
44 exceed the duration indicated by the [Specific Vocational Preparation
45 code developed by the United States Department of Labor] Bureau of
46 Labor Statistics' Occupational Information Network, or "O*NET," for

1 the occupation for which the training is provided and shall in no case
2 exceed 26 weeks. The department shall set the duration of on the job
3 training for an individual for less than the indicated maximum, when
4 training for the maximum duration is not warranted because of the
5 level of the individual's previous training, education or work
6 experience.

7 c. On the job training shall not be paid for with federal job training
8 funds unless it is accompanied, concurrently or otherwise, by whatever
9 amount of classroom-based [vocational] or equivalent occupational
10 training, remedial [education] instruction or both, is deemed
11 appropriate for the worker by the commissioner.

12 d. Each employer receiving federal job training funds for on the job
13 training shall retain or place in permanent employment each trainee
14 who successfully completes the training. The commissioner may, for
15 a time period he deems appropriate, provide for the withholding of
16 whatever portion he deems appropriate of the funding as a final
17 payment for training, contingent upon the retention of a program
18 completer as required pursuant to this section.

19 e. On the job training shall not be paid for with federal job training
20 funds unless the trainee is provided benefits, pay and working
21 conditions at a level and extent not less than the benefits and working
22 conditions of other trainees or employees of the trainee's employer
23 with comparable skills, responsibilities, experience and seniority.

24 (cf: P.L.2001, c.152, s.6)

25

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

28 4. a. No individual shall receive employment and training services
29 paid for with federal job training funds other than counseling unless
30 the individual first receives counseling pursuant to this section. The
31 counseling shall be provided by a job counselor hired and employed by
32 the State pursuant to Title 11A, Civil Service, of the New Jersey
33 Statutes, or hired and employed by a political subdivision of the State,
34 or be provided by a qualified job counselor hired and employed by a
35 non-profit organization which began functioning as the One Stop
36 Career Center operator with the written consent of the chief elected
37 official and the commissioner prior to the effective date of P.L.2004,
38 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
39 community-based or faith-based organization to provide counseling
40 which the organization entered into an agreement to provide before
41 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). The purpose
42 of any counseling provided pursuant to this section is to assist each
43 individual in obtaining the employment and training services most
44 likely to enable the individual to obtain employment providing
45 self-sufficiency for the individual and also to provide the individual
46 with the greatest opportunity for long-range career advancement with

1 high levels of productivity and earning power. The counseling shall
2 include:

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

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

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

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

1 (5) Discussion with the counselor of the results of the testing and
2 evaluation; and[, based on those results, the]

3 (6) The development of a written Employability Development Plan
4 identifying the training and employment services or other workforce
5 investment services, including any needed remedial [education]
6 instruction, to be provided to the individual.

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

15 c. All information regarding an individual applicant or trainee
16 which is obtained or compiled in connection with the testing,
17 assessment and evaluation and which may be identified with the
18 individual shall be confidential and shall not be released to an entity
19 other than the individual, the counselor [or], the department [only if],
20 the commission or partners of the One-Stop system as necessary for
21 them to provide training and employment services or other workforce
22 investment services to the individual, unless the individual provides
23 written permission to the department for the release of the information
24 or the information is used solely for program evaluation.

25 (cf: P.L.2004, c.39, s.8)

26
27 4. Section 5 of P.L.1992, c.48 (C.34:15B-39) is amended to read
28 as follows:

29 5. An otherwise qualified individual shall not be denied
30 employment and training services or other workforce investment
31 services included in the Employability Development Plan developed for
32 the individual pursuant to section 4 of this act for any of the following
33 reasons: the [employment and training] services include remedial
34 [education] instruction needed by the individual to advance in the
35 individual's current employment or occupation or to succeed in the
36 [vocational] occupational component of the training; the qualified
37 displaced worker or other individual has identifiable [vocational]
38 occupational skills but the training services are needed to enable the
39 individual to develop skills necessary to attain at least the level of
40 self-sufficiency; the training is part of a program under which the
41 individual may obtain a college degree enhancing the individual's
42 marketable skills and earning power; the individual has previously
43 received a training grant; the length of the training period under the
44 program; or the lack of a prior guarantee of employment upon
45 completion of the training, except for on the job training. This section

1 shall not be construed as requiring that federal job training funds be
2 used to pay for employment and training services or other workforce
3 investment services for which other assistance, such as State or federal
4 student financial aid, is provided.

5 (cf: P.L.2001, c.152, s.7)

6
7 5. Section 6 of P.L.1992, c.48 (C.34:15B-40) is amended to read
8 as follows:

9 6. a. No federal job training funds shall be used to obtain
10 employment and training services from a service provider unless the
11 provider is an approved [pursuant to the procedures and criteria
12 established by the State Employment and Training Commission
13 pursuant to section 8 of this act. No] service provider [shall be
14 approved pursuant to this section unless] and the provider agrees to
15 provide, on a first-come, first-served basis, the services it offers to any
16 trainee who is referred to it to obtain the offered services, if included
17 in the individual's Employability Development Plan developed pursuant
18 to section 4 of this act, up to the total number of trainees that the
19 provider agrees to serve.

20 b. Each service provider shall maintain, make available and submit
21 appropriate records [available upon request] and data for monitoring
22 [inspection] and evaluation purposes, as required by the
23 [commissioner, including] State Employment and Training
24 Commission. The records and data shall include, but not be limited to:

25 (1) A record for each trainee enrolled, including the trainee's name
26 [and], Social Security number, gender, date of birth, date of
27 enrollment, and any date of completion, termination, start in a job or
28 application for a license, any licensing examination result, date of issue
29 of a license or credential issued, and any other information specified
30 by the State Employment and Training Commission or the Center for
31 Occupational Employment Information. For any individual who does
32 not have a Social Security number, the service provider may substitute
33 an alternate method of identification, except that, at the time of start
34 into employment, the alternate code shall be cross-referenced with the
35 individual's valid Social Security number;

36 (2) A record of all administrative and overhead expenses of the
37 provider related to the providing of employment and training services
38 funded by the program and the provider's direct expenses of providing
39 the services; and

40 (3) Any other information deemed appropriate by the commissioner
41 or the State Employment and Training Commission for evaluation
42 purposes.

43 c. In the case of a provider of [vocational] occupational training
44 services, the commissioner shall collect the information needed to
45 measure effectively the long-term success of the former trainees of the
46 provider in obtaining permanent employment and increasing earnings

1 over one or more time periods following the completion or other
2 termination of training, including a period of [not less than] two years
3 following the completion or other termination of training. The
4 commission shall set such standards as it deems appropriate regarding
5 comparisons of the former trainees with groups of otherwise similar
6 individuals who did not receive the training. The [commissioner shall
7 use the] information obtained pursuant to this subsection shall be used
8 to:

9 (1) Assist in evaluating the performance of providers of
10 [vocational] occupational training services;

11 (2) Assist in determining which providers of [vocational]
12 occupational training services to [approve pursuant a.
13 of this section] place on the State Eligible Training Provider List; and

14 (3) Assist in providing reliable information regarding the quality of
15 available providers of [vocational] occupational training services as
16 part of the counseling provided pursuant to section 4 of this act,
17 including the furnishing, for use in the counseling, including counseling
18 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
19 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
20 c.47, (C.43:21-59), of a consumer report card on service providers
21 showing the long-term success of former trainees of each provider in
22 obtaining permanent employment and increasing earnings over one or
23 more time periods following the completion or other termination of
24 training, including a period of two years following the completion or
25 other termination of training.

26 d. The State Employment and Training Commission, the
27 commissioner, and each service provider shall comply with all
28 pertinent State and federal laws regarding the privacy of students and
29 other participants in employment and training programs, including but
30 not limited to, the Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552
31 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
32 students and participants required by those laws.

33 (cf: P.L.1992, c.48, s.6)

34

35 6. Section 4 of P.L.1989, c.293 (C.34:15C-1) is amended to read
36 as follows:

37 4. As used in this act:

38 a. "At-risk youth" means a teenage high school dropout or a
39 teenage parent or other teenager whose pattern of behavior is likely to
40 result in becoming a high school dropout.

41 b. "Commission" means the State Employment and Training
42 Commission established pursuant to section 5 of this act.

43 c. ["Employment and training programs" means programs and
44 services which are State or federally funded and designed to develop
45 or maintain the productivity and earning power of workers and job

1 seekers.] "Federal job training funds" means any moneys expended
2 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
3 (29 U.S.C. s.2801 et seq.) or any other federal law to obtain
4 employment and training services or other employment-directed and
5 workforce development programs and activities, including employment
6 and training services as defined in section 1 of P.L.1992, c.48,
7 (C.34:15B-35) and employment-directed and workforce development
8 programs and activities as described in sections 2 and 4 of P.L.2004,
9 c.39 (C.34:1A-1.3 and 34:1A-1.5).

10 d. "Labor demand occupation" means an occupation which:

11 (1) The [New Jersey Occupational Information Coordinating
12 Committee] Center for Occupational Employment Information has,
13 pursuant to subsection [h.] d. of section [1 of P.L.1987, c.457
14 (C.34:1A-76)] 27 of P.L. , c. (C.)(pending before the
15 Legislature as this bill), determined is or will be, on a [Statewide]
16 regional basis, subject to a significant excess of demand over supply
17 for trained workers, based on a comparison of the total need or
18 anticipated need for trained workers with the total number being
19 trained; or

20 (2) The [New Jersey Occupational Information Coordinating
21 Committee] Center for Occupational Employment Information, in
22 conjunction with a [private industry council] Workforce Investment
23 Board, has, pursuant to subsection [h.] d. of section [1 of P.L.1987,
24 c.457 (C.34:1A-76)] 27 of P.L. , c. (C.)(pending before
25 the Legislature as this bill), determined is or will be, in the region for
26 which the [council] board is responsible, subject to a significant
27 excess of demand over supply for adequately trained workers, based
28 on a comparison of total need or anticipated need for trained workers
29 with the total number being trained.

30 e. ["Private industry council" means a private industry council
31 established pursuant to section 18 of this act] "Owner" of a qualifying
32 school means any person who acts as the proprietor of a qualifying
33 school, including any individual who has an ownership interest of five
34 percent or more in the qualifying school.

35 f. (1) "Qualifying school" means, except as provided in paragraph
36 (2) of this subsection f., a government unit, person, association, firm,
37 corporation, private organization, or any entity doing business or
38 maintaining facilities within the State, whether operating on a for
39 profit or not for profit basis, which:

40 (a) Offers or maintains a course of instruction or instructional
41 program utilized to prepare individuals for future education or the
42 workplace, including instruction in literacy or basic skills, or provides
43 supplemental instruction in recognized occupational skills, pre-
44 employment skills or literacy skills;

45 (b) Offers instruction by any method including, but not limited to,

- 1 classroom, shop, laboratory experience, correspondence, Internet and
2 other distance learning media, or any combination thereof;
- 3 (c) Offers instruction to the general public or in conjunction with
4 New Jersey's workforce investment system; and,
- 5 (d) Charges tuition or other fees or costs, or receives public
6 funding for the delivery of any of the above types of instruction.
- 7 (2) "Qualifying school" does not mean:
- 8 (a) Colleges and universities licensed by the Commission on Higher
9 Education or other schools, institutions and entities, including public
10 or private schools below college level, which are regulated and
11 approved pursuant to any law of this State other than this 2005
12 amendatory and supplementary act;
- 13 (b) Employers offering instruction to their employees directly or
14 through a contract instructor, where there is no cost to the employee
15 and no profit to the employer; or
- 16 (c) Schools offering instruction which is avocational, cultural or
17 recreational in nature.
- 18 g. "Service provider," "training provider" or "provider" means a
19 provider of employment and training services including, but not limited
20 to, a private or public school or institution of higher education, a
21 business, a labor organization or a community-based organization.
- 22 h. "State job training funds" means any moneys expended from the
23 Workforce Development Partnership Fund created pursuant to section
24 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
25 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
26 (C.34:15D-21) or any other source of State moneys to obtain
27 employment and training services or other employment-directed and
28 workforce development programs and activities, including employment
29 and training services as defined in section 3 of P.L.1992, c.43,
30 (C.34:15D-3) and employment-directed and workforce development
31 programs and activities as described in sections 2 and 4 of P.L.2004,
32 c.39 (C.34:1A-1.3 and 34:1A-1.5).
- 33 i. "Workforce Investment Board" means a board established
34 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
35 (29 U.S.C. s.2801 et seq.).
- 36 j. "Workforce investment programs" means programs and services
37 that are State or federally funded and designed to develop, improve,
38 or maintain the productivity and earning power of workers and job
39 seekers, including employment and training services, as defined in
40 section 1 of P.L.1992, c.48, (C.34:15B-35) and section 3 of P.L.1992,
41 c.43 (C.34:15D-3), and including employment-directed and workforce
42 development programs and activities as described in sections 2 and 4
43 of P.L.2004, c.39 (C.34:1A-1.3 and 34:1A-1.5).
- 44 k. "Workforce investment services" means core, intensive, and
45 training services as defined by the "Workforce Investment Act of

1 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.)."

2 (cf: P.L.1989, c.293, s.4)

3

4 7. Section 8 of P.L.1989, c.293 (C.34:15C-5) is amended to read
5 as follows:

6 8. The purpose of the commission shall be to develop and assist in
7 the implementation of a State [employment and training] workforce
8 investment policy with the goal of creating a coherent, integrated
9 system of [employment and training] workforce investment programs
10 and services which, in concert with the efforts of the private sector,
11 will provide each citizen of the State with equal access to the learning
12 opportunities needed to attain and maintain high levels of productivity
13 and earning power. The principal emphasis of the [employment and
14 training] workforce investment policy shall be developing a strategy
15 to fill significant gaps in New Jersey's [training and employments]
16 workforce investment efforts, with special attention to finding ways to
17 mobilize and channel public and private resources to individuals who
18 would otherwise be denied access to the training and education they
19 need to make their fullest contribution to the economic well being of
20 the State. To the extent practicable, the strategy shall emphasize types
21 of training and education which foster the communication and critical
22 thinking skills in workers and job seekers which will be of greatest
23 benefit for long term career advancement.

24 (cf: P.L.1989, c.293, s.8)

25

26 8. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read
27 as follows:

28 9. The commission shall:

29 a. Issue the [annual State employment and training plan] New
30 Jersey Unified Workforce Investment Plan pursuant to the provisions
31 of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
32 s.2801 et seq.) and section 10 of this act;

33 b. Establish performance standards for [training and employment]
34 workforce investment programs pursuant to the Workforce Investment
35 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11
36 of this act;

37 c. [Conduct its responsibilities in relationship to the New Jersey
38 Institute for Employment and Training Staff Development as required
39 pursuant to section 12 of this act] Act to ensure the full participation
40 of Workforce Investment Boards in the planning and supervision of
41 local workforce investment systems. The commission shall be
42 responsible to oversee and develop appropriate standards to ensure
43 Workforce Investment Board compliance with State and federal law,
44 the State plan, and other relevant requirements regarding membership,
45 staffing, meetings, and functions;

1 d. Foster and coordinate initiatives of the [Departments]
2 Department of Education and Commission on Higher Education to
3 enhance the contributions of public schools and institutions of higher
4 education to the implementation of the State [employment and
5 training] workforce investment policy;

6 e. Examine federal and State laws and regulations to assess
7 whether those laws and regulations present barriers to achieving any
8 of the goals of this act. The commission shall, from time to time as it
9 deems appropriate, issue to the Governor and the Legislature reports
10 on its findings, including recommendations for changes in State or
11 federal laws or regulations concerning [employment and training]
12 workforce investment programs or services, including, when
13 appropriate, recommendations to merge other State advisory
14 structures and functions into the commission;

15 f. Perform the duties assigned to a State [job training coordinating
16 council] Workforce Investment Board pursuant to subsection (d) of
17 section [122] 111 of [Title I of the "Job Training Partnership Act,"
18 Payable-300 (29 U.S.C. s. 1532) and Title III of that act (29 U.S.C.
19 s. 1651 et seq.)] the Workforce Investment Act of 1998, Pub.L.105-
20 220 (29 U.S.C. s.2821);

21 g. Have the authority to enter into agreements with the
22 [commissioner or chancellor, as the case may be,] head of each State
23 department or commission which administers or funds education,
24 employment or training programs, including, but not limited to, the
25 Departments of Labor and Workforce Development, Community
26 Affairs, Education, [Higher Education,] and Human Services and the
27 Commission on Higher Education, the New Jersey Commerce,
28 Economic Growth and Tourism Commission, and the Juvenile Justice
29 Commission, which agreements are for the purpose of assigning
30 planning, policy guidance and oversight functions to each [private
31 industry council] Workforce Investment Board with respect to any
32 [employment or training] workforce investment program funded or
33 administered by the State department or commission within the
34 [private industry council's] Workforce Investment Board's respective
35 labor market area or [service delivery] local area, as the case may be;
36 and

37 h. Establish guidelines to be used by the [private industry
38 councils] Workforce Investment Boards in performing the planning,
39 policy guidance, and oversight functions assigned to the [councils]
40 boards under any agreement reached by the commission with a
41 department or commission pursuant to subsection g. of this section.
42 The commission shall approve all local Workforce Investment Board
43 plans that meet the criteria established by the commission for the
44 establishment of One-Stop systems. The Department of Labor and
45 Workforce Development shall approve the operational portion of the

1 plans for programs administered by the department.

2 The commission shall have access to all files and records of other
3 State agencies and may require any officer or employee therein to
4 provide such information as it may deem necessary in the performance
5 of its functions.

6 Nothing in P.L. _____, c. _____ (C. _____) (pending before the Legislature
7 as this bill) shall be construed as affecting the authority of the
8 Commissioner of Personnel to review and approve training programs
9 for State employees pursuant to N.J.S.11A:6-25;
10 (cf: P.L.1989, c.293, s.9)

11

12 9. Section 10 of P.L.1989, c.293 (C.34:15C-7) is amended to read
13 as follows:

14 10. The commission shall [annually issue] prepare a [State
15 employment and training plan] New Jersey Unified Workforce
16 Investment Plan. The plan shall include:

17 a. A description of the State [employment and training] workforce
18 investment policy developed pursuant to section 8 of this act;

19 b. An assessment and an evaluation of the demand for various
20 kinds of trained workers in New Jersey and recommendations on how
21 to direct the State's [employment and training] workforce investment
22 efforts to be most effective in using that demand to increase the
23 productivity and earning power of the work force;

24 c. [Estimates of the numbers of individuals who are eligible for or
25 in need of different types of training and employment services, the
26 percentage of them who currently receive each type of service from
27 either the public or private sectors, and comprehensive proposals for
28 increasing the percentage of eligible individuals who receive each type
29 of service, with priority given to those individuals who are confronted
30 with the most serious difficulties in obtaining the education and
31 training they need to attain their full productive and earning
32 potentials;] (~~Deleted by amendment, P.L. _____, c. _____.~~)

33 d. A description of any performance standards established pursuant
34 to section 11 of this act and remedial [education] instruction
35 standards established pursuant to section 14 of this act and any
36 evaluation of [an employment and training programs] workforce
37 investment activities based on those standards;

38 e. Evaluations of other existing [employment and training]
39 workforce investment programs, their goals and structures, and the
40 consistency of each program with the State [employment and training]
41 workforce investment policy developed by the commission;

42 f. (1) Evaluations of the organizational structures, functions and
43 activities of governmental agencies performing advisory functions or
44 activities in relation to [employment and training] workforce
45 investment programs or services, including advisory functions and

1 activities performed in connection with vocational education, adult
2 education, apprenticeship, vocational rehabilitation and human services
3 programs; and

4 (2) Recommendations to the Governor about coordination of the
5 State's efforts in these program areas, including, if the commission
6 deems appropriate, a recommendation to the Governor for the transfer
7 of these advisory functions and activities to the jurisdiction of the
8 commission; and

9 g. Recommendations for any other changes the commission deems
10 appropriate in the overall structure of the State's [employment and
11 training] workforce investment system, including the consolidation of
12 duplicative programs and services and the reallocation of State and
13 federal funds to the agencies able to make the best use of those funds.

14 [Each report] The New Jersey Unified State Workforce Investment
15 Plan shall be submitted to the Governor, the Legislature and each
16 department charged with the operation of any program or service
17 which is evaluated by the commission or the subject of a
18 recommendation in the report consistent with the timetable established
19 by the federal Workforce Investment Act of 1998, Pub.L.105-220 (29
20 U.S.C. s.2801 et seq.).

21 The New Jersey Unified State Workforce Investment Plan shall be
22 a strategic unified workforce investment plan encompassing all of the
23 required and optional One-Stop partners prescribed by the federal
24 Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801
25 et seq.). The plan is intended to create a comprehensive workforce
26 investment system in New Jersey. The programs included in the plan
27 shall include but not be limited to workforce investment-related
28 activities and programs authorized under: the Carl D. Perkins
29 Vocational and Applied Technology Education Amendments of 1998,
30 Pub.L.105-332 (20 U.S.C. s 2301 et. seq.); the Workforce Investment
31 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.), including
32 activities for adults, dislocated workers and youth under Title I of that
33 act and adult education and family literacy programs under Title II of
34 that act; the Work First New Jersey program established pursuant to
35 P.L.1997, c.38 (C.44:10-55 et seq.); the federal "Personal
36 Responsibility and Work Opportunity Reconciliation Act of 1996,"
37 Pub.L.104-193 (42 U.S.C. 601 et seq.); the federal Food and
38 Agricultural Act of 1977, Pub.L.95-113 (7 U.S.C. 2011 et seq.);
39 chapter 2 of Title II of the Trade Act of 1974, Pub.L.93-618 (19
40 U.S.C. s.2102 et seq.); the Wagner-Peyser Act (29 U.S.C. s.49 et
41 seq.); Part B of Title I of the "Rehabilitation Act of 1973" (29 U.S.C.
42 s.701 et seq.); 38 U.S.C. s.4100 et seq. and 38 U.S.C. s.4200 et seq.,
43 including veterans' employment, disabled veterans' outreach, and local
44 veterans' employment representative programs; the "unemployment
45 compensation law," R.S.43:21-1 et seq.; the "Older Americans Act of
46 1965" (42 U.S.C. s.3001 et seq.); Titles V and XIX of the Social

1 Security Act (42 U.S.C. s.701 et seq. and 42 U.S.C. s.1396 et seq.);
2 U.S. Department of Housing and Urban Development Community
3 Development Block Grants, public housing programs; and Community
4 Services Block Grant Act; and the State Workforce Development
5 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), including
6 individual grants, customized training, youth transition to work,
7 occupational health and safety training, tuition waivers and basic skills
8 including literacy.

9 The commission may, at any other time as it deems appropriate,
10 issue additional reports to the Governor and the Legislature
11 concerning any of the subjects addressed in the [annual State
12 employment and training plan] New Jersey Unified Workforce
13 Investment Plan. Significant changes in the economy or technology or
14 in federal or State policy on any area included in the workforce
15 investment system may result in modifications to the plan.

16 The commission shall conduct a periodic, comprehensive evaluation
17 of the activities of the workforce investment system and make a
18 periodic report to the Governor and the Legislature regarding the
19 effectiveness of the workforce investment system in implementing the
20 purposes of this act.

21 (cf: P.L.1989, c.293, s.10)

22

23 10. Section 11 of P.L.1989, c.293 (C.34:15C-8) is amended to
24 read as follows:

25 11. a. The commission shall establish quantifiable performance
26 standards for evaluating [each employment and training program] the
27 workforce investment system, and guidelines for procedures to
28 encourage and enforce compliance with those standards. The
29 commission shall establish the standards and procedures in conjunction
30 with [the Department of Labor and] any [other] department or
31 commission which funds or administers [the program] workforce
32 investment programs.

33 The standards shall be designed to measure the success of [each
34 program] the system in assisting the individuals it serves to attain and
35 maintain high levels of productivity and earning power, through
36 preparation for employment in occupations with significant
37 opportunities for career advancement. The standards shall take into
38 account the specific needs and characteristics of the target populations
39 [which the programs serve].

40 b. Each [employment and training] workforce investment
41 program, including any program funded or established pursuant to
42 [P.L.1983, c.328 (C.34:15B-11 et al.), P.L.1987, c.71 (C.34:15B-27
43 et seq.), the "Job Training Partnership Act," Payable-300 (29 U.S.C.
44 s.1501 et seq.), or Title VI of the "Omnibus Trade and
45 Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. s.5001 et

1 al.)] the Workforce Investment Act of 1998, Pub. L. 105-220 (29
2 U.S.C. s. 2901 et seq.) the Carl D. Perkins Vocational and Applied
3 Technology Education Amendments of 1998, Pub.L.105-332 (20
4 U.S.C. s.2301 et seq.), or the State Workforce Development
5 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), is hereby
6 deemed to be subject to the performance standards and guidelines
7 established pursuant to subsection a. of this section. The performance
8 standards for the program shall be based on factors including, but not
9 limited to:

10 (1) The percentage of trainees who are placed, following
11 completion of the program, in employment in the occupation for which
12 they are trained or who are enrolled for further education or training,
13 if those enrollments are a goal of the program;

14 (2) The success of the program in sustaining or increasing the
15 trainees' levels of earnings, based on the wage levels upon placement
16 in employment, and the trainees' [potential for further advancement.
17 The factors indicated in this paragraph shall be given a weight of not
18 less than 20% in the evaluation of the program, unless enrollment for
19 further education or training is a goal of the program] retention in
20 employment; and

21 (3) [The percentage of trainees served by the program who are
22 designated under the performance standards as having the greatest
23 need for the services provided by the program, based on criteria
24 appropriate to the program; and] (Deleted by amendment, P.L. ____,
25 c. __.)

26 (4) The success of the program in facilitating the remedial
27 [education] instruction which the program is required to make
28 available to trainees under standards established pursuant to section 14
29 of this act.

30 In establishing performance standards, the commission shall not use
31 criteria which may adversely affect the assessment of a program
32 because of any emphasis the program may have on long-term
33 [vocational] occupational training and [education] instruction.

34 The commission shall establish dates by which each department
35 administering [employment and training] workforce investment
36 programs shall adopt the standards and guidelines for use in the
37 planning, budgeting and administration of those programs.

38 The standards shall apply to a program which is State or federally
39 funded except to the extent that application of the standards would
40 prevent the program from receiving the federal funding.

41 (cf: P.L.1989, c.293, s.11)

42

43 11. Section 13 of P.L.1989, c.293 (C.34:15C-10) is amended to
44 read as follows:

45 13. The commission shall establish such requirements as it deems

1 appropriate for each [employment and training] workforce investment
2 program to utilize[: the New Jersey Career Information Delivery
3 System for the delivery of individual career decision-making
4 information; and the comprehensive occupational information system
5 designed and implemented by the New Jersey Occupational
6 Information Coordinating Committee pursuant to P.L.1987, c.457
7 (C.34:1A-76 et seq.) for program planning. The New Jersey Career
8 Information Delivery System shall be used by entities administrating
9 job training programs within service delivery areas established
10 pursuant to the provisions of the "Job Training Partnership Act,"
11 Payable-300 (29 U.S.C. s.1501 et seq.), unless it is demonstrated that
12 alternative services are more effective for the delivery of individual
13 career decision-making information] the comprehensive occupational
14 information compiled and disseminated by the Center for Occupational
15 Employment Information established pursuant to section 27 of
16 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill)
17 and other information developed cooperatively by the Department of
18 Labor and Workforce Development and the commission for program
19 planning and individual career decision-making.
20 (cf: P.L.1989, c.293, s.13)

21

22 12. (New section) a. The State Employment and Training
23 Commission shall select industries in which a growing or unmet
24 demand for skilled workers, professionals or other personnel provides
25 an opportunity to generate significant growth in employment or
26 careers providing access to self-sufficiency and shall create State-level
27 industry task forces consisting of key stakeholders in each selected
28 industry to analyze the most significant mismatches between labor
29 supply and demand in the industry and develop State-wide strategies
30 to rectify those mismatches. The membership of each task force shall
31 be selected by the commission and shall include leaders of businesses,
32 labor unions, professional associations and other stakeholders in the
33 industry and representatives from State departments and agencies
34 which the commission determines may be of assistance in rectifying the
35 mismatches of supply and demand.

36 b. The commission shall select Workforce Investment Boards and
37 direct them to create regional planning bodies to address the
38 workforce needs in the regions under the jurisdictions of the boards
39 of specific industries, occupations or career clusters in which a
40 growing or unmet demand for skilled workers, professionals or other
41 personnel provides an opportunity to generate significant growth in
42 employment or careers providing self-sufficiency. The membership of
43 each regional planning body shall include representatives of Workforce
44 Investment Boards and One Stop Career Center partners and leaders
45 of businesses, labor unions and professional associations and other
46 stakeholders of the industries, occupations, career clusters or

1 employers in the region. The region under a regional planning body
2 shall be selected by the commission to enhance local delivery systems
3 by providing meaningful geographic boundaries for labor market
4 rationalization. The region selected for one industry, occupation or
5 career cluster may be different from the region selected for another
6 industry, occupation or career cluster. The size of regions under
7 regional planning bodies may vary in accordance with the
8 concentration of the relevant work forces or in accordance with other
9 factors. The commission may also determine any areas outside of the
10 State which would benefit from a joint effort with a regional planning
11 body and direct the body to seek cooperation with the Workforce
12 Investment Board or boards outside of the State that have jurisdiction
13 over those areas.

14 c. The purpose of each regional planning body shall be to develop,
15 for its area of jurisdiction, strategies to match labor market supply and
16 demands and support a demand-side focus anchoring the employment
17 and training system to the labor market in a manner which increases
18 opportunities for employment and careers providing access to self-
19 sufficiency. Those strategies may include job skill training and
20 utilization of labor market and demographic information to match the
21 location of jobs with the residence of workers. The planning for the
22 development of the strategy shall include an analysis of the adequacy
23 of the transportation system to get the workers to the jobs and the
24 suitability of the training being offered in an area for the needs of the
25 local workplace, and shall take into consideration any State-wide
26 strategy developed by a State-wide industry task force pursuant to
27 subsection a. of this section which is relevant to the jurisdiction of the
28 regional planning body.

29 d. The Legislature finds and declares that the current and growing
30 shortage of skilled and credentialed health care professionals,
31 paraprofessionals, and entry-level workers has reached crisis
32 proportions. The commission shall establish a State-level industry
33 taskforce on the health care industry, as well as regional planning
34 bodies on the health care industry in each region designated by the
35 commission, to address this problem and promote enduring
36 partnerships among employers, labor unions, professional associations
37 and other stakeholders in the health care industry, the public
38 workforce investment system, primary, secondary and postsecondary
39 education, and social service providers to develop and sustain
40 solutions in the areas of recruitment, retention, training and education
41 capacity-building in that industry in a manner which increases
42 opportunities for employment and careers providing access to self-
43 sufficiency.

44

45 13. (New section) a. A qualifying school shall make a written
46 application to the Commissioner of Labor and Workforce

1 Development for a certificate of approval, and shall not be permitted
2 to operate unless it receives the certificate of approval issued by the
3 Commissioner of Labor and Workforce Development and the
4 Commissioner of Education pursuant to the rules that they
5 promulgate. The application shall be in the form prescribed by the
6 commissioners and shall furnish the information required by the
7 commissioners. Upon receipt of this application, with the required
8 documentation, the Commissioner of Labor and Workforce
9 Development shall cause to be conducted an evaluation of the
10 applicant school prior to the issuance of a certificate of approval. The
11 certificate shall be in a form prescribed by the Commissioners of Labor
12 and Workforce Development and Education and shall be prominently
13 displayed so that it is visible to the general public. The certificate is
14 issued to the applicant owner and school and is nontransferable. In the
15 event of a change of ownership, the new owner is required to apply for
16 a change in ownership subject to the conditions and fees prescribed by
17 the Commissioner of Labor and Workforce Development and prior to
18 the issuance of a new certificate of approval. Approval shall also be
19 required for changes in location and any additional locations. Program
20 and course curricula and instructional personnel and administrator
21 credentials shall be submitted for approval and contain sufficient
22 information for proper evaluation as determined by the Commissioner
23 of Education. The personnel of a qualifying school shall meet the
24 qualifications set forth by the Commissioners of Labor and Workforce
25 Development and Education in order to own, operate, market,
26 supervise, or offer instruction.

27 b. A casino gaming school shall not receive a certificate of
28 approval pursuant to subsection a. of this section unless the school is
29 licensed by the New Jersey Casino Control Commission pursuant to
30 subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92).

31 c. An applicant shall not be issued a certificate of approval if, upon
32 the review and consideration of the submitted application, the
33 application is found to be not in accordance with the rules and
34 regulations set forth by the Commissioners of Labor and Workforce
35 Development and Education. The Commissioners of Labor and
36 Workforce Development and Education may revoke, suspend, or place
37 reasonable conditions upon the continued approval represented by the
38 certificate. Prior to revocation, the Commissioners of Labor and
39 Workforce Development and Education shall notify the holder in
40 writing of the impending action and set forth the grounds for the
41 action. The Commissioners of Labor and Workforce Development and
42 Education may reexamine a school during the year in which notice or
43 conditions have been imposed. A certificate of approval may be
44 revoked, suspended, or made conditional if the Commissioners of
45 Labor and Workforce Development and Education have reasonable
46 cause to believe that the school is guilty of violating this section or any

1 of the rules adopted under this section or is found to be financially
2 unsound.

3 d. An approved qualifying school shall maintain a permanent
4 student record for each student enrolled. This information shall
5 include, but not be limited to, the student's Social Security number,
6 gender, date of birth, date of enrollment, and any date of completion,
7 date of termination, date of start in a job, date of application for a
8 license, licensing examination result, date of issue of a license, any
9 credential issued, and other information as specified by the State
10 Employment and Training Commission or the Center for Occupational
11 Employment Information. For any individual who does not have a
12 Social Security number, the qualifying agency may substitute an
13 alternate method of identification, except that, at the time of start into
14 employment the alternate code shall be cross-referenced with the
15 individual's valid Social Security number. The applicant school shall
16 submit a record retention plan to the Commissioner of Labor and
17 Workforce Development that describes the method by which a student
18 or other legitimate requester may obtain a copy of the permanent
19 record verifying attendance and academic achievement of a student at
20 the school. The plan shall identify the organization or individual
21 responsible for maintaining and responding to requests for and
22 distributing records in the event that the school ceases operation or
23 closes. The Department of Labor and Workforce Development and
24 the Department of Education may adopt additional regulations
25 prescribing the manner in which student records, including transcripts,
26 shall be maintained and distributed, and regulations setting penalties
27 for failure to comply with an approved record retention plan.

28 e. An approved qualifying school shall be open for monitoring and
29 inspection to any officer, representative or agent designated by the
30 Commissioners of Labor and Workforce Development and Education.
31 The Departments of Labor and Workforce Development and
32 Education shall conduct examinations of all facilities and methods of
33 operating, as they deem appropriate.

34 f. The Departments of Labor and Workforce Development and
35 Education shall continue to oversee the proper conduct of qualifying
36 schools and shall maintain rules governing curricula, qualifications of
37 instructors and supervisors, facilities, record keeping requirements and
38 any other matters essential to the maintenance of quality instruction
39 and the business integrity of qualifying schools.

40 g. An approved qualifying school shall submit an annual report to
41 the Commissioner of Labor and Workforce Development. The annual
42 report shall include, but not be limited to, enrollment information,
43 post-training placement information and tuition received as well as an
44 electronic or paper copy of student transcripts. Failure to furnish the
45 required report shall be just cause for the commissioner to amend,
46 suspend or revoke the approval to operate as previously granted by

1 whatever governmental entity, or to take other appropriate actions.
2 The annual report shall be for the period of July 1 through June 30 of
3 the preceding year and shall be submitted, not later than 30 calendar
4 days after the close of the reporting period, in the format and on the
5 forms provided by the commissioner. A qualifying school shall also
6 submit any additional reports as requested by the commissioner on a
7 more frequent basis. A qualifying school shall submit the name and
8 Social Security number of each newly enrolled student on a reporting
9 basis to be established by the commissioner.

10 h. Objective performance standards and measures for evaluating
11 qualifying schools shall be jointly developed and implemented by the
12 State Board of Education and the New Jersey State Employment and
13 Training Commission. Policy makers and consumers shall be provided
14 with information concerning approved programs and shall be provided
15 access to a consumer report card on the effectiveness of the qualifying
16 schools on the State Eligible Training Provider List showing the
17 long-term success of former trainees of each qualifying school in
18 obtaining permanent employment and increasing earnings over one or
19 more time periods following the completion or other termination of
20 training, including a period of two years following the completion or
21 other termination of training.

22 i. Any State or federal funds which become available for the school
23 approval functions performed by the Department of Labor and
24 Workforce Development or the Department of Education, as described
25 in this act, shall be appropriated to the respective department for the
26 regulation and oversight of qualifying schools pursuant to the
27 provisions of this act.

28 j. The Commissioner of the Department of Labor and Workforce
29 Development shall, in consultation with the Department of Education,
30 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
31 c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to
32 establish approval and renewal fees and to effectuate the provisions of
33 this section. Existing rules and regulations, as of the effective date of
34 P.L. , c. (C.) (pending before the Legislature as this bill), shall
35 remain in effect for one year or until rules and regulations adopted
36 pursuant to this subsection replace them.

37
38 14. (New section) a. The Department of Labor and Workforce
39 Development shall maintain a Statewide list of approved training
40 providers known as the State Eligible Training Provider List. In order
41 to be placed and retained on the list, a training provider shall meet:

42 (1) The requirements of section 122 of the "Workforce Investment
43 Act of 1998, Pub.L.105-220 (29U.S.C. s.2842);

44 (2) The requirements of this section;

45 (3) Any requirement applicable to that training provider pursuant
46 to section 13 of P.L. , c. (C.) (pending before the

1 Legislature as this bill), section 6 of P.L.1992, c.48 (C.34:15B-40) and
2 section 6 of P.L.1992, c.43 (C.34:15D-8);

3 (4) All reporting requirements of section 29 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill); and

5 (5) Any other requirements established by the State Employment
6 and Training Commission.

7 No training provider who is not an approved training provider
8 included on the State Eligible Training Provider List shall receive any
9 federal job training funds or State job training funds.

10 b. In order to be placed on the State Eligible Training Provider
11 List, each training provider, including a school, shall obtain approval
12 from an authorized government agency. Any provider that is not
13 aligned with a specific cognizant agency shall be required to obtain
14 approval from the Department of Labor and Workforce Development.
15 Authorized government agencies shall include, but are not limited to,
16 the following:

17 (1) The Commission on Higher Education: The commission shall
18 approve programs from all institutions under its jurisdiction. This
19 approval includes course work for degrees and certificates awarded by
20 higher education institutions including public and private institutions.

21 (2) The Department of Education: The Department of Education
22 shall approve all institutions in its jurisdiction. Programs operated by
23 the Division of Vocational Rehabilitation Services shall be approved
24 by the Department of Education cooperatively with the Department of
25 Labor and Workforce Development. Private schools controlled or
26 operated by a charitable institution or any school controlled or
27 operated by a religious denomination requesting to be included on the
28 State Eligible Training Provider List shall be approved by the
29 Department of Labor and Workforce Development in consultation
30 with the Department of Education or any other appropriate State
31 agency. Appropriate fees may be charged for certification and annual
32 renewal.

33 (3) State departments responsible for licensing: Training providers
34 are approved by any State department authorized to license training
35 providers for specific training programs.

36 (4) The federal Government: Training providers required to be
37 approved by an agency of the federal government shall be included on
38 the State Eligible Training Provider List after submission of the
39 application and documentation indicating approval by the appropriate
40 agency.

41 (5) Out-of-state approval: Training providers located in other
42 states may be on the State Eligible Training Provider List if they
43 demonstrate that they are approved by an appropriate state agency in
44 the state in which they are located. Those providers shall complete the
45 appropriate application process, submit to the Center for Occupational
46 Employment Information proof of their approval, agree to the

1 established reports, agree to any other requirements established for in-
2 State providers, and comply with the specific requirements of the
3 funding source.

4 c. Where applicable, training programs shall align with or use
5 existing nationally recognized, industry-based skill standards and
6 certifications as the basis for developing competency-based learning
7 objectives, curricula, instructional methods, teaching materials and
8 worksite activities; prepare students to satisfy employer knowledge
9 and skill requirements assessed by related examination, and provide
10 students with the opportunity to take exams and receive certifications
11 or licenses.

12 d. Each training provider shall apply to be placed on the State
13 Eligible Training Provider List and provide a record for each trainee
14 enrolled. This information shall include, but not be limited to, the
15 participant's Social Security number, gender, date of birth, date of
16 enrollment, any date of completion, date of termination, date of start
17 in a job, date of application for a license, licensing examination result,
18 date of issue of a license, any credential issued, and other information
19 as specified by the State Employment and Training Commission or
20 Center for Occupational Employment Information. For individuals
21 who do not have a Social Security number, the qualifying agency may
22 substitute an alternate method of identification, except that, at the time
23 of start into employment, the alternate code shall be cross-referenced
24 with the individual's valid Social Security number. In addition, the
25 training provider shall agree to provide any other information deemed
26 appropriate by the State Employment and Training Commission, the
27 Department of Labor and Workforce Development and the
28 Department of Education for evaluation purposes.

29 e. Every training provider shall provide access for on site visitation
30 and monitoring by the State or its designee upon request.

31 f. Objective performance standards and measures for evaluating
32 training providers shall be jointly developed and implemented by the
33 State Board of Education and the New Jersey State Employment and
34 Training Commission. Policy makers and consumers shall be provided
35 with information concerning training providers on the State Eligible
36 Training Provider List and shall be provided a consumer report card
37 on the effectiveness of those training providers showing the long-term
38 success of former trainees of each provider in obtaining permanent
39 employment and increasing earnings over one or more time periods
40 following the completion or other termination of training, including a
41 period of two years following the completion or other termination of
42 training.

43 g. Any qualifying school which has a currently valid certificate of
44 approval issued pursuant to section 13 of P.L. , c. , (C.)
45 (pending before the Legislature as this bill) and complies with all
46 requirements of this section applicable to the school shall be placed on

1 State Eligible Training Provider List and any qualifying school which
2 has its certificate revoked or suspended shall be removed from the list
3 until the certification is reinstated.

4

5 15. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to
6 read as follows:

7 14. a. The commission shall foster and coordinate workforce
8 investment initiatives of all State Departments. It shall promote
9 initiatives of the Department of Education and the [Department of]
10 Commission on Higher Education to maximize the contributions of the
11 State's public schools and institutions of higher education in
12 implementing the State [employment and training] workforce
13 investment policy developed by the commission. The commission shall
14 foster and coordinate initiatives of the Department of Education and
15 the [Department of] Commission on Higher Education [which] that
16 will enhance the State's efforts to assist at-risk youths in achieving
17 educational success and making successful transitions to work. The
18 commission shall foster initiatives of the [Department of] Commission
19 on Higher Education among institutions of higher education [which]
20 that will enhance the State's [employment and training] workforce
21 investment efforts, including: the coordination of vocational programs
22 between institutions; more use of facilities at institutions which
23 provide education at or above the level of county colleges, including,
24 but not limited to, the Advanced Technology Centers established
25 pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103
26 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.),
27 P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106
28 (C.18A:64J-22 et seq.); developing more programs to offer four year
29 degrees for working students who attend only at nights and on
30 weekends; and expanding programs which provide college credit for
31 training and educational experiences outside of traditional academic
32 contexts.

33 b. The commission shall have the responsibility, jointly with the
34 Department of Education, the Department of Labor and Workforce
35 Development and the [Department of] Commission on Higher
36 Education, to: (1) establish standards regarding the minimum levels of
37 remedial [education] instruction which shall be made available to a
38 trainee under any [employment and training] workforce investment
39 program, including any program of training undertaken in connection
40 with additional unemployment compensation benefits provided
41 pursuant to the provisions of P.L.1992, c.47 (C.43:21-57 et al.) or any
42 program funded or established pursuant to the "1992 New Jersey
43 Employment and Workforce Development Act," P.L.1992, c.43
44 (C.34:15D-1 et al.)[,] or the ["Job Training Partnership Act,"
45 Payable-300 (29 U.S.C. s.1501 et seq.), or Title VI of the "Omnibus

1 Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C.
2 s.5001 et al.)] Workforce Investment Act of 1998, Pub. L. 105-220
3 (29 U.S.C. s.2801 et seq.); and (2) coordinate the development of
4 appropriate intake and assessment instruments and procedures for the
5 assessment of persons seeking access to [employment and training]
6 workforce investment programs. The remedial [education] instruction
7 standards shall be determined through the use of common diagnostic
8 tools, curricula, and evaluation techniques, and shall take into account
9 the differing needs and characteristics of the various target populations
10 which the programs serve. The remedial [education] instruction
11 standards shall be based on evaluations of the minimum levels of basic
12 skills needed to succeed in particular types of [vocational]
13 occupational training offered under the programs and any additional
14 improvements in basic skills needed by individuals of each target
15 population to successfully adapt to the State's changing economy. The
16 standard for the minimum level of remedial [education which]
17 instruction that shall be made available to an individual receiving the
18 [vocational] occupational training for a particular occupation shall not
19 be less than the level necessary to attain the minimum basic skill levels
20 indicated as needed for that occupation in the [Dictionary of
21 Occupational Titles issued by the United States Department of Labor.]
22 Bureau of Labor Statistics' Occupational Information Network, or
23 "O*NET." The commission, the Department of Education, the
24 Department of Labor and Workforce Development and the
25 [Department of] Commission on Higher Education, may jointly set
26 this standard at a higher level, but if they do not, the level indicated in
27 the [Dictionary of Occupational Titles] Bureau of Labor Statistics'
28 Occupational Information Network, or "O*NET," shall be regarded as
29 the established standard.

30 (cf: P.L.1992, c.48, s.9)

31

32 16. Section 15 of P.L.1989, c.293 (C.34:15C-12) is amended to
33 read as follows:

34 15. a. The chairperson of the commission shall prepare an annual
35 budget for the commission. Resources to support the activities of the
36 commission and commission staff shall be contributed by each of the
37 State's workforce investment system's partner State departments. Up
38 to 15 percent of allowable State administrative funds from all federally
39 supported and State-supported workforce investment programs may
40 be used to support the commission.

41 b. Funding for the commission and local Workforce Investment
42 Boards shall be obtained from all workforce investment programs.
43 Funding shall be established cooperatively by the departments who are
44 partners to the workforce investment system. The Commissioner of
45 Labor and Workforce Development, in consultation with the

1 commission, shall set criteria and standards for any Workforce
2 Investment Board administrators hired with these administrative
3 resources.

4 (cf: P.L.1989, c.293, s.15)

5

6 17. Section 18 of P.L.1989, c.293 (C.34:15C-15) is amended to
7 read as follows:

8 18. a. [There shall be a private industry council for each service
9 delivery area.] Each workforce investment area shall be under the
10 jurisdiction of a Workforce Investment Board. Each [service
11 delivery] local workforce investment area established by the Governor
12 shall have the same boundaries as the labor market area of which it is
13 a part, except in cases where the boundaries are different because the
14 Governor is required, pursuant to section [101 of Payable-300 (29
15 U.S.C. s. 1511)] 116 of Pub. L. 105-220 (29 U.S.C. s. 2831), to
16 approve a request to be a [service delivery] workforce investment
17 area [made by a unit of general local government with a population of
18 200,000 or more, or a consortium of contiguous units of general local
19 government with an aggregate population of 200,000 or more which
20 serves a substantial part, but not all, of the labor market area].

21 b. Each [private industry council] Workforce Investment Board
22 shall be in conformity with section [102 of Payable-300 (29 U.S.C. s.
23 1512)] 116 of Pub. L. 105-220 (29 U.S.C. s.2831) and the guidelines
24 issued by the State Employment and Training Commission and shall
25 consist of:

26 (1) Representatives of [the private sector, who shall constitute a
27 majority of the membership of the council and who shall be owners of
28 business concerns, chief executives or chief operating officers of
29 nongovernmental employers, or other private sector executives who
30 have substantial management or policy responsibility; and] businesses
31 who:

32 (a) Are owners of businesses, chief executives or operating officers
33 of businesses, and other business executives or employers with
34 optimum policy making or hiring authority;

35 (b) Represent businesses with employment opportunities that
36 reflect the employment opportunities of the local area;

37 (c) Are appointed from among individuals nominated by local
38 business organizations and business trade associations; and

39 (d) Constitute a majority of the membership of the local board;

40 (2) Representatives of [organized labor, rehabilitation agencies,
41 community-based organizations, economic development agencies, the
42 public employment service and educational agencies which are
43 representative of all educational agencies in the service delivery area]
44 local educational entities who:

45 (a) Are representatives of local educational agencies, local school

1 boards, entities providing adult education and literacy activities,
2 county vocational technical schools and post-secondary educational
3 institutions, including representatives of community colleges; and

4 (b) Are selected from nominations by regional or local educational
5 agencies, institutions or organizations representing such local
6 educational entities;

7 (3) Representatives of local area labor organizations who are
8 nominated by local labor federations;

9 (4) Representatives of community-based organizations including
10 organizations representing individuals with disabilities, organizations
11 representing veterans, and faith-based organizations;

12 (5) Representatives of local economic development agencies
13 including private sector entities;

14 (6) Representatives of each of the One-Stop partners; and

15 (7) Representatives that chief elected officials deem appropriate for
16 board membership.

17 The [chairman] chairperson of the [council] board shall be
18 selected from among members of the [council] board who are
19 representative of [the private sector] business in the local area.

20 c. Members of the [council] board shall be appointed from among
21 individuals nominated by appropriate organizations in accordance with
22 section [102 of Payable-300 (29 U.S.C. s. 1512)] 117 of Pub. L. 105-
23 220 (29 U.S.C. s.2832). If there is only one unit of general local
24 government in the [service delivery] local area with experience in
25 administering [job training] workforce investment programs, the chief
26 elected official of that unit shall determine the initial number of
27 members on the [council] board and shall appoint the members. If
28 there are two or more units in the [service delivery] local area with
29 experience in administering job training programs, the chief elected
30 officials of those units shall, in accordance with an agreement entered
31 into by all of those units, determine the initial number of members on
32 the [council] board and appoint the members. In the absence of an
33 agreement by all of the units, the Governor shall determine the initial
34 number of members on the [council] board and appoint the members.
35 Members shall be appointed for fixed and staggered terms and may
36 serve until their successors are appointed. A vacancy in the
37 membership of the [council] board shall be filled in the same manner
38 as the original appointment. A member of the [council] board may be
39 removed for cause in accordance with procedures established by the
40 [council] board.

41 d. The Governor shall certify a [private industry council] board if
42 [he determines] it is determined that [its] the board's composition
43 and appointments are consistent with the provisions of this section and
44 [Payable-300 (29 U.S.C. s. 1501 et seq.)] section 117 of Pub. L. 105-
45 220 (29 U.S.C. s.2832) and the requirements of the State Employment

1 and Training Commission. The certification shall be made or denied
2 not later than 30 days after the date on which a list of members and
3 necessary supporting documentation are submitted to the Governor.
4 The [council] board shall, within 30 days after its certification by the
5 Governor, be convened by the official or officials who made the
6 appointments to the [council] board under subsection c. of this
7 section. The [council] board shall meet at least four times per year,
8 with meetings open to attendance by interested persons pursuant to the
9 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

10 e. Each [private industry council] Workforce Investment Board
11 established pursuant to this act shall:

12 (1) Provide policy guidance for, and exercise oversight with
13 respect to, all [employment and training] workforce investment
14 programs within its labor market area in partnership with the unit or
15 units of general local government within the area. To provide the
16 policy guidance and oversight, the [council] board shall review and
17 evaluate the programs and, as appropriate, make recommendations to
18 the Governor, the Legislature, or any State agency or local governing
19 entity involved in the funding or administration of the programs. The
20 recommendations shall be based primarily on how effective each
21 program is in meeting relevant performance standards, including
22 standards regarding the cost and quality of training and the
23 characteristics of participants. The [council] board shall provide any
24 planning, policy guidance or oversight with respect to [employment
25 and training] workforce investment programs in accordance with any
26 agreement entered into pursuant to subsection g. of section 9 of this
27 act by the commission and the department administering or funding the
28 programs.

29 (2) Establish skill level and competency guidelines, which may be
30 above the criteria established by the commission, consistent with the
31 provisions of this act to be used as a basis for the selection of skill
32 training programs and competency curriculum in its [service delivery]
33 local area;

34 (3) Assist in the development, approval and submission of the State
35 [employment services] workforce investment operating plan for its
36 labor market area;

37 (4) Prepare [and], approve and submit to the Department of Labor
38 and Workforce Development and the State Employment and Training
39 Commission a budget for itself in accordance with the [job training
40 plan adopted pursuant to Payable-300 (29 U.S.C. s. 1501 et seq.)]
41 Workforce Investment Act of 1998, Pub. L. 105-220 (29 U.S.C. s.
42 2801 et seq.);

43 (5) Submit to the State Employment and Training Commission, by
44 September 1 of each year, an annual report covering the immediately
45 preceding program period of July 1 to June 30. The report shall

1 contain:

2 (a) An account of activities during the program period, including
3 all coordination activities undertaken by the [council] board to
4 eliminate unnecessary duplication of services and foster a unified One-
5 Stop delivery system;

6 (b) Information describing the extent to which the activities failed
7 or succeeded in meeting relevant performance standards; and

8 (c) The skill level and competency guidelines to be used in the
9 upcoming year;

10 (6) Fulfill any other role or function of a [private industry council]
11 Workforce Investment Board required pursuant to [Payable-300 (29
12 U.S.C. s. 1501 et seq.)] Pub. L. 105-220 (29 U.S.C. s. 2801 et seq.);
13 and

14 (7) Assume any additional responsibilities assigned to it by the
15 Governor in consultation with the State Employment and Training
16 Commission.

17 f. In order to carry out its functions under this act, a [private
18 industry council] Workforce Investment Board may:

19 (1) Hire staff;

20 (2) Incorporate as a non-profit or other entity;

21 (3) [Act] Select, under agreement with the chief elected official or
22 officials, [as] the administrative entity for [employment and training]
23 workforce investment programs funded within the [labor market]
24 workforce investment area; [and]

25 (4) Seek, obtain and expend additional funding for the programs
26 from public and private sources; and

27 (5) Establish as many committees as are necessary to satisfactorily
28 perform its duties. There shall be, at a minimum, a local Youth
29 Council, a Disability Committee, a One-Stop Committee and a
30 Literacy Committee.

31 g. [Funds provided or administered by a private industry council
32 shall not be used to duplicate facilities or services available in the
33 council's service delivery area, with or without reimbursement, from
34 federal, State or local sources, unless it is demonstrated that
35 alternative services or facilities would be more effective or more likely
36 to achieve the service delivery area's performance goals. Appropriate
37 educational agencies and services available for participants living in the
38 service delivery area shall be utilized unless the administrative entity
39 demonstrates that alternative agencies or services would be more
40 effective and have greater potential to enhance the participants'
41 continued occupational and career growth.] (Deleted by amendment,
42 P.L. c. .)

43 h. No member of a [private industry council] Workforce
44 Investment Board established pursuant to this act shall cast a vote on
45 the provision of services by that member or any organization which

1 that member directly represents or vote on any matter which would
2 provide direct financial benefit to that member. [Private industry
3 council] Workforce Investment Boards shall be subject to policies
4 concerning conflict of interest and nepotism prescribed by the
5 Commissioner of Labor and Workforce Development.

6 i. [The Commissioner of Labor, in conjunction with the State
7 Employment and Training Commission, shall establish criteria for
8 awarding pilot grants to private industry councils to assist them in
9 implementing the purposes of this section. The commissioner shall
10 expend not less than 85% of any funds appropriated to effectuate the
11 purposes of this subsection for the pilot grants and not more than 15%
12 of the funds for the costs of contracting, monitoring, evaluating and
13 auditing the pilot grants. The commissioner shall report to the
14 Governor and the Legislature and to the State Employment and
15 Training Commission on the results of the evaluation of the pilot
16 grants.] (Deleted by amendment, P.L. _____, c. ____.)
17 (P.L.1989, c.293, s.18)

18

19 18. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to
20 read as follows:

21 2. a. There is created within the State Employment and Training
22 Commission, established pursuant to section 5 of P.L.1989, c.293
23 (C.34:15C-2) in the Department of Labor and Workforce
24 Development, a State Council for Adult Literacy Education Services.

25 b. The 27-member council shall consist of the following ex officio
26 members: the Commissioners of Labor and Workforce Development,
27 Human Services, Education, Community Affairs[,] and Corrections,
28 [Commerce and Economic Development] the Secretary and Chief
29 Executive Officer of the New Jersey Commerce, Economic Growth
30 and Tourism Commission, the Executive Director of the Commission
31 on Higher Education, and the Executive Director of the State
32 Employment and Training Commission. The council shall also include
33 one member of the Senate appointed by the President thereof and one
34 member of the General Assembly appointed by the Speaker thereof,
35 who shall serve during the two-year legislative session in which the
36 appointment is made and who shall not be of the same political party;
37 and 17 public members as follows: five public members appointed by
38 the Governor including a member of a Workforce Investment Board
39 literacy committee, a State or national adult education expert and three
40 representatives of the business community, at least one of whom shall
41 represent a small business; six public members appointed by the
42 President of the Senate including a student or former student who
43 received adult literacy services and a representative from each of the
44 following: a county college, a four-year institution of higher education,
45 the State Library or a local library, a Department of Education-funded
46 adult education provider of adult basic education programs, general

1 educational development programs or English as a second language
2 programs and a community-based organization which is an adult
3 education provider; and six public members appointed by the Speaker
4 of the General Assembly including a representative from each of the
5 following: a vocational school providing adult academic education
6 programs, a trade union, the New Jersey Network, the New Jersey
7 Association of Lifelong Learning, the Literacy Volunteers of America
8 and the New Jersey Education Association.

9 c. The public members shall serve for terms of three years, but of
10 the public members first appointed, six shall serve a term of three
11 years, six shall serve a term of two years and five shall serve a term of
12 one year. Each member shall hold office for the term of appointment
13 and until his successor is appointed and qualified. A member
14 appointed to fill a vacancy occurring in the membership of the board
15 for any reason other than the expiration of the term shall have a term
16 of appointment for the unexpired term only. All vacancies shall be
17 filled in the same manner as the original appointment. A member may
18 be appointed for any number of successive terms. A member may be
19 removed from office by the Governor, for cause, after a hearing and
20 may be suspended by the Governor pending the completion of the
21 hearing.

22 d. The members shall select annually a chairperson and a
23 vice-chairperson, who shall be nongovernmental members of the
24 council, and shall appoint an executive director. The executive
25 director shall report to the chairperson of the council and be
26 responsible for administering the daily operations of the council. The
27 executive director shall serve in the State unclassified service. The
28 council may call to its assistance and avail itself of the services of the
29 employees of any State, county or municipal department, board,
30 bureau, commission or agency as it may require and as may be
31 available to it for its purposes.

32 e. Members of the council shall serve without compensation, but
33 ~~[shall]~~ may be reimbursed for necessary expenses incurred in the
34 performance of their duties as members, within the limits of funds
35 appropriated or otherwise made available to the council for its
36 purposes. Actions may be taken and motions and resolutions may be
37 adopted by the council by an affirmative vote of a majority of the
38 members.

39 (cf: P.L.1999, c.107, s.2)

40

41 19. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to
42 read as follows:

43 1. a. There is created, in the New Jersey State Employment and
44 Training Commission, a council which shall be known as the Council
45 on Gender Parity in Labor and Education.

46 b. The council shall consist of ~~[13]~~ 17 members who are

1 individuals with experience in the fields of labor, education, training
2 or gender equity. The ~~[13]~~ 17 members shall include: ~~[four]~~ six
3 members appointed by the Director of the Division on Women; ~~[four]~~
4 six members appointed by the Executive Director of the State
5 Employment and Training Commission; and five members who shall
6 serve ex officio, one of whom shall be appointed by the Commissioner
7 of Community Affairs, one by the Commissioner of Education, one by
8 the Commissioner of Human Services, one by the Commissioner of
9 Labor and Workforce Development and one by the ~~[Chairperson]~~
10 Executive Director of the Commission on Higher Education. Not
11 more than half of the members appointed by the Director of the
12 Division on Women and not more than half of the members appointed
13 by the Executive Director of the State Employment and Training
14 Commission shall be of the same political party. The members
15 appointed by the director and executive director shall serve for terms
16 of three years, except that of the eight members first appointed by the
17 director and the executive director, four shall be appointed for three
18 years, two shall be appointed for two years, and two shall be
19 appointed for one year. Each member shall hold office for the term of
20 appointment and until his successor is appointed and qualified. A
21 member appointed to fill a vacancy occurring in the membership of the
22 council for any reason other than the expiration of the term shall have
23 a term of appointment for the unexpired term only. Vacancies shall be
24 filled in the same manner as the original appointment. A member may
25 be appointed for any number of successive terms. Any member
26 appointed by the director or the executive director may be removed
27 from the council by the director or the executive director, as the case
28 may be, for cause, after a hearing and may be suspended by the
29 director or the executive director pending the completion of the
30 hearing.

31 c. Members of the council shall serve without compensation, but
32 ~~[shall]~~ may be reimbursed for necessary expenses incurred in the
33 performance of their duties as members. Action may be taken and
34 motions and resolutions may be adopted by the council at a council
35 meeting by an affirmative vote of a majority of the members. The
36 council shall elect from its members a chairperson who shall be a
37 nongovernmental member of the council. Advanced notification for,
38 and copies of the minutes of, each meeting of the council shall be filed
39 with the Governor, the President of the Senate and the Speaker of the
40 General Assembly.

41 (cf. P.L.1999, c.223, s. 1)

42

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

45 3. As used in this act:

46 "Administrative costs" means any costs incurred by the department

1 to administer the program, including any cost required to collect
2 information and conduct evaluations of service providers pursuant to
3 section 8 of this act and conduct surveys of occupations pursuant to
4 section 12 of this act, to the extent that funding is not available from
5 federal or other sources.

6 "Apprenticeship Policy Committee" means the New Jersey
7 Apprenticeship Policy Committee established by an agreement between
8 the Bureau of Apprenticeship and Training in the United States
9 Department of Labor, the State Department of Labor and Workforce
10 Development and the State Department of Education and consisting
11 of a representative of the Commissioner of the State Department of
12 Education, a representative of the Commissioner of the State
13 Department of Labor and Workforce Development, the Director of
14 Region II of the Bureau of Apprenticeship and Training in the United
15 States Department of Labor and a representative of the New Jersey
16 State AFL-CIO.

17 "Approved community-based or faith-based organization" means an
18 organization which is an approved service provider, a nonprofit
19 organization exempt from federal taxation under section 501 of the
20 Internal Revenue Code of 1986 (26 U.S.C. s. 501), and approved by
21 the commissioner as demonstrating expertise and effectiveness in the
22 field of workforce investment and being representative of a community
23 or a significant segment of a community where the organization
24 provides services.

25 "Approved service provider" or "approved training provider"
26 means a service provider [approved pursuant to section 6 of this act]
27 which is on the State Eligible Training Provider List.

28 "Commission" means the State Employment and Training
29 Commission.

30 "Commissioner" means the Commissioner of Labor and Workforce
31 Development or the commissioner's designees.

32 "Credential" means a credential recognized by the Department of
33 Education or the Commission on Higher Education, or approved by
34 the Credentials Review Board established by the Department of Labor
35 and Workforce Development pursuant to section 25 of P.L. _____,
36 c. ____ (C. ____).

37 "Customized training services" means employment and training
38 services which are provided by the Office of Customized Training
39 pursuant to section 5 of this act.

40 "Department" means the State Department of Labor and Workforce
41 Development.

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

44 "Employment and training services" means:

- 45 a. Counseling provided pursuant to section 7 of this act;
46 b. [Vocational] Occupational training;

- 1 c. Remedial **[education]** instruction; or
- 2 d. Occupational safety and health training.
- 3 e. In the case of a qualified disadvantaged worker who is or was
4 receiving, or is eligible for but not receiving, benefits under the Work
5 First New Jersey program, "employment and training services"
6 includes, in addition to any of the benefits listed in subsections a.
7 through d. above, Supplemental Workforce Development Benefits
8 approved as part of the workers' Employability Development Plan
9 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7).
- 10 "Fund" means the Workforce Development Partnership Fund
11 established pursuant to section 9 of this act.
- 12 "Labor Demand Occupation" means an occupation **[for]** which
13 **[there is or is likely to be an excess of demand over supply for**
14 **adequately trained workers, including, but not limited to, an**
15 **occupation designated as a labor demand occupation by the New**
16 **Jersey Occupational Information Coordinating Committee pursuant to**
17 **section 12 of this act.];**
- 18 a. The Center for Occupational Employment Information has,
19 pursuant to subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
20 (pending before the Legislature as this bill), determined is or will be,
21 on a regional basis, subject to a significant excess of demand over
22 supply for trained workers, based on a comparison of the total need or
23 anticipated need for trained workers with the total number being
24 trained; or
- 25 b. The Center for Occupational Employment Information, in
26 conjunction with a Workforce Investment Board, has, pursuant to
27 subsection d. of section 27 of P.L. _____, c. _____ (C. _____) (pending before
28 the Legislature as this bill), determined is or will be, in the region for
29 which the board is responsible, subject to a significant excess of
30 demand over supply for adequately trained workers, based on a
31 comparison of total need or anticipated need for trained workers with
32 the total number being trained.
- 33 "Occupational safety and health training" means training or
34 **[education]** instruction which is designed to assist in the recognition
35 and prevention of potential health and safety hazards related to an
36 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 unsubsidized
3 by government training funds which provides a significant opportunity
4 for career advancement and long-term job security [and is in the
5 occupation for which a worker receives vocational training pursuant
6 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," Payable-35 (42 U.S.C. s.
10 9902 (2)).

11 "Program" means the Workforce Development Partnership Program
12 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 1998,
36 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] instruction.

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 set
44 by regulations adopted by the [Commissioner of Labor and Workforce
45 Development] commissioner.

46 "Remedial education" or "remedial instruction" means any literacy

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

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

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

14 "State Eligible Training Provider List" means the Statewide list of
15 eligible training providers maintained pursuant to section 14 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

35 "Workforce Investment Services" means core, intensive, and
36 training services as defined by the Workforce Investment Act of 1998,
37 Pub.L.105-220 (29 U.S.C. s.2801 et seq.).

38 (P.L.2004, c.39, s. 9)

39

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

42 4. a. The Workforce Development Partnership Program is hereby
43 established in the Department of Labor and Workforce Development
44 and shall be administered by the Commissioner of Labor and
45 Workforce Development. The purpose of the program is to provide
46 qualified displaced, disadvantaged and employed workers with the

1 employment and training services most likely to enable the individual
2 to obtain employment providing self-sufficiency for the individual and
3 also to provide the greatest opportunity for long-range career
4 advancement with high levels of productivity and earning power. To
5 implement that purpose, the program shall provide those services by
6 means of training grants or customized training services in
7 coordination with funding for the services from federal or other
8 sources. The commissioner is authorized to expend moneys from the
9 Workforce Development Partnership Fund to provide the training
10 grants or customized training services and provide for each of the
11 following:

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

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

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

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

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

33 c. Training and employment services or other workforce
34 investment services shall be provided to a worker who receives
35 counseling pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7) only
36 if the counselor who evaluates the worker pursuant to that section
37 determines that the worker can reasonably be expected to successfully
38 complete the training and [education] instruction identified in the
39 Employability Development Plan developed pursuant to that section
40 for the worker.

41 d. All [vocational] occupational training provided under this act:

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

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

45 (a) Customized training provided to the present employees of a
46 business which the commissioner deems to be in need of the training

1 to prevent job loss caused by obsolete skills, technological change or
2 national or global competition; or

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

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

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

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

30 g. On-the-job training shall not be funded by the program for any
31 employment found by the commissioner to be of a level of skill and
32 complexity too low to merit training. The duration of on-the-job
33 training funded by the program for any worker shall not exceed the
34 duration indicated by the [Specific Vocational Preparation Code
35 developed by the United States Department of Labor] Bureau of
36 Labor Statistics' Occupational Information Network, or "O*NET," for
37 the occupation for which the training is provided and shall in no case
38 exceed 26 weeks. The department shall set the duration of on-the-job
39 training for a worker for less than the indicated maximum, when
40 training for the maximum duration is not warranted because of the
41 level of the individual's previous training, education or work
42 experience. On-the-job training shall not be funded by the program
43 unless it is accompanied, concurrently or otherwise, by whatever
44 amount of classroom-based [vocational] or equivalent occupational
45 training, remedial [education] instruction or both, is deemed
46 appropriate for the worker by the commissioner. On-the-job training

1 shall not be funded by the program unless the trainee is provided
2 benefits, pay and working conditions at a level and extent not less than
3 the benefits and working conditions of other trainees or employees of
4 the trainee's employer with comparable skills, responsibilities,
5 experience and seniority.

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

9 i. No activities funded by the program shall impair existing
10 contracts for services or collective bargaining agreements, except that
11 activities which would be inconsistent with the terms of a collective
12 bargaining agreement may be undertaken with the written concurrence
13 of the collective bargaining unit and employer who are parties to the
14 agreement.

15 j. All staff who are hired and supported by moneys from the
16 Workforce Development Partnership Fund, including any of those staff
17 located at any One Stop Career Center, but not including any staff of
18 a service provider providing employment and training services
19 supported by a customized training grant pursuant to section 5 of
20 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant
21 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and
22 employed by the State pursuant to Title 11A, Civil Service, of the New
23 Jersey Statutes, be hired and employed by a political subdivision of the
24 State, or be qualified staff hired and employed by a non-profit
25 organization which began functioning as the One Stop Career Center
26 operator with the written consent of the chief elected official and the
27 commissioner prior to the effective date of P.L.2004, c.39
28 (C.34:1A-1.2 et al.), or be qualified staff hired and employed by an
29 approved community-based or faith-based organization to provide
30 services at the level of staffing provided in an agreement entered into
31 by the organization before the effective date of P.L.2004, c.39
32 (C.34:1A-1.2 et al.).
33 (cf: P.L.2004, c.39, s.10)

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

37 5. a. There is hereby established, as part of the Workforce
38 Development Partnership Program, the Office of Customized Training.
39 Moneys allocated to the office from the fund shall be used to provide
40 employment and training services to eligible applicants approved by
41 the commissioner.

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

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

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

7 (3) An employer organization, labor organization or
8 community-based or faith-based organization seeking the customized
9 training services to provide training in labor demand occupations in a
10 particular industry; or

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

16 c. Each applicant seeking funding for customized training services
17 shall submit an application to the commissioner in a form and manner
18 prescribed in regulations adopted by the commissioner. The
19 application shall be accompanied by a business plan of each employer
20 which will receive customized training services if the application is
21 approved. The business plan shall include:

22 (1) A justification of the need for the services and funding from the
23 office, including information sufficient to demonstrate to the
24 satisfaction of the commissioner that the applicant will provide
25 significantly less of the services if the requested funding is not
26 provided by the office;

27 (2) A comprehensive long-term human resource development plan
28 which:

29 (a) Extends significantly beyond the period of time in which the
30 services are funded by the office;

31 (b) Significantly enhances the productivity and competitiveness of
32 the employer operations located in the State and the employment
33 security of workers employed by the employer in the State; and

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

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

44 (4) Information demonstrating that most of the individuals
45 receiving the services will be trained primarily for work in the direct
46 production of goods or services;

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

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

8 The commissioner may provide whatever assistance he deems
9 appropriate in the preparation of the application and business plan,
10 which may include labor market information, projections of
11 occupational demand and information and advice on alternative
12 training and [education] instruction strategies.

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

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

1 date of the customized contract, the employer shall, if all of the jobs
2 are relocated or outsourced, return all of the moneys provided to the
3 employer by the State for customized training services, or, if only a
4 portion of the jobs are relocated or outsourced, return a part of the
5 moneys, deemed by the commissioner to be appropriate and
6 proportional to the portion of the jobs relocated or outsourced, and
7 the returned amount shall be deposited into the Workforce
8 Development Partnership Fund.

9 f. The customized training services provided to an approved
10 applicant may include any combination of employment and training
11 services or any single employment and training service approved by the
12 commissioner, including remedial [education] instruction provided to
13 upgrade workplace literacy. Each service may be provided by a
14 separate approved service provider. No training or employment
15 service shall be funded through a customized training grant, unless the
16 service is provided directly by an employer or is provided by an
17 approved service provider. An employer who directly provides
18 training and employment services to his own employees shall not be
19 regarded as a service provider and shall not be subject to any
20 requirement to obtain approval by the State as a service provider,
21 including the requirements of section 13 of P.L. , c. (C.)
22 (pending before the Legislature as this bill) to be approved as a
23 qualifying school or the requirements of section 14 of P.L. , c.
24 (C.) (pending before the Legislature as this bill) to be included on
25 the State Eligible Training Provider List.

26 g. Customized training services shall include any remedial
27 [education] instruction determined necessary pursuant to section 7 of
28 this act. Applications for customized training services shall include
29 estimates of the total need for remedial [education] instruction
30 determined in a manner deemed appropriate by the commissioner.

31 h. Any business seeking customized training services shall, in the
32 manner prescribed by the commissioner, participate in the development
33 of a plan to provide the services. Any business seeking customized
34 training services for workers represented by a collective bargaining
35 unit shall notify the collective bargaining unit and permit it to
36 participate in developing the plan. No customized training services
37 shall be provided to a business employing workers represented by a
38 collective bargaining unit without the written consent of both the
39 business and the collective bargaining unit.

40 i. Any business receiving customized training services shall be
41 responsible for providing workers' compensation coverage for any
42 worker participating in the customized training.

43 j. The commissioner shall establish an annual goal that 15% or
44 more of the jobs to be created or retained in connection with training
45 supported by grants from the office shall be jobs provided to
46 individuals who were recipients of benefits under the Work First New

1 Jersey program at any time during the 12 months prior to being placed
2 in the jobs. The means to attain the goal shall include coordinated
3 efforts between the office and One Stop Career Centers to prepare
4 recipients for employment and make them available to employers, but
5 shall not include any policy which may penalize employers or
6 discourage employers from using customized training service provided
7 by the office.

8 (cf: P.L.2004, c.39, s.11)

9

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

12 7. Counseling shall be made available by the department to each
13 qualified displaced worker or qualified disadvantaged worker applying
14 to participate in the Workforce Development Partnership program and,
15 in the case of a qualified disadvantaged worker who is a recipient of,
16 or eligible for, benefits under the Work First New Jersey Program, to
17 participate in the Workforce Development Partnership program or in
18 any of those employment-directed workforce development programs
19 or activities transferred to the Department of Labor and Workforce
20 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3)
21 which provide employment and training services as defined in section
22 3 of P.L.1992, c.43 (C.34:15D-3), including the services indicated in
23 paragraphs (11) through (16) of subsection b. of section 2 of
24 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made available
25 to a qualified employed worker who seeks remedial [education]
26 instruction or is selected to participate in a customized training
27 program, if the worker's employer requests the counseling. The
28 counseling shall be provided by a job counselor hired and employed by
29 the State pursuant to Title 11A, Civil Service, of the New Jersey
30 Statutes, or hired and employed by a political subdivision of the State,
31 or be provided by a qualified job counselor hired and employed by a
32 non-profit organization which began functioning as the One Stop
33 Career Center operator with the written consent of the chief elected
34 official and the commissioner prior to the effective date of P.L.2004,
35 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
36 community-based or faith-based organization to provide counseling
37 which the organization entered into an agreement to provide before
38 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). In the case
39 of a qualified disadvantaged worker who is a recipient of, or is eligible
40 for, benefits under the Work First New Jersey Program, the counseling
41 provided pursuant to this section shall be the counseling for the
42 provision of employment and training services either under the
43 Workforce Development Partnership program or under programs or
44 activities transferred to the Department of Labor and Workforce
45 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
46 but the counseling provided pursuant to this section shall be provided

1 in conjunction and in coordination with counseling provided in
2 connection with any services, other than training and employment
3 services, made available to the disadvantaged worker under programs
4 or activities transferred to the Department of Labor and Workforce
5 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3).
6 The purpose of any counseling made available pursuant to this section
7 is to assist each worker in obtaining the employment and training
8 services most likely to enable the worker to obtain employment
9 providing self-sufficiency for the worker and also to provide the
10 worker with the greatest opportunity for long-range career
11 advancement with high levels of productivity and earning power. The
12 counseling shall include:

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

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

30 c. The provision to the worker of information regarding any of the
31 labor demand occupations for which training meets the requirements
32 of section 4 of this act in the worker's case, including information
33 about the wage levels in those occupations, and information regarding
34 the effectiveness of approved service providers of [vocational]
35 occupational training in occupations which the worker is considering,
36 including a consumer report card on service providers showing the
37 long-term success of former trainees of each provider in obtaining
38 permanent employment and increasing earnings over one or more time
39 periods following the completion or other termination of training,
40 including a period of [not more than] two years following the
41 completion or other termination of training;

42 d. The timely provision of information to the worker regarding the
43 services and benefits available to the worker, and all actions required
44 of the worker to obtain the services and benefits, under the provisions
45 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and under the Work
46 First New Jersey program in the case of a qualified disadvantaged

1 worker receiving or eligible for benefits under that program; and the
2 provision to the worker of a written statement of the worker's rights
3 and responsibilities with respect to programs for which the worker is
4 eligible, which includes a full disclosure to the worker of the worker's
5 right to obtain the services most likely to enable the worker to obtain
6 employment providing self-sufficiency and the workers' right not to be
7 denied training services for any of the reasons indicated in subsection
8 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's
9 right not to be denied training services because the worker already has
10 identifiable [vocational] occupational skills, if those existing skills are
11 for employment with a level of earnings lower than the level of
12 self-sufficiency; [and]

13 e. Discussion with the counselor of the results of the testing and
14 evaluation; and [,based on those results, the]

15 f. The development of a written Employability Development Plan
16 identifying the training [and] . employment and other workforce
17 investment services, including any needed remedial [education]
18 instruction, to be provided to the worker pursuant to this act. In the
19 case of a qualified disadvantaged worker, the Employability
20 Development Plan will be, to the greatest extent possible while
21 remaining in compliance with any applicable federal requirements,
22 coordinated and made consistent with any individual responsibility plan
23 developed for the worker under the Work First New Jersey program.
24 In the case of a qualified disadvantaged worker who is or was
25 receiving, or who is eligible for but not receiving, benefits under the
26 Work First New Jersey program, and who does not have a marketable
27 bachelor's degree, the counselor may approve, as part of the workers'
28 Employability Development Plan, the replacement of Work First New
29 Jersey program benefits by Supplemental Workforce Development
30 Benefits paid to the disadvantaged worker for full-time educational
31 activity without, or with insufficient, other work activity from
32 available resources for employment-directed and workforce
33 development programs and activities transferred from the Department
34 of Human Services pursuant to section 2 of P.L.2004, c.39
35 (C.34:1A-1.3) or from the account of the Workforce Development
36 Partnership Fund reserved for qualified disadvantaged workers
37 pursuant to subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9),
38 for any period of time for which the counselor determines that:

39 (1) Full-time remedial [education] instruction to obtain a high
40 school diploma or G.E.D. or full-time post secondary education in a
41 two-year or four-year degree-granting educational program with a
42 course of study related to work, even if the duration of the full-time
43 education is longer than two years, is the training and employment
44 service that is most likely to enable the worker to obtain employment
45 providing self-sufficiency;

46 (2) The worker has responsibility during that period of time for the

1 care of dependent children or other family members unable to care for
2 themselves the magnitude of which, if added to the full-time
3 instructional or educational activities indicated in paragraph (1) of this
4 subsection, make it likely that any additional work activity will
5 jeopardize the success of the instructional or educational activity; and

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

14 With respect to the use of the funds deposited during any fiscal year
15 in the account of the Workforce Development Partnership Fund
16 reserved for qualified disadvantaged workers pursuant to subsection
17 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be
18 given for the payment of Supplemental Workforce Development
19 Benefits pursuant to this subsection. Not more than 1,500 qualified
20 disadvantaged workers shall receive Supplemental Workforce
21 Development Benefits pursuant to this subsection at any one time.
22 With respect to using available resources for employment-directed and
23 workforce development programs and activities transferred from the
24 Department of Human Services pursuant to section 2 of P.L.2004,
25 c.39 (C.34:1A-1.3) for Supplemental Workforce Development
26 Benefits, no federal funds which are part of those resources may be
27 used for Supplemental Workforce Development Benefits which result
28 in the imposition of conditions of participation other than those
29 established by this subsection. If federal funds are used for childcare
30 costs of a participant, the Department of Human Services may transfer
31 the funds to the Child Care and Development Block Grant, as
32 permitted by law and as needed to permit the use of the federal funds
33 while preventing any loss of benefits to the participant and preventing
34 the childcare time from being counted toward the participant's
35 maximum limit of 60 cumulative months of Work First New Jersey
36 program benefits. The counselor shall assist in facilitating the use, to
37 the maximum extent possible, of Pell grants or other available
38 educational grants to pay for tuition and other educational costs of a
39 recipient of Supplemental Workforce Development Benefits provided
40 pursuant to this section. The requirements for receiving Supplemental
41 Workforce Development Benefits may include work-site experience
42 which will enhance the participant's employability in the participant's
43 field, provided that the required sum of class hours for a full-time class
44 schedule, hours of study time at not less than one and one half times
45 class time, and hours of work-site experience, shall not exceed 40
46 hours per week and that the commissioner shall adopt regulations for

1 reasonable adjustments in participation requirements for good cause,
2 including verifiable needs related to physical or mental health
3 problems, illness, accident or death or serious personal or family
4 problems that necessitate reduced participation, provided further that
5 no individual shall receive Supplemental Workforce Development
6 Benefits for a period of more than five years. The commissioner shall
7 adopt regulations setting standards for satisfactory academic progress
8 for continued participation. Participation may not be denied for any
9 of the reasons which subsection d. of section 6 of P.L.1992, c.43
10 (C.34:15D-6) prohibits from being used to deny training grants. For
11 the purposes of this section, "Work First New Jersey benefits" means
12 benefits for which a worker and the worker's family would be eligible
13 if the worker was participating in the Work First New Jersey program
14 or any successor program to the Work First New Jersey program.

15 Counseling made available at the request of an employer
16 participating in a customized training program may include only those
17 components requested by the employer.

18 All information regarding a worker applicant or trainee which is
19 obtained or compiled in connection with the testing, assessment and
20 evaluation and which may be identified with the worker shall be
21 confidential and shall not be released to an entity other than the
22 worker, the counselor [or], the department [only if] or partners of
23 the One-Stop system as necessary for them to provide training and
24 employment services or other workforce investment services to the
25 individual, unless the worker provides written permission to the
26 department for the release of the information or the information is
27 used solely for program evaluation.

28 (cf: P.L.2004, c.39, s.12)

29

30 24. Section 8 of P.L.1992, c.43 (C.34:15D-8) is amended to read
31 as follows:

32 8. a. No employment and training services shall be obtained from
33 a service provider with moneys from the fund unless the provider is
34 located in New Jersey and the provider is [approved, pursuant to the
35 procedures and criteria established by the State Employment and
36 Training Commission pursuant to section 13 of this act, by:

37 (1) The commissioner in consultation with the Department of
38 Education and the Department of Higher Education, in the case of
39 counseling, vocational training or remedial instruction; or

40 (2) The commissioner in consultation with the Department of
41 Health] an approved service provider, except that, in the case of
42 occupational safety and health training, the service provider shall be
43 approved by the commissioner in consultation with the Commissioner
44 of Health and Senior Services.

45 b. No service provider shall be approved to be funded by the
46 program to provide an employment and training service unless the

1 provider agrees to provide the service to each trainee referred to it on
2 a first-come, first-served basis, up to the total number of trainees that
3 the provider agrees to serve. This subsection shall not be construed
4 as limiting or curtailing in any way an employer's right to select the
5 workers who participate in customized training pursuant to the
6 provisions of subsection e. of section 5 of this act.

7 c. Each service provider shall maintain, make available and submit
8 appropriate records [available upon request] and data for monitoring
9 [or inspection] and evaluation purposes, as required by the
10 [commissioner, including] State Employment and Training
11 Commission and the department. The records and data shall include,
12 but not be limited to:

13 (1) A record for each student enrolled, including the student's name
14 [and], Social Security number, gender, date of birth, date of
15 enrollment, and any date of completion, termination, start in a job or
16 application for a license, any licensing examination result, date of issue
17 of a license or credential issued, and any other information specified
18 by the State Employment and Training Commission or the Center for
19 Occupational Employment Information. For any individual who does
20 not have a Social Security number, the service provider may substitute
21 an alternate method of identification, except that, at the time of start
22 into employment, the alternate code shall be cross-referenced with the
23 individual's valid Social Security number;

24 (2) A record of all administrative and overhead expenses of the
25 provider related to the providing of employment and training services
26 funded by the program and the provider's direct expenses of providing
27 the services; and

28 (3) Any other information deemed appropriate by the commissioner
29 or the State Employment and Training Commission for evaluation
30 purposes.

31 d. In the case of a provider of [vocational] occupational training
32 services, the commissioner shall collect the information needed to
33 effectively measure the long-term success of the former trainees of the
34 provider in obtaining permanent employment and increasing earnings
35 over one or more time periods following the completion or other
36 termination of training, including a period of [not less than] two years
37 following the completion or other termination of training. The
38 commission shall set such standards as it deems appropriate regarding
39 comparisons of the former trainees with groups of otherwise similar
40 individuals who did not receive the training. The [commissioner shall
41 use the] information obtained pursuant to this subsection shall be used
42 to:

43 (1) Assist in evaluating the performance of providers of
44 [vocational] occupational training services;

45 (2) Assist in determining which providers of [vocational]

1 occupational training services to [approve pursuant to subsection a.
2 of this section] place on the State Eligible Training Provider List;

3 (3) Assist in providing reliable information regarding the quality of
4 available providers of [vocational] occupational training services as
5 part of the counseling provided pursuant to section 7 of this act,
6 including the furnishing, for use in the counseling, including counseling
7 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
8 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
9 c.47, (C.43:21-59), of a consumer report card on service providers
10 showing the long-term success of former trainees of each provider in
11 obtaining permanent employment and increasing earnings over one or
12 more time periods following the completion or other termination of
13 training, including a period of two years following the completion or
14 other termination of training; and

15 (4) Assist in evaluating the overall effectiveness of training funded
16 by the program.

17 e. The State Employment and Training Commission, the
18 commissioner, and each service provider shall comply with all
19 pertinent State and federal laws regarding the privacy of students and
20 other participants in employment and training programs, including but
21 not limited to, the Privacy Act of 1974, Pub. L.93-579 (5 U.S.C. s.552
22 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
23 students and participants required by those laws.

24 (cf: P.L.1992, c.43, s.8)

25

26 25. (New section) There is established, in the Department of Labor
27 and Workforce Development, the Credentials Review Board, for the
28 purpose of directing the technical credentialing process for the
29 workforce investment system and approving such credentials as it
30 deems appropriate for issuance to individuals in connection with
31 employment and training programs. The board shall include the
32 following members or their designated representatives: the
33 Commissioner of Education; the Staff Director of the Center for
34 Occupational Employment Information; the Chairman of the
35 Commission on Higher Education; the Director of the Division of
36 Vocational Education; the Commissioner of Labor and Workforce
37 Development; the Executive Director of the State Employment and
38 Training Commission; a Workforce Investment Board director as
39 designated by the commissioner; and a One-Stop Career Center
40 operator as designated by the department.

41

42 26. (New section) As used in sections 26 through 29 of P.L. ,
43 c. (C.)(now pending before the Legislature as this bill):

44 “Career cluster” means any of the career clusters and related
45 educational programs as defined in the Perkins Act and the federal
46 Department of Education’s career cluster taxonomy.

1 "Center for Occupational Employment Information" or "center"
2 means the Center for Occupational Employment Information
3 established pursuant to section 27 of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

5 "Career pathway" means any of the career pathways and related
6 educational programs as defined in the Perkins Act and the federal
7 Department of Education's career cluster taxonomy.

8 "Federal job training funds" means any moneys expended pursuant
9 to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
10 s.2801 et seq.) or any other federal law to obtain employment and
11 training services or other employment-directed and workforce
12 development programs and activities, including employment and
13 training services as defined in section 1 of P.L.1992, c.48, (C.34:15B-
14 35) and employment-directed and workforce development programs
15 and activities as described in sections 2 and 4 of P.L.2004, c.39
16 (C.34:1A-1.3 and 34:1A-1.5).

17 "Occupational license" means a license, registration or certificate
18 which, when issued by an authorized entity of government or
19 recognized industry, enables an individual to work within a recognized
20 occupation in the State of New Jersey.

21 "Perkins Act" means the Carl D. Perkins Vocational and Applied
22 Technology Education Amendments of 1998, Pub.L.105-332 (20
23 U.S.C. s.2301 et seq.)

24 "Qualifying agency" means any executive agency of State
25 government, including, but not limited to, the Departments of
26 Community Affairs, Education, Environmental Protection, Health and
27 Senior Services, Human Services, Labor and Workforce Development,
28 Law and Public Safety, Military and Veterans Affairs and the
29 Commission on Higher Education. A qualifying agency may include
30 any additional agency of State government, which oversees the
31 operation of, or collects or disseminates information from any
32 qualifying school, or issues an occupational license.

33 "Qualifying school" means, except as provided below, a
34 government unit, person, association, firm, corporation, private
35 organization, or any entity doing business or maintaining facilities
36 within the State, whether operating for profit or not for profit which:

37 (1) Offers or maintains a course of instruction or instructional
38 program utilized to prepare individuals for future education or the
39 workplace, including instruction in literacy or basic skills, or provides
40 supplemental instruction in recognized occupational skills, pre-
41 employment skills or literacy skills;

42 (2) Offers instruction by any method including, but not limited to,
43 classroom, shop, laboratory experience, correspondence, Internet and
44 other distance learning media, or any combination thereof;

45 (3) Offers instruction to the general public or in conjunction with
46 New Jersey's workforce investment system; or,

1 (4) Charges tuition or other fees or costs, or receives public funding
2 for the delivery of any of the above types of instruction.

3 "Qualifying school" shall not mean:

4 (1) Colleges and universities licensed by the Commission on Higher
5 Education or other schools, institutions and entities which are
6 otherwise regulated and approved pursuant to any other law or rule
7 making process of this State;

8 (2) Employers offering instruction to their employees directly or
9 through a contract instructor, where there is no cost to the employee
10 and no profit to the employer; or

11 (3) Schools offering instruction for the purpose of self-enrichment,
12 avocational, cultural, or recreational in nature.

13 "Regional" means a geographic configuration used to aggregate
14 information as designated by the Center for Occupational Employment
15 Information.

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

20 "State Employment and Training Commission" or "commission"
21 means the "State Employment and Training Commission" created
22 pursuant to section 5 of P.L.1989, c.293, s.5 (C.34:15C-2).

23 "State job training funds" means any moneys expended from the
24 Workforce Development Partnership Fund created pursuant to section
25 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
26 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
27 (C.34:15D-21) or any other source of State moneys to obtain
28 employment and training services or other employment-directed and
29 workforce development programs and activities, including employment
30 and training services as defined in section 3 of P.L.1992, c.43
31 (C.34:15D-3) and employment-directed and workforce development
32 programs and activities as described in sections 2 and 4 of P.L.2004,
33 c.39 (C.34:1A-1.3 and 34:1A-1.5).

34 "Student outcome information" means information pertaining to
35 individual enrollment, participation, and completion in any education
36 or training program designed to provide workforce skills or provide
37 supplemental education or training in a recognized occupation. This
38 information shall include, but not be limited to, the participant's Social
39 Security number, gender, date of birth, date of enrollment, any date of
40 completion, date of termination, date of start in a job, date of
41 application for a license, licensing examination result, date of issue of
42 a license, any credential issued, and other information as specified by
43 the commission or the center. For any individual who does not have
44 a Social Security number, the qualifying agency may substitute an
45 alternate method of identification. However, at the time of start into
46 employment the alternate code shall be cross-referenced with the

1 individual's valid Social Security number.

2

3 27. (New section) There is established in the Department of Labor
4 and Workforce Development, the Center for Occupational
5 Employment Information, which shall:

6 a. Serve as the entity designated to carry out the State level career
7 information activities prescribed in the Perkins Act. In accordance with
8 that act, the center shall, in cooperation with the New Jersey
9 Department of Education and the Commission on Higher Education:

10 (1) Provide support for career guidance and academic counseling
11 programs designed to promote improved career and education
12 decision-making by individuals, especially in areas of career
13 information delivery and use;

14 (2) Make information and planning resources that relate
15 educational preparation to career goals and expectations available, on
16 the Internet to the extent possible, to students, parents, teachers,
17 administrators, counselors, job-seekers, workers and other clients of
18 the workforce investment system, including the consumer report card
19 on the effectiveness of qualified schools and other approved training
20 providers placed on the State Eligible Training Provider List provided
21 pursuant to section 13 of P.L. , c. (C.)(pending before
22 the Legislature as this bill), section 4 of P.L.1992, c.48 (C.34:15B-
23 38), section 7 of P.L.1992, c.43, s.7 (C.34:15D-7) and section 3 of
24 P.L.1992, c.47 (C.43:21-59).

25 (3) Equip workforce investment system professionals, including
26 teachers, administrators, and counselors, with the knowledge and skills
27 needed to assist clients of the workforce investment system, including
28 students and parents, with career exploration, educational
29 opportunities and education financing;

30 (4) Assist appropriate State entities in tailoring career-related
31 educational resources and training for use by such entities;

32 (5) Improve coordination and communication among administrators
33 and planners of programs included in the State's workforce investment
34 system to ensure non-duplication of efforts and the appropriate use of
35 shared information and data; and,

36 (6) Provide ongoing means for clients of the workforce investment
37 system, including students and parents, to provide comments and
38 feedback on products and services and to update resources, as
39 appropriate, to better meet customer requirements.

40 b. Design and implement a comprehensive workforce information
41 system to meet the needs for the planning and operation of all public
42 and private training and job placement programs, which is responsive
43 to the economic demands of the employer community and education
44 and training needs of the State and of Workforce Investment Board
45 areas within the State, as recommended by the commission and
46 designated by the Commissioner of Labor and Workforce

- 1 Development. In doing so, the center shall insure that the information:
2 (1) Is delivered in a user friendly, timely and easily understood
3 manner;
4 (2) Pays special attention to the particular needs of each
5 Workforce Investment Board and is consistent with the labor market
6 of each Workforce Investment Board; and
7 (3) Is delivered, to the extent possible, on the Internet in a format
8 designed to meet the needs of all user groups.
- 9 c. Use the occupational employment information system to
10 implement an electronic career information delivery system, which
11 shall provide students, parents, counselors and other career decision
12 makers with accurate, timely and locally relevant information on the
13 careers available in the New Jersey labor market.
- 14 d. Analyze, not less than once every two years and on a regional
15 basis, the relationship between the projected need for trained
16 individuals in each of the career clusters and each of the career
17 pathways, and the total number of individuals being trained in the skills
18 or skill sets needed to work in each of the clusters and pathways.
19 Based on this relationship, the center shall designate as a labor demand
20 occupation any occupation that is in a cluster or pathway for which the
21 number of individuals needed significantly exceeds, or shall exceed, the
22 number being trained, and may designate as a labor demand
23 occupation an occupation for which the center determines that the
24 number of individuals needed significantly exceeds, or will exceed, the
25 number being trained, even if that is not the case for the entire career
26 cluster or pathway to which the occupation belongs. In cases where
27 a Workforce Investment Board established pursuant to section 18 of
28 P.L.1989, c.293 (C.34:15C-15) submits information to the center that
29 there is or is likely to be, in the region for which the board is
30 responsible, a significant excess of demand over supply of adequately
31 trained workers for an occupation, the center may conduct a survey of
32 the need or anticipated need in that region for trained workers in that
33 occupation and, whether or not it conducts that survey, shall, in
34 conjunction with the board, determine whether to designate the
35 occupation to be a labor demand occupation in that region. The center
36 may utilize survey data obtained by other agencies or from other
37 sources to fulfill its responsibilities under this subsection.
- 38 e. Assist the commission in preparing the New Jersey Unified
39 Workforce Investment Plan pursuant to section 10 of P.L.1989, c.293
40 (C.34:15C-7) by providing information requested by the commission.
41
- 42 28. (New section) The center shall be managed by a Steering
43 Committee comprised of the Commissioners of Community Affairs,
44 Education, Health and Senior Services, Human Services, and Labor
45 and Workforce Development; the Executive Directors of the
46 Commission on Higher Education and the State Employment and

1 Training Commission; the Secretary and Chief Executive Officer of the
2 New Jersey Commerce, Economic Growth and Tourism Commission;
3 the Director of the Division of Vocational Rehabilitation Services; a
4 director or member of a Workforce Investment Board as designated
5 by the Executive Director of the State Employment and Training
6 Commission; and a One-Stop Career Center operator as designated by
7 the Commissioner of Labor and Workforce Development. The
8 committee shall set policy for the operation of the center and shall
9 have the authority to increase membership of the committee, as it
10 deems necessary, to carry out the purposes of sections 25 through 29
11 of P.L. , c. (C.)(pending before the Legislature as this bill).

12
13 29. (New section) a. The Center for Occupational Employment
14 Information and the State Employment and Training Commission are
15 authorized to access the files and records of other State agencies
16 which administer or distribute State job training funds or federal job
17 training funds or issue any license necessary for an individual to work
18 in a specific occupation. Student outcomes and licensing information,
19 including individual Social Security numbers, shall be reported to the
20 commission through the center by:

- 21 (1) Each qualifying agency;
22 (2) Each qualifying school; and
23 (3) Each training provider receiving State job training funds or
24 federal job training funds, including a provider which is not a
25 qualifying school.

26 The entities required to report that information shall include, but
27 not be limited to, all post-secondary institutions engaged in any form
28 of workforce preparation or adult literacy education and training.

29 b. The information required by this section shall be provided
30 annually, or on any other mutually agreed schedule, to the center by
31 December 31st, for the preceding 12-month period ending June 30th.

32 c. The information reported or accessed pursuant to subsection a.
33 of this section may be used by the commission and the center for:

- 34 (1) The development and analysis of information on the demand
35 for trained workers in any of the recognized career clusters, career
36 pathways or occupations at the State and local area level as required
37 or permitted by subsection d. of section 27 of P.L. , c. (C.)
38 (pending before the Legislature as this bill).

39 (2) Establishing standards for training and job placement;

40 (3) Evaluating the effectiveness of programs, services and service
41 providers under the State's workforce investment system and
42 providing information regarding those evaluations, including the
43 collection of information used to help produce a consumer report card
44 on service providers showing the long-term success of former trainees
45 of each provider in obtaining permanent employment and increasing
46 earnings;

1 (4) Assisting in determining which training providers to place on
2 the State Eligible Training Provider List;

3 (5) Assisting State agencies in preparing reports to federal grantor
4 agencies; and

5 (6) Any other purpose deemed necessary for the accomplishment
6 of the mission of the center as determined by the center's steering
7 committee or any federal funding agency.

8 d. Information reported to the center by a qualifying agency or
9 school or other training provider shall not be utilized for any purpose
10 other than the governmental purposes authorized in subsection c. of
11 this section. The center shall only use aggregate statistical summaries
12 of individual data in assessing or evaluating any program at a
13 qualifying school or other training provider. The commission and the
14 center shall adopt standards and procedures to prevent any State
15 agency from publishing, disclosing or releasing information which
16 could identify any individual and shall not publish, disclose or
17 otherwise release information which could identify any individual,
18 except to an agency of government requiring such information in the
19 performance of its statutory duties. Any executive agency of State
20 government precluded by law from sharing information on specific
21 individuals may provide student outcome and licensing information
22 through statistical summary or other forms which prevent the
23 identification of specific individuals.

24 e. The commission, the center, each qualifying agency, and any
25 entity which reports student outcome or licensing information to a
26 qualifying agency, shall comply with all pertinent State and federal
27 laws regarding the privacy of students and other participants in
28 employment and training programs, including but not limited to, the
29 Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552 and 20 U.S.C.
30 s.1232g) and shall provide all disclosures to the students and
31 participants required by those laws.

32
33 30. Section 2 of P.L.1992, c.47 (C.43:21-58) is amended to read
34 as follows:

35 2. As used in this act:

36 "Approved service provider" or "approved training provider" means
37 a service provider which is on the State Eligible Training Provider
38 List.

39 "Commission" means the State Employment and Training
40 Commission.

41 "Employment and training services" means: counseling provided
42 pursuant to section 3 of this act; [vocational] occupational training;
43 or remedial [education] instruction.

44 "Labor Demand Occupation" means an occupation [for] which
45 [there is or is likely to be an excess of demand over supply for
46 adequately trained workers, including, but not limited to, an

1 occupation designated as a labor demand occupation by the New
2 Jersey Occupational Information Coordinating Committee pursuant to
3 section 11 of this act]:

4 a. The Center for Occupational Employment Information has,
5 pursuant to subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
6 (pending before the Legislature as this bill), determined is or will be,
7 on a regional basis, subject to a significant excess of demand over
8 supply for trained workers, based on a comparison of the total need or
9 anticipated need for trained workers with the total number being
10 trained; or

11 b. The Center for Occupational Employment Information, in
12 conjunction with a Workforce Investment Board, has, pursuant to
13 subsection d. of section 27 of P.L. _____, c. _____ (C. _____)(pending
14 before the Legislature as this bill), determined is or will be, in the
15 region for which the board is responsible, subject to a significant
16 excess of demand over supply for adequately trained workers, based
17 on a comparison of total need or anticipated need for trained workers
18 with the total number being trained.

19 "Qualified job counselor" means a job counselor whose
20 qualifications meet standards established by the commissioner.

21 ["Service provider" means a provider of employment and training
22 services other than the State.]

23 "Remedial education" or "remedial instruction" means any literacy
24 or other basic skills training or [education] instruction which may not
25 be directly related to a particular occupation but is needed to facilitate
26 success in [vocational] occupational training or work performance.

27 "Service provider," "training provider" or "provider" means a
28 provider of employment and training services including but not limited
29 to a private or public school or institution of higher education, a
30 business, a labor organization or a community-based organization.

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

35 (P.L.1992, c.47, s.2)

36

37 31. Section 3 of P.L.1992, c.47 (C.43:21-59) is amended to read
38 as follows:

39 3. Counseling shall be made available by the Department of Labor
40 and Workforce Development to each individual who meets the
41 requirements indicated in subsections a. and b. of section 4 of this act.
42 The department may provide the counseling or obtain the counseling
43 from a service provider, if the service provider is different from and
44 not affiliated with any service provider offering any employment and
45 training services to the worker other than the counseling. The purpose
46 of the counseling is to assist the individual in obtaining the

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

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

15 b. An evaluation by a qualified job counselor of:

16 (1) Whether the individual is eligible for the additional benefits
17 indicated in section 5 of this act; and

18 (2) What remedial [education] instruction, if any, is determined to
19 be necessary for the individual to advance in his current occupation or
20 succeed in any particular [vocational] occupational training which the
21 individual would undertake in connection with additional benefits
22 indicated in section 4 of this act, provided that the remedial
23 [education] instruction shall be at a level not lower than that needed
24 to meet the standards indicated in section 14 of P.L.1989, c.293
25 (C.34:15C-11);

26 c. The provision of information to the individual regarding any of
27 the labor demand occupations for which training meets the
28 requirements of subsection e. of section 4 of this act in the claimant's
29 case, including information about the wage levels in those occupations,
30 the effectiveness of any particular provider of training for any of those
31 occupations which the [claimant] individual is considering using,
32 [and] including a consumer report card on service providers showing
33 the long-term success of former trainees of the provider in obtaining
34 permanent employment and increasing earnings over one or more time
35 periods following the completion or other termination of training,
36 including a period of two years following the completion or other
37 termination of training;

38 d. The timely provision of information to the individual regarding
39 the services and benefits available to the individual, and all actions
40 required of the individual to obtain the services and benefits, under the
41 provisions of this act and employment and training programs provided
42 or funded pursuant to the "1992 New Jersey Employment and
43 Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and
44 the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
45 s.2801 et seq.) and regarding the tuition waivers available pursuant to
46 P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470

1 (C.18A:64A-23.1 et seq.); and the timely provision to the individual
2 of a written statement of the individual's rights and responsibilities
3 with respect to programs for which the individual is eligible, which
4 includes a full disclosure to the individual of his right to obtain the
5 services most likely to enable the individual to obtain employment
6 providing self-sufficiency and the individual's right not to be denied
7 employment and training services for any of the reasons indicated in
8 section 4 of P.L.1992, c.47 (C.43:21-60), including the individual's
9 right not to be denied training services because the individual already
10 has identifiable vocational skills, if those existing skills are for
11 employment with a level of earnings lower than the level of
12 self-sufficiency;

13 e. Discussion with the counselor of the results of the testing and
14 evaluation; and[, based on those results, the]

15 f. The development of a written Employability Development Plan,
16 consistent with the requirements of subsections e., f. and g. of section
17 4 of this act, for the individual describing any remedial [education]
18 instruction and the [vocational] occupational training that the
19 individual will undertake in connection with benefits provided pursuant
20 to the provisions of this act.

21 All information regarding an individual applicant or trainee which
22 is obtained or compiled in connection with the testing, assessment and
23 evaluation and which may be identified with the individual shall be
24 confidential and shall not be released to an entity other than the
25 individual, the counselor [or], the department [only if:], the
26 commission or partners of the One-Stop system as necessary for them
27 to provide training and employment services or other workforce
28 investment services to the individual, unless the individual provides
29 written permission to the department for the release of the
30 information; or the information is used solely for program evaluation.
31 (cf: P.L.2001, c.152, s.14)

32
33 32. Section 4 of P.L.1992, c.47 (C.43:21-60) is amended to read
34 as follows:

35 4. Except as provided in section 8 of this act, the additional
36 benefits indicated in section 5 of this act shall be provided to any
37 individual who:

38 a. Has received a notice of a permanent termination of employment
39 by the individual's employer or has been laid off and is unlikely to
40 return to his previous employment because work opportunities in the
41 individual's job classification are impaired by a substantial reduction of
42 employment at the worksite;

43 b. Is, at the time of the layoff or termination, eligible, pursuant to
44 the "unemployment compensation law," R.S.43:21-1 et seq., for
45 unemployment benefits;

46 c. Enters into the counseling made available pursuant to section 3

1 of this act as soon as possible following notification by the Department
2 of Labor and Workforce Development of its availability;

3 d. (1) Notifies the department of the individual's intention to enter
4 into the [education] instruction and training identified in the
5 Employability Development Plan developed pursuant to section 3 of
6 this act, not later than 60 days after the date of the individual's
7 termination or layoff, not later than 30 days after the department
8 provides notice to the individual pursuant to section 6 of this act or
9 not later than 30 days after the Employability Development Plan is
10 developed, whichever occurs last;

11 (2) Enters into the [education] instruction and training identified
12 in the Employability Development Plan as soon as possible after giving
13 the notice required by paragraph (1) of this subsection d.; and

14 (3) Maintains satisfactory progress in the [education] instruction
15 and training;

16 e. Enrolls in [vocational] occupational training which:

17 (1) Is training for a labor demand occupation;

18 (2) Is likely to facilitate a substantial enhancement of the
19 individual's marketable skills and earning power;

20 (3) Is provided by [a] an approved service provider [approved by
21 the Commissioner of Labor, which approval shall be made, if the
22 "1992 New Jersey Employment and Workforce Development Act,"
23 P.L.1992, c.43 (C.34:15D-1 et al.) is enacted, pursuant to the
24 provisions of section 8 of that act]; and

25 (4) Does not include on the job training or other training under
26 which the individual is paid by an employer for work performed by the
27 individual during the time that the individual receives additional
28 benefits pursuant to the provisions of section 5 of this act;

29 f. Enrolls in [vocational] occupational training, remedial
30 [education] instruction or a combination of both on a full-time basis;
31 and

32 g. Reasonably can be expected to successfully complete the
33 [vocational] occupational training and any needed remedial
34 [education] instruction, either during or after the period of additional
35 benefits.

36 If the requirements of this section are met, the division shall not
37 deny an individual unemployment benefits pursuant to the
38 "unemployment compensation law," R.S.43:21-1 et seq., P.L.1970,
39 c.324 (C.43:21-24.11 et seq.) or the additional benefits indicated in
40 section 5 of this act for any of the following reasons: the training
41 includes remedial [education] instruction needed by the individual to
42 succeed in the [vocational] occupational component of the training;
43 the individual has identifiable [vocational] occupational skills but the
44 training services are needed to enable the individual to develop skills
45 necessary to attain at least the level of self-sufficiency; the training is

1 part of a program under which the individual may obtain any college
2 degree enhancing the individual's marketable skills and earning power;
3 the individual has previously received a training grant; the length of
4 the training period under the program; or the lack of a prior guarantee
5 of employment upon completion of the training. If the requirements of
6 this section are met, the division shall regard a training program as
7 approved for the purposes of paragraph (4) of subsection (c) of
8 R.S.43:21-4.

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

10

11 33. Section 2 of P.L.1966, c.13 (C.44:12-2) is amended to read as
12 follows:

13 2. In order to facilitate cooperation with the Federal Government
14 in carrying out the programs contemplated by the Economic
15 Opportunity Act of 1964 or related Federal legislation, every local unit
16 is authorized:

17 (a) To accept from the Federal Government, subject to terms and
18 conditions appertaining thereto, grants of funds, equipment, supplies,
19 material and other property; and

20 (b) to hold, use, expend, deal with, employ, distribute and dispose
21 of such funds, equipment, supplies, material and other property; and

22 (c) to appropriate money; and

23 (d) to enter into contracts and agreements with the Federal and
24 State Governments, other local units or private organizations; and

25 (e) to engage in such activities and to do such other acts and things
26 as may be necessary or convenient to carry out the powers given in
27 this act.

28 [Notwithstanding any other provision of the law no local unit shall
29 enter into a contract or agreement with a private business school,
30 school of beauty culture, technical school, trade school, vocational
31 school or similar training institution, for the purpose of training
32 individuals or upgrading their skills for employment in occupations
33 generally not requiring an associate or baccalaureate degree, unless the
34 Commissioner of Labor has accredited, or otherwise approved, the
35 programs and courses which the institution provides, and has received
36 from the construction code official and local health officer of the
37 municipality certification that the facilities have been issued a
38 certificate of occupancy and are in compliance with the applicable
39 provisions of the local health ordinance; except that a community
40 based organization shall not be subject to the program and course
41 accreditation and approval requirements contained in this section, but
42 only to the requirements contained in this section concerning municipal
43 certification of the facilities. This act shall not apply to private
44 business sponsored in-house training programs conducted primarily for
45 the training of the employees of the respective business. This act also
46 shall apply to the extent it would result in a violation of federal

1 statutes or regulations or otherwise prevent the receipt of federal
2 grants or contracts.]

3 (cf: P.L.1981, c. 531, s. 1)

4

5 34. The following are repealed:

6 N.J.S.18A:69-1 to N.J.S.18A:69-16, inclusive;

7 Section 1 and 2 of P.L.1987, c.457, (C.34:1A-76 and 34:1A-77);

8 Section 12 of P.L.1992, c.43, (C.34:1A-78);

9 Section 11 of P.L.1992, c.47, (C.34:1A-79);

10 Section 7 of P.L.1992, c.48, (C.34:1A-80);

11 Section 13 of P.L.1992, c.43, (C.34:15C-8.1);

12 Section 8 of P.L.1992, c.48, (C.34:15C-8.2);

13 Section 9 of P.L.1993, c.268, (C.34:15C-8.3);

14 Section 12 of P.L.1989, c.293, (C.34:15C-9);

15 Section 17 of P.L.1989, c.293, (C.34:15C-14); and

16 Section 19 of P.L.1989, c.293, (C.34:15C-16).

17

18 35. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill establishes the Center for Occupational Employment
24 Information (COEI) in the Department of Labor and Workforce
25 Development and requires it to:

26 1. Carry out federally-required, State-level career information
27 activities including: supporting career guidance and academic
28 counseling programs; making information and planning resources
29 relating education to careers available to workforce investment system
30 clients; equipping teachers, administrators, and counselors to assist
31 clients; helping State entities tailoring career-related educational
32 resources and training; improving communication among
33 administrators and planners in the workforce investment system; and
34 provide means for clients to provide feedback;

35 2. Design and implement a workforce information system and an
36 electronic career information delivery system for the planning and
37 operation needs of training and job placement programs; and

38 3. Designate labor demand occupations.

39 The COEI is the successor organization to the State Occupational
40 Information Coordinating Committee established by P.L.1987, c.457
41 (C.34:1A-76 et seq.), which is repealed by the bill.

42 The COEI and the State Employment and Training Commission
43 (SETC) are authorized to access records of other State agencies which
44 administer or distribute State or federal job training funds. All
45 approved providers, all public or private post-secondary schools
46 providing training services, and all State agencies which approve

1 training programs and schools are required to report student outcomes
2 and licensing information, including individual Social Security
3 numbers. The information may be used to designate labor demand
4 occupations, establish training and job placement standards, evaluate
5 the effectiveness of programs, services and training service providers
6 and provide a consumer report card on the providers, determining
7 which training providers to place on the State Eligible Training
8 Provider List; and assisting State agencies in preparing reports to
9 federal grantor agencies.

10 The bill prohibits from operating, with certain exceptions, any
11 public or private, profit or non-profit post-secondary school which
12 charges tuition or receives public funding for instruction in
13 occupational, pre-employment or literacy skills or instruction to
14 prepare individuals for future education or the workplace, unless the
15 school has a certificate of approval issued by the Commissioner of
16 Labor and Workforce Development and the Commissioner of
17 Education. Exceptions are made for colleges and universities,
18 employers offering instruction to their employees, and schools offering
19 instruction which is avocational, cultural or recreational. The bill sets
20 procedures and conditions for withdrawal of the certificates.

21 A certified school is required to maintain records for each student,
22 including the student's Social Security number, gender, date of birth,
23 dates of enrollment, completion, termination and start in a job and any
24 license or credential issued.

25 The Departments of Labor and Workforce Development and
26 Education are required to oversee the certified schools and maintain
27 rules governing curricula, staff qualifications, facilities, record keeping
28 and other matters regarding instruction and business integrity.

29 The bill requires the State Board of Education and the SETC to
30 develop performance standards and measures to evaluate certified
31 schools. Policy makers and consumers are to be provided information
32 concerning approved programs and access to a consumer report card
33 on the effectiveness of all the certified schools on the State Eligible
34 Training Provider List showing the long-term success of former
35 trainees of each school in obtaining permanent employment and
36 increasing earnings over one or more time periods after the end of
37 training, including a period of two years after the end of training.

38 The bill requires the State to maintain a State Eligible Training
39 Provider List. Only training providers who are on that list may receive
40 federal or State job training funds. In addition to the schools certified
41 by the Commissioner of Labor and Workforce Development and the
42 Commissioner of Education, the list includes public and private
43 colleges and universities under the jurisdiction of the Commission on
44 Higher Education, post secondary institutions under the jurisdiction of
45 the Department of Education, and training providers licensed by other
46 State departments or approved by the federal government or agencies

1 of other states. All training providers approved for the list are subject
2 to the same requirements as the certified schools regarding records of
3 individual trainees, performance standards and measures for evaluation
4 and the consumer report card on the effectiveness of training
5 providers.

6 The bill establishes a Credentials Review Board to oversee the
7 technical credentialing process for the workforce investment system
8 and approve credentials for employment and training programs.

9 The bill directs the SETC to prepare a Unified State Workforce
10 Investment Plan creating a comprehensive workforce investment
11 system encompassing all One-Stop partners. The scope of the SETC's
12 role in developing policy, guidelines and performance standards is
13 expanded to cover employment and training services and other
14 workforce investment services, such as placement services.

15 The bill gives the each local Workforce Investment Board (WIB) a
16 stronger role in the planning and supervision of local workforce
17 investment services, while giving the SETC the responsibility of
18 approving WIB plans to establish One Stop Career Centers.

19 The requires the SETC to select industries with shortages of skilled
20 personnel and create State-level industry task forces of stakeholders
21 for each selected industry to analyze the shortages and develop State-
22 wide strategies to address them. The SETC is also required to select
23 WIBs for regional planning bodies (RPBs) to address the skilled
24 workforce shortages of specific industries, occupations or career
25 clusters at the regional level. The bill directs the SETC to establish a
26 State-level industry taskforce and RPBs on the health care industry to
27 address the growing shortage of skilled personnel in that industry.

28 The bill requires each State department which is a partner in the
29 State's workforce investment system to provide resources to support
30 SETC activities and staff, of up to 15 percent of allowable State
31 administrative funds from federal and State supported workforce
32 investment programs. All workforce investment programs are required
33 to provide funding for the SETC and the local WIBs.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2826

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Labor Committee reports favorably Senate Bill No. 2826.

This bill establishes the Center for Occupational Employment Information (COEI) in the Department of Labor and Workforce Development and requires it to:

1. Carry out federally-required, State-level career information activities including: supporting career guidance and academic counseling programs; making information and planning resources relating education to careers available to workforce investment system clients; equipping teachers, administrators, and counselors to assist clients; helping State entities tailoring career-related educational resources and training; improving communication among administrators and planners in the workforce investment system; and provide means for clients to provide feedback;
2. Design and implement a workforce information system and an electronic career information delivery system for the planning and operation needs of training and job placement programs; and
3. Designate labor demand occupations.

The COEI is the successor organization to the State Occupational Information Coordinating Committee established by P.L.1987, c.457 (C.34:1A-76 et seq.), which is repealed by the bill.

The COEI and the State Employment and Training Commission (SETC) are authorized to access records of other State agencies which administer or distribute State or federal job training funds. All approved providers, all public or private post-secondary schools providing training services, and all State agencies which approve training programs and schools are required to report student outcomes and licensing information, including individual Social Security numbers. The information may be used to designate labor demand occupations, establish training and job placement standards, evaluate the effectiveness of programs, services and training service providers and provide a consumer report card on the providers, determining which training providers to place on the State Eligible Training Provider List; and assisting State agencies in preparing reports to federal grantor agencies.

The bill prohibits from operating, with certain exceptions, any public or private, profit or non-profit post-secondary school which charges tuition or receives public funding for instruction in occupational, pre-employment or

literacy skills or instruction to prepare individuals for future education or the workplace, unless the school has a certificate of approval issued by the Commissioner of Labor and Workforce Development and the Commissioner of Education. Exceptions are made for colleges and universities, employers offering instruction to their employees, and schools offering instruction which is avocational, cultural or recreational. The bill sets procedures and conditions for withdrawal of the certificates.

A certified school is required to maintain records for each student, including the student's Social Security number, gender, date of birth, dates of enrollment, completion, termination and start in a job and any license or credential issued.

The Departments of Labor and Workforce Development and Education are required to oversee the certified schools and maintain rules governing curricula, staff qualifications, facilities, record keeping and other matters regarding instruction and business integrity.

The bill requires the State Board of Education and the SETC to develop performance standards and measures to evaluate certified schools. Policy makers and consumers are to be provided information concerning approved programs and access to a consumer report card on the effectiveness of all the certified schools on the State Eligible Training Provider List showing the long-term success of former trainees of each school in obtaining permanent employment and increasing earnings over one or more time periods after the end of training, including a period of two years after the end of training.

The bill requires the State to maintain a State Eligible Training Provider List. Only training providers who are on that list may receive federal or State job training funds. In addition to the schools certified by the Commissioner of Labor and Workforce Development and the Commissioner of Education, the list includes public and private colleges and universities under the jurisdiction of the Commission on Higher Education, post secondary institutions under the jurisdiction of the Department of Education, and training providers licensed by other State departments or approved by the federal government or agencies of other states. All training providers approved for the list are subject to the same requirements as the certified schools regarding records of individual trainees, performance standards and measures for evaluation and the consumer report card on the effectiveness of training providers.

The bill establishes a Credentials Review Board to oversee the technical credentialing process for the workforce investment system and approve credentials for employment and training programs.

The bill directs the SETC to prepare a Unified State Workforce Investment Plan creating a comprehensive workforce investment system encompassing all One-Stop partners. The scope of the SETC's role in developing policy, guidelines and performance standards is expanded to cover employment and training services and other workforce investment services, such as placement services.

The bill gives the each local Workforce Investment Board (WIB) a

stronger role in the planning and supervision of local workforce investment services, while giving the SETC the responsibility of approving WIB plans to establish One Stop Career Centers.

The requires the SETC to select industries with shortages of skilled personnel and create State-level industry task forces of stakeholders for each selected industry to analyze the shortages and develop State-wide strategies to address them. The SETC is also required to select WIBs for regional planning bodies (RPBs) to address the skilled workforce shortages of specific industries, occupations or career clusters at the regional level. The bill directs the SETC to establish a State-level industry taskforce and RPBs on the health care industry to address the growing shortage of skilled personnel in that industry.

Finally, the bill requires each State department which is a partner in the State's workforce investment system to provide resources to support SETC activities and staff, of up to 15 percent of allowable State administrative funds from federal and State supported workforce investment programs. All workforce investment programs are required to provide funding for the SETC and the local WIBs.

ASSEMBLY, No. 4435

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 5, 2005

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman LOUIS MANZO

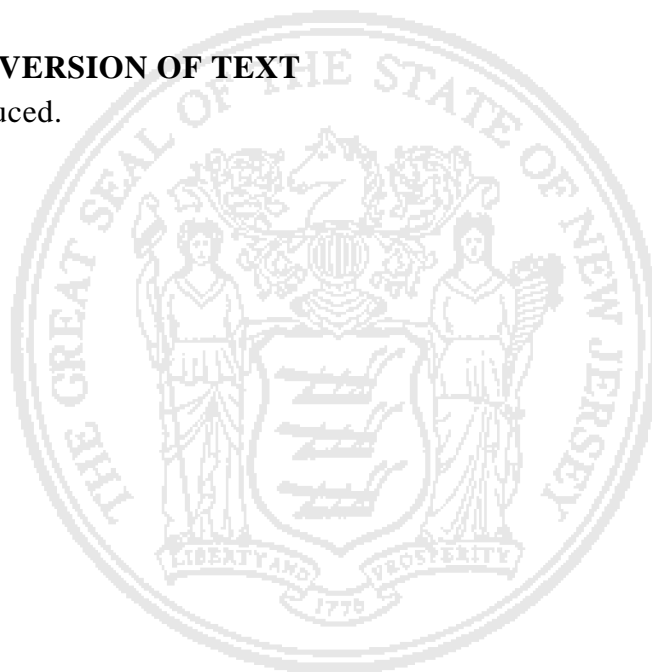
District 31 (Hudson)

SYNOPSIS

Reforms State's workforce investment system, establishes Center for Occupational Employment Information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning the State's workforce investment system and
2 revising various parts of the statutory law.

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

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

9 1. As used in this act:

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

18 "Approved service provider" or "approved training provider" means
19 a service provider [approved pursuant to section 6 of this act] which
20 is on the State Eligible Training Provider List.

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

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

34 "Credential" means a credential recognized by the Department of
35 Education or the Commission on Higher Education, or approved by
36 the Credentials Review Board established by the Department of Labor
37 and Workforce Development pursuant to section 25 of P.L. __, c. __
38 (C. __) (pending before the Legislature as this bill).

39 "Department" means the Department of Labor and Workforce
40 Development.

41 "Employment and training services" means:

- 42 a. Counseling provided pursuant to section 4 of this act;
43 b. [Vocational] Occupational training; or

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 c. Remedial [education] instruction.

2 "Federal job training funds" means any moneys expended to obtain
3 employment and training services, pursuant to the Workforce
4 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) or
5 any other federal law pursuant to which moneys may be expended to
6 obtain employment and training services or other employment-directed
7 and workforce development programs and activities, except that, to
8 the extent that the application of any specific provision of this act
9 would cause the amount of federal job training funds provided to the
10 State to be reduced, that provision shall not apply.

11 "Labor demand occupation" means an occupation [for] which
12 [there is or is likely to be an excess of demand over supply for
13 adequately trained workers, including, but not limited to, an
14 occupation designated as a labor demand occupation by the New
15 Jersey Occupational Information Coordinating Committee pursuant to
16 section 7 of this act.]:

17 a. The Center for Occupational Employment Information has,
18 pursuant to subsection d. of section 27 of P.L. , c. (C.)
19 (pending before the Legislature as this bill), determined is or will be,
20 on a regional basis, subject to a significant excess of demand over
21 supply for trained workers, based on a comparison of the total need or
22 anticipated need for trained workers with the total number being
23 trained; or

24 b. The Center for Occupational Employment Information, in
25 conjunction with a Workforce Investment Board, has, pursuant to
26 subsection d.of section 27 of P.L. , c. (C.)(pending before
27 the Legislature as this bill), determined is or will be, in the region for
28 which the board is responsible, subject to a significant excess of
29 demand over supply for adequately trained workers, based on a
30 comparison of total need or anticipated need for trained workers with
31 the total number being trained.

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

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

44 "Permanent employment" means full-time employment unsubsidized
45 by government training funds which provides a significant opportunity
46 for career advancement and long-term job security [and is in the

1 occupation for which a worker receives vocational training pursuant
2 to this act].

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

7 "Qualified job counselor" means a job counselor whose
8 qualifications meet standards established by the commissioner.

9 "Qualified staff" means staff whose qualifications meet standards set
10 by regulations adopted by the Commissioner of Labor and Workforce
11 Development.

12 "Remedial education" or "remedial instruction" means any literacy
13 or other basic skills training or [education] instruction which may not
14 be directly related to a particular occupation but is needed to facilitate
15 success in [vocational] occupational training or work performance,
16 including training or [education] instruction in basic mathematics,
17 reading comprehension, basic computer literacy, English proficiency
18 and work-readiness skills.

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

22 "Service provider," "training provider" or "provider" means a
23 provider of employment and training services including but not limited
24 to a private or public school or institution of higher education, a
25 business, a labor organization or a community-based organization.

26 "State Eligible Training Provider List" means the Statewide list of
27 eligible training providers maintained pursuant to section 14 of
28 P.L. , c. (C.)(pending before the Legislature as this bill).

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

33 "Workforce investment services" means core, intensive, and
34 training services as defined by the Workforce Investment Act of 1998,
35 Pub.L.105-220 (29 U.S.C. s.2801 et seq.).

36 (cf: P.L.2004, c.39, s.6)

37

38 2. Section 3 of P.L.1992, c.48 (C.34:15B-37) is amended to read
39 as follows:

40 3. a. On the job training shall not be paid for with federal job
41 training funds for any employment found by the commissioner to be of
42 a level of skill and complexity too low to merit training.

43 b. The duration of on the job training for any individual shall not
44 exceed the duration indicated by the [Specific Vocational Preparation
45 code developed by the United States Department of Labor] Bureau of
46 Labor Statistics' Occupational Information Network, or "O*NET," for

1 the occupation for which the training is provided and shall in no case
2 exceed 26 weeks. The department shall set the duration of on the job
3 training for an individual for less than the indicated maximum, when
4 training for the maximum duration is not warranted because of the
5 level of the individual's previous training, education or work
6 experience.

7 c. On the job training shall not be paid for with federal job training
8 funds unless it is accompanied, concurrently or otherwise, by whatever
9 amount of classroom-based [vocational] or equivalent occupational
10 training, remedial [education] instruction or both, is deemed
11 appropriate for the worker by the commissioner.

12 d. Each employer receiving federal job training funds for on the job
13 training shall retain or place in permanent employment each trainee
14 who successfully completes the training. The commissioner may, for
15 a time period he deems appropriate, provide for the withholding of
16 whatever portion he deems appropriate of the funding as a final
17 payment for training, contingent upon the retention of a program
18 completer as required pursuant to this section.

19 e. On the job training shall not be paid for with federal job training
20 funds unless the trainee is provided benefits, pay and working
21 conditions at a level and extent not less than the benefits and working
22 conditions of other trainees or employees of the trainee's employer
23 with comparable skills, responsibilities, experience and seniority.

24 (cf: P.L.2001, c.152, s.6)

25

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

28 4. a. No individual shall receive employment and training services
29 paid for with federal job training funds other than counseling unless
30 the individual first receives counseling pursuant to this section. The
31 counseling shall be provided by a job counselor hired and employed by
32 the State pursuant to Title 11A, Civil Service, of the New Jersey
33 Statutes, or hired and employed by a political subdivision of the State,
34 or be provided by a qualified job counselor hired and employed by a
35 non-profit organization which began functioning as the One Stop
36 Career Center operator with the written consent of the chief elected
37 official and the commissioner prior to the effective date of P.L.2004,
38 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
39 community-based or faith-based organization to provide counseling
40 which the organization entered into an agreement to provide before
41 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). The purpose
42 of any counseling provided pursuant to this section is to assist each
43 individual in obtaining the employment and training services most
44 likely to enable the individual to obtain employment providing
45 self-sufficiency for the individual and also to provide the individual
46 with the greatest opportunity for long-range career advancement with

1 high levels of productivity and earning power. The counseling shall
2 include:

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

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

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

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

1 (5) Discussion with the counselor of the results of the testing and
2 evaluation; and[, based on those results, the]

3 (6) The development of a written Employability Development Plan
4 identifying the training and employment services or other workforce
5 investment services, including any needed remedial [education]
6 instruction, to be provided to the individual.

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

15 c. All information regarding an individual applicant or trainee
16 which is obtained or compiled in connection with the testing,
17 assessment and evaluation and which may be identified with the
18 individual shall be confidential and shall not be released to an entity
19 other than the individual, the counselor [or], the department [only if],
20 the commission or partners of the One-Stop system as necessary for
21 them to provide training and employment services or other workforce
22 investment services to the individual, unless the individual provides
23 written permission to the department for the release of the information
24 or the information is used solely for program evaluation.

25 (cf: P.L.2004, c.39, s.8)

26
27 4. Section 5 of P.L.1992, c.48 (C.34:15B-39) is amended to read
28 as follows:

29 5. An otherwise qualified individual shall not be denied employment
30 and training services or other workforce investment services included
31 in the Employability Development Plan developed for the individual
32 pursuant to section 4 of this act for any of the following reasons: the
33 [employment and training] services include remedial [education]
34 instruction needed by the individual to advance in the individual's
35 current employment or occupation or to succeed in the [vocational]
36 occupational component of the training; the qualified displaced worker
37 or other individual has identifiable [vocational] occupational skills but
38 the training services are needed to enable the individual to develop
39 skills necessary to attain at least the level of self-sufficiency; the
40 training is part of a program under which the individual may obtain a
41 college degree enhancing the individual's marketable skills and earning
42 power; the individual has previously received a training grant; the
43 length of the training period under the program; or the lack of a prior
44 guarantee of employment upon completion of the training, except for
45 on the job training. This section shall not be construed as requiring
46 that federal job training funds be used to pay for employment and

1 training services or other workforce investment services for which
2 other assistance, such as State or federal student financial aid, is
3 provided.

4 (cf: P.L.2001, c.152, s.7)

5
6 5. Section 6 of P.L.1992, c.48 (C.34:15B-40) is amended to read
7 as follows:

8 6. a. No federal job training funds shall be used to obtain
9 employment and training services from a service provider unless the
10 provider is an approved [pursuant to the procedures and criteria
11 established by the State Employment and Training Commission
12 pursuant to section 8 of this act. No] service provider [shall be
13 approved pursuant to this section unless] and the provider agrees to
14 provide, on a first-come, first-served basis, the services it offers to any
15 trainee who is referred to it to obtain the offered services, if included
16 in the individual's Employability Development Plan developed pursuant
17 to section 4 of this act, up to the total number of trainees that the
18 provider agrees to serve.

19 b. Each service provider shall maintain, make available and submit
20 appropriate records [available upon request] and data for monitoring
21 [inspection] and evaluation purposes, as required by the
22 [commissioner, including] State Employment and Training
23 Commission. The records and data shall include, but not be limited to:

24 (1) A record for each trainee enrolled, including the trainee's name
25 [and], Social Security number, gender, date of birth, date of
26 enrollment, and any date of completion, termination, start in a job or
27 application for a license, any licensing examination result, date of issue
28 of a license or credential issued, and any other information specified
29 by the State Employment and Training Commission or the Center for
30 Occupational Employment Information. For any individual who does
31 not have a Social Security number, the service provider may substitute
32 an alternate method of identification, except that, at the time of start
33 into employment, the alternate code shall be cross-referenced with the
34 individual's valid Social Security number;

35 (2) A record of all administrative and overhead expenses of the
36 provider related to the providing of employment and training services
37 funded by the program and the provider's direct expenses of providing
38 the services; and

39 (3) Any other information deemed appropriate by the commissioner
40 or the State Employment and Training Commission for evaluation
41 purposes.

42 c. In the case of a provider of [vocational] occupational training
43 services, the commissioner shall collect the information needed to
44 measure effectively the long-term success of the former trainees of the
45 provider in obtaining permanent employment and increasing earnings
46 over one or more time periods following the completion or other

1 termination of training, including a period of [not less than] two years
2 following the completion or other termination of training. The
3 commission shall set such standards as it deems appropriate regarding
4 comparisons of the former trainees with groups of otherwise similar
5 individuals who did not receive the training. The [commissioner shall
6 use the] information obtained pursuant to this subsection shall be used
7 to:

8 (1) Assist in evaluating the performance of providers of
9 [vocational] occupational training services;

10 (2) Assist in determining which providers of [vocational]
11 occupational training services to [approve pursuant to subsection a.
12 of this section] place on the State Eligible Training Provider List; and

13 (3) Assist in providing reliable information regarding the quality of
14 available providers of [vocational] occupational training services as
15 part of the counseling provided pursuant to section 4 of this act,
16 including the furnishing, for use in the counseling, including counseling
17 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
18 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
19 c.47, (C.43:21-59), of a consumer report card on service providers
20 showing the long-term success of former trainees of each provider in
21 obtaining permanent employment and increasing earnings over one or
22 more time periods following the completion or other termination of
23 training, including a period of two years following the completion or
24 other termination of training.

25 d. The State Employment and Training Commission, the
26 commissioner, and each service provider shall comply with all
27 pertinent State and federal laws regarding the privacy of students and
28 other participants in employment and training programs, including but
29 not limited to, the Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552
30 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
31 students and participants required by those laws.

32 (cf: P.L.1992, c.48, s.6)

33

34 6. Section 4 of P.L.1989, c.293 (C.34:15C-1) is amended to read
35 as follows:

36 4. As used in this act:

37 a. "At-risk youth" means a teenage high school dropout or a
38 teenage parent or other teenager whose pattern of behavior is likely to
39 result in becoming a high school dropout.

40 b. "Commission" means the State Employment and Training
41 Commission established pursuant to section 5 of this act.

42 c. ["Employment and training programs" means programs and
43 services which are State or federally funded and designed to develop
44 or maintain the productivity and earning power of workers and job
45 seekers.] "Federal job training funds" means any moneys expended

1 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
2 (29 U.S.C. s.2801 et seq.) or any other federal law to obtain
3 employment and training services or other employment-directed and
4 workforce development programs and activities, including employment
5 and training services as defined in section 1 of P.L.1992, c.48,
6 (C.34:15B-35) and employment-directed and workforce development
7 programs and activities as described in sections 2 and 4 of P.L.2004,
8 c.39 (C.34:1A-1.3 and 34:1A-1.5).

9 d. "Labor demand occupation" means an occupation which:

10 (1) The [New Jersey Occupational Information Coordinating
11 Committee] Center for Occupational Employment Information has,
12 pursuant to subsection [h.] d. of section [1 of P.L.1987, c.457
13 (C.34:1A-76)] 27 of P.L. , c. (C.)(pending before the
14 Legislature as this bill), determined is or will be, on a [Statewide]
15 regional basis, subject to a significant excess of demand over supply
16 for trained workers, based on a comparison of the total need or
17 anticipated need for trained workers with the total number being
18 trained; or

19 (2) The [New Jersey Occupational Information Coordinating
20 Committee] Center for Occupational Employment Information, in
21 conjunction with a [private industry council] Workforce Investment
22 Board, has, pursuant to subsection [h.] d. of section [1 of P.L.1987,
23 c.457 (C.34:1A-76)] 27 of P.L. , c. (C.) (pending before
24 the Legislature as this bill), determined is or will be, in the region for
25 which the [council] board is responsible, subject to a significant
26 excess of demand over supply for adequately trained workers, based
27 on a comparison of total need or anticipated need for trained workers
28 with the total number being trained.

29 e. ["Private industry council" means a private industry council
30 established pursuant to section 18 of this act] "Owner" of a qualifying
31 school means any person who acts as the proprietor of a qualifying
32 school, including any individual who has an ownership interest of five
33 percent or more in the qualifying school.

34 f. (1) "Qualifying school" means, except as provided in paragraph
35 (2) of this subsection f., a government unit, person, association, firm,
36 corporation, private organization, or any entity doing business or
37 maintaining facilities within the State, whether operating on a for
38 profit or not for profit basis, which:

39 (a) Offers or maintains a course of instruction or instructional
40 program utilized to prepare individuals for future education or the
41 workplace, including instruction in literacy or basic skills, or provides
42 supplemental instruction in recognized occupational skills, pre-
43 employment skills or literacy skills;

44 (b) Offers instruction by any method including, but not limited to,
45 classroom, shop, laboratory experience, correspondence, Internet and

- 1 other distance learning media, or any combination thereof;
2 (c) Offers instruction to the general public or in conjunction with
3 New Jersey's workforce investment system; and,
4 (d) Charges tuition or other fees or costs, or receives public
5 funding for the delivery of any of the above types of instruction.
6 (2) "Qualifying school" does not mean:
7 (a) Colleges and universities licensed by the Commission on Higher
8 Education or other schools, institutions and entities, including public
9 or private schools below college level, which are regulated and
10 approved pursuant to any law of this State other than this 2005
11 amendatory and supplementary act;
12 (b) Employers offering instruction to their employees directly or
13 through a contract instructor, where there is no cost to the employee
14 and no profit to the employer; or
15 (c) Schools offering instruction which is avocational, cultural or
16 recreational in nature.
17 g. "Service provider," "training provider" or "provider" means a
18 provider of employment and training services including, but not limited
19 to, a private or public school or institution of higher education, a
20 business, a labor organization or a community-based organization.
21 h. "State job training funds" means any moneys expended from the
22 Workforce Development Partnership Fund created pursuant to section
23 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
24 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
25 (C.34:15D-21) or any other source of State moneys to obtain
26 employment and training services or other employment-directed and
27 workforce development programs and activities, including employment
28 and training services as defined in section 3 of P.L.1992, c.43,
29 (C.34:15D-3) and employment-directed and workforce development
30 programs and activities as described in sections 2 and 4 of P.L.2004,
31 c.39 (C.34:1A-1.3 and 34:1A-1.5).
32 i. "Workforce Investment Board" means a board established
33 pursuant to the Workforce Investment Act of 1998, Pub.L.105-220
34 (29 U.S.C. s.2801 et seq.).
35 j. "Workforce investment programs" means programs and services
36 that are State or federally funded and designed to develop, improve,
37 or maintain the productivity and earning power of workers and job
38 seekers, including employment and training services, as defined in
39 section 1 of P.L.1992, c.48, (C.34:15B-35) and section 3 of P.L.1992,
40 c.43 (C.34:15D-3), and including employment-directed and workforce
41 development programs and activities as described in sections 2 and 4
42 of P.L.2004, c.39 (C.34:1A-1.3 and 34:1A-1.5).
43 k. "Workforce investment services" means core, intensive, and
44 training services as defined by the "Workforce Investment Act of
45 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.)."
46 (cf: P.L.1989, c.293, s.4)

1 7. Section 8 of P.L.1989, c.293 (C.34:15C-5) is amended to read
2 as follows:

3 8. The purpose of the commission shall be to develop and assist in
4 the implementation of a State [employment and training] workforce
5 investment policy with the goal of creating a coherent, integrated
6 system of [employment and training] workforce investment programs
7 and services which, in concert with the efforts of the private sector,
8 will provide each citizen of the State with equal access to the learning
9 opportunities needed to attain and maintain high levels of productivity
10 and earning power. The principal emphasis of the [employment and
11 training] workforce investment policy shall be developing a strategy
12 to fill significant gaps in New Jersey's [training and employments]
13 workforce investment efforts, with special attention to finding ways to
14 mobilize and channel public and private resources to individuals who
15 would otherwise be denied access to the training and education they
16 need to make their fullest contribution to the economic well being of
17 the State. To the extent practicable, the strategy shall emphasize types
18 of training and education which foster the communication and critical
19 thinking skills in workers and job seekers which will be of greatest
20 benefit for long term career advancement.

21 (cf: P.L.1989, c.293, s.8)

22

23 8. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read
24 as follows:

25 9. The commission shall:

26 a. Issue the [annual State employment and training plan] New
27 Jersey Unified Workforce Investment Plan pursuant to the provisions
28 of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
29 s.2801 et seq.) and section 10 of this act;

30 b. Establish performance standards for [training and employment]
31 workforce investment programs pursuant to the Workforce Investment
32 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11
33 of this act;

34 c. [Conduct its responsibilities in relationship to the New Jersey
35 Institute for Employment and Training Staff Development as required
36 pursuant to section 12 of this act] Act to ensure the full participation
37 of Workforce Investment Boards in the planning and supervision of
38 local workforce investment systems. The commission shall be
39 responsible to oversee and develop appropriate standards to ensure
40 Workforce Investment Board compliance with State and federal law,
41 the State plan, and other relevant requirements regarding membership,
42 staffing, meetings, and functions;

43 d. Foster and coordinate initiatives of the [Departments]
44 Department of Education and Commission on Higher Education to
45 enhance the contributions of public schools and institutions of higher

1 education to the implementation of the State [employment and
2 training] workforce investment policy;

3 e. Examine federal and State laws and regulations to assess
4 whether those laws and regulations present barriers to achieving any
5 of the goals of this act. The commission shall, from time to time as it
6 deems appropriate, issue to the Governor and the Legislature reports
7 on its findings, including recommendations for changes in State or
8 federal laws or regulations concerning [employment and training]
9 workforce investment programs or services, including, when
10 appropriate, recommendations to merge other State advisory
11 structures and functions into the commission;

12 f. Perform the duties assigned to a State [job training coordinating
13 council] Workforce Investment Board pursuant to subsection (d) of
14 section [122] 111 of [Title I of the "Job Training Partnership Act,"
15 Payable-300 (29 U.S.C. s. 1532) and Title III of that act (29 U.S.C.
16 s. 1651 et seq.)] the Workforce Investment Act of 1998, Pub.L.105-
17 220 (29 U.S.C. s.2821);

18 g. Have the authority to enter into agreements with the
19 [commissioner or chancellor, as the case may be,] head of each State
20 department or commission which administers or funds education,
21 employment or training programs, including, but not limited to, the
22 Departments of Labor and Workforce Development, Community
23 Affairs, Education, [Higher Education,] and Human Services and the
24 Commission on Higher Education, the New Jersey Commerce,
25 Economic Growth and Tourism Commission, and the Juvenile Justice
26 Commission, which agreements are for the purpose of assigning
27 planning, policy guidance and oversight functions to each [private
28 industry council] Workforce Investment Board with respect to any
29 [employment or training] workforce investment program funded or
30 administered by the State department or commission within the
31 [private industry council's] Workforce Investment Board's respective
32 labor market area or [service delivery] local area, as the case may be;
33 and

34 h. Establish guidelines to be used by the [private industry
35 councils] Workforce Investment Boards in performing the planning,
36 policy guidance, and oversight functions assigned to the [councils]
37 boards under any agreement reached by the commission with a
38 department or commission pursuant to subsection g. of this section.
39 The commission shall approve all local Workforce Investment Board
40 plans that meet the criteria established by the commission for the
41 establishment of One-Stop systems. The Department of Labor and
42 Workforce Development shall approve the operational portion of the
43 plans for programs administered by the department.

44 The commission shall have access to all files and records of other
45 State agencies and may require any officer or employee therein to

1 provide such information as it may deem necessary in the performance
2 of its functions.

3 Nothing in P.L. _____, c. _____ (C. _____) (pending before the Legislature
4 as this bill) shall be construed as affecting the authority of the
5 Commissioner of Personnel to review and approve training programs
6 for State employees pursuant to N.J.S.11A:6-25;
7 (cf: P.L.1989, c.293, s.9)

8

9 9. Section 10 of P.L.1989, c.293 (C.34:15C-7) is amended to read
10 as follows:

11 10. The commission shall [annually issue] prepare a [State
12 employment and training plan] New Jersey Unified Workforce
13 Investment Plan. The plan shall include:

14 a. A description of the State [employment and training] workforce
15 investment policy developed pursuant to section 8 of this act;

16 b. An assessment and an evaluation of the demand for various
17 kinds of trained workers in New Jersey and recommendations on how
18 to direct the State's [employment and training] workforce investment
19 efforts to be most effective in using that demand to increase the
20 productivity and earning power of the work force;

21 c. [Estimates of the numbers of individuals who are eligible for or
22 in need of different types of training and employment services, the
23 percentage of them who currently receive each type of service from
24 either the public or private sectors, and comprehensive proposals for
25 increasing the percentage of eligible individuals who receive each type
26 of service, with priority given to those individuals who are confronted
27 with the most serious difficulties in obtaining the education and
28 training they need to attain their full productive and earning
29 potentials;] (~~Deleted by amendment, P.L. _____, c. _____.~~)

30 d. A description of any performance standards established pursuant
31 to section 11 of this act and remedial [education] instruction
32 standards established pursuant to section 14 of this act and any
33 evaluation of [an employment and training programs] workforce
34 investment activities based on those standards;

35 e. Evaluations of other existing [employment and training]
36 workforce investment programs, their goals and structures, and the
37 consistency of each program with the State [employment and training]
38 workforce investment policy developed by the commission;

39 f. (1) Evaluations of the organizational structures, functions and
40 activities of governmental agencies performing advisory functions or
41 activities in relation to [employment and training] workforce
42 investment programs or services, including advisory functions and
43 activities performed in connection with vocational education, adult
44 education, apprenticeship, vocational rehabilitation and human services
45 programs; and

1 (2) Recommendations to the Governor about coordination of the
2 State's efforts in these program areas, including, if the commission
3 deems appropriate, a recommendation to the Governor for the transfer
4 of these advisory functions and activities to the jurisdiction of the
5 commission; and

6 g. Recommendations for any other changes the commission deems
7 appropriate in the overall structure of the State's [employment and
8 training] workforce investment system, including the consolidation of
9 duplicative programs and services and the reallocation of State and
10 federal funds to the agencies able to make the best use of those funds.

11 [Each report] The New Jersey Unified State Workforce Investment
12 Plan shall be submitted to the Governor, the Legislature and each
13 department charged with the operation of any program or service
14 which is evaluated by the commission or the subject of a
15 recommendation in the report consistent with the timetable established
16 by the federal Workforce Investment Act of 1998, Pub.L.105-220 (29
17 U.S.C. s.2801 et seq.).

18 The New Jersey Unified State Workforce Investment Plan shall be
19 a strategic unified workforce investment plan encompassing all of the
20 required and optional One-Stop partners prescribed by the federal
21 Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801
22 et seq.). The plan is intended to create a comprehensive workforce
23 investment system in New Jersey. The programs included in the plan
24 shall include but not be limited to workforce investment-related
25 activities and programs authorized under: the Carl D. Perkins
26 Vocational and Applied Technology Education Amendments of 1998,
27 Pub.L.105-332 (20 U.S.C. s 2301 et. seq.); the Workforce Investment
28 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.), including
29 activities for adults, dislocated workers and youth under Title I of that
30 act and adult education and family literacy programs under Title II of
31 that act; the Work First New Jersey program established pursuant to
32 P.L.1997, c.38 (C.44:10-55 et seq.); the federal "Personal
33 Responsibility and Work Opportunity Reconciliation Act of 1996,"
34 Pub.L.104-193 (42 U.S.C. 601 et seq.); the federal Food and
35 Agricultural Act of 1977, Pub.L.95-113 (7 U.S.C. 2011 et seq.);
36 chapter 2 of Title II of the Trade Act of 1974, Pub.L.93-618 (19
37 U.S.C. s.2102 et seq.); the Wagner-Peyser Act (29 U.S.C. s.49 et
38 seq.); Part B of Title I of the "Rehabilitation Act of 1973" (29 U.S.C.
39 s.701 et seq.); 38 U.S.C. s.4100 et seq. and 38 U.S.C. s.4200 et seq.,
40 including veterans' employment, disabled veterans' outreach, and local
41 veterans' employment representative programs; the "unemployment
42 compensation law," R.S.43:21-1 et seq.; the "Older Americans Act of
43 1965" (42 U.S.C. s.3001 et seq.); Titles V and XIX of the Social
44 Security Act (42 U.S.C. s.701 et seq. and 42 U.S.C. s.1396 et seq.);
45 U.S. Department of Housing and Urban Development Community
46 Development Block Grants, public housing programs; and Community

1 Services Block Grant Act; and the State Workforce Development
2 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), including
3 individual grants, customized training, youth transition to work,
4 occupational health and safety training, tuition waivers and basic skills
5 including literacy.

6 The commission may, at any other time as it deems appropriate,
7 issue additional reports to the Governor and the Legislature
8 concerning any of the subjects addressed in the [annual State
9 employment and training plan] New Jersey Unified Workforce
10 Investment Plan. Significant changes in the economy or technology or
11 in federal or State policy on any area included in the workforce
12 investment system may result in modifications to the plan.

13 The commission shall conduct a periodic, comprehensive evaluation
14 of the activities of the workforce investment system and make a
15 periodic report to the Governor and the Legislature regarding the
16 effectiveness of the workforce investment system in implementing the
17 purposes of this act.

18 (cf: P.L.1989, c.293, s.10)

19

20 10. Section 11 of P.L.1989, c.293 (C.34:15C-8) is amended to
21 read as follows:

22 11. a. The commission shall establish quantifiable performance
23 standards for evaluating [each employment and training program] the
24 workforce investment system, and guidelines for procedures to
25 encourage and enforce compliance with those standards. The
26 commission shall establish the standards and procedures in conjunction
27 with [the Department of Labor and] any [other] department or
28 commission which funds or administers [the program] workforce
29 investment programs.

30 The standards shall be designed to measure the success of [each
31 program] the system in assisting the individuals it serves to attain and
32 maintain high levels of productivity and earning power, through
33 preparation for employment in occupations with significant
34 opportunities for career advancement. The standards shall take into
35 account the specific needs and characteristics of the target populations
36 [which the programs serve].

37 b. Each [employment and training] workforce investment
38 program, including any program funded or established pursuant to
39 [P.L.1983, c.328 (C.34:15B-11 et al.), P.L.1987, c.71 (C.34:15B-27
40 et seq.), the "Job Training Partnership Act," Payable-300 (29 U.S.C.
41 s.1501 et seq.), or Title VI of the "Omnibus Trade and
42 Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. s.5001 et
43 al.)] the Workforce Investment Act of 1998, Pub. L. 105-220 (29
44 U.S.C. s. 2901 et seq.) the Carl D. Perkins Vocational and Applied
45 Technology Education Amendments of 1998, Pub.L.105-332 (20

1 U.S.C. s.2301 et seq.), or the State Workforce Development
2 Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), is hereby
3 deemed to be subject to the performance standards and guidelines
4 established pursuant to subsection a. of this section. The performance
5 standards for the program shall be based on factors including, but not
6 limited to:

7 (1) The percentage of trainees who are placed, following
8 completion of the program, in employment in the occupation for which
9 they are trained or who are enrolled for further education or training,
10 if those enrollments are a goal of the program;

11 (2) The success of the program in sustaining or increasing the
12 trainees' levels of earnings, based on the wage levels upon placement
13 in employment, and the trainees' [potential for further advancement.
14 The factors indicated in this paragraph shall be given a weight of not
15 less than 20% in the evaluation of the program, unless enrollment for
16 further education or training is a goal of the program] retention in
17 employment; and

18 (3) [The percentage of trainees served by the program who are
19 designated under the performance standards as having the greatest
20 need for the services provided by the program, based on criteria
21 appropriate to the program; and] (Deleted by amendment, P.L. _____,
22 c.____.)

23 (4) The success of the program in facilitating the remedial
24 [education] instruction which the program is required to make
25 available to trainees under standards established pursuant to section 14
26 of this act.

27 In establishing performance standards, the commission shall not use
28 criteria which may adversely affect the assessment of a program
29 because of any emphasis the program may have on long-term
30 [vocational] occupational training and [education] instruction.

31 The commission shall establish dates by which each department
32 administering [employment and training] workforce investment
33 programs shall adopt the standards and guidelines for use in the
34 planning, budgeting and administration of those programs.

35 The standards shall apply to a program which is State or federally
36 funded except to the extent that application of the standards would
37 prevent the program from receiving the federal funding.

38 (cf: P.L.1989, c.293, s.11)

39

40 11. Section 13 of P.L.1989, c.293 (C.34:15C-10) is amended to
41 read as follows:

42 13. The commission shall establish such requirements as it deems
43 appropriate for each [employment and training] workforce investment
44 program to utilize[: the New Jersey Career Information Delivery
45 System for the delivery of individual career decision-making

1 information; and the comprehensive occupational information system
2 designed and implemented by the New Jersey Occupational
3 Information Coordinating Committee pursuant to P.L.1987, c.457
4 (C.34:1A-76 et seq.) for program planning. The New Jersey Career
5 Information Delivery System shall be used by entities administrating
6 job training programs within service delivery areas established
7 pursuant to the provisions of the "Job Training Partnership Act,"
8 Payable-300 (29 U.S.C. s.1501 et seq.), unless it is demonstrated that
9 alternative services are more effective for the delivery of individual
10 career decision-making information] the comprehensive occupational
11 information compiled and disseminated by the Center for Occupational
12 Employment Information established pursuant to section 27 of
13 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill)
14 and other information developed cooperatively by the Department of
15 Labor and Workforce Development and the commission for program
16 planning and individual career decision-making.
17 (cf: P.L.1989, c.293, s.13)

18

19 12. (New section) a. The State Employment and Training
20 Commission shall select industries in which a growing or unmet
21 demand for skilled workers, professionals or other personnel provides
22 an opportunity to generate significant growth in employment or
23 careers providing access to self-sufficiency and shall create State-level
24 industry task forces consisting of key stakeholders in each selected
25 industry to analyze the most significant mismatches between labor
26 supply and demand in the industry and develop State-wide strategies
27 to rectify those mismatches. The membership of each task force shall
28 be selected by the commission and shall include leaders of businesses,
29 labor unions, professional associations and other stakeholders in the
30 industry and representatives from State departments and agencies
31 which the commission determines may be of assistance in rectifying the
32 mismatches of supply and demand.

33 b. The commission shall select Workforce Investment Boards and
34 direct them to create regional planning bodies to address the
35 workforce needs in the regions under the jurisdictions of the boards
36 of specific industries, occupations or career clusters in which a
37 growing or unmet demand for skilled workers, professionals or other
38 personnel provides an opportunity to generate significant growth in
39 employment or careers providing self-sufficiency. The membership of
40 each regional planning body shall include representatives of Workforce
41 Investment Boards and One Stop Career Center partners and leaders
42 of businesses, labor unions and professional associations and other
43 stakeholders of the industries, occupations, career clusters or
44 employers in the region. The region under a regional planning body
45 shall be selected by the commission to enhance local delivery systems
46 by providing meaningful geographic boundaries for labor market

1 rationalization. The region selected for one industry, occupation or
2 career cluster may be different from the region selected for another
3 industry, occupation or career cluster. The size of regions under
4 regional planning bodies may vary in accordance with the
5 concentration of the relevant work forces or in accordance with other
6 factors. The commission may also determine any areas outside of the
7 State which would benefit from a joint effort with a regional planning
8 body and direct the body to seek cooperation with the Workforce
9 Investment Board or boards outside of the State that have jurisdiction
10 over those areas.

11 c. The purpose of each regional planning body shall be to develop,
12 for its area of jurisdiction, strategies to match labor market supply and
13 demands and support a demand-side focus anchoring the employment
14 and training system to the labor market in a manner which increases
15 opportunities for employment and careers providing access to self-
16 sufficiency. Those strategies may include job skill training and
17 utilization of labor market and demographic information to match the
18 location of jobs with the residence of workers. The planning for the
19 development of the strategy shall include an analysis of the adequacy
20 of the transportation system to get the workers to the jobs and the
21 suitability of the training being offered in an area for the needs of the
22 local workplace, and shall take into consideration any State-wide
23 strategy developed by a State-wide industry task force pursuant to
24 subsection a. of this section which is relevant to the jurisdiction of the
25 regional planning body.

26 d. The Legislature finds and declares that the current and growing
27 shortage of skilled and credentialed health care professionals,
28 paraprofessionals, and entry-level workers has reached crisis
29 proportions. The commission shall establish a State-level industry
30 taskforce on the health care industry, as well as regional planning
31 bodies on the health care industry in each region designated by the
32 commission, to address this problem and promote enduring
33 partnerships among employers, labor unions, professional associations
34 and other stakeholders in the health care industry, the public
35 workforce investment system, primary, secondary and postsecondary
36 education, and social service providers to develop and sustain
37 solutions in the areas of recruitment, retention, training and education
38 capacity-building in that industry in a manner which increases
39 opportunities for employment and careers providing access to self-
40 sufficiency.

41
42 13. (New section) a. A qualifying school shall make a written
43 application to the Commissioner of Labor and Workforce
44 Development for a certificate of approval, and shall not be permitted
45 to operate unless it receives the certificate of approval issued by the
46 Commissioner of Labor and Workforce Development and the

1 Commissioner of Education pursuant to the rules that they
2 promulgate. The application shall be in the form prescribed by the
3 commissioners and shall furnish the information required by the
4 commissioners. Upon receipt of this application, with the required
5 documentation, the Commissioner of Labor and Workforce
6 Development shall cause to be conducted an evaluation of the
7 applicant school prior to the issuance of a certificate of approval. The
8 certificate shall be in a form prescribed by the Commissioners of Labor
9 and Workforce Development and Education and shall be prominently
10 displayed so that it is visible to the general public. The certificate is
11 issued to the applicant owner and school and is nontransferable. In the
12 event of a change of ownership, the new owner is required to apply for
13 a change in ownership subject to the conditions and fees prescribed by
14 the Commissioner of Labor and Workforce Development and prior to
15 the issuance of a new certificate of approval. Approval shall also be
16 required for changes in location and any additional locations. Program
17 and course curricula and instructional personnel and administrator
18 credentials shall be submitted for approval and contain sufficient
19 information for proper evaluation as determined by the Commissioner
20 of Education. The personnel of a qualifying school shall meet the
21 qualifications set forth by the Commissioners of Labor and Workforce
22 Development and Education in order to own, operate, market,
23 supervise, or offer instruction.

24 b. A casino gaming school shall not receive a certificate of approval
25 pursuant to subsection a. of this section unless the school is licensed
26 by the New Jersey Casino Control Commission pursuant to subsection
27 a. of section 92 of P.L.1977, c.110 (C.5:12-92).

28 c. An applicant shall not be issued a certificate of approval if, upon
29 the review and consideration of the submitted application, the
30 application is found to be not in accordance with the rules and
31 regulations set forth by the Commissioners of Labor and Workforce
32 Development and Education. The Commissioners of Labor and
33 Workforce Development and Education may revoke, suspend, or place
34 reasonable conditions upon the continued approval represented by the
35 certificate. Prior to revocation, the Commissioners of Labor and
36 Workforce Development and Education shall notify the holder in
37 writing of the impending action and set forth the grounds for the
38 action. The Commissioners of Labor and Workforce Development and
39 Education may reexamine a school during the year in which notice or
40 conditions have been imposed. A certificate of approval may be
41 revoked, suspended, or made conditional if the Commissioners of
42 Labor and Workforce Development and Education have reasonable
43 cause to believe that the school is guilty of violating this section or any
44 of the rules adopted under this section or is found to be financially
45 unsound.

46 d. An approved qualifying school shall maintain a permanent

1 student record for each student enrolled. This information shall
2 include, but not be limited to, the student's Social Security number,
3 gender, date of birth, date of enrollment, and any date of completion,
4 date of termination, date of start in a job, date of application for a
5 license, licensing examination result, date of issue of a license, any
6 credential issued, and other information as specified by the State
7 Employment and Training Commission or the Center for Occupational
8 Employment Information. For any individual who does not have a
9 Social Security number, the qualifying agency may substitute an
10 alternate method of identification, except that, at the time of start into
11 employment the alternate code shall be cross-referenced with the
12 individual's valid Social Security number. The applicant school shall
13 submit a record retention plan to the Commissioner of Labor and
14 Workforce Development that describes the method by which a student
15 or other legitimate requester may obtain a copy of the permanent
16 record verifying attendance and academic achievement of a student at
17 the school. The plan shall identify the organization or individual
18 responsible for maintaining and responding to requests for and
19 distributing records in the event that the school ceases operation or
20 closes. The Department of Labor and Workforce Development and
21 the Department of Education may adopt additional regulations
22 prescribing the manner in which student records, including transcripts,
23 shall be maintained and distributed, and regulations setting penalties
24 for failure to comply with an approved record retention plan.

25 e. n approved qualifying school shall be open for monitoring and
26 inspection to any officer, representative or agent designated by the
27 Commissioners of Labor and Workforce Development and Education.
28 The Departments of Labor and Workforce Development and
29 Education shall conduct examinations of all facilities and methods of
30 operating, as they deem appropriate.

31 f. The Departments of Labor and Workforce Development and
32 Education shall continue to oversee the proper conduct of qualifying
33 schools and shall maintain rules governing curricula, qualifications of
34 instructors and supervisors, facilities, record keeping requirements and
35 any other matters essential to the maintenance of quality instruction
36 and the business integrity of qualifying schools.

37 g. An approved qualifying school shall submit an annual report to
38 the Commissioner of Labor and Workforce Development. The annual
39 report shall include, but not be limited to, enrollment information,
40 post-training placement information and tuition received as well as an
41 electronic or paper copy of student transcripts. Failure to furnish the
42 required report shall be just cause for the commissioner to amend,
43 suspend or revoke the approval to operate as previously granted by
44 whatever governmental entity, or to take other appropriate actions.
45 The annual report shall be for the period of July 1 through June 30 of
46 the preceding year and shall be submitted, not later than 30 calendar

1 days after the close of the reporting period, in the format and on the
2 forms provided by the commissioner. A qualifying school shall also
3 submit any additional reports as requested by the commissioner on a
4 more frequent basis. A qualifying school shall submit the name and
5 Social Security number of each newly enrolled student on a reporting
6 basis to be established by the commissioner.

7 h. Objective performance standards and measures for evaluating
8 qualifying schools shall be jointly developed and implemented by the
9 State Board of Education and the New Jersey State Employment and
10 Training Commission. Policy makers and consumers shall be provided
11 with information concerning approved programs and shall be provided
12 access to a consumer report card on the effectiveness of the qualifying
13 schools on the State Eligible Training Provider List showing the
14 long-term success of former trainees of each qualifying school in
15 obtaining permanent employment and increasing earnings over one or
16 more time periods following the completion or other termination of
17 training, including a period of two years following the completion or
18 other termination of training.

19 i. Any State or federal funds which become available for the school
20 approval functions performed by the Department of Labor and
21 Workforce Development or the Department of Education, as described
22 in this act, shall be appropriated to the respective department for the
23 regulation and oversight of qualifying schools pursuant to the
24 provisions of this act.

25 j. The Commissioner of the Department of Labor and Workforce
26 Development shall, in consultation with the Department of Education,
27 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to
29 establish approval and renewal fees and to effectuate the provisions of
30 this section. Existing rules and regulations, as of the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill), shall
32 remain in effect for one year or until rules and regulations adopted
33 pursuant to this subsection replace them.

34
35 14. (New section) a. The Department of Labor and Workforce
36 Development shall maintain a Statewide list of approved training
37 providers known as the State Eligible Training Provider List. In order
38 to be placed and retained on the list, a training provider shall meet:

39 (1) The requirements of section 122 of the "Workforce Investment
40 Act of 1998, Pub.L.105-220 (29 U.S.C. s.2842);

41 (2) The requirements of this section;

42 (3) Any requirement applicable to that training provider pursuant
43 to section 13 of P.L. , c. (C.) (pending before the
44 Legislature as this bill), section 6 of P.L.1992, c.48 (C.34:15B-40) and
45 section 6 of P.L.1992, c.43 (C.34:15D-8);

46 (4) All reporting requirements of section 29 of P.L. , c.

1 (C.) (pending before the Legislature as this bill); and

2 (5) Any other requirements established by the State Employment
3 and Training Commission.

4 No training provider who is not an approved training provider
5 included on the State Eligible Training Provider List shall receive any
6 federal job training funds or State job training funds.

7 b. In order to be placed on the State Eligible Training Provider
8 List, each training provider, including a school, shall obtain approval
9 from an authorized government agency. Any provider that is not
10 aligned with a specific cognizant agency shall be required to obtain
11 approval from the Department of Labor and Workforce Development.
12 Authorized government agencies shall include, but are not limited to,
13 the following:

14 (1) The Commission on Higher Education: The commission shall
15 approve programs from all institutions under its jurisdiction. This
16 approval includes course work for degrees and certificates awarded by
17 higher education institutions including public and private institutions.

18 (2) The Department of Education: The Department of Education
19 shall approve all institutions in its jurisdiction. Programs operated by
20 the Division of Vocational Rehabilitation Services shall be approved
21 by the Department of Education cooperatively with the Department of
22 Labor and Workforce Development. Private schools controlled or
23 operated by a charitable institution or any school controlled or
24 operated by a religious denomination requesting to be included on the
25 State Eligible Training Provider List shall be approved by the
26 Department of Labor and Workforce Development in consultation
27 with the Department of Education or any other appropriate State
28 agency. Appropriate fees may be charged for certification and annual
29 renewal.

30 (3) State departments responsible for licensing: Training providers
31 are approved by any State department authorized to license training
32 providers for specific training programs.

33 (4) The federal Government: Training providers required to be
34 approved by an agency of the federal government shall be included on
35 the State Eligible Training Provider List after submission of the
36 application and documentation indicating approval by the appropriate
37 agency.

38 (5) Out-of-state approval: Training providers located in other
39 states may be on the State Eligible Training Provider List if they
40 demonstrate that they are approved by an appropriate state agency in
41 the state in which they are located. Those providers shall complete the
42 appropriate application process, submit to the Center for Occupational
43 Employment Information proof of their approval, agree to the
44 established reports, agree to any other requirements established for in-
45 State providers, and comply with the specific requirements of the
46 funding source.

1 c. Where applicable, training programs shall align with or use
2 existing nationally recognized, industry-based skill standards and
3 certifications as the basis for developing competency-based learning
4 objectives, curricula, instructional methods, teaching materials and
5 worksite activities; prepare students to satisfy employer knowledge
6 and skill requirements assessed by related examination, and provide
7 students with the opportunity to take exams and receive certifications
8 or licenses.

9 d. Each training provider shall apply to be placed on the State
10 Eligible Training Provider List and provide a record for each trainee
11 enrolled. This information shall include, but not be limited to, the
12 participant's Social Security number, gender, date of birth, date of
13 enrollment, any date of completion, date of termination, date of start
14 in a job, date of application for a license, licensing examination result,
15 date of issue of a license, any credential issued, and other information
16 as specified by the State Employment and Training Commission or
17 Center for Occupational Employment Information. For individuals
18 who do not have a Social Security number, the qualifying agency may
19 substitute an alternate method of identification, except that, at the time
20 of start into employment, the alternate code shall be cross-referenced
21 with the individual's valid Social Security number. In addition, the
22 training provider shall agree to provide any other information deemed
23 appropriate by the State Employment and Training Commission, the
24 Department of Labor and Workforce Development and the
25 Department of Education for evaluation purposes.

26 e. Every training provider shall provide access for on site visitation
27 and monitoring by the State or its designee upon request.

28 f. Objective performance standards and measures for evaluating
29 training providers shall be jointly developed and implemented by the
30 State Board of Education and the New Jersey State Employment and
31 Training Commission. Policy makers and consumers shall be provided
32 with information concerning training providers on the State Eligible
33 Training Provider List and shall be provided a consumer report card
34 on the effectiveness of those training providers showing the long-term
35 success of former trainees of each provider in obtaining permanent
36 employment and increasing earnings over one or more time periods
37 following the completion or other termination of training, including a
38 period of two years following the completion or other termination of
39 training.

40 g. Any qualifying school which has a currently valid certificate of
41 approval issued pursuant to section 13 of P.L. , c. , (C.)
42 (pending before the Legislature as this bill) and complies with all
43 requirements of this section applicable to the school shall be placed on
44 State Eligible Training Provider List and any qualifying school which
45 has its certificate revoked or suspended shall be removed from the list
46 until the certification is reinstated.

1 15. Section 14 of P.L.1989, c.293 (C.34:15C-11) is amended to
2 read as follows:

3 14. a. The commission shall foster and coordinate workforce
4 investment initiatives of all State Departments. It shall promote
5 initiatives of the Department of Education and the [Department of]
6 Commission on Higher Education to maximize the contributions of the
7 State's public schools and institutions of higher education in
8 implementing the State [employment and training] workforce
9 investment policy developed by the commission. The commission shall
10 foster and coordinate initiatives of the Department of Education and
11 the [Department of] Commission on Higher Education [which] that
12 will enhance the State's efforts to assist at-risk youths in achieving
13 educational success and making successful transitions to work. The
14 commission shall foster initiatives of the [Department of] Commission
15 on Higher Education among institutions of higher education [which]
16 that will enhance the State's [employment and training] workforce
17 investment efforts, including: the coordination of vocational programs
18 between institutions; more use of facilities at institutions which
19 provide education at or above the level of county colleges, including,
20 but not limited to, the Advanced Technology Centers established
21 pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), P.L.1985, c.103
22 (C.18A:64J-1 et seq.), P.L.1985, c.104 (C.18A:64J-8 et seq.),
23 P.L.1985, c.105 (C.18A:64J-15 et seq.), and P.L.1985, c.106
24 (C.18A:64J-22 et seq.); developing more programs to offer four year
25 degrees for working students who attend only at nights and on
26 weekends; and expanding programs which provide college credit for
27 training and educational experiences outside of traditional academic
28 contexts.

29 b. The commission shall have the responsibility, jointly with the
30 Department of Education, the Department of Labor and Workforce
31 Development and the [Department of] Commission on Higher
32 Education, to: (1) establish standards regarding the minimum levels of
33 remedial [education] instruction which shall be made available to a
34 trainee under any [employment and training] workforce investment
35 program, including any program of training undertaken in connection
36 with additional unemployment compensation benefits provided
37 pursuant to the provisions of P.L.1992, c.47 (C.43:21-57 et al.) or any
38 program funded or established pursuant to the "1992 New Jersey
39 Employment and Workforce Development Act," P.L.1992, c.43
40 (C.34:15D-1 et al.)[,] or the ["Job Training Partnership Act,"
41 Payable-300 (29 U.S.C. s.1501 et seq.), or Title VI of the "Omnibus
42 Trade and Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C.
43 s.5001 et al.)] Workforce Investment Act of 1998, Pub. L. 105-220
44 (29 U.S.C. s. 2801 et seq.); and (2) coordinate the development of
45 appropriate intake and assessment instruments and procedures for the

1 assessment of persons seeking access to [employment and training]
2 workforce investment programs. The remedial [education] instruction
3 standards shall be determined through the use of common diagnostic
4 tools, curricula, and evaluation techniques, and shall take into account
5 the differing needs and characteristics of the various target populations
6 which the programs serve. The remedial [education] instruction
7 standards shall be based on evaluations of the minimum levels of basic
8 skills needed to succeed in particular types of [vocational]
9 occupational training offered under the programs and any additional
10 improvements in basic skills needed by individuals of each target
11 population to successfully adapt to the State's changing economy. The
12 standard for the minimum level of remedial [education which]
13 instruction that shall be made available to an individual receiving the
14 [vocational] occupational training for a particular occupation shall not
15 be less than the level necessary to attain the minimum basic skill levels
16 indicated as needed for that occupation in the [Dictionary of
17 Occupational Titles issued by the United States Department of Labor.]
18 Bureau of Labor Statistics' Occupational Information Network, or
19 "O*NET." The commission, the Department of Education, the
20 Department of Labor and Workforce Development and the
21 [Department of] Commission on Higher Education, may jointly set
22 this standard at a higher level, but if they do not, the level indicated in
23 the [Dictionary of Occupational Titles] Bureau of Labor Statistics'
24 Occupational Information Network, or "O*NET," shall be regarded as
25 the established standard.

26 (cf: P.L.1992, c.48, s.9)

27

28 16. Section 15 of P.L.1989, c.293 (C.34:15C-12) is amended to
29 read as follows:

30 15. a. The chairperson of the commission shall prepare an annual
31 budget for the commission. Resources to support the activities of the
32 commission and commission staff shall be contributed by each of the
33 State's workforce investment system's partner State departments. Up
34 to 15 percent of allowable State administrative funds from all federally
35 supported and State-supported workforce investment programs may
36 be used to support the commission.

37 b. Funding for the commission and local Workforce Investment
38 Boards shall be obtained from all workforce investment programs.
39 Funding shall be established cooperatively by the departments who are
40 partners to the workforce investment system. The Commissioner of
41 Labor and Workforce Development, in consultation with the
42 commission, shall set criteria and standards for any Workforce
43 Investment Board administrators hired with these administrative
44 resources.

45 (cf: P.L.1989, c.293, s.15)

1 17. Section 18 of P.L.1989, c.293 (C.34:15C-15) is amended to
2 read as follows:

3 18. a. ~~There shall be a private industry council for each service~~
4 ~~delivery area.]~~ Each workforce investment area shall be under the
5 jurisdiction of a Workforce Investment Board. Each [service
6 delivery] local workforce investment area established by the Governor
7 shall have the same boundaries as the labor market area of which it is
8 a part, except in cases where the boundaries are different because the
9 Governor is required, pursuant to section [101 of Payable-300 (29
10 U.S.C. s. 1511)] 116 of Pub.L. 105-220 (29 U.S.C. s. 2831), to
11 approve a request to be a [service delivery] workforce investment
12 area [made by a unit of general local government with a population of
13 200,000 or more, or a consortium of contiguous units of general local
14 government with an aggregate population of 200,000 or more which
15 serves a substantial part, but not all, of the labor market area].

16 b. Each [private industry council] Workforce Investment Board
17 shall be in conformity with section [102 of Payable-300 (29 U.S.C. s.
18 1512)] 116 of Pub.L. 105-220 (29 U.S.C. s. 2831) and the guidelines
19 issued by the State Employment and Training Commission and shall
20 consist of:

21 (1) Representatives of [the private sector, who shall constitute a
22 majority of the membership of the council and who shall be owners of
23 business concerns, chief executives or chief operating officers of
24 nongovernmental employers, or other private sector executives who
25 have substantial management or policy responsibility; and] businesses
26 who:

27 (a) Are owners of businesses, chief executives or operating officers
28 of businesses, and other business executives or employers with
29 optimum policy making or hiring authority;

30 (b) Represent businesses with employment opportunities that
31 reflect the employment opportunities of the local area;

32 (c) Are appointed from among individuals nominated by local
33 business organizations and business trade associations; and

34 (d) Constitute a majority of the membership of the local board;

35 (2) Representatives of [organized labor, rehabilitation agencies,
36 community-based organizations, economic development agencies, the
37 public employment service and educational agencies which are
38 representative of all educational agencies in the service delivery area]
39 local educational entities who:

40 (a) Are representatives of local educational agencies, local school
41 boards, entities providing adult education and literacy activities,
42 county vocational technical schools and post-secondary educational
43 institutions, including representatives of community colleges; and

44 (b) Are selected from nominations by regional or local educational
45 agencies, institutions or organizations representing such local

1 educational entities;

2 (3) Representatives of local area labor organizations who are
3 nominated by local labor federations;

4 (4) Representatives of community-based organizations including
5 organizations representing individuals with disabilities, organizations
6 representing veterans, and faith-based organizations;

7 (5) Representatives of local economic development agencies
8 including private sector entities;

9 (6) Representatives of each of the One-Stop partners; and

10 (7) Representatives that chief elected officials deem appropriate for
11 board membership.

12 The [chairman] chairperson of the [council] board shall be
13 selected from among members of the [council] board who are
14 representative of [the private sector] business in the local area.

15 c. Members of the [council] board shall be appointed from among
16 individuals nominated by appropriate organizations in accordance with
17 section [102 of Payable-300 (29 U.S.C. s. 1512)] 117 of Pub. L. 105-
18 220 (29 U.S.C. s. 2832). If there is only one unit of general local
19 government in the [service delivery] local area with experience in
20 administering [job training] workforce investment programs, the chief
21 elected official of that unit shall determine the initial number of
22 members on the [council] board and shall appoint the members. If
23 there are two or more units in the [service delivery] local area with
24 experience in administering job training programs, the chief elected
25 officials of those units shall, in accordance with an agreement entered
26 into by all of those units, determine the initial number of members on
27 the [council] board and appoint the members. In the absence of an
28 agreement by all of the units, the Governor shall determine the initial
29 number of members on the [council] board and appoint the members.
30 Members shall be appointed for fixed and staggered terms and may
31 serve until their successors are appointed. A vacancy in the
32 membership of the [council] board shall be filled in the same manner
33 as the original appointment. A member of the [council] board may be
34 removed for cause in accordance with procedures established by the
35 [council] board.

36 d. The Governor shall certify a [private industry council] board if
37 [he determines] it is determined that [its] the board's composition
38 and appointments are consistent with the provisions of this section and
39 [Payable-300 (29 U.S.C. s. 1501 et seq.)] section 117 of Pub. L. 105-
40 220 (29 U.S.C. s. 2832) and the requirements of the State
41 Employment and Training Commission. The certification shall be
42 made or denied not later than 30 days after the date on which a list of
43 members and necessary supporting documentation are submitted to the
44 Governor. The [council] board shall, within 30 days after its
45 certification by the Governor, be convened by the official or officials

1 who made the appointments to the [council] board under subsection
2 c. of this section. The [council] board shall meet at least four times
3 per year, with meetings open to attendance by interested persons
4 pursuant to the "Open Public Meetings Act," P.L.1975, c.231
5 (C.10:4-6 et seq.).

6 e. Each [private industry council] Workforce Investment Board
7 established pursuant to this act shall:

8 (1) Provide policy guidance for, and exercise oversight with
9 respect to, all [employment and training] workforce investment
10 programs within its labor market area in partnership with the unit or
11 units of general local government within the area. To provide the
12 policy guidance and oversight, the [council] board shall review and
13 evaluate the programs and, as appropriate, make recommendations to
14 the Governor, the Legislature, or any State agency or local governing
15 entity involved in the funding or administration of the programs. The
16 recommendations shall be based primarily on how effective each
17 program is in meeting relevant performance standards, including
18 standards regarding the cost and quality of training and the
19 characteristics of participants. The [council] board shall provide any
20 planning, policy guidance or oversight with respect to [employment
21 and training] workforce investment programs in accordance with any
22 agreement entered into pursuant to subsection g. of section 9 of this
23 act by the commission and the department administering or funding the
24 programs.

25 (2) Establish skill level and competency guidelines, which may be
26 above the criteria established by the commission, consistent with the
27 provisions of this act to be used as a basis for the selection of skill
28 training programs and competency curriculum in its [service delivery]
29 local area;

30 (3) Assist in the development, approval and submission of the State
31 [employment services] workforce investment operating plan for its
32 labor market area;

33 (4) Prepare [and], approve and submit to the Department of Labor
34 and Workforce Development and the State Employment and Training
35 Commission a budget for itself in accordance with the [job training
36 plan adopted pursuant to Payable-300 (29 U.S.C. s. 1501 et seq.)]
37 Workforce Investment Act of 1998, Pub. L. 105-220 (29 U.S.C. s.
38 2801 et seq.);

39 (5) Submit to the State Employment and Training Commission, by
40 September 1 of each year, an annual report covering the immediately
41 preceding program period of July 1 to June 30. The report shall
42 contain:

43 (a) An account of activities during the program period, including
44 all coordination activities undertaken by the [council] board to
45 eliminate unnecessary duplication of services and foster a unified One-

- 1 Stop delivery system;
- 2 (b) Information describing the extent to which the activities failed
3 or succeeded in meeting relevant performance standards; and
- 4 (c) The skill level and competency guidelines to be used in the
5 upcoming year;
- 6 (6) Fulfill any other role or function of a [private industry council]
7 Workforce Investment Board required pursuant to [Payable-300 (29
8 U.S.C. s. 1501 et seq.)] Pub. L. 105-220 (29 U.S.C. s. 2801 et seq.);
9 and
- 10 (7) Assume any additional responsibilities assigned to it by the
11 Governor in consultation with the State Employment and Training
12 Commission.
- 13 f. In order to carry out its functions under this act, a [private
14 industry council] Workforce Investment Board may:
- 15 (1) Hire staff;
- 16 (2) Incorporate as a non-profit or other entity;
- 17 (3) [Act] Select, under agreement with the chief elected official or
18 officials, [as] the administrative entity for [employment and training]
19 workforce investment programs funded within the [labor market]
20 workforce investment area; [and]
- 21 (4) Seek, obtain and expend additional funding for the programs
22 from public and private sources; and
- 23 (5) Establish as many committees as are necessary to satisfactorily
24 perform its duties. There shall be, at a minimum, a local Youth
25 Council, a Disability Committee, a One-Stop Committee and a
26 Literacy Committee.
- 27 g. [Funds provided or administered by a private industry council
28 shall not be used to duplicate facilities or services available in the
29 council's service delivery area, with or without reimbursement, from
30 federal, State or local sources, unless it is demonstrated that
31 alternative services or facilities would be more effective or more likely
32 to achieve the service delivery area's performance goals. Appropriate
33 educational agencies and services available for participants living in the
34 service delivery area shall be utilized unless the administrative entity
35 demonstrates that alternative agencies or services would be more
36 effective and have greater potential to enhance the participants'
37 continued occupational and career growth.] (Deleted by amendment,
38 P.L. ____ c. ____.)
- 39 h. No member of a [private industry council] Workforce
40 Investment Board established pursuant to this act shall cast a vote on
41 the provision of services by that member or any organization which
42 that member directly represents or vote on any matter which would
43 provide direct financial benefit to that member. [Private industry
44 council] Workforce Investment Boards shall be subject to policies
45 concerning conflict of interest and nepotism prescribed by the

1 Commissioner of Labor and Workforce Development.

2 i. [The Commissioner of Labor, in conjunction with the State
3 Employment and Training Commission, shall establish criteria for
4 awarding pilot grants to private industry councils to assist them in
5 implementing the purposes of this section. The commissioner shall
6 expend not less than 85% of any funds appropriated to effectuate the
7 purposes of this subsection for the pilot grants and not more than 15%
8 of the funds for the costs of contracting, monitoring, evaluating and
9 auditing the pilot grants. The commissioner shall report to the
10 Governor and the Legislature and to the State Employment and
11 Training Commission on the results of the evaluation of the pilot
12 grants.] (Deleted by amendment, P.L. _____, c. _____)
13 (P.L.1989, c.293, s.18)
14

15 18. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to
16 read as follows:

17 2. a. There is created within the State Employment and Training
18 Commission, established pursuant to section 5 of P.L.1989, c.293
19 (C.34:15C-2) in the Department of Labor and Workforce
20 Development, a State Council for Adult Literacy Education Services.

21 b. The 27-member council shall consist of the following ex officio
22 members: the Commissioners of Labor and Workforce Development,
23 Human Services, Education, Community Affairs[,] and Corrections,
24 [Commerce and Economic Development] the Secretary and Chief
25 Executive Officer of the New Jersey Commerce, Economic Growth
26 and Tourism Commission, the Executive Director of the Commission
27 on Higher Education, and the Executive Director of the State
28 Employment and Training Commission. The council shall also include
29 one member of the Senate appointed by the President thereof and one
30 member of the General Assembly appointed by the Speaker thereof,
31 who shall serve during the two-year legislative session in which the
32 appointment is made and who shall not be of the same political party;
33 and 17 public members as follows: five public members appointed by
34 the Governor including a member of a Workforce Investment Board
35 literacy committee, a State or national adult education expert and three
36 representatives of the business community, at least one of whom shall
37 represent a small business; six public members appointed by the
38 President of the Senate including a student or former student who
39 received adult literacy services and a representative from each of the
40 following: a county college, a four-year institution of higher education,
41 the State Library or a local library, a Department of Education-funded
42 adult education provider of adult basic education programs, general
43 educational development programs or English as a second language
44 programs and a community-based organization which is an adult
45 education provider; and six public members appointed by the Speaker
46 of the General Assembly including a representative from each of the

1 following: a vocational school providing adult academic education
2 programs, a trade union, the New Jersey Network, the New Jersey
3 Association of Lifelong Learning, the Literacy Volunteers of America
4 and the New Jersey Education Association.

5 c. The public members shall serve for terms of three years, but of
6 the public members first appointed, six shall serve a term of three
7 years, six shall serve a term of two years and five shall serve a term of
8 one year. Each member shall hold office for the term of appointment
9 and until his successor is appointed and qualified. A member
10 appointed to fill a vacancy occurring in the membership of the board
11 for any reason other than the expiration of the term shall have a term
12 of appointment for the unexpired term only. All vacancies shall be
13 filled in the same manner as the original appointment. A member may
14 be appointed for any number of successive terms. A member may be
15 removed from office by the Governor, for cause, after a hearing and
16 may be suspended by the Governor pending the completion of the
17 hearing.

18 d. The members shall select annually a chairperson and a
19 vice-chairperson, who shall be nongovernmental members of the
20 council, and shall appoint an executive director. The executive
21 director shall report to the chairperson of the council and be
22 responsible for administering the daily operations of the council. The
23 executive director shall serve in the State unclassified service. The
24 council may call to its assistance and avail itself of the services of the
25 employees of any State, county or municipal department, board,
26 bureau, commission or agency as it may require and as may be
27 available to it for its purposes.

28 e. Members of the council shall serve without compensation, but
29 ~~[shall]~~ may be reimbursed for necessary expenses incurred in the
30 performance of their duties as members, within the limits of funds
31 appropriated or otherwise made available to the council for its
32 purposes. Actions may be taken and motions and resolutions may be
33 adopted by the council by an affirmative vote of a majority of the
34 members.

35 (cf: P.L.1999, c.107, s.2)

36

37 19. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to
38 read as follows:

39 1. a. There is created, in the New Jersey State Employment and
40 Training Commission, a council which shall be known as the Council
41 on Gender Parity in Labor and Education.

42 b. The council shall consist of ~~[13]~~ 17 members who are
43 individuals with experience in the fields of labor, education, training
44 or gender equity. The ~~[13]~~ 17 members shall include:~~[four]~~ six
45 members appointed by the Director of the Division on Women; ~~[four]~~
46 six members appointed by the Executive Director of the State

1 Employment and Training Commission; and five members who shall
2 serve ex officio, one of whom shall be appointed by the Commissioner
3 of Community Affairs, one by the Commissioner of Education, one by
4 the Commissioner of Human Services, one by the Commissioner of
5 Labor and Workforce Development and one by the [Chairperson]
6 Executive Director of the Commission on Higher Education. Not
7 more than half of the members appointed by the Director of the
8 Division on Women and not more than half of the members appointed
9 by the Executive Director of the State Employment and Training
10 Commission shall be of the same political party. The members
11 appointed by the director and executive director shall serve for terms
12 of three years, except that of the eight members first appointed by the
13 director and the executive director, four shall be appointed for three
14 years, two shall be appointed for two years, and two shall be
15 appointed for one year. Each member shall hold office for the term of
16 appointment and until his successor is appointed and qualified. A
17 member appointed to fill a vacancy occurring in the membership of the
18 council for any reason other than the expiration of the term shall have
19 a term of appointment for the unexpired term only. Vacancies shall be
20 filled in the same manner as the original appointment. A member may
21 be appointed for any number of successive terms. Any member
22 appointed by the director or the executive director may be removed
23 from the council by the director or the executive director, as the case
24 may be, for cause, after a hearing and may be suspended by the
25 director or the executive director pending the completion of the
26 hearing.

27 c. Members of the council shall serve without compensation, but
28 [shall] may be reimbursed for necessary expenses incurred in the
29 performance of their duties as members. Action may be taken and
30 motions and resolutions may be adopted by the council at a council
31 meeting by an affirmative vote of a majority of the members. The
32 council shall elect from its members a chairperson who shall be a
33 nongovernmental member of the council. Advanced notification for,
34 and copies of the minutes of, each meeting of the council shall be filed
35 with the Governor, the President of the Senate and the Speaker of the
36 General Assembly.

37 (cf. P.L.1999, c.223, s. 1)

38

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

41 3. As used in this act:

42 "Administrative costs" means any costs incurred by the department
43 to administer the program, including any cost required to collect
44 information and conduct evaluations of service providers pursuant to
45 section 8 of this act and conduct surveys of occupations pursuant to
46 section 12 of this act, to the extent that funding is not available from

1 federal or other sources.

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

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

21 "Approved service provider" or "approved training provider"
22 means a service provider [approved pursuant to section 6 of this act]
23 which is on the State Eligible Training Provider List.

24 "Commission" means the State Employment and Training
25 Commission.

26 "Commissioner" means the Commissioner of Labor and Workforce
27 Development or the commissioner's designees.

28 "Credential" means a credential recognized by the Department of
29 Education or the Commission on Higher Education, or approved by
30 the Credentials Review Board established by the Department of Labor
31 and Workforce Development pursuant to section 25 of P.L. , c.
32 (C.).

33 "Customized training services" means employment and training
34 services which are provided by the Office of Customized Training
35 pursuant to section 5 of this act.

36 "Department" means the State Department of Labor and Workforce
37 Development.

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

40 "Employment and training services" means:

- 41 a. Counseling provided pursuant to section 7 of this act;
- 42 b. [Vocational] Occupational training;
- 43 c. Remedial [education] instruction; or
- 44 d. Occupational safety and health training.
- 45 e. In the case of a qualified disadvantaged worker who is or was
46 receiving, or is eligible for but not receiving, benefits under the Work

1 First New Jersey program, "employment and training services"
2 includes, in addition to any of the benefits listed in subsections a.
3 through d. above, Supplemental Workforce Development Benefits
4 approved as part of the workers' Employability Development Plan
5 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7).

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

8 "Labor Demand Occupation" means an occupation [for] which
9 [there is or is likely to be an excess of demand over supply for
10 adequately trained workers, including, but not limited to, an
11 occupation designated as a labor demand occupation by the New
12 Jersey Occupational Information Coordinating Committee pursuant to
13 section 12 of this act.]:

14 a. The Center for Occupational Employment Information has,
15 pursuant to subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
16 (pending before the Legislature as this bill), determined is or will be,
17 on a regional basis, subject to a significant excess of demand over
18 supply for trained workers, based on a comparison of the total need or
19 anticipated need for trained workers with the total number being
20 trained; or

21 b. The Center for Occupational Employment Information, in
22 conjunction with a Workforce Investment Board, has, pursuant to
23 subsection d. of section 27 of P.L. _____, c. _____ (C. _____) (pending before
24 the Legislature as this bill), determined is or will be, in the region for
25 which the board is responsible, subject to a significant excess of
26 demand over supply for adequately trained workers, based on a
27 comparison of total need or anticipated need for trained workers with
28 the total number being trained.

29 "Occupational safety and health training" means training or
30 [education] instruction which is designed to assist in the recognition
31 and prevention of potential health and safety hazards related to an
32 occupation.

33 "Office" means the Office of Customized Training established
34 pursuant to section 5 of this act.

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

44 "Permanent employment" means full-time employment unsubsidized
45 by government training funds which provides a significant opportunity
46 for career advancement and long-term job security [and is in the

1 occupation for which a worker receives vocational training pursuant
2 to this act].

3 "Poverty level" means the official poverty level based on family
4 size, established and adjusted under section 673 (2) of Subtitle B of
5 the "Community Services Block Grant Act," Payable-35 (42 U.S.C. s.
6 9902 (2)).

7 "Program" means the Workforce Development Partnership Program
8 created pursuant to this act.

9 "Qualified disadvantaged worker" means a worker who is not a
10 qualified displaced worker or a qualified employed worker but who
11 otherwise meets the following criteria:

12 a. Is unemployed;

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

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

18 (1) Currently receiving public assistance;

19 (2) Having been recently removed from the public assistance rolls
20 because of gross income exceeding the grant standard for assistance;
21 or

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

24 "Qualified displaced worker" means a worker who:

25 a. Is unemployed, and:

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

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

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

34 "Qualified employed worker" means a worker who is employed by
35 an employer participating in a customized training program, or other
36 employed worker who is in need of remedial [education] instruction.

37 "Qualified job counselor" means a job counselor whose
38 qualifications meet standards established by the commissioner.

39 "Qualified staff" means staff whose qualifications meet standards set
40 by regulations adopted by the [Commissioner of Labor and Workforce
41 Development] commissioner.

42 "Remedial education" or "remedial instruction" means any literacy
43 or other basic skills training or [education] instruction which may not
44 be directly related to a particular occupation but is needed to facilitate
45 success in [vocational] occupational training or work performance,
46 including training or [education] instruction in mathematics, reading

1 comprehension, computer literacy, English proficiency and
2 work-readiness skills.

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

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

10 "State Eligible Training Provider List" means the Statewide list of
11 eligible training providers maintained pursuant to section 14 of
12 P.L. , c. (C.) (pending before the Legislature as this bill).

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]
22 occupational training and any needed remedial [education] instruction
23 for a qualified displaced or disadvantaged worker pursuant to section
24 6 of this act, or to fund needed remedial [education] instruction for
25 a qualified employed worker pursuant to section 1 of P.L.2001, c.152
26 (C.34:15D-21).

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

31 "Workforce Investment Services" means core, intensive, and
32 training services as defined by the Workforce Investment Act of 1998,
33 Pub.L.105-220 (29 U.S.C. s.2801 et seq.).

34 (P.L.2004, c.39, s. 9)

35

36 21. 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 in
3 coordination with funding for the services from federal or other
4 sources. The commissioner is authorized to expend moneys from the
5 Workforce Development Partnership Fund to provide the training
6 grants or customized training services and provide for each of the
7 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 or other workforce investment
30 services shall be provided to a worker who receives counseling
31 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7) only if the
32 counselor who evaluates the worker pursuant to that section
33 determines that the worker can reasonably be expected to successfully
34 complete the training and [education] instruction identified in the
35 Employability Development Plan developed pursuant to that section
36 for the worker.

37 d. All [vocational] occupational training provided under this act:

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

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

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

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

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

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

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

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

1 experience and seniority.

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

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

11 j. All staff who are hired and supported by moneys from the
12 Workforce Development Partnership Fund, including any of those staff
13 located at any One Stop Career Center, but not including any staff of
14 a service provider providing employment and training services
15 supported by a customized training grant pursuant to section 5 of
16 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant
17 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and
18 employed by the State pursuant to Title 11A, Civil Service, of the New
19 Jersey Statutes, be hired and employed by a political subdivision of the
20 State, or be qualified staff hired and employed by a non-profit
21 organization which began functioning as the One Stop Career Center
22 operator with the written consent of the chief elected official and the
23 commissioner prior to the effective date of P.L.2004, c.39
24 (C.34:1A-1.2 et al.), or be qualified staff hired and employed by an
25 approved community-based or faith-based organization to provide
26 services at the level of staffing provided in an agreement entered into
27 by the organization before the effective date of P.L.2004, c.39
28 (C.34:1A-1.2 et al.).
29 (cf: P.L.2004, c.39, s.10)

30

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

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

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

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

43 (2) An individual employer that seeks customized training services
44 to upgrade or retain jobs in an occupation which is not a labor demand
45 occupation, if the commissioner determines that the services are
46 necessary to prevent the likely loss of the jobs or that the services are

1 being provided to employees at a facility which is being relocated from
2 another state into New Jersey;

3 (3) An employer organization, labor organization or
4 community-based or faith-based organization seeking the customized
5 training services to provide training in labor demand occupations in a
6 particular industry; or

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

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

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

23 (2) A comprehensive long-term human resource development plan
24 which:

25 (a) Extends significantly beyond the period of time in which the
26 services are funded by the office;

27 (b) Significantly enhances the productivity and competitiveness of
28 the employer operations located in the State and the employment
29 security of workers employed by the employer in the State; and

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

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

40 (4) Information demonstrating that most of the individuals
41 receiving the services will be trained primarily for work in the direct
42 production of goods or services;

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

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

4 The commissioner may provide whatever assistance he deems
5 appropriate in the preparation of the application and business plan,
6 which may include labor market information, projections of
7 occupational demand and information and advice on alternative
8 training and [education] instruction strategies.

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

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

1 moneys, deemed by the commissioner to be appropriate and
2 proportional to the portion of the jobs relocated or outsourced, and
3 the returned amount shall be deposited into the Workforce
4 Development Partnership Fund.

5 f. The customized training services provided to an approved
6 applicant may include any combination of employment and training
7 services or any single employment and training service approved by the
8 commissioner, including remedial [education] instruction provided to
9 upgrade workplace literacy. Each service may be provided by a
10 separate approved service provider. No training or employment
11 service shall be funded through a customized training grant, unless the
12 service is provided directly by an employer or is provided by an
13 approved service provider. An employer who directly provides
14 training and employment services to his own employees shall not be
15 regarded as a service provider and shall not be subject to any
16 requirement to obtain approval by the State as a service provider,
17 including the requirements of section 13 of P.L. , c. (C.)
18 (pending before the Legislature as this bill) to be approved as a
19 qualifying school or the requirements of section 14 of P.L. , c.
20 (C.) (pending before the Legislature as this bill) to be included on
21 the State Eligible Training Provider List.

22 g. Customized training services shall include any remedial
23 [education] instruction determined necessary pursuant to section 7 of
24 this act. Applications for customized training services shall include
25 estimates of the total need for remedial [education] instruction
26 determined in a manner deemed appropriate by the commissioner.

27 h. Any business seeking customized training services shall, in the
28 manner prescribed by the commissioner, participate in the development
29 of a plan to provide the services. Any business seeking customized
30 training services for workers represented by a collective bargaining
31 unit shall notify the collective bargaining unit and permit it to
32 participate in developing the plan. No customized training services
33 shall be provided to a business employing workers represented by a
34 collective bargaining unit without the written consent of both the
35 business and the collective bargaining unit.

36 i. Any business receiving customized training services shall be
37 responsible for providing workers' compensation coverage for any
38 worker participating in the customized training.

39 j. The commissioner shall establish an annual goal that 15% or
40 more of the jobs to be created or retained in connection with training
41 supported by grants from the office shall be jobs provided to
42 individuals who were recipients of benefits under the Work First New
43 Jersey program at any time during the 12 months prior to being placed
44 in the jobs. The means to attain the goal shall include coordinated
45 efforts between the office and One Stop Career Centers to prepare
46 recipients for employment and make them available to employers, but

1 shall not include any policy which may penalize employers or
2 discourage employers from using customized training service provided
3 by the office.

4 (cf: P.L.2004, c.39, s.11)

5

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

8 7. Counseling shall be made available by the department to each
9 qualified displaced worker or qualified disadvantaged worker applying
10 to participate in the Workforce Development Partnership program and,
11 in the case of a qualified disadvantaged worker who is a recipient of,
12 or eligible for, benefits under the Work First New Jersey Program, to
13 participate in the Workforce Development Partnership program or in
14 any of those employment-directed workforce development programs
15 or activities transferred to the Department of Labor and Workforce
16 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3)
17 which provide employment and training services as defined in section
18 3 of P.L.1992, c.43 (C.34:15D-3), including the services indicated in
19 paragraphs (11) through (16) of subsection b. of section 2 of
20 P.L.2004, c.39 (C.34:1A-1.3). Counseling may also be made available
21 to a qualified employed worker who seeks remedial **[education]**
22 instruction or is selected to participate in a customized training
23 program, if the worker's employer requests the counseling. The
24 counseling shall be provided by a job counselor hired and employed by
25 the State pursuant to Title 11A, Civil Service, of the New Jersey
26 Statutes, or hired and employed by a political subdivision of the State,
27 or be provided by a qualified job counselor hired and employed by a
28 non-profit organization which began functioning as the One Stop
29 Career Center operator with the written consent of the chief elected
30 official and the commissioner prior to the effective date of P.L.2004,
31 c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved
32 community-based or faith-based organization to provide counseling
33 which the organization entered into an agreement to provide before
34 the effective date of P.L.2004, c.39 (C.34:1A-1.2 et al.). In the case
35 of a qualified disadvantaged worker who is a recipient of, or is eligible
36 for, benefits under the Work First New Jersey Program, the counseling
37 provided pursuant to this section shall be the counseling for the
38 provision of employment and training services either under the
39 Workforce Development Partnership program or under programs or
40 activities transferred to the Department of Labor and Workforce
41 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3),
42 but the counseling provided pursuant to this section shall be provided
43 in conjunction and in coordination with counseling provided in
44 connection with any services, other than training and employment
45 services, made available to the disadvantaged worker under programs
46 or activities transferred to the Department of Labor and Workforce

1 Development pursuant to section 2 of P.L.2004, c.39 (C.34:1A-1.3).
2 The purpose of any counseling made available pursuant to this section
3 is to assist each worker in obtaining the employment and training
4 services most likely to enable the worker to obtain employment
5 providing self-sufficiency for the worker and also to provide the
6 worker with the greatest opportunity for long-range career
7 advancement with high levels of productivity and earning power. The
8 counseling shall include:

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

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

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

38 d. The timely provision of information to the worker regarding the
39 services and benefits available to the worker, and all actions required
40 of the worker to obtain the services and benefits, under the provisions
41 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and under the Work
42 First New Jersey program in the case of a qualified disadvantaged
43 worker receiving or eligible for benefits under that program; and the
44 provision to the worker of a written statement of the worker's rights
45 and responsibilities with respect to programs for which the worker is
46 eligible, which includes a full disclosure to the worker of the worker's

1 right to obtain the services most likely to enable the worker to obtain
2 employment providing self-sufficiency and the workers' right not to be
3 denied training services for any of the reasons indicated in subsection
4 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's
5 right not to be denied training services because the worker already has
6 identifiable ~~vocational~~ occupational skills, if those existing skills are
7 for employment with a level of earnings lower than the level of
8 self-sufficiency; ~~and~~

9 e. Discussion with the counselor of the results of the testing and
10 evaluation; ~~and~~ ~~based on those results, the~~

11 f. The development of a written Employability Development Plan
12 identifying the training ~~and~~, employment and other workforce
13 investment services, including any needed remedial ~~education~~
14 instruction, to be provided to the worker pursuant to this act. In the
15 case of a qualified disadvantaged worker, the Employability
16 Development Plan will be, to the greatest extent possible while
17 remaining in compliance with any applicable federal requirements,
18 coordinated and made consistent with any individual responsibility plan
19 developed for the worker under the Work First New Jersey program.
20 In the case of a qualified disadvantaged worker who is or was
21 receiving, or who is eligible for but not receiving, benefits under the
22 Work First New Jersey program, and who does not have a marketable
23 bachelor's degree, the counselor may approve, as part of the workers'
24 Employability Development Plan, the replacement of Work First New
25 Jersey program benefits by Supplemental Workforce Development
26 Benefits paid to the disadvantaged worker for full-time educational
27 activity without, or with insufficient, other work activity from
28 available resources for employment-directed and workforce
29 development programs and activities transferred from the Department
30 of Human Services pursuant to section 2 of P.L.2004, c.39
31 (C.34:1A-1.3) or from the account of the Workforce Development
32 Partnership Fund reserved for qualified disadvantaged workers
33 pursuant to subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9),
34 for any period of time for which the counselor determines that:

35 (1) Full-time remedial ~~education~~ instruction to obtain a high
36 school diploma or G.E.D. or full-time post secondary education in a
37 two-year or four-year degree-granting educational program with a
38 course of study related to work, even if the duration of the full-time
39 education is longer than two years, is the training and employment
40 service that is most likely to enable the worker to obtain employment
41 providing self-sufficiency;

42 (2) The worker has responsibility during that period of time for the
43 care of dependent children or other family members unable to care for
44 themselves the magnitude of which, if added to the full-time
45 instructional or educational activities indicated in paragraph (1) of this
46 subsection, make it likely that any additional work activity will

1 jeopardize the success of the instructional or educational activity; and
2 (3) Providing Work First New Jersey program benefits to the
3 worker during that period of time for the full-time instructional or
4 educational activity without, or with insufficient, work activities would
5 result in a loss of benefits for the worker pursuant to section 9 of
6 P.L.1997, c.38 (C.44:10-63) or would be counted toward the
7 maximum limit of 60 cumulative months of Work First New Jersey
8 program benefits provided to the worker pursuant to section 2 of
9 P.L.1997, c.37 (C.44:10-72).

10 With respect to the use of the funds deposited during any fiscal year
11 in the account of the Workforce Development Partnership Fund
12 reserved for qualified disadvantaged workers pursuant to subsection
13 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be
14 given for the payment of Supplemental Workforce Development
15 Benefits pursuant to this subsection. Not more than 1,500 qualified
16 disadvantaged workers shall receive Supplemental Workforce
17 Development Benefits pursuant to this subsection at any one time.
18 With respect to using available resources for employment-directed and
19 workforce development programs and activities transferred from the
20 Department of Human Services pursuant to section 2 of P.L.2004,
21 c.39 (C.34:1A-1.3) for Supplemental Workforce Development
22 Benefits, no federal funds which are part of those resources may be
23 used for Supplemental Workforce Development Benefits which result
24 in the imposition of conditions of participation other than those
25 established by this subsection. If federal funds are used for childcare
26 costs of a participant, the Department of Human Services may transfer
27 the funds to the Child Care and Development Block Grant, as
28 permitted by law and as needed to permit the use of the federal funds
29 while preventing any loss of benefits to the participant and preventing
30 the childcare time from being counted toward the participant's
31 maximum limit of 60 cumulative months of Work First New Jersey
32 program benefits. The counselor shall assist in facilitating the use, to
33 the maximum extent possible, of Pell grants or other available
34 educational grants to pay for tuition and other educational costs of a
35 recipient of Supplemental Workforce Development Benefits provided
36 pursuant to this section. The requirements for receiving Supplemental
37 Workforce Development Benefits may include work-site experience
38 which will enhance the participant's employability in the participant's
39 field, provided that the required sum of class hours for a full-time class
40 schedule, hours of study time at not less than one and one half times
41 class time, and hours of work-site experience, shall not exceed 40
42 hours per week and that the commissioner shall adopt regulations for
43 reasonable adjustments in participation requirements for good cause,
44 including verifiable needs related to physical or mental health
45 problems, illness, accident or death or serious personal or family
46 problems that necessitate reduced participation, provided further that

1 no individual shall receive Supplemental Workforce Development
2 Benefits for a period of more than five years. The commissioner shall
3 adopt regulations setting standards for satisfactory academic progress
4 for continued participation. Participation may not be denied for any
5 of the reasons which subsection d. of section 6 of P.L.1992, c.43
6 (C.34:15D-6) prohibits from being used to deny training grants. For
7 the purposes of this section, "Work First New Jersey benefits" means
8 benefits for which a worker and the worker's family would be eligible
9 if the worker was participating in the Work First New Jersey program
10 or any successor program to the Work First New Jersey program.

11 Counseling made available at the request of an employer
12 participating in a customized training program may include only those
13 components requested by the employer.

14 All information regarding a worker applicant or trainee which is
15 obtained or compiled in connection with the testing, assessment and
16 evaluation and which may be identified with the worker shall be
17 confidential and shall not be released to an entity other than the
18 worker, the counselor [or], the department [only if] or partners of
19 the One-Stop system as necessary for them to provide training and
20 employment services or other workforce investment services to the
21 individual, unless the worker provides written permission to the
22 department for the release of the information or the information is
23 used solely for program evaluation.

24 (cf: P.L.2004, c.39, s.12)

25

26 24. Section 8 of P.L.1992, c.43 (C.34:15D-8) is amended to read
27 as follows:

28 8. a. No employment and training services shall be obtained from
29 a service provider with moneys from the fund unless the provider is
30 located in New Jersey and the provider is [approved, pursuant to the
31 procedures and criteria established by the State Employment and
32 Training Commission pursuant to section 13 of this act, by:

33 (1) The commissioner in consultation with the Department of
34 Education and the Department of Higher Education, in the case of
35 counseling, vocational training or remedial instruction; or

36 (2) The commissioner in consultation with the Department of
37 Health] an approved service provider, except that, in the case of
38 occupational safety and health training, the service provider shall be
39 approved by the commissioner in consultation with the Commissioner
40 of Health and Senior Services.

41 b. No service provider shall be approved to be funded by the
42 program to provide an employment and training service unless the
43 provider agrees to provide the service to each trainee referred to it on
44 a first-come, first-served basis, up to the total number of trainees that
45 the provider agrees to serve. This subsection shall not be construed
46 as limiting or curtailing in any way an employer's right to select the

1 workers who participate in customized training pursuant to the
2 provisions of subsection e. of section 5 of this act.

3 c. Each service provider shall maintain, make available and submit
4 appropriate records [available upon request] and data for monitoring
5 [or inspection] and evaluation purposes, as required by the
6 [commissioner, including] State Employment and Training
7 Commission and the department. The records and data shall include,
8 but not be limited to:

9 (1) A record for each student enrolled, including the student's name
10 [and], Social Security number, gender, date of birth, date of
11 enrollment, and any date of completion, termination, start in a job or
12 application for a license, any licensing examination result, date of issue
13 of a license or credential issued, and any other information specified
14 by the State Employment and Training Commission or the Center for
15 Occupational Employment Information. For any individual who does
16 not have a Social Security number, the service provider may substitute
17 an alternate method of identification, except that, at the time of start
18 into employment, the alternate code shall be cross-referenced with the
19 individual's valid Social Security number;

20 (2) A record of all administrative and overhead expenses of the
21 provider related to the providing of employment and training services
22 funded by the program and the provider's direct expenses of providing
23 the services; and

24 (3) Any other information deemed appropriate by the commissioner
25 or the State Employment and Training Commission for evaluation
26 purposes.

27 d. In the case of a provider of [vocational] occupational training
28 services, the commissioner shall collect the information needed to
29 effectively measure the long-term success of the former trainees of the
30 provider in obtaining permanent employment and increasing earnings
31 over one or more time periods following the completion or other
32 termination of training, including a period of [not less than] two years
33 following the completion or other termination of training. The
34 commission shall set such standards as it deems appropriate regarding
35 comparisons of the former trainees with groups of otherwise similar
36 individuals who did not receive the training. The [commissioner shall
37 use the] information obtained pursuant to this subsection shall be used
38 to:

39 (1) Assist in evaluating the performance of providers of
40 [vocational] occupational training services;

41 (2) Assist in determining which providers of [vocational]
42 occupational training services to [approve pursuant to subsection a.
43 of this section] place on the State Eligible Training Provider List;

44 (3) Assist in providing reliable information regarding the quality of
45 available providers of [vocational] occupational training services as

1 part of the counseling provided pursuant to section 7 of this act,
 2 including the furnishing, for use in the counseling, including counseling
 3 provided pursuant to section 4 of P.L.1992, c.48 (C.34:15B-38),
 4 section 7 of P.L.1992, c.43 (C.34:15D-7) and section 3 of P.L.1992,
 5 c.47, (C.43:21-59), of a consumer report card on service providers
 6 showing the long-term success of former trainees of each provider in
 7 obtaining permanent employment and increasing earnings over one or
 8 more time periods following the completion or other termination of
 9 training, including a period of two years following the completion or
 10 other termination of training; and

11 (4) Assist in evaluating the overall effectiveness of training funded
 12 by the program.

13 e. The State Employment and Training Commission, the
 14 commissioner, and each service provider shall comply with all
 15 pertinent State and federal laws regarding the privacy of students and
 16 other participants in employment and training programs, including but
 17 not limited to, the Privacy Act of 1974, Pub. L.93-579 (5 U.S.C. s.552
 18 and 20 U.S.C. s.1232g), and shall provide all disclosures to the
 19 students and participants required by those laws.

20 (cf: P.L.1992, c.43, s.8)

21

22 25. (New section) There is established, in the Department of Labor
 23 and Workforce Development, the Credentials Review Board, for the
 24 purpose of directing the technical credentialing process for the
 25 workforce investment system and approving such credentials as it
 26 deems appropriate for issuance to individuals in connection with
 27 employment and training programs. The board shall include the
 28 following members or their designated representatives: the
 29 Commissioner of Education; the Staff Director of the Center for
 30 Occupational Employment Information; the Chairman of the
 31 Commission on Higher Education; the Director of the Division of
 32 Vocational Education; the Commissioner of Labor and Workforce
 33 Development; the Executive Director of the State Employment and
 34 Training Commission; a Workforce Investment Board director as
 35 designated by the commissioner; and a One-Stop Career Center
 36 operator as designated by the department.

37

38 26. (New section) As used in sections 26 through 29 of P.L. ,
 39 c. (C.)(now pending before the Legislature as this bill):

40 "Career cluster" means any of the career clusters and related
 41 educational programs as defined in the Perkins Act and the federal
 42 Department of Education's career cluster taxonomy.

43 "Center for Occupational Employment Information" or "center"
 44 means the Center for Occupational Employment Information
 45 established pursuant to section 27 of P.L. , c. (C.)
 46 (pending before the Legislature as this bill).

1 "Career pathway" means any of the career pathways and related
2 educational programs as defined in the Perkins Act and the federal
3 Department of Education's career cluster taxonomy.

4 "Federal job training funds" means any moneys expended pursuant
5 to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
6 s.2801 et seq.) or any other federal law to obtain employment and
7 training services or other employment-directed and workforce
8 development programs and activities, including employment and
9 training services as defined in section 1 of P.L.1992, c.48, (C.34:15B-
10 35) and employment-directed and workforce development programs
11 and activities as described in sections 2 and 4 of P.L.2004, c.39
12 (C.34:1A-1.3 and 34:1A-1.5).

13 "Occupational license" means a license, registration or certificate
14 which, when issued by an authorized entity of government or
15 recognized industry, enables an individual to work within a recognized
16 occupation in the State of New Jersey.

17 "Perkins Act" means the Carl D. Perkins Vocational and Applied
18 Technology Education Amendments of 1998, Pub.L.105-332 (20
19 U.S.C. s.2301 et seq.)

20 "Qualifying agency" means any executive agency of State
21 government, including, but not limited to, the Departments of
22 Community Affairs, Education, Environmental Protection, Health and
23 Senior Services, Human Services, Labor and Workforce Development,
24 Law and Public Safety, Military and Veterans Affairs and the
25 Commission on Higher Education. A qualifying agency may include
26 any additional agency of State government, which oversees the
27 operation of, or collects or disseminates information from any
28 qualifying school, or issues an occupational license.

29 "Qualifying school" means, except as provided below, a
30 government unit, person, association, firm, corporation, private
31 organization, or any entity doing business or maintaining facilities
32 within the State, whether operating for profit or not for profit which:

33 (1) Offers or maintains a course of instruction or instructional
34 program utilized to prepare individuals for future education or the
35 workplace, including instruction in literacy or basic skills, or provides
36 supplemental instruction in recognized occupational skills, pre-
37 employment skills or literacy skills;

38 (2) Offers instruction by any method including, but not limited to,
39 classroom, shop, laboratory experience, correspondence, Internet and
40 other distance learning media, or any combination thereof;

41 (3) Offers instruction to the general public or in conjunction with
42 New Jersey's workforce investment system; or,

43 (4) Charges tuition or other fees or costs, or receives public funding
44 for the delivery of any of the above types of instruction.

45 "Qualifying school" shall not mean:

46 (1) Colleges and universities licensed by the Commission on Higher

1 Education or other schools, institutions and entities which are
2 otherwise regulated and approved pursuant to any other law or rule
3 making process of this State;

4 (2) Employers offering instruction to their employees directly or
5 through a contract instructor, where there is no cost to the employee
6 and no profit to the employer; or

7 (3) Schools offering instruction for the purpose of self-enrichment,
8 avocational, cultural, or recreational in nature.

9 "Regional" means a geographic configuration used to aggregate
10 information as designated by the Center for Occupational Employment
11 Information.

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

16 "State Employment and Training Commission" or "commission"
17 means the "State Employment and Training Commission" created
18 pursuant to section 5 of P.L.1989, c.293, s.5 (C.34:15C-2).

19 "State job training funds" means any moneys expended from the
20 Workforce Development Partnership Fund created pursuant to section
21 9 of P.L.1992, c.43 (C.34:15D-9), the Supplemental Workforce Fund
22 for Basic Skills established pursuant to section 1 of P.L.2001, c.152
23 (C.34:15D-21) or any other source of State moneys to obtain
24 employment and training services or other employment-directed and
25 workforce development programs and activities, including employment
26 and training services as defined in section 3 of P.L.1992, c.43
27 (C.34:15D-3) and employment-directed and workforce development
28 programs and activities as described in sections 2 and 4 of P.L.2004,
29 c.39 (C.34:1A-1.3 and 34:1A-1.5).

30 "Student outcome information" means information pertaining to
31 individual enrollment, participation, and completion in any education
32 or training program designed to provide workforce skills or provide
33 supplemental education or training in a recognized occupation. This
34 information shall include, but not be limited to, the participant's Social
35 Security number, gender, date of birth, date of enrollment, any date of
36 completion, date of termination, date of start in a job, date of
37 application for a license, licensing examination result, date of issue of
38 a license, any credential issued, and other information as specified by
39 the commission or the center. For any individual who does not have
40 a Social Security number, the qualifying agency may substitute an
41 alternate method of identification. However, at the time of start into
42 employment the alternate code shall be cross-referenced with the
43 individual's valid Social Security number.

44
45 27. (New section) There is established in the Department of Labor
46 and Workforce Development, the Center for Occupational

1 Employment Information, which shall:

2 a. Serve as the entity designated to carry out the State level career
3 information activities prescribed in the Perkins Act. In accordance with
4 that act, the center shall, in cooperation with the New Jersey
5 Department of Education and the Commission on Higher Education:

6 (1) Provide support for career guidance and academic counseling
7 programs designed to promote improved career and education
8 decision-making by individuals, especially in areas of career
9 information delivery and use;

10 (2) Make information and planning resources that relate
11 educational preparation to career goals and expectations available, on
12 the Internet to the extent possible, to students, parents, teachers,
13 administrators, counselors, job-seekers, workers and other clients of
14 the workforce investment system, including the consumer report card
15 on the effectiveness of qualified schools and other approved training
16 providers placed on the State Eligible Training Provider List provided
17 pursuant to section 13 of P.L. , c. (C.)(pending before
18 the Legislature as this bill), section 4 of P.L.1992, c.48 (C.34:15B-
19 38), section 7 of P.L.1992, c.43, s.7 (C.34:15D-7) and section 3 of
20 P.L.1992, c.47 (C.43:21-59).

21 (3) Equip workforce investment system professionals, including
22 teachers, administrators, and counselors, with the knowledge and skills
23 needed to assist clients of the workforce investment system, including
24 students and parents, with career exploration, educational
25 opportunities and education financing;

26 (4) Assist appropriate State entities in tailoring career-related
27 educational resources and training for use by such entities;

28 (5) Improve coordination and communication among administrators
29 and planners of programs included in the State's workforce investment
30 system to ensure non-duplication of efforts and the appropriate use of
31 shared information and data; and,

32 (6) Provide ongoing means for clients of the workforce investment
33 system, including students and parents, to provide comments and
34 feedback on products and services and to update resources, as
35 appropriate, to better meet customer requirements.

36 b. Design and implement a comprehensive workforce information
37 system to meet the needs for the planning and operation of all public
38 and private training and job placement programs, which is responsive
39 to the economic demands of the employer community and education
40 and training needs of the State and of Workforce Investment Board
41 areas within the State, as recommended by the commission and
42 designated by the Commissioner of Labor and Workforce
43 Development. In doing so, the center shall insure that the information:

44 (1) Is delivered in a user friendly, timely and easily understood
45 manner;

46 (2) Pays special attention to the particular needs of each

1 Workforce Investment Board and is consistent with the labor market
2 of each Workforce Investment Board; and
3 (3) Is delivered, to the extent possible, on the Internet in a format
4 designed to meet the needs of all user groups.
5 c. Use the occupational employment information system to
6 implement an electronic career information delivery system, which
7 shall provide students, parents, counselors and other career decision
8 makers with accurate, timely and locally relevant information on the
9 careers available in the New Jersey labor market.
10 d. Analyze, not less than once every two years and on a regional
11 basis, the relationship between the projected need for trained
12 individuals in each of the career clusters and each of the career
13 pathways, and the total number of individuals being trained in the skills
14 or skill sets needed to work in each of the clusters and pathways.
15 Based on this relationship, the center shall designate as a labor demand
16 occupation any occupation that is in a cluster or pathway for which the
17 number of individuals needed significantly exceeds, or shall exceed, the
18 number being trained, and may designate as a labor demand
19 occupation an occupation for which the center determines that the
20 number of individuals needed significantly exceeds, or will exceed, the
21 number being trained, even if that is not the case for the entire career
22 cluster or pathway to which the occupation belongs. In cases where
23 a Workforce Investment Board established pursuant to section 18 of
24 P.L.1989, c.293 (C.34:15C-15) submits information to the center that
25 there is or is likely to be, in the region for which the board is
26 responsible, a significant excess of demand over supply of adequately
27 trained workers for an occupation, the center may conduct a survey of
28 the need or anticipated need in that region for trained workers in that
29 occupation and, whether or not it conducts that survey, shall, in
30 conjunction with the board, determine whether to designate the
31 occupation to be a labor demand occupation in that region. The center
32 may utilize survey data obtained by other agencies or from other
33 sources to fulfill its responsibilities under this subsection.
34 e. Assist the commission in preparing the New Jersey Unified
35 Workforce Investment Plan pursuant to section 10 of P.L.1989, c.293
36 (C.34:15C-7) by providing information requested by the commission.
37
38 28. (New section) The center shall be managed by a Steering
39 Committee comprised of the Commissioners of Community Affairs,
40 Education, Health and Senior Services, Human Services, and Labor
41 and Workforce Development; the Executive Directors of the
42 Commission on Higher Education and the State Employment and
43 Training Commission; the Secretary and Chief Executive Officer of the
44 New Jersey Commerce, Economic Growth and Tourism Commission;
45 the Director of the Division of Vocational Rehabilitation Services; a
46 director or member of a Workforce Investment Board as designated

1 by the Executive Director of the State Employment and Training
2 Commission; and a One-Stop Career Center operator as designated by
3 the Commissioner of Labor and Workforce Development. The
4 committee shall set policy for the operation of the center and shall
5 have the authority to increase membership of the committee, as it
6 deems necessary, to carry out the purposes of sections 25 through 29
7 of P.L. , c. (C.)(pending before the Legislature as this bill).
8

9 29. (New section) a. The Center for Occupational Employment
10 Information and the State Employment and Training Commission are
11 authorized to access the files and records of other State agencies
12 which administer or distribute State job training funds or federal job
13 training funds or issue any license necessary for an individual to work
14 in a specific occupation. Student outcomes and licensing information,
15 including individual Social Security numbers, shall be reported to the
16 commission through the center by:

- 17 (1) Each qualifying agency;
- 18 (2) Each qualifying school; and
- 19 (3) Each training provider receiving State job training funds or
20 federal job training funds, including a provider which is not a
21 qualifying school.

22 The entities required to report that information shall include, but
23 not be limited to, all post-secondary institutions engaged in any form
24 of workforce preparation or adult literacy education and training.

25 b. The information required by this section shall be provided
26 annually, or on any other mutually agreed schedule, to the center by
27 December 31st, for the preceding 12-month period ending June 30th.

28 c. The information reported or accessed pursuant to subsection a.
29 of this section may be used by the commission and the center for:

- 30 (1) The development and analysis of information on the demand
31 for trained workers in any of the recognized career clusters, career
32 pathways or occupations at the State and local area level as required
33 or permitted by subsection d. of section 27 of P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 (2) Establishing standards for training and job placement;

36 (3) Evaluating the effectiveness of programs, services and service
37 providers under the State's workforce investment system and
38 providing information regarding those evaluations, including the
39 collection of information used to help produce a consumer report card
40 on service providers showing the long-term success of former trainees
41 of each provider in obtaining permanent employment and increasing
42 earnings;

43 (4) Assisting in determining which training providers to place on
44 the State Eligible Training Provider List;

45 (5) Assisting State agencies in preparing reports to federal grantor
46 agencies; and

1 (6) Any other purpose deemed necessary for the accomplishment
2 of the mission of the center as determined by the center's steering
3 committee or any federal funding agency.

4 d. Information reported to the center by a qualifying agency or
5 school or other training provider shall not be utilized for any purpose
6 other than the governmental purposes authorized in subsection c. of
7 this section. The center shall only use aggregate statistical summaries
8 of individual data in assessing or evaluating any program at a
9 qualifying school or other training provider. The commission and the
10 center shall adopt standards and procedures to prevent any State
11 agency from publishing, disclosing or releasing information which
12 could identify any individual and shall not publish, disclose or
13 otherwise release information which could identify any individual,
14 except to an agency of government requiring such information in the
15 performance of its statutory duties. Any executive agency of State
16 government precluded by law from sharing information on specific
17 individuals may provide student outcome and licensing information
18 through statistical summary or other forms which prevent the
19 identification of specific individuals.

20 e. The commission, the center, each qualifying agency, and any
21 entity which reports student outcome or licensing information to a
22 qualifying agency, shall comply with all pertinent State and federal
23 laws regarding the privacy of students and other participants in
24 employment and training programs, including but not limited to, the
25 Privacy Act of 1974, Pub.L.93-579 (5 U.S.C. s.552 and 20 U.S.C.
26 s.1232g) and shall provide all disclosures to the students and
27 participants required by those laws.

28
29 30. Section 2 of P.L.1992, c.47 (C.43:21-58) is amended to read
30 as follows:

31 2. As used in this act:

32 "Approved service provider" or "approved training provider" means
33 a service provider which is on the State Eligible Training Provider
34 List.

35 "Commission" means the State Employment and Training
36 Commission.

37 "Employment and training services" means: counseling provided
38 pursuant to section 3 of this act; ~~[vocational]~~ occupational training;
39 or remedial ~~[education]~~ instruction.

40 "Labor Demand Occupation" means an occupation ~~[for]~~ which
41 ~~[there is or is likely to be an excess of demand over supply for~~
42 ~~adequately trained workers, including, but not limited to, an~~
43 ~~occupation designated as a labor demand occupation by the New~~
44 ~~Jersey Occupational Information Coordinating Committee pursuant to~~
45 ~~section 11 of this act];~~

46 a. The Center for Occupational Employment Information has,

1 pursuant to subsection d. of section 27 of P.L. _____, c. _____ (C. _____)
 2 (pending before the Legislature as this bill), determined is or will be,
 3 on a regional basis, subject to a significant excess of demand over
 4 supply for trained workers, based on a comparison of the total need or
 5 anticipated need for trained workers with the total number being
 6 trained; or

7 b. The Center for Occupational Employment Information, in
 8 conjunction with a Workforce Investment Board, has, pursuant to
 9 subsection d. of section 27 of P.L. _____, c. _____ (C. _____) (pending
 10 before the Legislature as this bill), determined is or will be, in the
 11 region for which the board is responsible, subject to a significant
 12 excess of demand over supply for adequately trained workers, based
 13 on a comparison of total need or anticipated need for trained workers
 14 with the total number being trained.

15 "Qualified job counselor" means a job counselor whose
 16 qualifications meet standards established by the commissioner.

17 ["Service provider" means a provider of employment and training
 18 services other than the State.]

19 "Remedial education" or "remedial instruction" means any literacy
 20 or other basic skills training or [education] instruction which may not
 21 be directly related to a particular occupation but is needed to facilitate
 22 success in [vocational] occupational training or work performance.

23 "Service provider," "training provider" or "provider" means a
 24 provider of employment and training services including but not limited
 25 to a private or public school or institution of higher education, a
 26 business, a labor organization or a community-based organization.

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

31 (P.L.1992, c.47, s.2)

32

33 31. Section 3 of P.L.1992, c.47 (C.43:21-59) is amended to read
 34 as follows:

35 3. Counseling shall be made available by the Department of Labor
 36 and Workforce Development to each individual who meets the
 37 requirements indicated in subsections a. and b. of section 4 of this act.
 38 The department may provide the counseling or obtain the counseling
 39 from a service provider, if the service provider is different from and
 40 not affiliated with any service provider offering any employment and
 41 training services to the worker other than the counseling. The purpose
 42 of the counseling is to assist the individual in obtaining 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 [worker] individual with the greatest opportunity
 46 for long-range career advancement with high levels of productivity and

1 earning power. The counseling shall include:

2 a. 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 indicated in section 14 of P.L.1989, c.293 (C.34:15C-11) or unless the
9 individual is already participating in a remedial [education] instruction
10 program which meets those standards;

11 b. An evaluation by a qualified job counselor of:

12 (1) Whether the individual is eligible for the additional benefits
13 indicated in section 5 of this act; and

14 (2) What remedial [education] instruction, if any, is determined to
15 be necessary for the individual to advance in his current occupation or
16 succeed in any particular [vocational] occupational training which the
17 individual would undertake in connection with additional benefits
18 indicated in section 4 of this act, provided that the remedial
19 [education] instruction shall be at a level not lower than that needed
20 to meet the standards indicated in section 14 of P.L.1989, c.293
21 (C.34:15C-11);

22 c. The provision of information to the individual regarding any of
23 the labor demand occupations for which training meets the
24 requirements of subsection e. of section 4 of this act in the claimant's
25 case, including information about the wage levels in those occupations,
26 the effectiveness of any particular provider of training for any of those
27 occupations which the [claimant] individual is considering using,
28 [and] including a consumer report card on service providers showing
29 the long-term success of former trainees of the provider in obtaining
30 permanent employment and increasing earnings over one or more time
31 periods following the completion or other termination of training,
32 including a period of two years following the completion or other
33 termination of training;

34 d. The timely provision of information to the individual regarding
35 the services and benefits available to the individual, and all actions
36 required of the individual to obtain the services and benefits, under the
37 provisions of this act and employment and training programs provided
38 or funded pursuant to the "1992 New Jersey Employment and
39 Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et al.) and
40 the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C.
41 s.2801 et seq.). and regarding the tuition waivers available pursuant to
42 P.L.1983, c.469 (C.18A:64-13.1 et seq.) and P.L.1983, c.470
43 (C.18A:64A-23.1 et seq.); and the timely provision to the individual
44 of a written statement of the individual's rights and responsibilities
45 with respect to programs for which the individual is eligible, which
46 includes a full disclosure to the individual of his right to obtain the

1 services most likely to enable the individual to obtain employment
2 providing self-sufficiency and the individual's right not to be denied
3 employment and training services for any of the reasons indicated in
4 section 4 of P.L.1992, c.47 (C.43:21-60), including the individual's
5 right not to be denied training services because the individual already
6 has identifiable vocational skills, if those existing skills are for
7 employment with a level of earnings lower than the level of
8 self-sufficiency;

9 e. Discussion with the counselor of the results of the testing and
10 evaluation; and[, based on those results, the]

11 f. The development of a written Employability Development Plan,
12 consistent with the requirements of subsections e., f. and g. of section
13 4 of this act, for the individual describing any remedial [education]
14 instruction and the [vocational] occupational training that the
15 individual will undertake in connection with benefits provided pursuant
16 to the provisions of this act.

17 All information regarding an individual applicant or trainee which
18 is obtained or compiled in connection with the testing, assessment and
19 evaluation and which may be identified with the individual shall be
20 confidential and shall not be released to an entity other than the
21 individual, the counselor [or], the department [only if:], the
22 commission or partners of the One-Stop system as necessary for them
23 to provide training and employment services or other workforce
24 investment services to the individual, unless the individual provides
25 written permission to the department for the release of the
26 information; or the information is used solely for program evaluation.
27 (cf: P.L.2001, c.152, s.14)

28
29 32. Section 4 of P.L.1992, c.47 (C.43:21-60) is amended to read
30 as follows:

31 4. Except as provided in section 8 of this act, the additional
32 benefits indicated in section 5 of this act shall be provided to any
33 individual who:

34 a. Has received a notice of a permanent termination of employment
35 by the individual's employer or has been laid off and is unlikely to
36 return to his previous employment because work opportunities in the
37 individual's job classification are impaired by a substantial reduction of
38 employment at the worksite;

39 b. Is, at the time of the layoff or termination, eligible, pursuant to
40 the "unemployment compensation law," R.S.43:21-1 et seq., for
41 unemployment benefits;

42 c. Enters into the counseling made available pursuant to section 3
43 of this act as soon as possible following notification by the Department
44 of Labor and Workforce Development of its availability;

45 d. (1) Notifies the department of the individual's intention to enter
46 into the [education] instruction and training identified in the

1 Employability Development Plan developed pursuant to section 3 of
2 this act, not later than 60 days after the date of the individual's
3 termination or layoff, not later than 30 days after the department
4 provides notice to the individual pursuant to section 6 of this act or
5 not later than 30 days after the Employability Development Plan is
6 developed, whichever occurs last;

7 (2) Enters into the [education] instruction and training identified
8 in the Employability Development Plan as soon as possible after giving
9 the notice required by paragraph (1) of this subsection d.; and

10 (3) Maintains satisfactory progress in the [education] instruction
11 and training;

12 e. Enrolls in [vocational] occupational training which:

13 (1) Is training for a labor demand occupation;

14 (2) Is likely to facilitate a substantial enhancement of the
15 individual's marketable skills and earning power;

16 (3) Is provided by [a] an approved service provider [approved by
17 the Commissioner of Labor, which approval shall be made, if the
18 "1992 New Jersey Employment and Workforce Development Act,"
19 P.L.1992, c.43 (C.34:15D-1 et al.) is enacted, pursuant to the
20 provisions of section 8 of that act]; and

21 (4) Does not include on the job training or other training under
22 which the individual is paid by an employer for work performed by the
23 individual during the time that the individual receives additional
24 benefits pursuant to the provisions of section 5 of this act;

25 f. Enrolls in [vocational] occupational training, remedial
26 [education] instruction or a combination of both on a full-time basis;
27 and

28 g. Reasonably can be expected to successfully complete the
29 [vocational] occupational training and any needed remedial
30 [education] instruction, either during or after the period of additional
31 benefits.

32 If the requirements of this section are met, the division shall not
33 deny an individual unemployment benefits pursuant to the
34 "unemployment compensation law," R.S.43:21-1 et seq., P.L.1970,
35 c.324 (C.43:21-24.11 et seq.) or the additional benefits indicated in
36 section 5 of this act for any of the following reasons: the training
37 includes remedial [education] instruction needed by the individual to
38 succeed in the [vocational] occupational component of the training;
39 the individual has identifiable [vocational] occupational skills but the
40 training services are needed to enable the individual to develop skills
41 necessary to attain at least the level of self-sufficiency; the training is
42 part of a program under which the individual may obtain any college
43 degree enhancing the individual's marketable skills and earning power;
44 the individual has previously received a training grant; the length of
45 the training period under the program; or the lack of a prior guarantee

1 of employment upon completion of the training. If the requirements of
2 this section are met, the division shall regard a training program as
3 approved for the purposes of paragraph (4) of subsection (c) of
4 R.S.43:21-4.

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

6

7 33. Section 2 of P.L.1966, c.13 (C.44:12-2) is amended to read as
8 follows:

9 2. In order to facilitate cooperation with the Federal Government
10 in carrying out the programs contemplated by the Economic
11 Opportunity Act of 1964 or related Federal legislation, every local unit
12 is authorized:

13 (a) To accept from the Federal Government, subject to terms and
14 conditions appertaining thereto, grants of funds, equipment, supplies,
15 material and other property; and

16 (b) to hold, use, expend, deal with, employ, distribute and dispose
17 of such funds, equipment, supplies, material and other property; and

18 (c) to appropriate money; and

19 (d) to enter into contracts and agreements with the Federal and
20 State Governments, other local units or private organizations; and

21 (e) to engage in such activities and to do such other acts and things
22 as may be necessary or convenient to carry out the powers given in
23 this act.

24 [Notwithstanding any other provision of the law no local unit shall
25 enter into a contract or agreement with a private business school,
26 school of beauty culture, technical school, trade school, vocational
27 school or similar training institution, for the purpose of training
28 individuals or upgrading their skills for employment in occupations
29 generally not requiring an associate or baccalaureate degree, unless the
30 Commissioner of Labor has accredited, or otherwise approved, the
31 programs and courses which the institution provides, and has received
32 from the construction code official and local health officer of the
33 municipality certification that the facilities have been issued a
34 certificate of occupancy and are in compliance with the applicable
35 provisions of the local health ordinance; except that a community
36 based organization shall not be subject to the program and course
37 accreditation and approval requirements contained in this section, but
38 only to the requirements contained in this section concerning municipal
39 certification of the facilities. This act shall not apply to private
40 business sponsored in-house training programs conducted primarily for
41 the training of the employees of the respective business. This act also
42 shall apply to the extent it would result in a violation of federal
43 statutes or regulations or otherwise prevent the receipt of federal
44 grants or contracts.]

45 (cf: P.L.1981, c. 531, s. 1)

1 34. The following are repealed:
2 N.J.S.18A:69-1 to N.J.S.18A:69-16, inclusive;
3 Section 1 and 2 of P.L.1987, c.457, (C.34:1A-76 and 34:1A-77);
4 Section 12 of P.L.1992, c.43, (C.34:1A-78);
5 Section 11 of P.L.1992, c.47, (C.34:1A-79);
6 Section 7 of P.L.1992, c.48, (C.34:1A-80);
7 Section 13 of P.L.1992, c.43, (C.34:15C-8.1);
8 Section 8 of P.L.1992, c.48, (C.34:15C-8.2);
9 Section 9 of P.L.1993, c.268, (C.34:15C-8.3);
10 Section 12 of P.L.1989, c.293, (C.34:15C-9);
11 Section 17 of P.L.1989, c.293, (C.34:15C-14); and
12 Section 19 of P.L.1989, c.293, (C.34:15C-16).

13
14 35. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill establishes the Center for Occupational Employment
20 Information (COEI) in the Department of Labor and Workforce
21 Development and requires it to:

22 1. Carry out federally-required, State-level career information
23 activities including: supporting career guidance and academic
24 counseling programs; making information and planning resources
25 relating education to careers available to workforce investment system
26 clients; equipping teachers, administrators, and counselors to assist
27 clients; helping State entities tailoring career-related educational
28 resources and training; improving communication among
29 administrators and planners in the workforce investment system; and
30 provide means for clients to provide feedback;

31 2. Design and implement a workforce information system and an
32 electronic career information delivery system for the planning and
33 operation needs of training and job placement programs; and

34 3. Designate labor demand occupations.

35 The COEI is the successor organization to the State Occupational
36 Information Coordinating Committee established by P.L.1987, c.457
37 (C.34:1A-76 et seq.), which is repealed by the bill.

38 The COEI and the State Employment and Training Commission
39 (SETC) are authorized to access records of other State agencies which
40 administer or distribute State or federal job training funds. All
41 approved providers, all public or private post-secondary schools
42 providing training services, and all State agencies which approve
43 training programs and schools are required to report student outcomes
44 and licensing information, including individual Social Security
45 numbers. The information may be used to designate labor demand
46 occupations, establish training and job placement standards, evaluate

1 the effectiveness of programs, services and training service providers
2 and provide a consumer report card on the providers, determining
3 which training providers to place on the State Eligible Training
4 Provider List; and assisting State agencies in preparing reports to
5 federal grantor agencies.

6 The bill prohibits from operating, with certain exceptions, any
7 public or private, profit or non-profit post-secondary school which
8 charges tuition or receives public funding for instruction in
9 occupational, pre-employment or literacy skills or instruction to
10 prepare individuals for future education or the workplace, unless the
11 school has a certificate of approval issued by the Commissioner of
12 Labor and Workforce Development and the Commissioner of
13 Education. Exceptions are made for colleges and universities,
14 employers offering instruction to their employees, and schools offering
15 instruction which is avocational, cultural or recreational. The bill sets
16 procedures and conditions for withdrawal of the certificates.

17 A certified school is required to maintain records for each student,
18 including the student's Social Security number, gender, date of birth,
19 dates of enrollment, completion, termination and start in a job and any
20 license or credential issued.

21 The Departments of Labor and Workforce Development and
22 Education are required to oversee the certified schools and maintain
23 rules governing curricula, staff qualifications, facilities, record keeping
24 and other matters regarding instruction and business integrity.

25 The bill requires the State Board of Education and the SETC to
26 develop performance standards and measures to evaluate certified
27 schools. Policy makers and consumers are to be provided information
28 concerning approved programs and access to a consumer report card
29 on the effectiveness of all the certified schools on the State Eligible
30 Training Provider List showing the long-term success of former
31 trainees of each school in obtaining permanent employment and
32 increasing earnings over one or more time periods after the end of
33 training, including a period of two years after the end of training.

34 The bill requires the State to maintain a State Eligible Training
35 Provider List. Only training providers who are on that list may receive
36 federal or State job training funds. In addition to the schools certified
37 by the Commissioner of Labor and Workforce Development and the
38 Commissioner of Education, the list includes public and private
39 colleges and universities under the jurisdiction of the Commission on
40 Higher Education, post secondary institutions under the jurisdiction of
41 the Department of Education, and training providers licensed by other
42 State departments or approved by the federal government or agencies
43 of other states. All training providers approved for the list are subject
44 to the same requirements as the certified schools regarding records of
45 individual trainees, performance standards and measures for evaluation
46 and the consumer report card on the effectiveness of training

1 providers.

2 The bill establishes a Credentials Review Board to oversee the
3 technical credentialing process for the workforce investment system
4 and approve credentials for employment and training programs.

5 The bill directs the SETC to prepare a Unified State Workforce
6 Investment Plan creating a comprehensive workforce investment
7 system encompassing all One-Stop partners. The scope of the SETC's
8 role in developing policy, guidelines and performance standards is
9 expanded to cover employment and training services and other
10 workforce investment services, such as placement services.

11 The bill gives the each local Workforce Investment Board (WIB) a
12 stronger role in the planning and supervision of local workforce
13 investment services, while giving the SETC the responsibility of
14 approving WIB plans to establish One Stop Career Centers.

15 The requires the SETC to select industries with shortages of skilled
16 personnel and create State-level industry task forces of stakeholders
17 for each selected industry to analyze the shortages and develop State-
18 wide strategies to address them. The SETC is also required to select
19 WIBs for regional planning bodies (RPBs) to address the skilled
20 workforce shortages of specific industries, occupations or career
21 clusters at the regional level. The bill directs the SETC to establish a
22 State-level industry taskforce and RPBs on the health care industry to
23 address the growing shortage of skilled personnel in that industry.

24 The bill requires each State department which is a partner in the
25 State's workforce investment system to provide resources to support
26 SETC activities and staff, of up to 15 percent of allowable State
27 administrative funds from federal and State supported workforce
28 investment programs. All workforce investment programs are required
29 to provide funding for the SETC and the local WIBs.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4435

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Labor Committee reports favorably Assembly Bill No. 4435.

This bill establishes the Center for Occupational Employment Information (COEI) in the Department of Labor and Workforce Development and requires it to:

1. Carry out federally-required, State-level career information activities including: supporting career guidance and academic counseling programs; making information and planning resources relating education to careers available to workforce investment system clients; equipping teachers, administrators, and counselors to assist clients; helping State entities tailoring career-related educational resources and training; improving communication among administrators and planners in the workforce investment system; and provide means for clients to provide feedback;
2. Design and implement a workforce information system and an electronic career information delivery system for the planning and operation needs of training and job placement programs; and
3. Designate labor demand occupations.

The COEI is the successor organization to the State Occupational Information Coordinating Committee established by P.L.1987, c.457 (C.34:1A-76 et seq.), which is repealed by the bill.

The COEI and the State Employment and Training Commission (SETC) are authorized to access records of other State agencies which administer or distribute State or federal job training funds. All approved providers, all public or private post-secondary schools providing training services, and all State agencies which approve training programs and schools are required to report student outcomes and licensing information, including individual Social Security numbers. The information may be used to designate labor demand occupations, establish training and job placement standards, evaluate the effectiveness of programs, services and training service providers and provide a consumer report card on the providers, determining which training providers to place on the State Eligible Training Provider List; and assisting State agencies in preparing reports to federal grantor agencies.

The bill prohibits from operating, with certain exceptions, any public or private, profit or non-profit post-secondary school which

charges tuition or receives public funding for instruction in occupational, pre-employment or literacy skills or instruction to prepare individuals for future education or the workplace, unless the school has a certificate of approval issued by the Commissioner of Labor and Workforce Development and the Commissioner of Education. Exceptions are made for colleges and universities, employers offering instruction to their employees, and schools offering instruction which is avocational, cultural or recreational. The bill sets procedures and conditions for withdrawal of the certificates.

A certified school is required to maintain records for each student, including the student's Social Security number, gender, date of birth, dates of enrollment, completion, termination and start in a job and any license or credential issued.

The Departments of Labor and Workforce Development and Education are required to oversee the certified schools and maintain rules governing curricula, staff qualifications, facilities, record keeping and other matters regarding instruction and business integrity.

The bill requires the State Board of Education and the SETC to develop performance standards and measures to evaluate certified schools. Policy makers and consumers are to be provided information concerning approved programs and access to a consumer report card on the effectiveness of all the certified schools on the State Eligible Training Provider List showing the long-term success of former trainees of each school in obtaining permanent employment and increasing earnings over one or more time periods after the end of training, including a period of two years after the end of training.

The bill requires the State to maintain a State Eligible Training Provider List. Only training providers who are on that list may receive federal or State job training funds. In addition to the schools certified by the Commissioner of Labor and Workforce Development and the Commissioner of Education, the list includes public and private colleges and universities under the jurisdiction of the Commission on Higher Education, post secondary institutions under the jurisdiction of the Department of Education, and training providers licensed by other State departments or approved by the federal government or agencies of other states. All training providers approved for the list are subject to the same requirements as the certified schools regarding records of individual trainees, performance standards and measures for evaluation and the consumer report card on the effectiveness of training providers.

The bill establishes a Credentials Review Board to oversee the technical credentialing process for the workforce investment system and approve credentials for employment and training programs.

The bill directs the SETC to prepare a Unified State Workforce Investment Plan creating a comprehensive workforce investment system encompassing all One-Stop partners. The scope of the SETC's role in developing policy, guidelines and performance standards is expanded to cover employment and training services and other

workforce investment services, such as placement services.

The bill gives the each local Workforce Investment Board (WIB) a stronger role in the planning and supervision of local workforce investment services, while giving the SETC the responsibility of approving WIB plans to establish One Stop Career Centers.

The requires the SETC to select industries with shortages of skilled personnel and create State-level industry task forces of stakeholders for each selected industry to analyze the shortages and develop State-wide strategies to address them. The SETC is also required to select WIBs for regional planning bodies (RPBs) to address the skilled workforce shortages of specific industries, occupations or career clusters at the regional level. The bill directs the SETC to establish a State-level industry taskforce and RPBs on the health care industry to address the growing shortage of skilled personnel in that industry.

The bill requires each State department which is a partner in the State's workforce investment system to provide resources to support SETC activities and staff, of up to 15 percent of allowable State administrative funds from federal and State supported workforce investment programs. All workforce investment programs are required to provide funding for the SETC and the local WIBs.