

CHAPTER 23
WORKFORCE DEVELOPMENT
PARTNERSHIP PROGRAM

Authority

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

Source and Effective Date

R.2004 d.325, effective August 16, 2004.
See: 36 N.J.R. 2299(a), 36 N.J.R. 3883(b).

Chapter Expiration Date

Chapter 23, Workforce Development Partnership Program, expires on August 16, 2009.

Chapter Historical Note

Chapter 23, Workforce Development Partnership Program, became effective April 4, 1994 with Subchapters 3, 4 and 5. Subchapter 3, Individual Training Grants, was adopted as R.1994 d.166; Subchapter 4, Approved Training under the Workforce Development Partnership Act, was adopted as R.1994 d.167; and Subchapter 5, Additional Unemployment Benefits during Training, was adopted as R.1994 d.168. See: 25 N.J.R. 884(a), 26 N.J.R. 1512(a); 25 N.J.R. 886(a), 26 N.J.R. 1514(a); 25 N.J.R. 887(a), 26 N.J.R. 1515(a).

Subchapter 6, Employment and Training Grants for Services to Disadvantaged Workers, was adopted as R.1994 d.190, effective April 18, 1994. See: 25 N.J.R. 1054(a), 26 N.J.R. 1663(a).

Subchapter 1, Definitions, and Subchapter 2, Customized Training Services; Purpose, Eligibility and Scope, were adopted as R.1994 d.489, effective September 19, 1994. See: 26 N.J.R. 2770(a), 26 N.J.R. 3867(b). Subchapter 7, Occupational Safety and Health Training Services, was adopted as R.1994 d.490, effective September 19, 1994. See: 26 N.J.R. 2774(a), 26 N.J.R. 3870(a).

Subchapter 8, Reporting Requirements for Assessment of Employment and Training Programs, was adopted as R.1995 d.286, effective June 5, 1995. See: 27 N.J.R. 1131(a), 27 N.J.R. 2236(a).

Subchapter 9, Tuition Policies for Unemployed Persons: Job Training Program, was adopted as R.1998 d.368, effective July 20, 1998. See: 30 N.J.R. 1750(a), 30 N.J.R. 2631(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Workforce Development Partnership Program, was readopted as R.1999 d.138, effective April 1, 1999. See: 31 N.J.R. 588(b), 31 N.J.R. 1199(a).

Subchapter 8, Reporting Requirements for Assessment of Employment and Training Programs, was repealed and Subchapter 9, Tuition Policies for Unemployed Persons: Job Training Program was recodified as Subchapter 8, Tuition Policies for Unemployed Persons: Job Training Program by R.2002 d.193, effective June 17, 2002. As a part of R.2002 d.193, Subchapter 9, Supplemental Workforce Fund for Basic Skills, and Subchapter 10, Records, Reports, and Performance, were adopted as new rules. See: 34 N.J.R. 448(a), 34 N.J.R. 2036(a).

Chapter 23, Workforce Development Partnership Program, expired on April 1, 2004.

Chapter 23, Workforce Development Partnership Program, was adopted as new rules by R.2004 d.325, effective August 16, 2004. See: Source and Effective Date.

Subchapter 8, Tuition Policies for Unemployed Persons: Job Training Program, was renamed Tuition Policies for Unemployed Persons; Job Training Program by R.2008 d.267, effective September 2, 2008. See: 40 N.J.R. 2406(a), 40 N.J.R. 5044(a).

Subchapter 13, One-Stop Career Centers; Victims of Domestic Violence, was adopted as new rules by R.2008 d.280, effective September 15, 2008. See: 40 N.J.R. 1750(a), 40 N.J.R. 5241(a).

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SUBCHAPTER 1. DEFINITIONS

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.

“Application fee” means the charge assessed by an institution of higher education to process a student application for admission to the institution.

“Apprenticeship Policy Committee” means the New Jersey Apprenticeship Policy Committee established by an agreement between the Bureau of Apprenticeship and Training in the United States Department of Labor, the State Department of Labor, and the State Department of Education and consisting of a representative of the Departments of Education and Labor, the Director of Region II of the Bureau of Apprenticeship and Training in the United States Department of Labor, and a representative of the New Jersey State AFL-CIO.

“Approved training” means training that is occupational, remedial or a combination of the two that meets the requirements stated in N.J.A.C. 12:23-3.3.

“Basic skills training” means basic mathematics, reading comprehension, basic computer literacy, English proficiency and work-readiness skills, and shall be regarded as a form of remedial education. In addition to remedial education, basic skills can also include communication, interpersonal and decision-making skills.

“Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a domestic violence specialist established by the New Jersey Association of Domestic Violence Professionals.

“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.

“Domestic violence” means the occurrence of one or more of the following acts inflicted upon a person protected under the Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq., by an adult or an emancipated minor:

1. Homicide (N.J.S.A. 2C:11-1 et seq.);
2. Assault (N.J.S.A. 2C:12-1);
3. Terroristic threats (N.J.S.A. 2C:12-3);
4. Kidnapping (N.J.S.A. 2C:13-1);
5. Criminal restraint (N.J.S.A. 2C:13-2);
6. False imprisonment (N.J.S.A. 2C:13-2);
7. Sexual assault (N.J.S.A. 2C:14-2);
8. Criminal sexual contact (N.J.S.A. 2C:14-3);
9. Lewdness (N.J.S.A. 2C:14-4);
10. Criminal mischief (N.J.S.A. 2C:17-3);
11. Burglary (N.J.S.A. 2C:18-2);
12. Criminal trespass (N.J.S.A. 2C:18-3);
13. Harassment (N.J.S.A. 2C:33-4); and/or
14. Stalking (N.J.S.A. 2C:12-10).

“Domestic Violence and Workforce Development Initiative Act training” means instruction with regard to the effective implementation of section 2, subsections (b), (c), (d) and (e) of the Domestic Violence and Workforce Development Initiative Act, P.L. 2005, c. 309 (N.J.S.A. 34:1A-1.7 et seq.).

“Domestic violence liaison” means a designated Department employee within each One-Stop Career Center, to whom a self-assessed victim of domestic violence shall be directed and whose functions shall include:

1. With regard to unemployment compensation claimants, to make referrals to services determined to be appropriate in the case of the individual, including, but not limited to, any appropriate referral to a designated domestic violence agency as defined at N.J.S.A. 43:21-5(j) or a community shelter for victims of domestic violence certified pursuant to standards and procedures established by N.J.S.A. 30:14-1 et seq., and to disclose the rights that the individual may have to unemployment compensation pursuant to N.J.S.A. 43:21-5(j); and
2. With regard to individuals utilizing counseling or employment services under N.J.S.A. 34:15B-38, 34:15D-7 or 43:21-59, to make referrals to services determined to be appropriate in the case of the individual, including, but not limited to, any appropriate referral to a designated domestic violence agency as defined at N.J.S.A. 43:21-5(j) or a community shelter for victims of domestic violence certified pursuant to standards and procedures established by N.J.S.A. 30:14-1 et seq., to disclose the rights that the individual may have to unemployment compensation

pursuant to N.J.S.A. 43:21-5(j), and to assume responsibility for counseling the individual in the design of his or her Employability Development Plan, which plan shall be developed to include appropriate accommodations for the individual’s needs as a victim of domestic violence.

“Eligible individual” means a qualified displaced worker or a qualified employed worker. For remedial education, eligible individuals also include qualified disadvantaged workers, qualified individuals with disabilities, individuals with learning disabilities, and individuals seeking to enter apprenticeship training.

“Eligible training provider list” means a list of all training providers who meet the requirements established by the State Employment and Training Commission.

“Emancipated minor” means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

“Employability Development Plan” (EDP) 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 based on an assessment of the individual. The EDP may include occupational training, remedial education, or a combination of both.

“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. Occupational training;
3. Remedial education; or
4. Occupational safety and health training.

“English as a Second Language” means training designed for persons with limited English language skills to prepare them in the acquisition of understanding, speaking, reading and writing the English language and skills necessary to function effectively in an English speaking environment, in order to enter other basic skills and remediation programs, and to obtain or retain suitable employment. Persons with limited English language skills are those whose primary language is other than English and who have been assessed to be in need of instruction in English as a second language. An adult’s primary language is the language most relied upon by the adult for communication or the language most spoken by the adult in his or her home and work environment.

“Fund” means the Workforce Development Partnership Fund.

“General fee” means the charges assessed by an institution of higher education on all students to provide general support for teaching and learning, such as library fees or technology fees, and those fees assessed by an institution on all students to support purposes or functions not directly related to teaching and learning, such as recreation centers, student organizations, career placement services, and athletic activities.

“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.

“Local Workforce Investment Area” means the geographic area approved by the Governor with the assistance of the State Employment and Training Commission for all workforce activities.

“Local Workforce Investment Board” means the board approved and certified by the Governor with the assistance of the State Employment and Training Commission.

“New Jersey Occupational Information Coordinating Committee (NJOICC)” is the interagency consortium responsible for developing, managing, and overseeing a Statewide 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 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.

“Occupational safety and health training” means training or education that is designed to assist in the recognition and prevention of potential workplace health and safety hazards.

“Occupational training” means training or education that is related to an occupation and is designed to enhance the marketable skills and earning power of a worker or job seeker.

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

“One-Stop Career Center” means any of the facilities established, sponsored or designated by the State, a political subdivision of the State and a Workforce Investment Board in

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

“One-Stop Career Center System” means that system within which all workforce investment and related programs function as if they were a single entity and as approved by the State Employment and Training Commission in the Local Strategic Five Year Unified Workforce Investment Plan.

“Program” means the Workforce Development Partnership Program.

“Qualifying agency” means any 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.

“Qualified individual with a disability” means any individual assessed by the Division of Vocational Rehabilitation Services or the Commission for the Blind and Visually Impaired as disabled or an individual with learning disabilities.

“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 the Workforce Investment Act of 1998, P. L. 105-220 (29 U.S.C. §§ 1651 et. seq.) to be regarded as a “dislocated worker” under that Act.

“Qualified employed worker” means a worker who is employed by an employer participating in a customized training program, or other employed worker who is in need of remedial education.

“Qualified job counselor” means an individual who is engaged in employment counseling and who meets the following standards established by the Commissioner:

1. A qualified job counselor must have a bachelor’s degree including or supplemented by:

- i. Fifteen college semester hours in vocational guidance or other courses directly related to vocational counseling preparation;
- ii. One year of related professional counseling experience; and
- iii. Knowledge of State and Federal education laws, employment and training laws, wage and hour laws, and temporary disability and unemployment insurance laws.

2. Substitution of experience for education is allowed, provided the 15 college credits have been successfully completed. Master’s degrees in psychology, education, social work, vocational rehabilitation counseling, and personnel administration may be substituted for the one year of experience.

3. The job counselor must be an employee of the Department or an employee of an organization or agency designated by the Commissioner to deliver Workforce Development Partnership Program services.

“Registration fee” means the charge an institution of higher education assesses each term on all students when a student registers for approved courses.

“Remedial education” means any literacy or other basic skills training or education that may not be directly related to a particular occupation but is needed to facilitate success in occupational training or work performance, including training or education in basic mathematics, communication skills, decision-making skills, interpersonal skills, basic computer literacy, English proficiency, and work-readiness skills. This will enable the participant to acquire the necessary skills to attain a minimum level of proficiency needed to attain at least the level of self-sufficiency.

“Self-sufficiency” means the amount of income necessary for an individual to adequately meet his/her basic needs without public assistance. Self-sufficiency standards will be issued by the State Employment and Training Commission for each Workforce Investment Area.

“Service provider” means a provider of employment and training services including, but not limited to, a private or

public school or institution of higher education, a business, a labor organization or a community-based organization. A service provider under this chapter must be located in New Jersey.

“State Employment and Training Commission” (SETC) means the agency of State government, which is in but not of the Department of Labor, designated to develop and assist in the implementation of a State employment and training policy.

“Student outcome information” means information pertaining to individual enrollment and participation in any remedial or 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, but not limited to, 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 issuance of a license.

“Supplemental Workforce Fund for Basic Skills” means the fund established pursuant to section 1 of P.L. 2001 c.152, effective July 13, 2001.

“Total revenue dedicated to the program during any one fiscal year” means all monies received for the funding during any fiscal year including monies withdrawn from the State disability benefits fund pursuant to N.J.S.A. 34:15D-14, reduced by any repayment made during that fiscal year from the fund to the State disability benefits fund pursuant to that section, but does not include any monies allocated to the Supplemental Workforce Fund for Basic Skills pursuant to subsection b. of section 9 of P.L. 1992, c.43 (N.J.S.A. 34:15D-9).

“Training grant” means a grant provided to fund occupational training and any needed remedial education for an eligible individual.

“Training provider” means a provider of education or training services that is approved by a State or Federal agency authorized to approve such entities and meets the requirements of the State Employment and Training Commission and is listed on the Eligible Training Provider List. Such providers may include, but are not limited to, a private or public school or institution of higher education, a business, a labor organization, or a community-based organization. Training providers under this chapter must be located in New Jersey.

“Victim of domestic violence” means a person protected under the Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq., and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or other person who is a present or former household member. “Victim of domestic violence” also in-

cludes any person, regardless of who has been subjected to domestic violence by a person with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

Amended by R.1997 d.465, effective November 3, 1997.

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

Amended "Administrative cost", "Employability development plan", "Labor demand occupation", "Office", "Qualified job counselor", "Total revenue dedicated to the program during any one fiscal year", and "Training grant".

Amended by R.2002 d.193, effective June 17, 2002.

See: 34 N.J.R. 448(a), 34 N.J.R. 2036(a).

Rewrote the section.

Amended by R.2008 d.280, effective September 15, 2008.

See: 40 N.J.R. 1750(a), 40 N.J.R. 5241(a).

Added definitions "Certified Domestic Violence Specialist", "Domestic violence", "Domestic Violence and Workforce Development Initiative Act training", "Domestic violence liaison", "Emancipated minor" and "Victim of domestic violence"; and rewrote definition "One-Stop Career Center".

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

12:23-2.1 Purpose

The purpose of this subchapter is to establish procedures concerning the application and approval process for customized training services under the Workforce Development Partnership (WDP) Program.

Amended by R.2002 d.193, effective June 17, 2002.

See: 34 N.J.R. 448(a), 34 N.J.R. 2036(a).

Inserted "(WDP)" following "Partnership".

12:23-2.2 Eligibility and scope

(a) The following shall be eligible for customized training services:

1. An individual employer who seeks customized training services to create, upgrade, or retain jobs in a labor demand occupation;
2. An individual employer who seeks customized training services to upgrade or retain jobs in an occupation which is not a labor demand occupation, if the Commissioner determines that the services are necessary to prevent the likely loss of jobs with a negative impact on currently employed workers, or that the services are being provided to employees at a facility which is being relocated into New Jersey;
3. An employer organization, labor organization, or community-based organization seeking customized training services to provide training in labor demand occupations in a particular industry; or
4. A consortium made up of one or more educational or training institutions and one or more eligible individual

employers or labor, employer, or community-based organizations which seek customized training services to provide training in labor demand occupations in a particular industry.

(b) The following shall apply for remedial training under the customized training part of the Supplemental Workforce Fund for Basic Skills:

1. Individual employers, employer organizations, labor organizations, community-based organizations, educational institutions or consortia who seek "Supplemental Workforce Funds for Basic Skills" are eligible for customized training services for basic skills training for eligible individuals in need of remedial education as provided in N.J.A.C. 12:23-3.3(b).

(c) Basic skills training can also include communication skills, interpersonal skills, and decision-making skills in addition to remedial education.

(d) Basic skills training can be funded, through a Customized Training Application as described in N.J.A.C. 12:23-2.3.

Amended by R.2002 d.193, effective June 17, 2002.

See: 34 N.J.R. 448(a), 34 N.J.R. 2036(a).

Added (b), (c), and (d).

12:23-2.3 Application for Customized Training Assistance

(a) It is the intent of the Workforce Development Partnership Program to link customized training services directly to the demands of the workplace by providing high quality training and education through active participation by New Jersey's business, labor communities and local Workforce Investment Boards (WIBs). The approval of applications and execution of contracts for the delivery of customized training services will be accomplished in accordance with this intent.

(b) Each applicant seeking customized training services shall submit an application for customized training to the Commissioner in a format approved by the Commissioner. The completed application shall include the applicant's (or if applicable, applicants') name, address, basic descriptive information concerning the applicant, and specific details concerning training needs and requirements. In addition, each employer will submit a business needs plan and a human resources plan. The business needs plan shall include:

1. Justification of the need for the training services and/or funding from the Office of Customized Training, including financial and other information sufficient to demonstrate to the satisfaction of the Commissioner that the applicant will be unable to provide the training service or will provide significantly less of the service if the requested funding is not provided by the Office of Customized Training;
2. A comprehensive long-term human resource development plan which:

i. Extends significantly beyond the period of time in which the services are funded by the Office of Customized Training; and

ii. Significantly enhances the productivity and competitiveness of the employer's operations located in the State and the employment security of workers employed by the employer in the State;

3. Evidence, if the training sought is for an occupation which is not a labor demand occupation, that the customized training services are needed to prevent job loss caused by obsolete skills, technological change, or national or global competition or that the services are being provided to employees at a facility which is being relocated into New Jersey;

4. Evidence that basic skills funding for the remedial training being sought is necessary to enable an individual to develop necessary skills to attain minimally the level of self-sufficiency, or the training is needed to enable the individual to succeed in occupational training, or the training is needed by the individual for career advancement;

5. Information demonstrating that most of the individuals receiving the services will be trained primarily for work in the direct production of goods or services. This does not preclude training in areas of need such as total quality management and remedial education to upgrade workplace literacy; and

6. Any additional information from a specific applicant which the Commissioner deems appropriate.

(c) Non-employer applicants will not be required to submit a business plan but will submit justification of the need for the training services and funding from the Office of Customized Training as noted in (b)1 above and the evidence and information specified in (b)4 through 6 above.

(d) For those applicants who are members of a consortium application, an overall justification for the need for training shall be provided by the lead member/organization identifying why the training is critical to this industry.

(e) Employers filing a single application shall submit complete financial statements including notes thereto along with their auditor's/accountant's report and any footnotes thereto for the three most recently completed fiscal years. If there is no report by the employer's accountant or auditor, then the basis used to prepare the financial statements shall be disclosed. If an employer has been in business less than three years, financial statements for one or two completed years as appropriate shall be included. If an employer has been in business less than one year, business plan projections of revenues, expenses and cash flows and any notes thereto shall be submitted.

(f) Employers who are members of a consortium shall submit a "Summary Financial Information" statement for

their most recently completed two years of financial activity, or if the employer has been in business less than two years, a statement based on one year's activity, or if the employer has been in business less than one year, a projection of financial summary information is required.

(g) The New Jersey Occupational Information Coordinating Committee (NJOICC) shall determine or clarify the labor demand status of an occupation which is contained in an application for customized training services upon request by the Office of Customized Training. The NJOICC shall collect, review and analyze worker supply and demand data and other relevant information; evaluate this information in the context of current and projected local, State, and/or regional labor market conditions; and provide a determination of the current and projected labor demand status of the occupation in question. In making this determination, the NJOICC may consider any relevant information provided by the Office of Customized Training and the applicant for customized training services. The determination made by NJOICC shall be utilized by the Department in its review and evaluation of applications for customized training services.

Amended by R.1997 d.465, effective November 3, 1997.

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

Inserted new (e) and (f); and recodified existing (e) as (g).

Amended by R.2002 d.193, effective June 17, 2002.

See: 34 N.J.R. 448(a), 34 N.J.R. 2036(a).

In (b), added a new 4 and recodified former 4 and 5 as 5 and 6; in (c), inserted "through 6" following "(b)4"; rewrote (e).

12:23-2.4 Conditions and standards of eligibility for customized training assistance

(a) All occupational training provided shall be training which is likely to enhance substantially the individual's marketable skills and earning power, and shall be training for a labor demand occupation, except for customized training provided to the present employees of a business which the Commissioner deems to be in need of the training to prevent job loss caused by obsolete skills, technological change, or national or global competition, or customized training provided to employees at a facility which is being relocated into New Jersey.

(b) Funds available under the program shall not be used for activities that induce, encourage, or assist any displacement of currently employed workers by trainees, including partial displacement by means such as reduced hours of currently employed workers, or replacement of laid off workers by trainees, or any relocation of operations outside of the State, resulting in a loss of employment at previous workplaces located in the State.

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

(b) Individual student outcome information is required for all eligible individuals covered by this Act.

1. A qualifying agency or an approved training or service provider 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.

2. Any entity that reports student outcome or licensing information to a qualifying agency or an approved training or service provider shall request that its students or licensees voluntarily provide their Social Security numbers. Such request shall state that:

i. The disclosure of the Social Security number is voluntary;

ii. 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 investment system, and for other purposes as determined by the Commissioner; and

iii. 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. § 552(a)(note)(b).

3. The information required by this subsection shall be provided on a schedule to be determined and published by the NJOICC and the SETC.

12:23-10.4 Disclosure of information

(a) Information collected by the NJOICC from qualifying agencies or from approved training or service providers 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.

(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.

12:23-10.5 Performance standards and evaluation

(a) Performance standards shall be established for all training programs including basic skills training programs. Performance standards shall be established in accordance with the Strategic Five-Year Unified State Plan for New Jersey’s Workforce Investment System.

(b) The State Employment and Training Commission shall review and evaluate the operations of programs supported by the New Jersey Employment and Workforce Development Act, with special consideration to how these programs assist in the implementation of the goals of the Strategic Five-Year Unified State Plan for New Jersey’s Workforce Investment System, and shall consult with the Commissioner of Labor regarding its findings.

SUBCHAPTERS 11 THROUGH 12. (RESERVED)

SUBCHAPTER 13. ONE-STOP CAREER CENTERS; VICTIMS OF DOMESTIC VIOLENCE

12:23-13.1 Training of qualified job counselors

(a) Each qualified job counselor who is hired to work in a One-Stop Career Center shall receive Domestic Violence and Workforce Development Initiative Act training.

(b) Training provided under (a) above shall be conducted by a Certified Domestic Violence Specialist or, if a Certified Domestic Violence Specialist is not available to conduct the training, by another person approved by the Commissioner, in consultation with the Commissioner of the Department of Community Affairs, who possesses the following qualifications and expertise in the area of domestic violence:

1. 180 hours of domestic violence specific education; and
2. 1,000 hours of direct service experience with domestic violence clients.

(c) With regard to the qualifications listed in (b)1 and 2 above, at the discretion of the Commissioner, in consultation with the Commissioner of the Department of Community Affairs, direct service experience with domestic violence clients may be substituted for up to 140 hours of domestic violence education at a rate of 28 hours of direct service experience with domestic violence clients for every one hour of domestic violence education required.

12:23-13.2 Qualified job counselor responsibilities – self-screening

(a) Each qualified job counselor who has direct, in-person, contact with an individual who is either utilizing counseling or employment services under N.J.S.A. 34:15B-38 in connection with the receipt of employment and training services paid for with Federal job training funds, utilizing counseling or employment services under N.J.S.A. 34:15D-7 in connection with an application to participate in the Workforce Development Partnership program, or utilizing counseling or employment services under N.J.S.A. 43:21-59 in connection with the receipt of remedial education or vocational training

provided pursuant to the Unemployment Compensation law, shall present to the individual, as part of the reemployment orientation package, a document that contains the following information:

1. A self-screening questionnaire, which asks a series of yes/no questions of the individual designed to ascertain whether the individual is a victim of domestic violence;
2. An instruction that if the individual has answered yes to any of the questions listed in the self-screening questionnaire, he or she may contact the office's designated domestic violence liaison;
3. A statement that any of the information that the individual shares with the domestic violence liaison about his or her fears, dangers or abuse will be kept confidential within the Department of Labor and Workforce Development and at any support service programs to which the individual is referred, with the exception that if the claimant informs the Department employee that any child or children are being abused, the Department of Labor and Workforce Development must, pursuant to N.J.S.A. 9:6-8.10, report that information to the Division of Youth and Family Services; and
4. A listing of New Jersey Statewide domestic violence hotlines.

12:23-13.3 Qualified job counselor responsibilities – individual has identified himself or herself as a victim of domestic violence

(a) Where, as a result of the self-screening described under N.J.A.C. 12:23-13.2, an individual discloses to a Department employee other than the office's designated domestic violence liaison that he or she is a victim of domestic violence, the Department employee shall direct the individual to the office's domestic violence liaison.

(b) It shall be the responsibility of the domestic violence liaison with regard to each individual who, as a result of the self-screening described under N.J.A.C. 12:23-13.2, discloses that he or she is a victim of domestic violence, to provide the following information to the individual:

1. Referrals to services determined by the domestic violence liaison to be appropriate in the case of the individual claimant, which services shall include, but not be limited to, any appropriate referral to a designated domestic violence agency as defined at N.J.S.A. 43:21-5(j) or a community shelter for victims of domestic violence certified pursuant to standards and procedures established by N.J.S.A. 30:14-1 et seq.; and
2. The rights that the individual claimant may have to unemployment compensation pursuant to N.J.S.A. 43:21-5.

(c) With regard to each individual who, as a result of the self-screening described under N.J.A.C. 12:23-13.2, discloses that he or she is a victim of domestic violence, the domestic violence liaison shall assume responsibility for counseling the individual in the design of his or her Employability Development Plan, which plan shall be developed to include appropriate accommodations for the individual's needs as a victim of domestic violence.

(d) It shall be the responsibility of the domestic violence liaison with regard to each individual who, as a result of the self-screening described under N.J.A.C. 12:23-13.2, discloses that he or she is a victim of domestic violence, to ensure compliance by the Department with all requirements regarding confidentiality of the individual claimant, including, as applicable, the requirements of N.J.S.A. 34:15B-38, 34:15D-7 and 43:21-59 and the "Address Confidentiality Program Act," N.J.S.A. 47:4-1 et seq.