

12:23-5.3 Work search waiver

An individual receiving additional unemployment benefits during training must meet the requirements of N.J.S.A. 43:21-4(c), with the exception that the individual does not have to actively seek work.

12:23-5.4 Refusal of suitable work

An individual who refuses an offer of work because of attendance at training while receiving additional unemployment benefits shall not be disqualified under N.J.S.A. 43:21-5(c).

12:23-5.5 Intent to enter training

(a) An individual filing a new initial unemployment claim must notify the Department of his or her intention to enter training not later than 60 days after the date of the individual's permanent separation from employment or not later than 30 days after the Department provides notice to the individual of the benefits and services available under the WDP Program, whichever is later.

(b) For purposes of this section, intention to enter training means that the individual agrees to enter counseling within the time limitations set forth in (a) above, whether or not the counseling occurs within these time limitations, and upon receiving counseling agrees to enter the training program identified in the Employability Development Plan, or ISSS. Individuals who agree to enter counseling within the stated time limits but choose not to pursue the identified training will not be granted an extension of those time limits.

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

12:23-5.6 Certification of attendance by training service providers

A claimant will not be eligible for additional unemployment benefits unless the training service provider certifies to the Department that the claimant's attendance and progress has been satisfactory.

12:23-5.7 (Reserved)

Repealed by R.1997 d.465, effective November 3, 1997.
See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).
Section was "Out-of-State training".

12:23-5.8 Claim options

An individual in an approved training program who has reached the benefit year ending date and who has sufficient earnings and employment for a new claim for benefits will have an option to file a new claim for benefits or continue receiving additional unemployment benefits during training.

12:23-5.9 Overpayments

Overpayment of additional unemployment benefits during training improperly paid for any reason shall be recovered by the Department in accordance with N.J.S.A. 43:21-16.

Amended by R.1994 d.409, effective August 1, 1994.
See: 26 N.J.R. 2198(a), 26 N.J.R. 3180(a).
Amended by R.1997 d.465, effective November 3, 1997.
See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

12:23-5.10 Appeals

Denials of claims for additional unemployment benefits during training may be appealed to the Appeal Tribunal and the Board of Review in accordance with N.J.S.A. 43:21-6 and N.J.A.C. 1:12A and 12:20.

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

Case Notes

Claimant was ineligible for additional unemployment benefits during weeks of full attendance in training for computer program. Matter of E.J.C., 95 N.J.A.R.2d (UCC) 11.

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

12:23-6.1 Purpose and scope

The purpose of this subchapter is to set forth the rules for the allotment of funds reserved under N.J.S.A. 34:15D-4 to provide employment and training services for qualified disadvantaged workers under the Workforce Development Partnership Program.

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

12:23-6.2 Employment and training grants to serve disadvantaged workers

(a) Funds reserved for employment and training services to qualified disadvantaged workers will be administered through the Department of Human Services with the authorization of the Commissioner of Labor for the administration of employment and training services.

(b) Funds available for employment and training services to qualified disadvantaged workers under this subchapter shall not be used for activities which induce, encourage or assist any displacement of currently employed workers by trainees, including partial displacement by such means as reduced hours of currently employed workers; replacement of laid off workers by trainees; or relocation of operations resulting in a loss of employment at a previous workplace located in the State.

(c) Pursuant to N.J.S.A. 34:15D-4(e), not less than six percent of the total resources dedicated to the program during any one fiscal year shall be reserved to provide employment and training services for qualified disadvantaged workers. The Commissioner is authorized to provide training grants to the extent that funding for these services is not available from Federal or other sources.

Recodified from N.J.A.C. 12:23-6.3 and amended by R.1997 d.465, effective November 3, 1997.

See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

Rewrote (a); deleted (a)1 and (a)2; and added (c). Section was "Scope".

12:23-6.3 Innovative demonstration project funds

(a) A service provider of employment and training services may seek funds for innovative demonstration projects and services. An innovative demonstration project is an alternative plan to develop skills for disadvantaged individuals that will result in employability in a labor demand occupation by using techniques that may include other than the traditional classroom and on the job training methods.

(b) In reviewing applications, the Commissioner, in consultation with the Department of Human Services, will give priority to those innovative demonstration projects which are designed to serve the Welfare population, the disabled, and those who marginally exceed the eligibility for Federal programs such as JTPA, Youth Corps and the Welfare Reform Program.

(c) The factors that will be considered in reviewing and evaluating applications for funds for innovative demonstration projects are:

1. The number of eligible individuals to be served;
2. The population to be served;
3. Whether the services are likely to substantially enhance participants' marketable skills;
4. The degree to which the services are related to training for a labor demand occupation;
5. The organizational capability of the applicant to provide the proposed services;
6. The previous effectiveness of the efforts of the applicant in providing similar services;
7. The costs of the proposed services; and
8. The potential for the proposed program activities to be replicated throughout the State or to have a positive impact beyond the program ending date.

(d) Applications will be reviewed and evaluated by a panel consisting of representatives from the Departments of Labor, Education and Human Services. The review panel will:

1. Serve as an objective, independent source of comments and recommendations concerning the merit of applications for consideration by the Department; and

2. Ensure that proposals will be as effective as possible through coordination and use of the resources of participating departments.

(e) The Commissioner retains the authority to modify application review factors based on the changing needs of the New Jersey economy. Such modification shall be through the rulemaking process.

(f) Funds awarded under this section will be limited to prospective recipients as defined at N.J.S.A. 34:15D-3.

(g) No application for innovative demonstration projects will be funded unless approved by the Commissioner of Labor.

(h) Instructions for the competitive application process for funds available under this section shall be obtained by writing to:

Director, Division of Workforce New Jersey
New Jersey Department of Labor
PO Box 055
Trenton, New Jersey 08625-0055

Recodified from N.J.A.C. 12:23-6.5 and amended by R.1997 d.465, effective November 3, 1997.

See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

Former N.J.A.C. 12:23-6.3, "Employment and training grants to serve disadvantaged workers" recodified to N.J.A.C. 12:23-6.2.

12:23-6.4 Eligibility for services

Individuals receiving training or services under this subchapter must be qualified disadvantaged workers as defined at N.J.S.A. 34:15D-1 to 11.

Recodified from N.J.A.C. 12:23-6.7 by R.1997 d.465, effective November 3, 1997.

See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

Former N.J.A.C. 12:23-6.4, "Service delivery area funds", repealed.

12:23-6.5 Eligibility of service providers

No employment and training services shall be obtained from a service provider unless the provider is located in New Jersey and is approved pursuant to the procedures established by the State Employment and Training Commission.

Recodified from N.J.A.C. 12:23-6.8 by R.1997 d.465, effective November 3, 1997.

See: 29 N.J.R. 3233(a), 29 N.J.R. 4690(a).

Former N.J.A.C. 12:23-6.5, "Innovative demonstration project funds" recodified to N.J.A.C. 12:23-6.3.