

CHAPTER 41
WORKFORCE NEW JERSEY

Authority

N.J.S.A. 34:1-20, 34:1A-3(e), 29 U.S.C.A. § 1554 and 20 CFR § 629.51 et seq.

Source and Effective Date

R.1994 d.78, effective January 14, 1994.
See: 25 N.J.R. 5456(a), 26 N.J.R. 810(a).

Executive Order No. 66(1978) Expiration Date

Chapter 41, Workforce New Jersey, expires on January 14, 1999.

Chapter Historical Note

Chapter 41, formerly Division of Employment and Training, was adopted as R.1989 d.38, effective January 17, 1989. See: 20 N.J.R. 2626(a), 21 N.J.R. 168(a). Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1994 d.78. See: Source and Effective Date.

Chapter 41, Office of Employment and Training, was redesignated Chapter 41, Workforce New Jersey by R.1998 d.34, effective January 5, 1998. See: 29 N.J.R. 4439(a), 30 N.J.R. 72(b). See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. JOB TRAINING PARTNERSHIP ACT (JTPA): NON-CRIMINAL COMPLAINT/GRIEVANCE, HEARING AND REVIEW PROCEDURES AT EMPLOYER, SDA, STATE AND FEDERAL LEVEL

12:41-1.1 Purpose

The purpose of this subchapter is to set forth the grievance, hearing and review procedures required under the Job

Training Partnership Act (JTPA) at 29 U.S.C.A. § 1554 and the regulations that implement the JTPA at 20 CFR Sec. 627.500 et seq.

Amended by R.1989 d.475, effective September 5, 1989.
See: 21 N.J.R. 1498(a), 21 N.J.R. 2799(a).

Provisions added regarding NJJTA.
Amended by R.1994 d.78, effective February 7, 1994.
See: 25 N.J.R. 5456(a), 26 N.J.R. 810(a).

12:41-1.2 Scope

(a) Employers of JTPA participants shall follow the grievance and hearing requirements set forth at N.J.A.C. 12:41-1.5. The employer grievance and hearing procedures shall apply to any JTPA participant aggrieved by his or her employer.

(b) Each SDA shall follow, at a minimum, the grievance and hearing requirements set forth at N.J.A.C. 12:41-1.6. The SDA grievance and hearing procedures shall apply to the following:

1. JTPA participant appeals from decisions at the employer level;
2. JTPA participant complaints;
3. Local recipient complaints (schools; contractors; employers with on-the-job training contracts; and consultants); and
4. Complaints from other interested persons.

(c) The State review procedures set forth at N.J.A.C. 12:41-1.7 shall apply to the following:

1. JTPA participant appeals from decisions at the employer level;
2. Local recipient appeals from decisions at the SDA level; and
3. Appeals by other interested persons from decisions at the SDA level.

(d) The State hearing procedures set forth at N.J.A.C. 12:41-1.8 shall apply to local recipients adversely affected by the results of monitoring and/or investigations and to any other complainants who must seek resolution initially at the State level (complaint not subject to review at the SDA level), and any other participant or interested party aggrieved by an SDA.

1. All SDAs shall provide its participants, upon their enrollment, with a copy of the State hearing procedures.
2. Each SDA shall also provide local recipients with a copy of the State hearing procedures no later than the date of the contract between the SDA and the local recipient.

(e) The audit resolution procedures set forth at N.J.A.C. 12:5-1 shall apply to subrecipients adversely affected by the results of an audit.

(f) The Federal review procedures set forth at N.J.A.C. 12:41-1.9 shall apply pursuant to 20 CFR 627.600 et seq. to appeals from complainants who did not receive a decision at the State level.

(g) Nothing in this subchapter shall be construed to prohibit a grievant from pursuing a remedy authorized under another Federal, State, or local law for violation of Section 143 of the JTPA.

Amended by R.1989 d.475, effective September 5, 1989.
See: 21 N.J.R. 1498(a), 21 N.J.R. 2799(a).

Provisions added regarding NJJTA.
Amended by R.1994 d.78, effective February 7, 1994.
See: 25 N.J.R. 5456(a), 26 N.J.R. 810(a).
Amended by R.1994 d.491, effective September 19, 1994.
See: 26 N.J.R. 2864(a), 26 N.J.R. 3872(a).

12:41-1.3 Definitions

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

“Commissioner” means the Commissioner, New Jersey Department of Labor or his or her authorized designee.

“Complainant” means the individual, group or agency alleging a non-criminal violation of the JTPA and/or related agreements and makes an informal and/or formal complaint.

“Director” means the Director of the Division of Employment and Training, Workforce New Jersey-Careers, New Jersey Department of Labor.

“Local recipient” means any person or government department, agency or establishment (private-for-profit/non-profit) that receives Federal JTPA funds to carry out JTPA programs through a State or local government but does not include an individual who is a beneficiary of such a program.

“JTPA” means Job Training Partnership Act, 29 U.S.C.A. § 1501 et seq.

“Participant” means any individual who has been determined eligible for participation upon intake, and may have started receiving employment, training, or services (except post-termination services) funded under the JTPA following intake.

“Recipient” means the State of New Jersey.

“Respondent” means the individual, group or agency against whom a complaint is made and to whom opportunity is given to participate in the complaint resolution process.

“SDA” means Service Delivery Area as defined in 29 U.S.C.A. § 1511.

“Secretary” means the United States Secretary of Labor.

“Substate grantee (SSG)” means the entity which receives JTPA Title III funds for one or more SDAs from the State.

Amended by R.1989 d.475, effective September 5, 1989.
See: 21 N.J.R. 1498(a), 21 N.J.R. 2799(a).

Provisions and definition added regarding NJJTA.
Amended by R.1994 d.78, effective February 7, 1994.
See: 25 N.J.R. 5456(a), 26 N.J.R. 810(a).
Amended by R.1998 d.34, effective January 5, 1998.
See: 29 N.J.R. 4439(a), 30 N.J.R. 72(b).
Changed “Assistant Director” to “Director”.

12:41-1.4 Deadline for filing complaints

The deadline for filing non-criminal complaints at the employer, SDA and State level shall be one year from the date of the alleged occurrence.

12:41-1.5 Grievance and hearing procedures at the employer level

(a) Each employer, including private-for-profit employers under the JTPA, shall maintain a grievance and hearing procedure relating to the terms and conditions of employment available to its participants.

1. Each employer may operate its own grievance and hearing system or may utilize the grievance and hearing system established by the SDA or by the Department at N.J.A.C. 12:41-1.6.

(b) Each employer grievance system shall provide for, upon request of the complainant, a review of an employer’s decision by the SDA and the Director, if necessary, in accordance with N.J.A.C. 12:41-1.6 and 1.7, respectively.

Amended by R.1989 d.475, effective September 5, 1989.
See: 21 N.J.R. 1498(a), 21 N.J.R. 2799(a).

Provisions added regarding NJJTA.
Amended by R.1994 d.78, effective February 7, 1994.
See: 25 N.J.R. 5456(a), 26 N.J.R. 810(a).
Amended by R.1998 d.34, effective January 5, 1998.
See: 29 N.J.R. 4439(a), 30 N.J.R. 72(b).

12:41-1.6 Grievance and hearing procedures at the SDA level

(a) Each SDA shall establish and maintain grievance and hearing procedures for grievances or complaints about its programs and activities from participants, local recipients and other interested persons. The procedures shall include the resolution of complaints alleging a violation of the JTPA, regulations, grants or other agreements under the JTPA.

(b) The grievance and hearing procedures shall contain, at a minimum, the following requirements: