

ASSEMBLY, No. 1923

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Assemblyman **HERB CONAWAY, JR.**

District 7 (Burlington and Camden)

Assemblyman **JACK CONNERS**

District 7 (Burlington and Camden)

Co-Sponsored by:

Assemblyman Schaer and Assemblywoman Wagner

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 introduced.



(Sponsorship Updated As Of: 1/7/2011)

1 AN ACT concerning access to certain job training courses and
2 amending P.L.1983, c.469, P.L.1983, c.470 and P.L.1992, c.43.

3

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

6

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

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

25 (cf: P.L.1992, c.45, s.2)

26

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

29 2. Each county college shall permit a person who has been in
30 the labor market for at least two years and is unemployed or has
31 received a layoff notice as a result of a factory or plant closing or
32 transfer, or mass layoff, to enroll without payment of tuition in a
33 job training course, provided that the person is not eligible for any
34 available State or federal student financial aid and that available
35 classroom space permits and that tuition paying students constitute
36 the minimum number required for the course. In the case of an
37 employee of an employer who is required to provide notification to
38 the Commissioner of Labor and Workforce Development pursuant
39 to subsection a. of section 2 of P.L.2007, c.212 (C.34:21-2), that
40 person shall be permitted to enroll without payment of tuition in a
41 job training course regardless of any classroom space restrictions.
42 Nothing herein shall preclude a county college from requiring a
43 registration fee not to exceed \$20.00 per academic term.

44 (cf: P.L.1992, c.45, s.4)

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

3 3. As used in this act:

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

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

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

30 "Approved service provider" or "approved training provider"
31 means a service provider which is on the State Eligible Training
32 Provider List.

33 "Commission" means the State Employment and Training
34 Commission.

35 "Commissioner" means the Commissioner of Labor and
36 Workforce Development or the commissioner's designees.

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

42 "Customized training services" means employment and training
43 services which are provided by the Office of Customized Training
44 pursuant to section 5 of this act.

45 "Department" means the State Department of Labor and
46 Workforce Development.

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

1 "Employment and training services" means:

- 2 a. Counseling provided pursuant to section 7 of this act;
- 3 b. Occupational training;
- 4 c. Remedial instruction; or
- 5 d. Occupational safety and health training.
- 6 e. In the case of a qualified disadvantaged worker who is or
- 7 was receiving, or is eligible for but not receiving, benefits under the
- 8 Work First New Jersey program, "employment and training
- 9 services" includes, in addition to any of the benefits listed in
- 10 subsections a. through d. above, Supplemental Workforce
- 11 Development Benefits approved as part of the workers'
- 12 Employability Development Plan pursuant to section 7 of P.L.1992,
- 13 c.43 (C.34:15D-7).

14 "Fund" means the Workforce Development Partnership Fund

15 established pursuant to section 9 of this act.

16 "Labor Demand Occupation" means an occupation which:

17 a. The Center for Occupational Employment Information has,

18 pursuant to subsection d. of section 27 of P.L.2005, c.354

19 (C.34:1A-86), determined is or will be, on a regional basis, subject

20 to a significant excess of demand over supply for trained workers,

21 based on a comparison of the total need or anticipated need for

22 trained workers with the total number being trained; or

23 b. The Center for Occupational Employment Information, in

24 conjunction with a Workforce Investment Board, has, pursuant to

25 subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86),

26 determined is or will be, in the region for which the board is

27 responsible, subject to a significant excess of demand over supply

28 for adequately trained workers, based on a comparison of total need

29 or anticipated need for trained workers with the total number being

30 trained.

31 "Occupational safety and health training" means training or

32 instruction which is designed to assist in the recognition and

33 prevention of potential health and safety hazards related to an

34 occupation.

35 "Office" means the Office of Customized Training established

36 pursuant to section 5 of this act.

37 "One Stop Career Center" means any of the facilities established,

38 sponsored or designated by the State, a political subdivision of the

39 State and a Workforce Investment Board in a local area to

40 coordinate or make available State and local programs providing

41 employment and training services or other employment-directed and

42 workforce development programs and activities, including job

43 placement services, and any other similar facility as may be

44 established, sponsored or designated at any later time to coordinate

45 or make available any of those programs, services or activities.

46 "Permanent employment" means full-time employment

47 unsubsidized by government training funds which provides a

1 significant opportunity for career advancement and long-term job
2 security.

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

7 "Program" means the Workforce Development Partnership
8 Program created pursuant to this act.

9 "Qualified disadvantaged worker" means a worker who is not a
10 qualified displaced worker or a qualified employed worker but who
11 otherwise meets the following criteria:

12 a. Is unemployed;

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

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

18 (1) Currently receiving public assistance;

19 (2) Having been recently removed from the public assistance
20 rolls because of gross income exceeding the grant standard for
21 assistance; or

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

24 "Qualified displaced worker" means a worker who:

25 a. Is unemployed, and:

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

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

31 b. Meets the criteria set by the Workforce Investment Act of
32 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.), to be regarded as a
33 "dislocated worker" pursuant to that act; or

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

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

39 "Qualified job counselor" means a job counselor whose
40 qualifications meet standards established by the commissioner.

41 "Qualified staff" means staff whose qualifications meet standards
42 set by regulations adopted by the commissioner.

43 "Remedial education" or "remedial instruction" means any
44 literacy or other basic skills training or instruction which may not
45 be directly related to a particular occupation but is needed to
46 facilitate success in occupational training or work performance,
47 including training or instruction in mathematics, reading

1 comprehension, computer literacy, English proficiency and work-
2 readiness skills.

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

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

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

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

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

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

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

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

34 (cf: P.L.2005, c.354, s.20)

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36 4. This act shall take effect immediately.

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STATEMENT

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41 This bill provides employees whose employers are required to
42 provide them with advanced notice of a plant closing or transfer or
43 mass layoff under the "Millville Dallas Airmotive Plant Job Loss
44 Notification Act," P.L.2007, c.212 (C.34:21-1 et seq.), with
45 increased opportunities to obtain tuition waivers for job training at
46 all public and county colleges in the State. The tuition waiver
47 program currently restricts the number of available class slots for
48 participants. This bill eliminates classroom space restrictions for

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1 individuals affected by a plant closing, transfer of operations or
2 mass layoff. The bill also specifies that workers notified of a layoff
3 due to a plant closing or transfer or a mass layoff are, even prior to
4 an actual layoff, included in the definition of “qualified displaced
5 worker” under the Workforce Development Partnership Program
6 and therefore immediately eligible for training benefits under that
7 program.