

34:15B-35

LEGISLATIVE HISTORY CHECKLIST
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(Job training programs--est.
Standards for Federally funded
programs)

NJSA: 34:15B-35

LAWS OF: 1992 CHAPTER: 48

BILL NO: A1407

SPONSOR(S): Mikulak and others

DATE INTRODUCED: May 7, 1992

COMMITTEE: ASSEMBLY: Labor
SENATE: ---

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denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 25, 1992
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DATE OF APPROVAL: July 7, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

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REPORTS: No

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[FIRST REPRINT]
ASSEMBLY, No. 1407

STATE OF NEW JERSEY

INTRODUCED MAY 7, 1992

By Assemblyman MIKULAK, Assemblywoman FARRAGHER,
Assemblymen Roma, Garrett, R. Brown,
Assemblywomen Weinberg and Heck

1 AN ACT concerning job training programs and revising parts of
2 the statutory law.

3

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

6 1. (New section) As used in this act:

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

9 ¹"Commissioner" means the Commissioner of Labor.

10 ¹"Department" means the Department of Labor.¹

11 "Employment and training services" means:

12 a. Counseling provided pursuant to section 4 of this act;

13 b. Vocational training; or

14 c. Remedial education.

15 ¹"Federal job training funds" means any moneys expended to
16 obtain employment and training services, pursuant to the "Job
17 Training Partnership Act," Pub. L. 97-300 (29 U.S.C. §1501 et
18 seq), except that, to the extent that the application of any
19 specific provision of this act would cause the amount of federal
20 job training funds provided to the State to be reduced, that
21 provision shall not apply.¹

22 "Labor ¹[Demand Occupation] demand occupation¹" means an
23 occupation for which there is or is likely to be an excess of
24 demand over supply for adequately trained workers, including, but
25 not limited to, an occupation designated as a labor demand
26 occupation by the New Jersey Occupational Information
27 Coordinating Committee pursuant to section 7 of this act.

28 "Permanent employment" means full-time employment
29 unsubsidized by government training funds which provides
30 ¹[long-term tenure and] a significant opportunity for career¹
31 advancement ¹and long-term job security¹ and is in the
32 occupation for which a worker receives vocational training
33 pursuant to this act.

34 ¹"Qualified job counselor" means a job counselor whose
35 qualifications meet standards established by the commissioner.¹

36 "Remedial education" means any literacy or other ¹basic
37 skills¹ training or education which ¹[is] may¹ not ¹be¹ directly
38 related to a particular occupation but is needed to facilitate
39 success in vocational training ¹or work performance¹.

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALA committee amendments adopted June 11, 1992.

1 ¹["State or federal job training funds" means any moneys
2 expended to obtain employment and training services, pursuant to
3 P.L.1983, c.328 (C.34:15B-11 et seq.) or the "Job Training
4 Partnership Act," Pub.L.97-300 (29 U.S.C. §1501 et seq), except
5 that, to the extent that the application of any specific provision
6 of this act would cause the amount of federal job training funds
7 provided to the State to be reduced, that provision shall not
8 apply.]¹

9 "Vocational training" means training or education which is
10 ¹[for a particular] related to an¹ occupation and is designed to
11 enhance the marketable skills and earning power of a worker or
12 job seeker.

13 2. (New section) All vocational training funded with ¹[State
14 or]¹ federal job training funds shall be training which is likely to
15 substantially enhance the trainee's marketable skills and earning
16 power and is for a labor demand occupation.

17 3. (New section) a. On the job training shall not be paid for
18 with ¹[State or]¹ federal job training funds for any employment
19 found by the commissioner to be of ¹a¹ level of skill and
20 complexity too low to merit training.

21 b. The duration of on the job training for any individual shall
22 not exceed the duration indicated by the Specific Vocational
23 Preparation code developed by the United States Department of
24 Labor for the occupation for which the training is provided and
25 shall in no case exceed 26 weeks. The department shall set the
26 duration of on the job training for an individual for less than the
27 indicated maximum, when training for the maximum duration is
28 not warranted because of the level of the individual's previous
29 training, education or work experience.

30 c. On the job training shall not be paid for with ¹[State or]¹
31 federal job training funds unless it is accompanied, concurrently
32 or otherwise, by ¹[an] whatever¹ amount of classroom-based
33 vocational training, remedial education or both, ¹is¹ deemed
34 ¹[significant] appropriate for the worker¹ by the commissioner.

35 d. Each employer receiving ¹[State or]¹ federal job training
36 funds for on the job training shall retain in permanent
37 employment each trainee who successfully completes the
38 training. The commissioner may, for a time period he deems
39 appropriate, provide for the withholding of whatever portion he
40 deems appropriate of the funding as a final payment for training,
41 contingent upon the retention of a program completer as required
42 pursuant to this section.

43 4. (New section) a. No individual shall receive employment
44 and training services ¹paid for with federal job training funds¹
45 unless the individual first receives counseling pursuant to this
46 section. ¹The department may itself provide the counseling or
47 obtain the counseling from an approved service provider, if the
48 service provider is different from and not affiliated with any
49 service provider offering the individual any employment and
50 training services other than the counseling, except that the
51 department may also obtain testing and assessment services
52 provided pursuant to paragraph (1) of this subsection from a
53 provider which also offers to the individual employment and
54 training services other than counseling.¹ The purpose of any

1 counseling provided pursuant to this section is to assist each
2 individual in obtaining the employment and training services most
3 likely to provide the individual with the greatest opportunity for
4 long-range career advancement with high levels of productivity
5 and earning power. The counseling shall include:

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

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

23 (3) The provision of information to the individual regarding the
24 labor demand occupations, including the information about the
25 wage levels in those occupations, which is available to the
26 department and any information available to the department
27 regarding the effectiveness of approved service providers of
28 vocational training in labor demand occupations which the
29 claimant is considering;

30 (4) The provision of information to the individual regarding the
31 services and benefits available to the individual under programs
32 supported by ¹[State or]¹ federal job training funds or the
33 provisions of P.L. , c. (C.)(now pending before the
34 Legislature as Assembly Bill, No. 1406 ¹of 1992¹); and

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

40 b. ¹[State or federal] Federal¹ job training funds shall be used
41 to provide training and employment services to an individual only
42 if the counselor who evaluates the individual pursuant to this
43 section determines that the individual can reasonably be expected
44 to successfully complete the training and education identified in
45 the Employability Development Plan developed pursuant to this
46 section.

47 c. All information regarding an individual applicant or trainee
48 which is obtained or compiled in connection with the testing,
49 assessment and evaluation and which may be identified with the
50 individual shall be confidential and shall be released to an entity
51 other than the individual ¹, the counselor¹ or the department only
52 if the individual provides written permission to the department
53 for the release of the information or the information is used
54 solely for program evaluation.

1 5. (New section) An otherwise qualified individual shall not be
2 denied employment and training services included in the
3 Employability Development Plan developed for the individual
4 pursuant to section 4 of this act for any of the following reasons:
5 the employment and training services include remedial education
6 needed by the individual to succeed in the vocational component
7 of the training; the training is part of a program under which the
8 individual may obtain a college degree enhancing the individual's
9 marketable skills and earning power; the length of the training
10 period under the program; or the lack of a prior guarantee of
11 employment upon completion of the training ¹, except for on the
12 job training. This section shall not be construed as requiring that
13 federal job training funds be used to pay for employment and
14 training services for which other assistance, such as State or
15 federal student financial aid, is provided¹.

16 6. (New section) a. No ¹[State or]¹ federal job training funds
17 shall be used to obtain employment and training services from a
18 service provider unless the provider is approved pursuant to the
19 procedures and criteria established by the State Employment and
20 Training Commission pursuant to section 8 of this act. No
21 service provider shall be approved pursuant to this section unless
22 the provider agrees to provide, on a first-come, first-served
23 basis, the services it offers to any trainee who is referred to it to
24 obtain the offered services, if included in the individual's
25 Employability Development Plan developed pursuant to section 4
26 of this act, up to the total number of trainees that the provider
27 agrees to serve.

28 b. Each service provider shall make appropriate records
29 available upon request for monitoring inspection by the
30 commissioner, including:

31 (1) A record for each trainee enrolled, including the trainee's
32 name and Social Security number;

33 (2) A record of all administrative and overhead expenses of the
34 provider ¹related to the providing of employment and training
35 services funded by the program¹ and the provider's direct
36 expenses of providing ¹[employment and training] the¹ services
37 ¹[funded by the program]¹; and

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

40 c. In the case of ¹[providers] a provider¹ of vocational training
41 services, the commissioner shall collect the information needed
42 to ¹[conduct long-term follow up surveys of former trainees, to]¹
43 measure ¹effectively¹ the ¹long-term¹ success of the former
44 trainees ¹of the provider¹ in obtaining permanent employment
45 and increasing earnings over a period of not less than two years
46 following the completion of training¹[, compared] . The
47 commission shall set such standards as it deems appropriate
48 regarding comparisons of the former trainees¹ with ¹[control]¹
49 groups ¹of otherwise similar individuals who did not receive the
50 training¹. The commissioner shall use the information obtained
51 ¹[in the follow-up surveys] pursuant to this subsection¹ to:

52 (1) Assist in evaluating the performance of providers of
53 vocational training services;

54 (2) Assist in determining which providers of vocational training

1 services to approve pursuant to subsection a. of this section; and
2 (3) ¹[Provide] Assist in providing¹ reliable information
3 regarding the quality of available providers of vocational training
4 services as part of the counseling provided pursuant to section 4
5 of this act.

6 7. (New section) The New Jersey Occupational Information
7 Coordinating Committee shall conduct, not less than once every
8 three years, and on a Statewide basis, a comprehensive survey of
9 occupations in the State comparing the total anticipated need for
10 trained individuals in each occupation with the total number
11 being trained and designate as a labor demand occupation each
12 occupation which is likely to have a significant excess of demand
13 over supply for adequately trained individuals during the
14 subsequent period of four or more years. The committee may
15 utilize survey data obtained by other agencies or from other
16 sources to fulfill its responsibilities under this section.

17 8. (New section) The State Employment and Training
18 Commission shall:

19 a. Establish criteria and procedures for the evaluation and
20 approval of service providers consistent with the provisions of
21 section 6 of this act; and

22 b. Conduct an annual evaluation and make an annual report to
23 the Governor and the Legislature regarding the implementation
24 of the provisions of this act during the previous State fiscal year.
25 The report shall include information regarding the effectiveness
26 of individual service providers in enhancing the long-term
27 productivity and earning power of trainees and in placing the
28 trainees in permanent employment.

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

31 14. a. The commission shall foster and coordinate initiatives
32 of the Department of Education and the Department of Higher
33 Education to maximize the contributions of the State's public
34 schools and institutions of higher education in implementing the
35 State employment and training policy developed by the
36 commission. The commission shall foster and coordinate
37 initiatives of the Department of Education and the Department
38 of Higher Education which will enhance the State's efforts to
39 assist at-risk youths in achieving educational success and making
40 successful transitions to work. The commission shall foster
41 initiatives of the Department of Higher Education among
42 institutions of higher education which will enhance the State's
43 employment and training efforts, including: the coordination of
44 vocational programs between institutions; more use of facilities
45 at institutions which provide education at or above the level of
46 county colleges, including, but not limited to, the Advanced
47 Technology Centers established pursuant to P.L.1985, c.102
48 (C.52:9X-1 et seq.), P.L.1985, c.103 (C.18A:64J-1 et seq.),
49 P.L.1985, c.104 (C.18A:64J-8 et seq.), P.L.1985, c.105
50 (C.18A:64J-15 et seq.), and P.L.1985, c.106 (C.18A:64J-22 et
51 seq.); developing more programs to offer four year degrees for
52 working students who attend only at nights and on weekends; and
53 expanding programs which provide college credit for training and
54 educational experiences outside of traditional academic contexts.

1 b. The commission shall have the responsibility, jointly with
2 the Department of Education, the Department of Labor and the
3 Department of Higher Education, to: (1) establish standards
4 regarding the minimum levels of remedial education which shall
5 be made available to a trainee under any employment and
6 training program, including any program funded or established
7 pursuant to ¹[P.L.1983, c.328 (C.34:15B-11 et seq.), P.L.1987,
8 c.71 (C.34:15B-27 et al.)],¹ the "1992 New Jersey Employment
9 and Workforce Development Act," P.L. , c. (C.)(now
10 pending before the Legislature as ¹[this bill] Assembly Bill No.
11 1402 of 1992¹], the "Job Training Partnership Act," Pub.L.97-300
12 (29 U.S.C. §1501 et seq.), or Title VI of the "Omnibus Trade and
13 Competitiveness Act of 1988," Pub.L.100-418 (20 U.S.C. §5001 et
14 al.); and (2) coordinate the development of appropriate intake and
15 assessment instruments and procedures for the assessment of
16 persons seeking access to employment and training programs.
17 The remedial education standards shall take into account the
18 differing needs and characteristics of the various target
19 populations which the programs serve. The remedial education
20 standards shall be based on evaluations of the minimum levels of
21 basic skills needed to succeed in particular types of vocational
22 training offered under the programs and any additional
23 improvements in basic skills needed by individuals of each target
24 population to successfully adapt to the State's changing
25 economy. The standard for the minimum level of remedial
26 education which shall be made available to an individual receiving
27 the vocational training for a particular occupation shall not be
28 less than the level necessary to attain the minimum basic skill
29 levels indicated as needed for that occupation in the Dictionary
30 of Occupational Titles issued by the United State Department of
31 Labor. The commission, the Department of Education, the
32 Department of Labor and the Department of Higher Education,
33 may jointly set this standard at a higher level, but if they do not,
34 the level indicated in the Dictionary of Occupational Titles shall
35 be regarded as the established standard.

36 (cf: P.L.1989, c.293, s.14)

37 ¹[10. P.L.1962, c.38 (C.34:15A-1 et seq.), P.L.1968, c.137
38 (C.34:15B-1 et seq.), P.L.1968, c.140 (C.34:15B-5 et seq.),
39 sections 3, 4, 12 and 13 of P.L.1983, c.328 (C.34:15B-13,
40 C.34:15B-14, C.34:15B-22 and C.34:15B-23), and section 9 of
41 P.L.1987, c.71 (C.34:15B-27) are repealed.]¹

42 ¹[11.] 10.¹ This act shall take effect immediately.

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47 Concerns standards and oversight for job training programs.

1 10. P.L.1962, c.38 (C.34:15A-1 et seq.), P.L.1968, c.137
2 (C.34:15B-1 et seq.), P.L.1968, c.140 (C.34:15B-5 et seq.),
3 sections 3, 4, 12 and 13 of P.L.1983, c.328 (C.34:15B-13,
4 C.34:15B-14, C.34:15B-22 and C.34:15B-23), and section 9 of
5 P.L.1987, c.71 (C.34:15B-27) are repealed.

6 11. This act shall take effect immediately.
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9 STATEMENT
10

11 This bill establishes guidelines for existing employment and
12 training programs funded pursuant to P.L.1983, c.328
13 (C.34:15B-11 et seq.) and the federal "Job Training Partnership
14 Act," Pub.L. 97-30 (29 U.S.C. §1501 et seq). Many of the
15 guidelines prescribed by this bill are already followed in most
16 cases, but the purpose of the bill is to make compliance universal.

17 Entities that contract to provide employment and training
18 services are required to be approved pursuant to standards
19 designed to ensure a meaningful review and control of the quality
20 of the services offered.

21 The bill requires that all vocational training provided by the
22 program is training which is likely to substantially enhance the
23 individual's marketable skills and earning power, and is training
24 for an occupation for which there is a demonstrated shortage or
25 projected shortage of skilled labor, based on surveys of labor
26 demand.

27 Standards are set regarding on the job training to ensure that it
28 be accompanied with appropriate classroom-based training, is
29 provided only for jobs with an appropriate level of skill and
30 complexity, and be for a duration appropriate to the skill levels
31 of the job and the trainee. Employers are required to retain each
32 worker who successfully completes on the job training.

33 The bill requires that counseling be made available to any
34 individual who is a prospective trainee including:

- 35 1. Testing and assessment of the individual's job skills;
- 36 2. An evaluation of any remedial education needed for the
37 individual's success in training;
- 38 3. The provision of relevant information regarding labor
39 market conditions, providers of vocational training services and
40 services available from other programs;
- 41 4. The development of a written Employability Development
42 Plan identifying the training and employment services, including
43 any needed remedial education, to be provided to the individual.

44 The bill also repeals various sections of law relating to job
45 training that are obsolete or superseded by the provisions of the
46 bill.
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51 Concerns standards and oversight for job training programs.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1407

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1992

The Assembly Labor Committee reports favorably Assembly Bill No. 1407 with committee amendments.

As amended by the committee, the bill establishes guidelines for existing training programs funded pursuant to the federal "Job Training Partnership Act," Pub.L.97-30 (29 U.S.C. §1501 et seq). Many of the guidelines prescribed by this bill are already followed in most cases, but the purpose of the bill is to make compliance universal.

Entities that contract to provide training services are required to be approved pursuant to standards designed to ensure a meaningful review and control of the quality of the services offered.

The bill requires that the vocational training provided is training which is likely to enhance substantially the individual's marketable skills and earning power, and is training for an occupation for which there is a demonstrated shortage or projected shortage of skilled labor, based on surveys of labor demand.

Standards are set regarding on the job training to ensure that it be accompanied with appropriate classroom-based training, is provided only for jobs with an appropriate level of skill and complexity, and be for a duration appropriate to the skill levels of the job and the trainee. Employers are required to retain each worker who successfully completes on the job training.

The bill requires that counseling be made available to any individual who is a prospective trainee, which counseling shall include:

1. An assessment of job skills, including basic literacy skills;
2. An evaluation of any remedial education needed for success in training;
3. The provision of relevant information regarding labor market conditions, providers of vocational training services and services available from other programs; and
4. The development of a written Employability Development Plan identifying the training and employment services, including any needed remedial education, to be provided to the individual.

The committee amendments remove all reference to P.L.1983, c.328 (C.34:15B-11 et seq.), because accompanying committee amendments to A-1402 repeal that law in its entirety. Therefore, the provisions of this bill, with the proposed amendments, would apply only to job training programs under the federal "Job Training Partnership Act," Pub.L.97-30 (29 U.S.C. §1501 et seq).

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]
ASSEMBLY, No. 1407

STATE OF NEW JERSEY

DATED: July 2, 1992

Assembly Bill No. 1407 (1R) of 1992 establishes guidelines for existing training programs funded pursuant to the federal "Job Training Partnership Act," Pub.L. 97-30 (29 U.S.C. §1501 et seq).

The bill requires that entities contracting to provide training services be approved pursuant to standards designed to ensure a meaningful review and control of the quality of the services offered. The bill requires that the vocational training provided is training which is likely to enhance substantially the individual's marketable skills and earning power, and is training for an occupation for which there is a demonstrated shortage or projected shortage of skilled labor.

Standards are set regarding on the job training to ensure that it be accompanied with appropriate classroom-based training, is provided only for jobs with an appropriate level of skill and complexity, and be for a duration appropriate to the skill levels of the job and the trainee. Employers are required to retain each worker who successfully completes on the job training.

The bill requires that counseling be made available to any individual who is a prospective trainee which includes: skills testing and assessment, including basic literacy skills; an evaluation of any needed remedial education; the provision of relevant information regarding labor markets and training service providers; and the development of a written Employability Development Plan identifying the services to be provided to the individual.

The Department of Labor and the Office of Management and Budget have not provided cost estimates concerning the fiscal impact of this bill.

The Office of Legislative Services (OLS), however, notes that the bill has no fiscal impact on the State, because the provisions of the bill pertain only to programs supported by federal funding available through the Job Training Partnership Act. Federal moneys would also be used to pay any costs of those provisions of the bill which may entail any added expenses, such as oversight and quality-control functions. The bill will not result in any loss of federal funding to the State, because the bill stipulates that no provision of the bill shall apply which will cause the amount of federal funds to be reduced.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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