

ASSEMBLY, No. 4604

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Creates five year High-Growth Industry Regional Apprenticeship Development Grant Pilot Program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/25/2019)

1 AN ACT concerning the establishment of apprenticeship programs
2 in high-growth industries and amending P.L.2001, c.152 and
3 supplementing Title 34 of the Revised Statutes.

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

7
8 1. (New section) a. There is established in the Department of
9 Labor and Workforce Development a five year High-Growth
10 Industry Regional Apprenticeship Development Grant Pilot
11 Program, which shall provide grants to support funding for three
12 newly-established adult apprenticeship programs in high-growth
13 industries in three regions of the State. There shall be one grant
14 awarded in the northern, central, and southern region of the State,
15 respectively. A grant may extend beyond one year in duration. To
16 be eligible for the grant, the apprenticeship program shall be
17 accredited and approved by the United States Department of Labor,
18 or shall be in the process of obtaining that accreditation. The
19 program shall be administered by the Office of Customized
20 Training in the department.

21 For the purposes of P.L. , c. (C.) (pending before the
22 Legislature as this bill), the northern region shall include Bergen,
23 Essex, Hudson, Morris, Passaic, Sussex, Union, and Warren
24 counties; the central region shall include Burlington, Hunterdon,
25 Mercer, Middlesex, Monmouth, Ocean, and Somerset counties; and
26 the southern region shall include Atlantic, Camden, Cape May,
27 Cumberland, Gloucester, and Salem counties.

28 b. Each of the three grants shall be selected from a separate
29 high-growth industry, but any organizational sponsor of an
30 apprenticeship program is eligible to receive the grant, including
31 businesses; labor organizations; colleges; workforce training
32 providers; and non-profit organizations.

33 To apply for the grant, an organization shall submit an
34 application to the Office of Customized Training, which shall
35 include documentation that the apprenticeship which the
36 organization is sponsoring is or will be accredited and approved by
37 the United States Department of Labor.

38 c. No later than July 1, 2019, the department shall begin
39 accepting grant applications to be awarded no later than January 1,
40 2020 from funds allocated for the program pursuant to section 1 of
41 P.L.2001, c.152 (C.34:15D-21). The department shall rank eligible
42 applicants for grants based upon:

43 (1) each applicant's potential to:

44 (a) reach a broad audience through its recruitment and outreach
45 efforts;

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 (b) significantly increase enrollment and completion of the
2 apprenticeship program; and
- 3 (c) fill existing needs for skilled workers in the market; and
- 4 (2) the applicant's partnership with an industry for which
5 apprenticeship programs targeted at training and providing skilled
6 workers who have the ability to perform jobs in that industry have
7 demonstrated positive outcomes.
- 8 d. An eligible applicant is required to demonstrate that it
9 intends and is prepared to contribute its own financial resources to
10 the apprenticeship program and has secured an industry partner or a
11 monetary or in-kind contribution, including conditional job
12 placement guarantees, from an industry partner. Moreover, each
13 eligible applicant shall provide documentation of:
- 14 (1) the apprenticeship program's curriculum, location, and skills
15 to be taught;
- 16 (2) the recruitment efforts for the apprenticeship program, and
17 projected enrollment with and without receipt of grant funds;
- 18 (3) a description of how the grant funds will be utilized;
- 19 (4) information on specific industry needs or gaps in the
20 workforce that will be addressed by the apprenticeship program;
- 21 (5) costs to operate apprenticeship program; and
- 22 (6) any other information the department requires.
- 23 e. An eligible applicant who is selected by the department for
24 receipt of a grant for the purpose of funding an apprenticeship
25 program in accordance with P.L. , c. (C.) (pending before
26 the Legislature as this bill), shall, on an annual basis for so long as
27 the grant is provided, make an annual report to the commissioner
28 detailing the enrollment in the program, the number of participants
29 completing the program, the number of participants obtaining
30 employment as a result of the program, and any other information
31 as the commissioner may require.
- 32 f. Beginning January 1, 2020, and each year thereafter for the
33 duration of the pilot grant program, the Commissioner of Labor and
34 Workforce Development shall submit to the Governor, and to the
35 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
36 19.1), a report that evaluates the results of the program and its
37 effectiveness in preparing individuals to meet existing and
38 burgeoning workforce needs and addressing gaps in skills in the
39 workforce. The report shall include a recommendation regarding
40 whether to renew the "High-Growth Industry Regional
41 Apprenticeship Development Grant Pilot Program," and if renewal
42 is recommended, if the program should be expanded or otherwise
43 enhanced. The report shall include:
- 44 (1) The number of grants awarded in the prior year, including
45 the amount, recipient, and duration of each grant;
- 46 (2) The number of individuals who enrolled in and completed an
47 apprenticeship program offered by each grant recipient;

1 (3) The number of individuals who obtained employment in a
2 position that uses the skills for which they were trained by a grant
3 recipient, or in a position for which the completion of the
4 apprenticeship program was a condition of employment; and

5 (4) All relevant information provided by grant recipients as to
6 measurable outcomes of participants.

7 g. Funds from grants provided in accordance with P.L. ,
8 c. (C.) (pending before the Legislature as this bill) shall not
9 be used:

10 (1) for any activities which replace, supplant, compete with or
11 duplicate in any way existing approved apprenticeship programs;

12 (2) to induce, encourage or assist: any displacement of currently
13 employed workers by trainees, including partial displacement by
14 means such as reduced hours of currently employed workers; any
15 replacement of laid off workers by trainees; or any relocation of
16 operations resulting in a loss of employment at a previous
17 workplace; or

18 (3) to impair existing contracts for services or collective
19 bargaining agreements, except that activities which would be
20 inconsistent with the terms of a collective bargaining agreement
21 may be undertaken with the written concurrence of the collective
22 bargaining unit and the employer or employers who are parties to
23 the agreement.

24 h. As used in P.L. , c. (C.)(pending before the
25 Legislature as this bill):

26 "Eligible applicant" means a business; labor organization;
27 college; workforce training provider; non-profit organization; or
28 any other entity that offers or plans to offer an apprenticeship
29 program that is accredited and approved by the United States
30 Department of Labor and that has partnered with an industry to
31 offer or fund the apprenticeship program.

32 "High-growth industry" means an industry identified by the New
33 Jersey Talent Network, or its successor entity with the department,
34 and includes, but is not limited to: advanced manufacturing;
35 construction and utilities; financial services; life sciences;
36 technology; and transportation, logistics, and distribution. The
37 department shall, on at least a two year basis, review the
38 classification of high-growth industries to determine if a particular
39 industry should be added or eliminated from the classification.

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

42
43 2. Section 1 of P.L.2001, c.152 (C.34:15D-21) is amended to
44 read as follows:

45 1. a. A restricted, nonlapsing, revolving "Supplemental
46 Workforce Fund for Basic Skills," to be managed and invested by
47 the State Treasurer, is hereby established in the Department of
48 Labor and Workforce Development to provide basic skills training.

1 All moneys appropriated to the fund, all interest accumulated on
2 balances in the fund and all cash received for the fund from any
3 other source shall be allocated by the Commissioner of Labor and
4 Workforce Development as follows:

5 (1) 24% shall be deposited in an account reserved to support
6 basic skills training delivered by the State's One Stop Career
7 Centers to qualified displaced, disadvantaged and employed
8 workers pursuant to Employability Development Plans developed
9 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7);

10 (2) 28% shall be deposited in an account reserved for Workforce
11 Investment Boards to provide grants for basic skills training for
12 qualified displaced, disadvantaged and employed workers pursuant
13 to Employability Development Plans developed pursuant to section
14 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with
15 learning disabilities or otherwise in need of vocational
16 rehabilitation services;

17 (3) 25% shall be deposited in an account reserved for grants to
18 consortia including one or more of any of the following: eligible
19 individual employers, employer organizations, labor organizations,
20 community-based organizations or educational institutions to
21 provide basic skills training to qualified displaced, disadvantaged or
22 employed workers or to other individuals seeking to enter
23 apprenticeship training; except that, during the fiscal year beginning
24 after June 30, 2019, 12.5% shall be deposited in an account
25 reserved for grants to consortia including one or more of any of the
26 following: eligible individual employers, employer organizations,
27 labor organizations, community-based organizations or educational
28 institutions to provide basic skills training to qualified displaced,
29 disadvantaged or employed workers or to other individuals seeking
30 to enter apprenticeship training, and 12.5% shall be deposited in an
31 account reserved to provide grants under the "High-Growth
32 Industry Regional Apprenticeship Development Grant Pilot
33 Program, established pursuant to section 1 of P.L. , c. (C.)
34 (pending before the Legislature as this bill) through fiscal year
35 2024;

36 (4) 13% shall be deposited in an account reserved for a grant to
37 the New Jersey Community College Consortium for Workforce and
38 Economic Development, a part of the New Jersey Council of
39 County Colleges, to provide basic skills training to qualified
40 displaced, disadvantaged or employed workers. The New Jersey
41 Community College Consortium for Workforce and Economic
42 Development may request additional funds, beyond the amount
43 provided for in this paragraph, from the Commissioner of Labor and
44 Workforce Development, which funds shall be provided in
45 connection with paragraph (3) of this subsection, at the discretion of
46 the commissioner and without any special preference over any other
47 applicant seeking funds in connection with paragraph (3) of this
48 subsection, for the purpose of providing basic skills training to

1 qualified displaced, disadvantaged or employed workers. Any
2 request for those additional funds shall only be authorized after a
3 determination by the commissioner that the funds provided in
4 connection with this paragraph have been encumbered and that
5 there is a demand for additional funds to provide basic skills
6 training; and

7 (5) 10% shall be deposited in an account to be used, at the
8 discretion of the commissioner, for any of the purposes indicated in
9 this subsection a. and any administrative costs incurred by the
10 Department of Labor and Workforce Development in connection
11 with the fund.

12 b. Any grant provided in connection with paragraph (3) of
13 subsection a. of this section directly to an employer or to an
14 employer through a consortium shall be regarded as a customized
15 training grant and shall be administered by the Office of
16 Customized Training and the employer and consortium shall
17 comply with all requirements of section 5 of P.L.1992, c.43
18 (C.34:15D-5), except that any grants provided directly or indirectly
19 to an employer for use in connection with any program which
20 includes apprenticeship training or activities or preparation for
21 entry into apprenticeship training shall be exempt from the
22 requirement of this subsection b. to be administered by the Office of
23 Customized Training and be subject to the requirements of section 5
24 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the
25 Apprenticeship Policy Committee, as defined in section 3 of
26 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the
27 provisions of subsection e. of section 5 of P.L.1993, c.268
28 (C.34:15E-5). Any grant provided in connection with paragraph (2)
29 of subsection a. of this section directly to an individual shall be
30 regarded as an individual training grant and shall be subject to the
31 requirements of subsections a., c. and d. of section 6 of P.L.1992,
32 c.43 (C.34:15D-6).

33 Also, any funds provided in connection with paragraph (4) of
34 subsection a. of this section shall be provided to the New Jersey
35 Community College Consortium for Workforce and Economic
36 Development by the Office of Customized Training, and shall
37 comply with the following requirements:

38 (1) The New Jersey Community College Consortium for
39 Workforce and Economic Development shall work with all the
40 community colleges throughout the State of New Jersey to deliver
41 basic skills training in the most effective and efficient manner
42 possible at any of their 63 campuses or at any appropriate business
43 facility;

44 (2) There shall be no charge to the employer sending employees
45 to the training, but the employer shall pay employees regular wages
46 for the hours the training takes place, except that any waiver of this
47 requirement to pay employees regular wages, for the hours of
48 training, authorized by the Commissioner of Labor and Workforce

1 Development, may, at the discretion of the commissioner, be
2 offered to the New Jersey Community College Consortium for
3 Workforce and Economic Development on the same basis as any
4 other grant recipient;

5 (3) The employers sending their employees to this training shall
6 not be asked to provide any paperwork or complete any financial
7 disclosure forms, including a tax clearance certificate as provided in
8 section 1 of P.L.2007, c.101 (C.54:50-39), except that employers
9 shall provide the employees participating in the training with the
10 information that the employees need to comply with paragraph (4)
11 of this subsection, and shall provide the New Jersey Community
12 College Consortium for Workforce and Economic Development
13 with the information the employer has regarding its participating
14 employees that the consortium needs to produce the annual report
15 required pursuant to paragraph (7) of this subsection;

16 (4) The employees being trained shall provide the Federal
17 Employer Identification Number (FEIN) of their employer and the
18 employer's contact information at the beginning of the training;

19 (5) The mean class size for training under this subsection shall
20 be 10, but the New Jersey Community College Consortium for
21 Workforce and Economic Development may aggregate employees
22 from multiple employers in a single training to reach that mean of
23 10;

24 (6) The training provided under this subsection shall be basic
25 skills training, but the apportionment of classes in the different
26 areas of basic skills as defined by subsection h. of this section may
27 be determined by the New Jersey Community College Consortium
28 for Workforce and Economic Development in consultation with
29 representatives of the business community;

30 (7) The New Jersey Community College Consortium for
31 Workforce and Economic Development shall file an annual report
32 by September 1 of each year with the New Jersey Legislature and
33 the New Jersey Department of Labor and Workforce Development
34 containing the total number of workers trained, the total funds
35 expended on training, the number of workers trained in each area of
36 basic skills training, the number of businesses with employees
37 trained, the number of classes held in each area of basic skills
38 training, the number of classes held at each community college, the
39 wage ranges of the workers trained, the job titles of the workers
40 trained and the results of the pre-training and post-training
41 assessments. The report shall also include an analysis of the
42 strengths and weaknesses of the training program and how it can be
43 improved in the following year. The report shall supplant all
44 requirements for any other reporting that the New Jersey
45 Community College Consortium for Workforce and Economic
46 Development may be asked to complete with respect to the funds it
47 receives through paragraph (4) of subsection a. of this section; and

1 (8) The New Jersey Community College Consortium for
2 Workforce and Economic Development shall work with the
3 business community to promote this program to businesses across
4 the State, including chambers of commerce and Statewide
5 associations, such as the New Jersey Business and Industry
6 Association, and shall seek out, and work with, State, regional, and
7 county organizations that are dedicated to the economic
8 empowerment of segments of society by race, ethnicity, gender,
9 age, religion, disability, or sexual orientation, including, but not
10 limited to the African American Chamber of Commerce of New
11 Jersey and the Statewide Hispanic Chamber of Commerce of New
12 Jersey, and any other appropriate business organizations.

13 c. Any employment and training services funded by the
14 Supplemental Workforce Fund for Basic Skills shall be provided in
15 a manner which complies with the provisions of subsections b., c.,
16 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the
17 extent that those subsections pertain to remedial education. Any
18 service provider receiving moneys from the Supplemental
19 Workforce Fund for Basic Skills shall be subject to the provisions
20 of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of
21 P.L.1992, c.44 (C.34:15D-19).

22 d. All staff located at any One Stop Career Center supported by
23 funds provided from the Supplemental Workforce Fund for Basic
24 Skills shall be hired and employed by the State pursuant to Title
25 11A, Civil Service, of the New Jersey Statutes.

26 e. Beginning July 1, 2002, and for any subsequent fiscal year,
27 if the unexpended cash balance in any of the accounts indicated in
28 subsection a. of this section, less any amount awarded in grants but
29 not yet disbursed from the account, is determined to exceed 20% of
30 the amount of contributions collected for deposit in the account
31 pursuant to this subsection during the fiscal year then ended, the
32 excess shall be regarded as an unemployment compensation
33 contribution and deposited into the unemployment compensation
34 fund within seven business days of the date that the determination is
35 made.

36 f. The Commissioner of Labor and Workforce Development
37 shall establish standards of performance for providers of basic skills
38 training pursuant to this act. The standards shall include, but not be
39 limited to, standards for the curriculum or training to be furnished,
40 qualifications for persons who will provide the training under the
41 act, and standards for establishing what constitutes successful
42 completion of the training program. The commissioner shall
43 establish means of determining the ability of enrollees to gain or
44 maintain employment following the successful completion of a
45 training program established pursuant to this section. In the event
46 that the commissioner determines that a provider has not conducted
47 its training program in accordance with the standards of
48 performance, he may take that action necessary to correct the

1 deficiencies of the provider, or terminate the contract with the
2 provider of basic skills services if the provider fails to respond to
3 remedial action.

4 g. The State Employment and Training Commission shall
5 review and evaluate the operations of programs supported by the
6 Supplemental Workforce Fund for Basic Skills established pursuant
7 to this section, with special consideration to how those programs
8 assist in the implementation of the goals of the Strategic Five-Year
9 State Plan for New Jersey's Workforce Investment System, and
10 shall consult with the Commissioner of Labor and Workforce
11 Development regarding its findings.

12 h. For the purpose of this section:

13 "Basic skills training" means basic mathematics, reading
14 comprehension, basic computer literacy, English proficiency and
15 work-readiness skills and shall be regarded as a form of "remedial
16 education" for the purposes of section 3 of P.L.1992, c.43
17 (C.34:15D-3);

18 "One Stop Career Center" means one of the centers established
19 in local areas to coordinate a variety of State and local programs
20 providing employment and training services, including job
21 placement services, or any other similar State or local government-
22 sponsored center providing employment and training services as
23 may be developed at any later time; and

24 "Qualified disadvantaged worker," "qualified displaced worker,"
25 "qualified employed worker," and "employment and training
26 services" have the meanings given to them by section 3 of
27 P.L.1992, c.43 (C.34:15D-3).

28 (cf: P.L.2017, c.52, s.1)

29

30 3. This act shall take effect on the first day of the third month
31 next following enactment, except that the Commissioner of Labor
32 and Workforce Development may take any anticipatory
33 administrative action in advance as shall be necessary for the
34 implementation of this act, and shall expire on July 1, 2025.

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36

37

STATEMENT

38

39 This bill establishes the five year High-Growth Industry
40 Regional Apprenticeship Development Grant Pilot Program. The
41 program shall provide grants to fund three newly-established adult
42 apprenticeship programs in high-growth industries in the northern,
43 central and southern regions of the State.

44 To be eligible for the grant, the apprenticeship program shall be
45 accredited and approved by the United States Department of Labor.
46 The program shall be administered by the Office of Customized
47 Training in the department. Each of the three grants shall selected
48 from a separate high-growth industry, but any organizational

1 sponsor of an apprenticeship program is eligible to receive the
2 grant, including businesses; labor organizations; colleges;
3 workforce training providers; and non-profit organizations.

4 Under the bill, the State is divided into the following three
5 regions by county for purposes of allocating the apprenticeship
6 programs: the northern region shall include Bergen, Essex, Hudson,
7 Morris, Passaic, Sussex, Union, and Warren counties; the central
8 region shall include Burlington, Hunterdon, Mercer, Middlesex,
9 Monmouth, Ocean, and Somerset counties; and the southern region
10 shall include Atlantic, Camden, Cape May, Cumberland,
11 Gloucester, and Salem counties.

12 “High-growth industry” means an industry identified by the New
13 Jersey Talent Network, or its successor entity within the
14 department, and includes, but is not limited to: advanced
15 manufacturing; construction and utilities; financial services; life
16 sciences; technology; and transportation, logistics, and distribution.
17 The department shall, on at least a two year basis, review the
18 classification of high-growth industries to determine if a particular
19 industry should be added or eliminated from the classification.

20 Existing funds allocated from the “Supplemental Workforce
21 Fund for Basic Skills” would be used for the cost of program.