

SENATE, No. 1452

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED APRIL 29, 2004

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

8
9 1. (New section) On and after the effective date of this 2004
10 amendatory and supplementary act, the Department of Labor shall be
11 entitled and known as the Department of Labor and Workforce
12 Development and whenever, in any law, rule, regulation, order,
13 contract, document, judicial or administrative proceeding, or
14 otherwise, reference is made to the Department of Labor, the same
15 shall mean and refer to the Department of Labor and Workforce
16 Development.

17
18 2. (New section) a. To the extent not inconsistent with any federal
19 law, and notwithstanding any other State law, all employment-directed
20 and workforce development programs and activities of the Department
21 of Human Services which are funded through the Work First New
22 Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et
23 seq.), the federal "Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996," Pub.L.104-193, 42 U.S.C. 601 et seq.,
25 and the federal Food Stamp Act of 1977, Pub.L.95-113, 7 U.S.C.
26 2011 et seq. are hereby transferred to the Department of Labor and
27 Workforce Development.

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

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

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

Matter underlined thus is new matter.

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

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

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

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

- 41 (1) The administration and provision of adult education and
- 42 literacy as defined under the Workforce Investment Act of 1998,
- 43 Pub.L.105-220 (29 U.S.C.s.2801 et seq.);
- 44 (2) Operational authority for the approval of private or proprietary
- 45 trade, business or vocational schools or similar training institutions
- 46 pursuant to section 2 of P.L.1966, c.13 (C.44:12-2); and

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

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

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

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

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

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

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

43 1. As used in this act:

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

46 "Apprenticeship Policy Committee" means the New Jersey

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

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

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

15 "Employment and training services" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

16
17 7. Section 2 of P.L.1992, c.48 (C.34:15B-36) is amended to read
18 as follows:

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

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

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

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

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

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

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

34

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

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

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

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

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

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

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

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

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

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

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

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

26
27 9. Section 3 of P.L.1992, c.43 (C.34:15D-3) is amended to read as
28 follows:

29 3. As used in this act:

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

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

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

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

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

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

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

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

14 "Employment and training services" means:

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

16 b. Vocational training;

17 c. Remedial education; or

18 d. Occupational safety and health training.

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

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

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

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

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

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

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

1 s.9902 (2)).

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

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

7 a. Is unemployed;

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

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

13 (1) Currently receiving public assistance;

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

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

19 "Qualified displaced worker" means a worker who:

20 a. Is unemployed, and:

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

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

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

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

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

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

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

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

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

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

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

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

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

18
19 10. Section 4 of P.L.1992, c.43 (C.34:15D-4) is amended to read
20 as follows:

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

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

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

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

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

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

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

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

19 d. All vocational training provided under this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27
28 12. Section 7 of P.L.1992, c.43 (C.34:15D-7) is amended to read
29 as follows:

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

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

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

2 c. The provision to the worker of information [to the worker]

3 regarding any of the labor demand occupations for which training

4 meets the requirements of section 4 of this act in the worker's case,

5 including information about the wage levels in those occupations, and

6 information regarding the effectiveness of approved service providers

7 of vocational training in occupations which the worker is considering

8 [and], including a consumer report card on service providers showing

9 the long-term success of former trainees of each provider in obtaining

10 permanent employment and increasing earnings;

11 d. The timely provision of information to the worker regarding the

12 services and benefits available to the worker, and all actions required

13 of the worker to obtain the services and benefits, under the provisions

14 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and the Work First

15 New Jersey program, in the case of a qualified disadvantaged worker

16 receiving or eligible for benefits under that program; and the provision

17 to the worker of a written statement of the worker's rights and

18 responsibilities with respect to programs for which the worker is

19 eligible, which includes a full disclosure to the worker of the worker's

20 right to obtain the services most likely to enable the worker to obtain

21 employment providing self-sufficiency and the workers' right not to be

22 denied training services for any of the reasons indicated in subsection

23 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's

24 right not to be denied training services because the worker already has

25 identifiable vocational skills, if those existing skills are for employment

26 with a level of earnings lower than the level of self-sufficiency; and

27 e. Discussion with the counselor of the results of the testing and

28 evaluation and, based on those results, the development of a written

29 Employability Development Plan identifying the training and

30 employment services, including any needed remedial education, to be

31 provided to the worker pursuant to this act. In the case of a qualified

32 disadvantaged worker, the Employability Development Plan will be, to

33 the greatest extent possible while remaining in compliance with any

34 applicable federal requirements, coordinated and made consistent with

35 any individual responsibility plan developed for the worker under the

36 Work First New Jersey program. In the case of a qualified

37 disadvantaged worker who is or was receiving, or is who eligible for

38 but not receiving, benefits under the Work First New Jersey program,

39 the counselor may approve, as part of the workers' Employability

40 Development Plan, the replacement of Work First New Jersey program

41 benefits by Supplemental Workforce Development Benefits paid to the

42 disadvantaged worker for full-time educational activity without other

43 work activity from available resources for employment-directed and

44 workforce development programs and activities transferred from the

45 Department of Human Services pursuant to section 2 of P.L. , c.

46 (C.) (now before the Legislature as this bill) or from the account of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27
28 14. This act shall take effect immediately.

31 STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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