

[First Reprint]

ASSEMBLY, No. 2936

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

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District 19 (Middlesex)

Assemblywoman CLEOPATRA G. TUCKER

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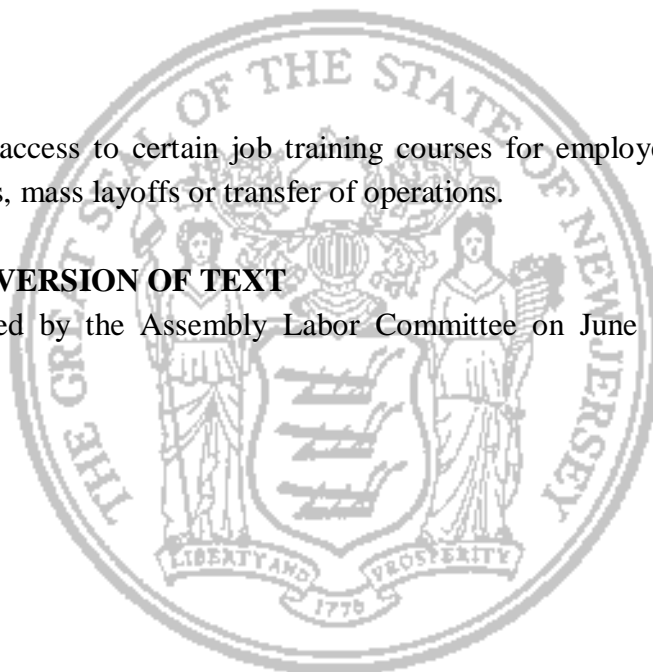
**Assemblywomen Wagner, Lampitt, Greenstein, Assemblyman Moriarty
and Assemblywoman Evans**

SYNOPSIS

Concerns access to certain job training courses for employees affected by plant closings, mass layoffs or transfer of operations.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on June 12, 2008, with amendments.



(Sponsorship Updated As Of: 10/17/2008)

1 AN ACT concerning access to certain job training courses and
2 amending P.L.1983, c.469 ¹**[and]**,¹ P.L.1983, c.470 ¹and
3 P.L.1992, c.43¹.

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

7
8 1. Section 2 of P.L.1983, c.469 (C.18A:64-13.2) is amended to
9 read as follows:

10 2. Each public institution of higher education shall permit a
11 person who has been in the labor market for at least two years and
12 is unemployed or has received a layoff notice as a result of a factory
13 or plant closing ¹or transfer, or mass layoff,¹ to enroll without
14 payment of tuition in a job training course, provided that the person
15 is not eligible for any available State or federal student financial aid
16 and that available classroom space permits and that tuition paying
17 students constitute the minimum number required for the course. In
18 the case of an employee of an employer who ¹**[has provided]** is
19 required to provide¹ notification to the Commissioner of Labor and
20 Workforce Development pursuant to subsection a. of section 2 of
21 P.L.2007, c.212 (C.34:21-2), that person shall be permitted to enroll
22 without payment of tuition in a job training course regardless of any
23 classroom space restrictions. Nothing herein shall preclude a public
24 institution of higher education from requiring a registration fee not
25 to exceed \$20.00 per academic term.
26 (cf: P.L.1992, c.45, s.2)

27
28 2. Section 2 of P.L.1983, c.470 (C.18A:64A-23.2) is amended
29 to read as follows:

30 2. Each county college shall permit a person who has been in
31 the labor market for at least two years and is unemployed or has
32 received a layoff notice as a result of a factory or plant closing ¹or
33 transfer, or mass layoff,¹ to enroll without payment of tuition in a
34 job training course, provided that the person is not eligible for any
35 available State or federal student financial aid and that available
36 classroom space permits and that tuition paying students constitute
37 the minimum number required for the course. In the case of an
38 employee of an employer who ¹**[has provided]** is required to
39 provide¹ notification to the Commissioner of Labor and Workforce
40 Development pursuant to subsection a. of section 2 of P.L.2007,
41 c.212 (C.34:21-2), that person shall be permitted to enroll without
42 payment of tuition in a job training course regardless of any
43 classroom space restrictions. Nothing herein shall preclude a

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:

¹Assembly ALA committee amendments adopted June 12, 2008.

1 county college from requiring a registration fee not to exceed
2 \$20.00 per academic term.
3 (cf: P.L.1992, c.45, s.4)
4

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

7 3. As used in this act:

8 "Administrative costs" means any costs incurred by the
9 department to administer the program, including any cost required
10 to collect information and conduct evaluations of service providers
11 pursuant to section 8 of this act and conduct surveys of occupations
12 pursuant to **[section 12 of this act]** subsection d. of section 27 of
13 P.L.2005, c.354 (C.34:1A-86), to the extent that funding is not
14 available from federal or other sources.

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

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

34 "Approved service provider" or "approved training provider"
35 means a service provider which is on the State Eligible Training
36 Provider List.

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

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

41 "Credential" means a credential recognized by the Department of
42 Education or the Commission on Higher Education, or approved by
43 the Credentials Review Board established by the Department of
44 Labor and Workforce Development pursuant to section 25 of
45 P.L.2005, c.354 (C.34:1A-1.10).

46 "Customized training services" means employment and training
47 services which are provided by the Office of Customized Training
48 pursuant to section 5 of this act.

1 "Department" means the State Department of Labor and
2 Workforce Development.

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

5 "Employment and training services" means:

- 6 a. Counseling provided pursuant to section 7 of this act;
- 7 b. Occupational training;
- 8 c. Remedial instruction; or
- 9 d. Occupational safety and health training.

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

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

20 "Labor Demand Occupation" means an occupation which:

21 a. The Center for Occupational Employment Information has,
22 pursuant to subsection d. of section 27 of P.L.2005, c.354
23 (C.34:1A-86), determined is or will be, on a regional basis, subject
24 to a significant excess of demand over supply for trained workers,
25 based on a comparison of the total need or anticipated need for
26 trained workers with the total number being trained; or

27 b. The Center for Occupational Employment Information, in
28 conjunction with a Workforce Investment Board, has, pursuant to
29 subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86),
30 determined is or will be, in the region for which the board is
31 responsible, subject to a significant excess of demand over supply
32 for adequately trained workers, based on a comparison of total need
33 or anticipated need for trained workers with the total number being
34 trained.

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

39 "Office" means the Office of Customized Training established
40 pursuant to section 5 of this act.

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

1 established, sponsored or designated at any later time to coordinate
2 or make available any of those programs, services or activities.

3 "Permanent employment" means full-time employment
4 unsubsidized by government training funds which provides a
5 significant opportunity for career advancement and long-term job
6 security.

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

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

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

16 a. Is unemployed;

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

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

22 (1) Currently receiving public assistance;

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

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

28 "Qualified displaced worker" means a worker who:

29 a. Is unemployed, and:

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

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

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

38 c. Has received a layoff notice as the result of a plant closing
39 or transfer or a mass layoff.

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

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

45 "Qualified staff" means staff whose qualifications meet standards
46 set by regulations adopted by the commissioner.

47 "Remedial education" or "remedial instruction" means any
48 literacy or other basic skills training or instruction which may not

1 be directly related to a particular occupation but is needed to
2 facilitate success in occupational training or work performance,
3 including training or instruction in mathematics, reading
4 comprehension, computer literacy, English proficiency and work-
5 readiness skills.

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

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

14 "State Eligible Training Provider List" means the Statewide list
15 of eligible training providers maintained pursuant to section 14 of
16 P.L.2005, c.354 (C.34:15C-10.2).

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

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

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

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

34 "Workforce Investment Services" means core, intensive, and
35 training services as defined by the Workforce Investment Act of
36 1998, Pub.L.105-220 (29U.S.C. s.2801 et seq.).¹
37 (cf: P.L.2005, c.354, s.20)

38

39 ¹[3.] 4. This act shall take effect immediately.