

P.L. 2004, CHAPTER 39, *approved June 23, 2004*  
Senate Committee Substitute for  
Senate, No. 1452

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  
19 federal law, and notwithstanding any other State law, all employment-  
20 directed and workforce development programs and activities of the  
21 Department of Human Services which are funded through the Work  
22 First New Jersey program established pursuant to P.L.1997, c.38  
23 (C.44:10-55 et seq.), the federal "Personal Responsibility and Work  
24 Opportunity Reconciliation Act of 1996," Pub.L.104-193, 42 U.S.C.  
25 601 et seq., and the federal Food Stamp Act of 1977, Pub.L.95-113,  
26 7 U.S.C. 2011 et seq. are hereby transferred to the Department of  
27 Labor and Workforce Development.

28 b. The employment-directed and workforce development  
29 programs and activities which shall be transferred from the Department  
30 of 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) Development of Employability Development Plans;  
38 (5) Employment-directed case management;  
39 (6) Subsidized and unsubsidized employment in the public and

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

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

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

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

- 44 (1) The administration and provision of adult education and
- 45 literacy activities as defined in 20 U.S.C. 9202;
- 46 (2) Operational authority for the approval of private or proprietary

1 trade, business or vocational schools or similar training institutions  
2 pursuant to section 2 of P.L.1966, c.13 (C.44:12-2); and

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

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

15

16 5. (New section) a. Nothing in this 2004 amendatory and  
17 supplementary act and no transfer carried out pursuant to this act shall  
18 be construed or permitted to deprive any person of any tenure rights  
19 or reduce or deny any right or protection provided him or her by Title  
20 11A, Civil Service, of the New Jersey Statutes, or under any pension  
21 law or retirement system.

22 b. All staff who are hired to work at a One Stop Career Center  
23 and supported by any resources transferred to the Department of  
24 Labor and Workforce Development pursuant to sections 2, 3 or 4 of  
25 this act, shall be hired and employed by the State pursuant to Title  
26 11A, Civil Service, of the New Jersey Statutes, be hired and employed  
27 by a political subdivision of the State, or be qualified staff hired and  
28 employed by a non-profit organization which began functioning as the  
29 One Stop Career Center operator with the written consent of the chief  
30 elected official and the commissioner prior to the effective date of this  
31 act.

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

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

1 time to coordinate or make available any of those programs, services  
2 or activities, and “qualified staff” means staff whose qualifications  
3 meet standards set by regulations adopted by the Commissioner of  
4 Labor and Workforce Development.

5  
6 6. Section 1 of P.L.1992, c.48 (C.34:15B-35) is amended to read  
7 as follows:

8 1. As used in this act:

9 "Approved community-based or faith-based organization" means  
10 an organization which is an approved service provider, a nonprofit  
11 organization exempt from federal taxation under section 501 of the  
12 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the  
13 commissioner as demonstrating expertise and effectiveness in the field  
14 of workforce investment and being representative of a community or  
15 a significant segment of a community where the organization provides  
16 services.

17 "Approved service provider" means a service provider approved  
18 pursuant to section 6 of this act.

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

30 "Commissioner" means the Commissioner of Labor and Workforce  
31 Development.

32 "Department" means the Department of Labor and Workforce  
33 Development.

34 "Employment and training services" means:

- 35 a. Counseling provided pursuant to section 4 of this act;
- 36 b. Vocational training; or
- 37 c. Remedial education.

38 "Federal job training funds" means any moneys expended to obtain  
39 employment and training services, pursuant to the Workforce  
40 Investment Act of 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.) or  
41 any other federal law pursuant to which moneys may be expended to  
42 obtain employment and training services or other employment-directed  
43 and workforce development programs and activities, except that, to  
44 the extent that the application of any specific provision of this act  
45 would cause the amount of federal job training funds provided to the  
46 State to be reduced, that provision shall not apply.

1 "Labor demand occupation" means an occupation for which there  
2 is or is likely to be an excess of demand over supply for adequately  
3 trained workers, including, but not limited to, an occupation  
4 designated as a labor demand occupation by the New Jersey  
5 Occupational Information Coordinating Committee pursuant to section  
6 7 of this act.

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

10 "One Stop Career Center" means any of the facilities established,  
11 sponsored or designated by the State, a political subdivision of the  
12 State and a Workforce Investment Board in a local area to coordinate  
13 or make available State and local programs providing employment and  
14 training services or other employment-directed and workforce  
15 development programs and activities, including job placement services,  
16 and any other similar facility as may be established, sponsored or  
17 designated at any later time to coordinate or make available any of  
18 those programs, services or activities.

19 "Permanent employment" means full-time employment  
20 unsubsidized by government training funds which provides a  
21 significant opportunity for career advancement and long-term job  
22 security and is in the occupation for which a worker receives  
23 vocational training pursuant to this act.

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

28 "Qualified job counselor" means a job counselor whose  
29 qualifications meet standards established by the commissioner.

30 "Qualified staff" means staff whose qualifications meet standards  
31 set by regulations adopted by the Commissioner of Labor and  
32 Workforce Development.

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

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

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

46 "Vocational training" means training or education which is related

1 to an occupation and is designed to enhance the marketable skills and  
2 earning power of a worker or job seeker.  
3 (cf: P.L.2001, c.152, s.4).

4

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

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

11 b. Federal job training funds shall not be used for job training or  
12 any related activities which induce, encourage or assist: any  
13 displacement or partial displacement of currently employed workers by  
14 trainees by means such as reduced hours of currently employed  
15 workers; any replacement of laid off workers by trainees; or any  
16 relocation of operations resulting in a loss of employment at a previous  
17 workplace, except in cases of multi-establishment employers  
18 consolidating establishments. No federal job training funds shall be  
19 used for job training in any case in which an employer relocates within  
20 the State and does not offer each affected employee the equivalent  
21 benefits, pay and working conditions if the employee moves to the new  
22 location and into a job or position involving comparable skills,  
23 responsibilities, experience and seniority to the prior job or position.

24 c. Federal job training funds shall not be used for job training or  
25 any related activities which impair existing contracts for services or  
26 collective bargaining agreements, except that job training or any  
27 related activities which are inconsistent with the terms of a collective  
28 bargaining agreement may be undertaken with the written concurrence  
29 of the collective bargaining unit and employer who are parties to the  
30 agreement.

31 d. Any federal job training funds which are provided directly to an  
32 employer or indirectly to an employer through a consortium shall be  
33 regarded as customized training grants and be administered by the  
34 Office of Customized Training and the employer and any consortium  
35 shall comply with all requirements of section 5 of P.L.1992, c.43  
36 (C.34:15D-5), except that federal job training funds provided directly  
37 or indirectly to an employer for use in connection with any program  
38 which includes apprenticeship training or activities shall be exempt  
39 from the requirement of this subsection d. to be administered by the  
40 Office of Customized Training and be subject to the requirements of  
41 section 5 of P.L.1992, c.43 (C.34:15D-5), but the funds shall be  
42 exempt only if [it is] approved by the Apprenticeship Policy  
43 Committee, as defined in section 3 of P.L.1993, c.268 (C.34:15E-3)  
44 and the employer complies with the provisions of subsection e. of  
45 section 5 of P.L.1993, c.268 (C.34:15E-5). Employment and training  
46 services funded by federal job training funds shall not replace,

1 supplant, compete with or duplicate any approved apprenticeship  
2 program.

3 e. All staff who are hired and supported by any federal job training  
4 funds, including any of those staff located at any One Stop Career  
5 Center, but not including any staff of a service provider providing  
6 training services funded by a customized training grant pursuant to  
7 subsection d. of this section or an individual training grant pursuant to  
8 section 4 of P.L.1992, c.48 (C.34:15B-38), shall be hired and  
9 employed by the State pursuant to Title 11A, Civil Service, of the New  
10 Jersey Statutes, be hired and employed by a political subdivision of the  
11 State, or be qualified staff hired and employed by a non-profit  
12 organization which began functioning as the One Stop Career Center  
13 operator with the written consent of the chief elected official and the  
14 commissioner prior to the effective date of P.L. .c. (C. )(now  
15 before the Legislature as this bill), or be qualified staff hired and  
16 employed by an approved community-based or faith-based  
17 organization to provide services at the level of staffing provided in an  
18 agreement entered into by the organization before the effective date of  
19 P.L. .c. (C. )(now before the Legislature as this bill).

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

21

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

24 4. a. No individual shall receive employment and training services  
25 paid for with federal job training funds unless the individual first  
26 receives counseling pursuant to this section. [The department may  
27 itself provide the counseling or obtain the counseling from an  
28 approved service provider, if the service provider is different from and  
29 not affiliated with any service provider offering the individual any  
30 employment and training services other than the counseling, except  
31 that the department may also obtain testing and assessment services  
32 provided pursuant to paragraph (1) of this subsection from a provider  
33 which also offers to the individual employment and training services  
34 other than counseling.] The counseling shall be provided by a job  
35 counselor hired and employed by the State pursuant to Title 11A, Civil  
36 Service, of the New Jersey Statutes, or hired and employed by a  
37 political subdivision of the State, or be provided by a qualified job  
38 counselor hired and employed by a non-profit organization which  
39 began functioning as the One Stop Career Center operator with the  
40 written consent of the chief elected official and the commissioner prior  
41 to the effective date of P.L. .c. (C. )(now before the Legislature  
42 as this bill), or hired and employed by an approved community-based  
43 or faith-based organization to provide counseling which the  
44 organization entered into an agreement to provide before the effective  
45 date of P.L. .c. (C. )(now before the Legislature as this bill).

46 The purpose of any counseling provided pursuant to this section is to

1 assist each individual in obtaining the employment and training  
2 services most likely to enable the individual to obtain employment  
3 providing self-sufficiency for the individual and also to provide the  
4 individual with the greatest opportunity for long-range career  
5 advancement with high levels of productivity and earning power. The  
6 counseling shall include:

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

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

23 (3) The provision of information to the individual regarding the  
24 labor demand occupations, including the information about the wage  
25 levels in those occupations, [which is available to the department] and  
26 [any] information [available to the department] regarding the  
27 effectiveness of approved service providers of vocational training in  
28 labor demand occupations which the claimant is considering, including  
29 a consumer report card on service providers showing the long-term  
30 success of former trainees of each provider in obtaining permanent  
31 employment and increasing earnings over a period of not more than  
32 two years following the completion of training;

33 (4) The timely provision of information to the individual regarding  
34 the services and benefits available to the individual, and all actions  
35 required of the individual to obtain the services and benefits, under  
36 programs supported by federal job training funds or the provisions of  
37 P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual  
38 of a written statement of the individual's rights and responsibilities  
39 with respect to programs for which the individual is eligible, which  
40 includes a full disclosure to the individual of his right to obtain the  
41 services most likely to enable the individual to obtain employment  
42 providing self-sufficiency and the individual's right not to be denied  
43 employment and training services for any of the reasons indicated in  
44 section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's  
45 right not to be denied training services because the individual already  
46 has identifiable vocational skills, if those existing skills are for

1 employment with a level of earnings lower than the level of self-  
2 sufficiency; and

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

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

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

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

23

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

26 3. As used in this act:

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

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

44 "Approved community-based or faith-based organization" means  
45 an organization which is an approved service provider, a nonprofit  
46 organization exempt from federal taxation under section 501 of the

1 Internal Revenue Code of 1986 (26 U.S.C. 501), and approved by the  
2 commissioner as demonstrating expertise and effectiveness in the field  
3 of workforce investment and being representative of a community or  
4 a significant segment of a community where the organization provides  
5 services.

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

8 "Commission" means the State Employment and Training  
9 Commission.

10 "Commissioner" means the Commissioner of Labor and Workforce  
11 Development or the commissioner's designees.

12 "Customized training services" means employment and training  
13 services which are provided by the Office of Customized Training  
14 pursuant to section 5 of this act.

15 "Department" means the State Department of Labor and  
16 Workforce Development.

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

19 "Employment and training services" means:

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

21 b. Vocational training;

22 c. Remedial education; or

23 d. Occupational safety and health training.

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

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

33 "Labor Demand Occupation" means an occupation for which there  
34 is or is likely to be an excess of demand over supply for adequately  
35 trained workers, including, but not limited to, an occupation  
36 designated as a labor demand occupation by the New Jersey  
37 Occupational Information Coordinating Committee pursuant to section  
38 12 of this act.

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

42 "Office" means the Office of Customized Training established  
43 pursuant to section 5 of this act.

44 "One Stop Career Center" means any of the facilities established,  
45 sponsored or designated by the State, a political subdivision of the  
46 State and a Workforce Investment Board in a local area to coordinate

1 or make available State and local programs providing employment and  
2 training services or other employment-directed and workforce  
3 development programs and activities, including job placement services,  
4 and any other similar facility as may be established, sponsored or  
5 designated at any later time to coordinate or make available any of  
6 those programs, services or activities.

7 "Permanent employment" means full-time employment  
8 unsubsidized by government training funds which provides a  
9 significant opportunity for career advancement and long-term job  
10 security and is in the occupation for which a worker receives  
11 vocational training pursuant to this act.

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

16 "Program" means the Workforce Development Partnership  
17 Program created pursuant to this act.

18 "Qualified disadvantaged worker" means a worker who is not a  
19 qualified displaced worker or a qualified employed worker but who  
20 otherwise meets the following criteria:

21 a. Is unemployed;

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

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

27 (1) Currently receiving public assistance;

28 (2) Having been recently removed from the public assistance rolls  
29 because of gross income exceeding the grant standard for assistance;  
30 or

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

33 "Qualified displaced worker" means a worker who:

34 a. Is unemployed, and:

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

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

40 b. Meets the criteria set by the Workforce Investment Act of  
41 1998, Pub.L.105-220 (29 U.S.C.s.2801 et seq.), to be regarded as a  
42 "dislocated worker" pursuant to that act.

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

46 "Qualified job counselor" means a job counselor whose

1 qualifications meet standards established by the commissioner.

2 “Qualified staff” means staff whose qualifications meet standards  
3 set by regulations adopted by the Commissioner of Labor and  
4 Workforce Development.

5 "Remedial education" means any literacy or other basic skills  
6 training or education which may not be directly related to a particular  
7 occupation but is needed to facilitate success in vocational training or  
8 work performance, including training or education in mathematics,  
9 reading comprehension, computer literacy, English proficiency and  
10 work-readiness skills.

11 “Self-sufficiency” for an individual means a level of earnings from  
12 employment not lower than 250% of the poverty level for an  
13 individual, taking into account the size of the individual's family.

14 "Service provider" or "provider" means a provider of employment  
15 and training services including but not limited to a private or public  
16 school or institution of higher education, a business, a labor  
17 organization or a community-based organization.

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

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

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

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

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

35

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

38 4. a. The Workforce Development Partnership Program is hereby  
39 established in the Department of Labor and Workforce Development  
40 and shall be administered by the Commissioner of Labor and  
41 Workforce Development. The purpose of the program is to provide  
42 qualified displaced, disadvantaged and employed workers with the  
43 employment and training services most likely to enable the individual  
44 to obtain employment providing self-sufficiency for the individual and  
45 also to provide the greatest opportunity for long-range career  
46 advancement with high levels of productivity and earning power. To

1 implement that purpose, the program shall provide those services by  
2 means of training grants or customized training services [, to the extent  
3 that] in coordination with funding for the services [is not available]  
4 from federal or other sources. The commissioner is authorized to  
5 expend moneys from the Workforce Development Partnership Fund to  
6 provide the training grants or customized training services and provide  
7 for each of the following:

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

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

17 (3) Reasonable costs, which shall not exceed 0.5% of the revenues  
18 collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13)  
19 during any fiscal year ending before July 1, 2001, as required by the  
20 State Employment and Training Commission to design criteria and  
21 conduct an annual evaluation of the program; and

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

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

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

36 d. All vocational training provided under this act:

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

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

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

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

46 (c) Entrepreneurial training and technical assistance supported by

1 training grants provided pursuant to subsection b. of section 6 of  
2 P.L.1992, c.43 (C.34:15D-6).

3 e. During any fiscal year ending before July 1, 2001, not less than  
4 25% of the total revenues dedicated to the program during any one  
5 fiscal year shall be reserved to provide employment and training  
6 services for qualified displaced workers; not less than six percent of  
7 the total revenues dedicated to the program during any one fiscal year  
8 shall be reserved to provide employment and training services for  
9 qualified disadvantaged workers; not less than 45% of the total  
10 revenues dedicated to the program during any one fiscal year shall be  
11 reserved for and appropriated to the Office of Customized Training;  
12 not less than 3% of the total revenues dedicated to the program during  
13 any one fiscal year shall be reserved for occupational safety and health  
14 training; and 5% of the total revenues dedicated to the program during  
15 any one fiscal year shall be reserved for and appropriated to the Youth  
16 Transitions to Work Partnership created pursuant to P.L.1993, c.268  
17 (C.34:15E-1 et seq.).

18 f. Funds available under the program shall not be used for  
19 activities which induce, encourage or assist: any displacement of  
20 currently employed workers by trainees, including partial displacement  
21 by means such as reduced hours of currently employed workers; any  
22 replacement of laid off workers by trainees; or any relocation of  
23 operations resulting in a loss of employment at a previous workplace  
24 located in the State.

25 g. On-the-job training shall not be funded by the program for any  
26 employment found by the commissioner to be of a level of skill and  
27 complexity too low to merit training. The duration of on-the-job  
28 training funded by the program for any worker shall not exceed the  
29 duration indicated by the Specific Vocational Preparation Code  
30 developed by the United States Department of Labor for the  
31 occupation for which the training is provided and shall in no case  
32 exceed 26 weeks. The department shall set the duration of on-the-job  
33 training for a worker for less than the indicated maximum, when  
34 training for the maximum duration is not warranted because of the  
35 level of the individual's previous training, education or work  
36 experience. On-the-job training shall not be funded by the program  
37 unless it is accompanied, concurrently or otherwise, by whatever  
38 amount of classroom-based vocational training, remedial education or  
39 both, is deemed appropriate for the worker by the commissioner.  
40 On-the-job training shall not be funded by the program unless the  
41 trainee is provided benefits, pay and working conditions at a level and  
42 extent not less than the benefits and working conditions of other  
43 trainees or employees of the trainee's employer with comparable skills,  
44 responsibilities, experience and seniority.

45 h. Employment and training services funded by the program shall  
46 not replace, supplant, compete with or duplicate in any way approved

1 apprenticeship programs.

2 i. No activities funded by the program shall impair existing  
3 contracts for services or collective bargaining agreements, except that  
4 activities which would be inconsistent with the terms of a collective  
5 bargaining agreement may be undertaken with the written concurrence  
6 of the collective bargaining unit and employer who are parties to the  
7 agreement.

8 j. All staff who are hired and supported by moneys from the  
9 Workforce Development Partnership Fund, including any of those staff  
10 located at any One Stop Career Center, but not including any staff of  
11 a service provider providing employment and training services  
12 supported by a customized training grant pursuant to section 5 of  
13 P.L.1992, c.43 (C.34:15D-5) or an individual training grant pursuant  
14 to section 6 of P.L.1992, c.43 (C.34:15D-6), shall be hired and  
15 employed by the State pursuant to Title 11A, Civil Service, of the New  
16 Jersey Statutes, be hired and employed by a political subdivision of the  
17 State, or be qualified staff hired and employed by a non-profit  
18 organization which began functioning as the One Stop Career Center  
19 operator with the written consent of the chief elected official and the  
20 commissioner prior to the effective date of P.L. .c. (C. )(now  
21 before the Legislature as this bill), or be qualified staff hired and  
22 employed by an approved community-based or faith-based  
23 organization to provide services at the level of staffing provided in an  
24 agreement entered into by the organization before the effective date of  
25 P.L. .c. (C. )(now before the Legislature as this bill).

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

27

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

30 5. a. There is hereby established, as part of the Workforce  
31 Development Partnership Program, the Office of Customized Training.  
32 Moneys allocated to the office from the fund shall be used to provide  
33 employment and training services to eligible applicants approved by  
34 the commissioner.

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

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

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

46 (3) An employer organization, labor organization or

1 community-based or faith-based organization seeking the customized  
2 training services to provide training in labor demand occupations in a  
3 particular industry; or

4 (4) A consortium made up of one or more educational institutions  
5 and one or more eligible individual employers or labor, employer or  
6 community-based or faith-based organizations that seeks the  
7 customized training services to provide training in labor demand  
8 occupations in a particular industry.

9 c. Each applicant seeking funding for customized training services  
10 shall submit an application to the commissioner in a form and manner  
11 prescribed in regulations adopted by the commissioner. The  
12 application shall be accompanied by a business plan of each employer  
13 which will receive customized training services if the application is  
14 approved. The business plan shall include:

15 (1) A justification of the need for the services and funding from the  
16 office, including information sufficient to demonstrate to the  
17 satisfaction of the commissioner that the applicant will provide  
18 significantly less of the services if the requested funding is not  
19 provided by the office;

20 (2) A comprehensive long-term human resource development plan  
21 which:

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

24 (b) Significantly enhances the productivity and competitiveness of  
25 the employer operations located in the State and the employment  
26 security of workers employed by the employer in the State; and

27 (c) States the number of current or newly-hired workers who will  
28 be trained under the grant and the pay levels of jobs which will be  
29 created or retained for those workers as a result of the funding and the  
30 plan.

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

37 (4) Information demonstrating that most of the individuals  
38 receiving the services will be trained primarily for work in the direct  
39 production of goods or services; **[and]**

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

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

1 The commissioner may provide whatever assistance he deems  
2 appropriate in the preparation of the application and business plan,  
3 which may include labor market information, projections of  
4 occupational demand and information and advice on alternative  
5 training and education strategies.

6 d. Each employer that receives a grant for customized training  
7 services shall contribute a minimum of ~~[40%]~~ 50% of the total cost  
8 of the customized training services, except that the commissioner shall  
9 set a higher or lower minimum contribution by an employer, if  
10 warranted by the size and economic resources of the employer or other  
11 factors deemed appropriate by the commissioner, and except that, for  
12 individuals hired by the employer through a One Stop Career Center  
13 who receive classroom training under the grant and were recipients of  
14 benefits under the Work First New Jersey program at any time during  
15 the 12 months preceding the date of employment, the employer shall  
16 be eligible for reimbursement of up to 50% of wages paid to the  
17 individual during the classroom training in addition to reimbursement  
18 for tuition and other direct costs of the training as determined to be  
19 appropriate by the office, and provided, further, that no individual  
20 shall be hired or placed in a manner which results in a violation of the  
21 restrictions of subsection f. of section 4 of P.L.1992, c.43 (C.34:15D-  
22 4) against displacing current employees.

23 e. Each employer receiving a grant for customized training  
24 services shall hire or retain in permanent employment each worker  
25 who successfully completes the training and education provided under  
26 the customized training. The employer shall be entitled to select the  
27 qualified employed, disadvantaged or displaced workers who will  
28 participate in the customized training, except that if any collective  
29 bargaining unit represents a qualified employed worker, the selection  
30 shall be conducted in a manner acceptable to both the employer and  
31 the collective bargaining unit. The commissioner shall provide for the  
32 withholding, for a time period he deems appropriate, of whatever  
33 portion he deems appropriate of program funding as a final payment  
34 for customized training services, contingent upon the hiring and  
35 retention of a program completer as required pursuant to this section.  
36 If an employer receiving a grant for customized training services  
37 pursuant to this section relocates or outsources any or all of the jobs  
38 out of the State for which the customized training services were  
39 provided under the grant within three years following the end date of  
40 the customized contract, the employer shall, if all of the jobs are  
41 relocated or outsourced, return all of the moneys provided to the  
42 employer by the State for customized training services, or, if only a  
43 portion of the jobs are relocated or outsourced, return a part of the  
44 moneys, deemed by the commissioner to be appropriate and  
45 proportional to the portion of the jobs relocated or outsourced, and  
46 the returned amount shall be deposited into the Workforce

1 Development Partnership Fund.

2 f. The customized training services provided to an approved  
3 applicant may include any combination of employment and training  
4 services or any single employment and training service approved by the  
5 commissioner, including remedial education provided to upgrade  
6 workplace literacy. Each service may be provided by a separate  
7 approved service provider.

8 g. Customized training services shall include any remedial  
9 education determined necessary pursuant to section 7 of this act.  
10 Applications for customized training services shall include estimates  
11 of the total need for remedial education determined in a manner  
12 deemed appropriate by the commissioner.

13 h. Any business seeking customized training services shall, in the  
14 manner prescribed by the commissioner, participate in the development  
15 of a plan to provide the services. Any business seeking customized  
16 training services for workers represented by a collective bargaining  
17 unit shall notify the collective bargaining unit and permit it to  
18 participate in developing the plan. No customized training services  
19 shall be provided to a business employing workers represented by a  
20 collective bargaining unit without the written consent of both the  
21 business and the collective bargaining unit.

22 i. Any business receiving customized training services shall be  
23 responsible for providing workers' compensation coverage for any  
24 worker participating in the customized training.

25 j. The commissioner shall establish an annual goal that 15% or  
26 more of the jobs to be created or retained in connection with training  
27 supported by grants from the office shall be jobs provided to  
28 individuals who were recipients of benefits under the Work First New  
29 Jersey program at any time during the 12 months prior to being placed  
30 in the jobs. The means to attain the goal shall include coordinated  
31 efforts between the office and One Stop Career Centers to prepare  
32 recipients for employment and make them available to employers, but  
33 shall not include any policy which may penalize employers or  
34 discourage employers from using customized training service provided  
35 by the office.

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

37

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

40 7. Counseling shall be made available by the department to each  
41 qualified displaced worker or qualified disadvantaged worker applying  
42 to participate in the Workforce Development Partnership program and,  
43 in the case of a qualified disadvantaged worker who is a recipient of,  
44 or eligible for, benefits under the Work First New Jersey Program, to  
45 participate in the Workforce Development Partnership program or in  
46 any of those employment-directed workforce development programs

1 or activities transferred to the Department of Labor and Workforce  
2 Development pursuant to section 2 of P.L. , c. (C. ) (now before  
3 the Legislature as this bill) which provide employment and training  
4 services as defined in section 3 of P.L.1992, c.43 (C.34:15D-3),  
5 including the services indicated in paragraphs (11) through (16) of  
6 subsection b. of section 2 of P.L. , c. (C. ) (now before the  
7 Legislature as this bill). Counseling may also be made available to a  
8 qualified employed worker who seeks remedial education or is selected  
9 to participate in a customized training program, if the worker's  
10 employer requests the counseling. [The department may itself provide  
11 the counseling or obtain the counseling from a service provider, if the  
12 service provider is different from and not affiliated with any service  
13 provider offering any employment and training services to the worker  
14 other than the counseling, except that the department may obtain  
15 testing and assessment services provided pursuant to subsection a. of  
16 this section from a provider which also offers employment and training  
17 services to the worker other than the counseling.] The counseling  
18 shall be provided by a job counselor hired and employed by the State  
19 pursuant to Title 11A, Civil Service, of the New Jersey Statutes, or  
20 hired and employed by a political subdivision of the State, or be  
21 provided by a qualified job counselor hired and employed by a non-  
22 profit organization which began functioning as the One Stop Career  
23 Center operator with the written consent of the chief elected official  
24 and the commissioner prior to the effective date of P.L. ,c. .  
25 (C. )(now before the Legislature as this bill), or hired and employed  
26 by an approved community-based or faith-based organization to  
27 provide counseling which the organization entered into an agreement  
28 to provide before the effective date of P.L. ,c. (C. )(now  
29 before the Legislature as this bill). In the case of a qualified  
30 disadvantaged worker who is a recipient of, or is eligible for, benefits  
31 under the Work First New Jersey Program, the counseling provided  
32 pursuant to this section shall be the counseling for the provision of  
33 employment and training services either under the Workforce  
34 Development Partnership program or under programs or activities  
35 transferred to the Department of Labor and Workforce Development  
36 pursuant to section 2 of P.L. ,c. (C. ) (now before the  
37 Legislature as this bill), but the counseling provided pursuant to this  
38 section shall be provided in conjunction and in coordination with  
39 counseling provided in connection with any services, other than  
40 training and employment services, made available to the disadvantaged  
41 worker under programs or activities transferred to the Department of  
42 Labor and Workforce Development pursuant to section 2 of P.L. ,  
43 c. (C. ) (now before the Legislature as this bill). The purpose of  
44 any counseling made available pursuant to this section is to assist each  
45 worker in obtaining the employment and training services most likely  
46 to enable the worker to obtain employment providing self-sufficiency

1 for the worker and also to provide the worker with the greatest  
2 opportunity for long-range career advancement with high levels of  
3 productivity and earning power. [Whether provided by the  
4 department or a service provider, the] The counseling shall include:  
5 a. Testing and assessment of the worker's job skills and aptitudes,  
6 including the worker's literacy skills and other basic skills. Basic skills  
7 testing and assessment shall be provided to the worker unless  
8 information is provided regarding the worker's educational background  
9 and occupational or professional experience which clearly  
10 demonstrates that the worker's basic skill level meets the standards  
11 established pursuant to section 14 of P.L.1989, c.293 (C.34:15C-11)  
12 or unless the worker is already participating in a remedial education  
13 program which meets those standards;  
14 b. An evaluation by a qualified job counselor of what remedial  
15 education, if any, is determined to be necessary for the worker to  
16 advance in his current employment or occupation or to succeed in any  
17 particular vocational training which the worker would undertake under  
18 the program, provided that the remedial education shall be at a level  
19 not lower than that needed to meet the standards established pursuant  
20 to section 14 of P.L.1989, c.293 (C.34:15C-11);  
21 c. The provision to the worker of information [to the worker]  
22 regarding any of the labor demand occupations for which training  
23 meets the requirements of section 4 of this act in the worker's case,  
24 including information about the wage levels in those occupations, and  
25 information regarding the effectiveness of approved service providers  
26 of vocational training in occupations which the worker is considering  
27 [and], including a consumer report card on service providers showing  
28 the long-term success of former trainees of each provider in obtaining  
29 permanent employment and increasing earnings over a period of not  
30 more than two years following the completion of training;  
31 d. The timely provision of information to the worker regarding the  
32 services and benefits available to the worker, and all actions required  
33 of the worker to obtain the services and benefits, under the provisions  
34 of this act and P.L.1992, c.47 (C.43:21-57 et al.), and under the Work  
35 First New Jersey program in the case of a qualified disadvantaged  
36 worker receiving or eligible for benefits under that program; and the  
37 provision to the worker of a written statement of the worker's rights  
38 and responsibilities with respect to programs for which the worker is  
39 eligible, which includes a full disclosure to the worker of the worker's  
40 right to obtain the services most likely to enable the worker to obtain  
41 employment providing self-sufficiency and the workers' right not to be  
42 denied training services for any of the reasons indicated in subsection  
43 d. of section 6 of P.L.1992, c.43 (C.34:15D-6), including the worker's  
44 right not to be denied training services because the worker already has  
45 identifiable vocational skills, if those existing skills are for employment  
46 with a level of earnings lower than the level of self-sufficiency; and

1 e. Discussion with the counselor of the results of the testing and  
2 evaluation and, based on those results, the development of a written  
3 Employability Development Plan identifying the training and  
4 employment services, including any needed remedial education, to be  
5 provided to the worker pursuant to this act. In the case of a qualified  
6 disadvantaged worker, the Employability Development Plan will be, to  
7 the greatest extent possible while remaining in compliance with any  
8 applicable federal requirements, coordinated and made consistent with  
9 any individual responsibility plan developed for the worker under the  
10 Work First New Jersey program. In the case of a qualified  
11 disadvantaged worker who is or was receiving, or who is eligible for  
12 but not receiving, benefits under the Work First New Jersey program,  
13 and who does not have a marketable bachelor's degree, the counselor  
14 may approve, as part of the workers' Employability Development Plan,  
15 the replacement of Work First New Jersey program benefits by  
16 Supplemental Workforce Development Benefits paid to the  
17 disadvantaged worker for full-time educational activity without, or  
18 with insufficient, other work activity from available resources for  
19 employment-directed and workforce development programs and  
20 activities transferred from the Department of Human Services pursuant  
21 to section 2 of P.L. , c. (C. ) (now before the Legislature as this  
22 bill) or from the account of the Workforce Development Partnership  
23 Fund reserved for qualified disadvantaged workers pursuant to  
24 subsection b. of section 9 of P.L.1992, c.43 (C.34:15D-9), for any  
25 period of time for which the counselor determines that:

26 (1) Full-time remedial education to obtain a high school diploma  
27 or G.E.D. or full-time post secondary education in a two-year or four-  
28 year degree-granting educational program with a course of study  
29 related to work, even if the duration of the full-time education is  
30 longer than two years, is the training and employment service that is  
31 most likely to enable the worker to obtain employment providing self-  
32 sufficiency;

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

39 (3) Providing Work First New Jersey program benefits to the  
40 worker during that period of time for the full-time educational activity  
41 without, or with insufficient, work activities would result in a loss of  
42 benefits for the worker pursuant to section 9 of P.L.1997, c.38  
43 (C.44:10-63) or would be counted toward the maximum limit of 60  
44 cumulative months of Work First New Jersey program benefits  
45 provided to the worker pursuant to section 2 of P.L.1997, c.37  
46 (C.44:10-72).

1 With respect to the use of the funds deposited during any fiscal  
2 year in the account of the Workforce Development Partnership Fund  
3 reserved for qualified disadvantaged workers pursuant to subsection  
4 b. of section 9 of P.L.1992, c.43 (C.34:15D-9), first priority shall be  
5 given for the payment of Supplemental Workforce Development  
6 Benefits pursuant to this subsection. Not more than 1,500 qualified  
7 disadvantaged workers shall receive Supplemental Workforce  
8 Development Benefits pursuant to this subsection at any one time.  
9 With respect to using available resources for employment-directed and  
10 workforce development programs and activities transferred from the  
11 Department of Human Services pursuant to section 2 of P.L. \_\_\_\_\_,  
12 c. (C. ) (now before the Legislature as this bill) for Supplemental  
13 Workforce Development Benefits, no federal funds which are part of  
14 those resources may be used for Supplemental Workforce  
15 Development Benefits which result in the imposition of conditions of  
16 participation other than those established by this subsection. If federal  
17 funds are used for childcare costs of a participant, the Department of  
18 Human Services may transfer the funds to the Child Care and  
19 Development Block Grant, as permitted by law and as needed to  
20 permit the use of the federal funds while preventing any loss of  
21 benefits to the participant and preventing the childcare time from being  
22 counted toward the participant's maximum limit of 60 cumulative  
23 months of Work First New Jersey program benefits. The counselor  
24 shall assist in facilitating the use, to the maximum extent possible, of  
25 Pell grants or other available educational grants to pay for tuition and  
26 other educational costs of a recipient of Supplemental Workforce  
27 Development Benefits provided pursuant to this section. The  
28 requirements for receiving Supplemental Workforce Development  
29 Benefits may include work-site experience which will enhance the  
30 participant's employability in the participant's field, provided that the  
31 required sum of class hours for a full-time class schedule, hours of  
32 study time at not less than one and one half times class time, and hours  
33 of work-site experience, shall not exceed 40 hours per week and that  
34 the commissioner shall adopt regulations for reasonable adjustments  
35 in participation requirements for good cause, including verifiable needs  
36 related to physical or mental health problems, illness, accident or death  
37 or serious personal or family problems that necessitate reduced  
38 participation, provided further that no individual shall receive  
39 Supplemental Workforce Development Benefits for a period of more  
40 than five years. The commissioner shall adopt regulations setting  
41 standards for satisfactory academic progress for continued  
42 participation. Participation may not be denied for any of the reasons  
43 which subsection d. of section 6 of P.L.1992, c.43 (C.34:15D-6)  
44 prohibits from being used to deny training grants. For the purposes of  
45 this section, "Work First New Jersey benefits" means benefits for  
46 which a worker and the worker's family would be eligible if the worker

1 was participating in the Work First New Jersey program or any  
2 successor program to the Work First New Jersey program.

3 Counseling made available at the request of an employer  
4 participating in a customized training program may include only those  
5 components requested by the employer.

6 All information regarding a worker applicant or trainee which is  
7 obtained or compiled in connection with the testing, assessment and  
8 evaluation and which may be identified with the worker shall be  
9 confidential and shall be released to an entity other than the worker,  
10 the counselor or the department only if the worker provides written  
11 permission to the department for the release of the information or the  
12 information is used solely for program evaluation.

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

14

15 13. This act shall take effect immediately.

16

17

18

19

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