

CHAPTER 23

**WORKFORCE DEVELOPMENT
PARTNERSHIP PROGRAM**

Authority

N.J.S.A. 34:15D-1 et seq.

Source and Effective Date

R.1994 d.166, d.167, d.168, effective April 4, 1994.
See: 25 N.J.R. 884(a), 886(a), 887(a); 26
N.J.R. 1512(a), 1514(a), 1515(a).
R.1994 d.190, effective April 18, 1994.
See: 25 N.J.R. 1054(a), 26 N.J.R. 1664(a).

Executive Order No. 66(1978) Expiration Date

Chapter 23, Workforce Development Partnership Program, expires on April 4, 1999.

Chapter Historical Note

Subchapter 8, Reporting Requirements for Assessment of Employment and Training Programs became effective June 5, 1995. See: 27 N.J.R. 1131(a), 27 N.J.R. 2237(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

12:23-1.1 Definitions

**SUBCHAPTER 2. CUSTOMIZED TRAINING SERVICES;
PURPOSE, ELIGIBILITY AND SCOPE**

12:23-2.1 Purpose
12:23-2.2 Eligibility and scope
12:23-2.3 Application for customized training assistance
12:23-2.4 Conditions and standards of eligibility for customized training assistance
12:23-2.5 Review and evaluation of customized training applications
12:23-2.6 Where to obtain and send an application
12:23-2.7 Disclosure of information
12:23-2.8 Refunds and fines

SUBCHAPTER 3. INDIVIDUAL TRAINING GRANTS

12:23-3.1 Eligibility
12:23-3.2 Grant payments
12:23-3.3 Approval of training grants
12:23-3.4 Amount of individual training grants
12:23-3.5 Other funding sources
12:23-3.6 Coordination with the Job Training Partnership Act
12:23-3.7 Request for reconsideration of grant denials
12:23-3.8 Refunds
12:23-3.9 Approved training costs

**SUBCHAPTER 4. APPROVED TRAINING UNDER THE
WORKFORCE DEVELOPMENT PARTNERSHIP
ACT**

12:23-4.1 Approved training
12:23-4.2 Full-time training
12:23-4.3 Active search for work
12:23-4.4 Acceptance of temporary work
12:23-4.5 Courses of study at institution of higher education
12:23-4.6 Remedial and basic skills courses

**SUBCHAPTER 5. ADDITIONAL UNEMPLOYMENT
BENEFITS DURING TRAINING**

12:23-5.1 Eligibility requirements
12:23-5.2 Claims for additional unemployment benefits during training
12:23-5.3 Work search waiver
12:23-5.4 Refusal of suitable work
12:23-5.5 Intent to enter training
12:23-5.6 Certification of attendance by training service providers
12:23-5.7 (Reserved)
12:23-5.8 Claim options
12:23-5.9 Overpayments
12:23-5.10 Appeals

**SUBCHAPTER 6. EMPLOYMENT AND TRAINING
GRANTS FOR SERVICES TO DISADVANTAGED
WORKERS**

12:23-6.1 Purpose and scope
12:23-6.2 Employment and training grants to serve disadvantaged workers
12:23-6.3 Innovative demonstration project funds
12:23-6.4 Eligibility for services
12:23-6.5 Eligibility of service providers
12:23-6.6 Limitation on administrative costs
12:23-6.7 Monitoring and oversight
12:23-6.8 Evaluation of employment and training services
12:23-6.9 Records and reports
12:23-6.10 through 12:23-6.12 (Reserved)

**SUBCHAPTER 7. OCCUPATIONAL SAFETY AND
HEALTH TRAINING SERVICES**

12:23-7.1 Purpose
12:23-7.2 Scope
12:23-7.3 Occupational safety and health training grants to serve qualified displaced, disadvantaged and employed workers
12:23-7.4 Application process
12:23-7.5 Review and evaluation of applications
12:23-7.6 Assessment of need and delivery of services
12:23-7.7 Allocation of funds
12:23-7.8 Eligibility for services
12:23-7.9 Eligibility of service providers
12:23-7.10 Limitation on administrative costs
12:23-7.11 Monitoring and oversight
12:23-7.12 Evaluation of occupational safety and health training
12:23-7.13 Records and reports

**SUBCHAPTER 8. REPORTING REQUIREMENTS FOR
ASSESSMENT OF EMPLOYMENT AND TRAINING
PROGRAM**

12:23-8.1 Purpose
12:23-8.2 Scope
12:23-8.3 Definitions
12:23-8.4 Reporting requirements
12:23-8.5 Disclosure of information

SUBCHAPTER 1. DEFINITIONS

Source and Effective Date

R.1994 d.489, effective September 19, 1994.
See: 26 N.J.R. 2770(a), 26 N.J.R. 3867(b).

12:23-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

“Act” means the 1992 New Jersey Employment and Workforce Development Act, P.L. 1992, c.43 (N.J.S.A. 34:15D-1 et seq.)

“Administrative cost” means any costs incurred by the Department to administer the program, including any cost required to collect information and conduct evaluations of service providers and surveys of occupations pursuant to N.J.S.A. 34:15D-1 et al. to the extent that funding is not available from Federal or other sources.

“Commissioner” means the Commissioner of Labor or the Commissioner’s designees.

“Customized training services” means services that are provided by the Office of Customized Training or through arrangements made or coordinated by the Office of Customized Training.

“Department” means the New Jersey Department of Labor.

“Employability development plan” means a written signed agreement between a qualified job counselor and a participant in which an occupational goal, course of training or educational and other related activities in the Workforce Development Partnership Program are specified. The employability development plan is also referred to as the Individual Service Strategy Summary (ISSS) plan.

“Employer” or “business” means any employer subject to the provisions of N.J.S.A. 43:21-1 et seq.

“Employment and training services” means:

1. Counseling;
2. Vocational training;
3. Remedial education; or
4. Occupational safety and health training.

“Fund” means the Workforce Development Partnership Fund.

“Identifiable job skills” means a specific ability which provides for a reasonable opportunity for employment in an occupation.

“Labor demand occupation” means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers as determined by the New Jersey Occupational Information Coordinating Committee (NJOICC) or as recommended by the local Workforce Investment Board (WIB) and approved by the Director of NJOICC based on documented local labor market data and projected labor market conditions.

“New Jersey Occupational Information Coordinating Committee (NJOICC)” is the interagency consortium responsible for developing, managing, and overseeing a State-wide comprehensive occupational labor market supply and demand system to meet the common information needs for the planning for, and the operation of, all public training and job placement programs.

“Occupational safety and health training” means training or education that is designed to assist in the recognition and prevention of potential health and safety hazards related to an occupation that is the subject of vocational training.

“Office” means the Office of Customized Training established pursuant to N.J.S.A. 34:15D-5.

“Program” means the Workforce Development Partnership Program.

“Prospective recipient” means an organization, community-based organization, labor organization, employer, consortium, agency, unit of government or other entities which may submit proposals for discretionary funds under the Workforce Development Partnership Program.

“Qualified disadvantaged worker” means a worker who is not a qualified displaced worker or a qualified employed worker, but who otherwise meets the following criteria:

1. Is unemployed;
2. Is working part-time and actively seeking full-time work or is working full-time but is earning wages substantially below the median salary for others in the labor force with similar qualifications and experience; or
3. Is certified by the Department of Human Services as:
 - i. Currently receiving public assistance;
 - ii. Having been recently removed from the public assistance rolls because of gross income exceeding the grant standard for assistance; or
 - iii. Being eligible for public assistance but is not receiving assistance because of a failure to apply for it.

“Qualified displaced worker” means a worker who:

1. Is unemployed, and:
 - i. Is currently receiving unemployment benefits pursuant to N.J.S.A. 43:21-1 et seq. or any Federal or State unemployment benefit extension; or
 - ii. Has exhausted eligibility for benefits or extended benefits during the preceding 52 weeks; or
2. Meets the criteria set by Title III of the “Job Training Partnership Act,” P.L. 97-300 (29 U.S.C. 1651 et seq.) to be regarded as an “eligible dislocated worker” pursuant to that Act.

(b) The Commissioner or his or her designee, within the Department of Labor, will review and approve the use of vendors selected by the customized training applicant to provide occupational safety and health training services, review course content and training material to determine its appropriateness and relationship to the occupational training, and ascertain the reasonableness of costs charged by vendors.

12:23-7.7 Allocation of funds

(a) Pursuant to section 4(e) of the Act, not less than three percent of the total revenues dedicated to the program during any one fiscal year shall be reserved for occupational safety and health training. The Commissioner is authorized to provide services to the extent that funding for these services is not available from federal or other sources.

(b) From the amounts reserved for occupational safety and health training for qualified displaced, disadvantaged and employed workers under N.J.S.A. 34:15D-4(e), monies may be allocated upon approval of the Commissioner of Labor to providers of employment and training services designed to assist in the recognition and prevention of potential health and safety hazards related to an occupation which is the subject of vocational training.

(c) The Commissioner retains the authority to change the scope of this funding based on changing workplace occupational safety and health training needs.

12:23-7.8 Eligibility for services

Individuals receiving training or services under this subchapter must be qualified displaced, disadvantaged, or employed workers as defined at N.J.A.C. 12:23-1.1.

12:23-7.9 Eligibility of service providers

Occupational safety and health training services must be obtained from an approved service provider located in the State of New Jersey.

12:23-7.10 Limitation on administrative costs

Not more than 10 percent of the funds awarded under this subchapter may be used for reasonable administrative costs.

12:23-7.11 Monitoring and oversight

The Commissioner or his or her designee, within the Department of Labor, will monitor the overall effectiveness of the occupational safety and health training services provided under this subchapter to assess the programmatic, management, and financial performance of the grantee(s). The Department will consider the past performance of a grantee in evaluating application(s) for funding in subsequent years.

12:23-7.12 Evaluation of occupational safety and health training

The results of occupational safety and health training services provided under this subchapter shall be evaluated based upon criteria negotiated at the time the funds are awarded.

12:23-7.13 Records and reports

(a) Each grantee shall maintain appropriate records and make any records available upon request for monitoring or inspection by the Commissioner including:

1. A record for each student enrolled, including the student's name, social security number, and address upon enrollment;
2. A record of all direct administrative and overhead expenses of the grantee related to the provision of occupational safety and health training services funded under this subchapter; and
3. Any other information deemed appropriate by the Commissioner for a specific grantee or service provider.

SUBCHAPTER 8. REPORTING REQUIREMENTS FOR ASSESSMENT OF EMPLOYMENT AND TRAINING PROGRAMS

Source and Effective Date

R.1995 d.286, effective June 5, 1995.
See: 27 N.J.R. 1131(a), 27 N.J.R. 2236(a).

12:23-8.1 Purpose

(a) The purpose of this subchapter is to collect student outcome and licensing information including individual social security number for use in:

1. Developing the labor demand list for the Workforce Development Partnership Program and other employment and training programs;
2. Establishing standards for training and job placement; and
3. Evaluating the effectiveness of programs and services under the State's workforce readiness system.

12:23-8.2 Scope

This subchapter shall apply to qualified agencies which oversee occupational and directly related education and training at a qualified school or issue an occupational license.

12:23-8.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Occupational license” means a license, registration or certificate which, when issued by an authorized entity of government, enables an individual to work within a recognized occupation in the State of New Jersey.

“Qualifying agency” means any executive agency of State government, including, but not limited to, the Departments of Education, Human Services, Labor, and Law and Public Safety, and the Commission on Higher Education, that oversees the operation of, or collects and/or disseminates information from any qualifying school, or issues an occupational license.

“Qualifying school” means a government unit, person, firm, corporation, private organization, or business entity doing business and maintaining facilities within the State which:

1. Operates for profit or not for profit;
2. Offers or maintains a course of instruction or instructional program to prepare individuals for entry level employment or provides supplemental instruction in a recognized occupational area;
3. Offers occupational instruction through classroom, shop or laboratory experience, or correspondence or both;
4. Offers occupational instruction to the general public or in conjunction with “Job Training Partnership Act” (JTPA) providers; or
5. Charges tuition or other fees or costs for the delivery of any of the above.

“State Employment and Training Commission” or “SETC” means the agency of State government designated to assist and develop the State employment and training policy and to oversee the operation of the entire New Jersey workforce readiness system.

“Student outcome information” means information pertaining to individual enrollment and participation in any occupationally specific education and/or training program designed to provide entry level occupational skills or provide supplemental education and/or training in a recognized occupation. This information shall include any relevant data items as specified by the SETC or the NJOICC, including participant’s social security number, demographic characteristics, date of enrollment, date of completion, date of termination, date of application for a license, licensing examination result, and date of issue of a license.

Amended by R.1997 d.465, effective November 3, 1997.
See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

Deleted “New Jersey Occupational Information Coordinating Committee or NJOICC”.

12:23-8.4 Reporting requirements

(a) A qualifying agency shall report student outcome and licensing information, including social security numbers, to the State Employment and Training Commission through the New Jersey Occupational Information Coordinating Committee.

(b) Any entity which reports student outcome or licensing information to a qualifying agency shall request that its students or licensees voluntarily provide their social security numbers. Such request shall state that:

1. The disclosure of the social security number is voluntary;
2. The social security numbers will be used by the NJOICC and SETC to prepare a labor demand list, to establish standards for training and job placement and, to evaluate the effectiveness of programs and services under the State’s workforce readiness system; and
3. The NJOICC and SETC are authorized to access the files and records of other State agencies which administer or fund employment and training programs by N.J.S.A. 34:15C-6(h) and may request the voluntary disclosure of social security numbers through the Commissioner of Labor’s authority under N.J.S.A. 34:15B-40 and 34:15D-8, provided such request is made in accordance with the Privacy Act, 5 U.S.C. Section 552(a)(note)(b).

(c) Any executive agency of State government which is precluded from reporting information on specific individuals by Federal statute may report student outcome and licensing information through statistical summary only.

(d) The information required by (a) and (c) above shall be provided annually to the NJOICC at the following address by August 31st for the preceding State fiscal year ending June 30th:

NJOICC
CN 056
Trenton, New Jersey 08625-0056

(e) The SETC and NJOICC shall maintain individual student records for no more than three years.

12:23-8.5 Disclosure of information

(a) Information collected by the NJOICC from qualifying agencies will only be utilized for authorized governmental purposes. The NJOICC will only use aggregate statistical summaries of individual data in assessing or evaluating any program at a qualifying school.

(b) The SETC and NJOICC will not publish or otherwise release information which could identify any person.

(c) The SETC and NJOICC will deny access to any correspondence, documents or data information where non-disclosure is necessary to protect the public interest.