

## CHAPTER 37

## MANPOWER DEVELOPMENT AND TRAINING

## Authority

Unless otherwise expressly noted, all provisions of this Chapter 37 were adopted by the Commissioner of Labor and Industry, pursuant to authority delegated at N.J.S.A. 34:15A-1 et seq., and were filed and became effective prior to September 1, 1969.

## CHAPTER TABLE OF CONTENTS

## SUBCHAPTER 1. GENERAL PROVISIONS

- 12:37-1.1 Title
- 12:37-1.2 Purpose of program
- 12:37-1.3 Definitions

## SUBCHAPTER 2. SELECTION AND REFERRAL OF TRAINEES

- 12:37-2.1 Determination of employment opportunities
- 12:37-2.2 Limitation of training needs determination
- 12:37-2.3 Determination of individual's training needs
- 12:37-2.4 Selection and referral of trainees

## SUBCHAPTER 3. ON-THE-JOB TRAINING

- 12:37-3.1 Standards
- 12:37-3.2 Requirements for agreements
- 12:37-3.3 Rates under agreements
- 12:37-3.4 Provisions of agreements

## SUBCHAPTER 4. ALLOWANCES

- 12:37-4.1 Eligibility
- 12:37-4.2 Gainful employment construed
- 12:37-4.3 Qualifying period
- 12:37-4.4 Additional eligibility criteria
- 12:37-4.5 Periods of ineligibility for training allowances
- 12:37-4.6 Maximum period for training allowances
- 12:37-4.7 Minimum duration of training
- 12:37-4.8 Amount of training allowances
- 12:37-4.9 Overpayment and fraud
- 12:37-4.10 Transportation allowances
- 12:37-4.11 Subsistence allowances

## SUBCHAPTER 5. DETERMINATION AND REVIEW

- 12:37-5.1 Attendance and progress; forms; certification
- 12:37-5.2 Allowance qualification
- 12:37-5.3 Notice of allowance denial
- 12:37-5.4 Review of determinations

## SUBCHAPTER 1. GENERAL PROVISIONS

## 12:37-1.1 Title

This Chapter shall be known and may be cited as the Manpower Development and Training Chapter.

## 12:37-1.2 Purpose of program

The purpose of the Manpower Development and Training Program is to assist the unemployed gain new skills and the underemployed upgrade their skills by means of institutional and on-the-job training.

## 12:37-1.3 Definitions

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

“Act” means the Manpower Development and Training Act of 1962, Public Law 87-415:<sup>1</sup>

“Agreement” means an agreement entered into by the Secretary:

1. With the State of New Jersey enabling the State, acting as agent for the United States, to make payment of weekly training allowances to persons undergoing training in a program operated pursuant to the provisions of the Act;

2. With the State of New Jersey, private and public agencies, employers, trade associations, labor organizations, and other industrial and community groups the Secretary determines are qualified to conduct effective training programs under Title II of the Act; and

3. With the State of New Jersey for the utilization of the services of appropriate State agencies for the purpose of carrying out the Secretary's functions and duties under the Act, and make payments to the State for expenses incurred for such purposes.

“Allowance” includes training, subsistence and transportation allowances provided to persons engaged in training under Title II of the Act.

1. “Increased training allowance” means the training allowance that is payable to a qualified individual who, but for his training, would be entitled to receive unemployment compensation in an amount which exceeds the regular training allowance.

2. “Reduced training allowance” means the allowance payable (regular, increased, supplemental or youth) in a reduced amount when a trainee has compensated hours of employment in a training week.

3. “Regular training allowance” means an allowance equal to the average unemployment compensation payment in the State of New Jersey for a week of total unemployment in the most recent quarter for which data is available.

4. “Subsistence allowance” means the allowance provided for separate maintenance of an individual who is

receiving training at a training facility which is not within commuting distance of his regular place of residence.

5. "Supplemental training allowance" means the allowance payable to a trainee who receives unemployment compensation in an amount which is less than his regular or youth training allowance.

6. "Transportation allowance" means the allowance provided to an individual for transportation expenses between his regular place of residence and the training facility.

7. "Youth training allowance" means the training allowance not to exceed the regular training allowance that is payable to an unemployed individual who has attained his 17th birthday but has not reached his 22nd birthday and does not qualify for a regular training allowance because he lacks at least one year of experience in gainful employment.

"Annual net farm family income" means the net income as computed or reported in the preceding year by the head of a farm family under Internal Revenue rules.

"Farm family" means a family headed by an individual whose principal employment during the year was in agricultural labor.

"Compensated hours" means hours worked by a trainee in a training week:

1. In on-the-job training for which the employer pays the trainee in accordance with provisions of the regulations and agreements under Title II of the Act;
2. In paid employment;
3. In self-employment for profit engaged in by the trainee other than work on a farm as a member of a farm family with annual net farm family income of less than \$1,200; or
4. For which pay is due.

"Good cause" means justifiable reasons determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, and includes but is not limited to reasons beyond the control of the individual or factors connected with the capabilities of the individual to satisfactorily progress or complete the training.

"Head of family" means an individual who is responsible for supporting and maintaining a household or home for a dependent or dependents.

"Head of household" means an individual not a nonresident alien who is not married and either:

1. Maintains as his home a household which constitutes the principal place of abode, as a member of such household, of any person who could be qualified as a dependent of the individual; or

2. Maintains a household which constitutes the principal place of abode of the father or mother of the individual, if the individual would be entitled to a deduction for the father or mother for Internal Revenue purposes. An individual shall be considered as maintaining a household only if over half of the cost of maintaining the household is furnished by such individual.

"On-the-job training" means a training project or that part of a training project which uses instruction combined with work to qualify a trainee for a particular occupation.

"One year experience in gainful employment" means any combination of qualifying periods of employment for pay (including military service), self-employment for profit, or as a worker whose principal employment is in a family enterprise and for which he receives no salary, that do not overlap and which aggregate one year.

"Regular place of residence" means the city, town or other place where an individual has his principal place of abode.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his authorized representative.

"Training" means a planned and systematic sequence of instruction under competent supervision designed to impart predetermined skills, knowledge or abilities with respect to a specific occupation and may include, to the extent necessary, instruction in basic subjects which is given specially in relation to such occupation.

"Training facility" means:

1. Public or private educational training institution which provides training; or
2. An institution including but not limited to a private or public agency, employer trade association, labor organization, or other industrial or community group, conducting on-the-job training approved by the Secretary.

"Training project" means a specified course of instruction for the training of referred individuals in one occupational training area.

"Underemployed individual" means for purposes of priority in selection and referral for training:

1. One working below skill capacity; or
2. One who now is or has received notice that he will be working less than full-time in his industry or occupation; or