SENATE, No. 793 **STATE OF NEW JERSEY** 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by: Senator SANDRA B. CUNNINGHAM District 31 (Hudson) Senator TROY SINGLETON District 7 (Burlington)

Co-Sponsored by: Senators Turner and Pou

SYNOPSIS

Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee with technical review.



(Sponsorship Updated As Of: 6/30/2021)

2

AN ACT concerning funds for the New Jersey Community College 1 2 Consortium for Workforce and Economic Development and 3 amending P.L.2001, c.152. 4 5 **BE IT ENACTED** by the Senate and General Assembly of the State 6 of New Jersey: 7 8 [1. Section 1 of P.L.2001, c.152 (C.34:15D-21) is amended to 9 read as follows: 10 A restricted, nonlapsing, revolving "Supplemental 1. a. 11 Workforce Fund for Basic Skills," to be managed and invested by 12 the State Treasurer, is hereby established in the Department of 13 Labor and Workforce Development to provide basic skills training. 14 All moneys appropriated to the fund, all interest accumulated on balances in the fund and all cash received for the fund from any 15 16 other source shall be allocated by the Commissioner of Labor and 17 Workforce Development as follows: 18 (1) 24% shall be deposited in an account reserved to support basic skills training delivered by the State's One Stop Career 19 20 Centers to qualified displaced, disadvantaged and employed 21 workers pursuant to Employability Development Plans developed 22 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7); 23 (2) 28% shall be deposited in an account reserved for Workforce 24 Investment Boards to provide grants for basic skills training for 25 qualified displaced, disadvantaged and employed workers pursuant 26 to Employability Development Plans developed pursuant to section 27 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with learning disabilities or otherwise in need of vocational 28 29 rehabilitation services: 30 (3) 25% shall be deposited in an account reserved for grants to 31 consortia including one or more of any of the following: eligible 32 individual employers, employer organizations, labor organizations, 33 community-based organizations or educational institutions to 34 provide basic skills training to qualified displaced, disadvantaged or 35 employed workers or to other individuals seeking to enter 36 apprenticeship training; 37 (4) 13%, but not less than \$3 million, shall be deposited in an 38 account reserved for a grant to the New Jersey Community College 39 Consortium for Workforce and Economic Development, a part of 40 the New Jersey Council of County Colleges, to provide basic skills 41 training to qualified displaced, disadvantaged or employed workers. 42 The New Jersey Community College Consortium for Workforce 43 and Economic Development may request additional funds, beyond 44 the amount provided for in this paragraph, from the Commissioner of Labor and Workforce Development, which funds shall be 45

EXPLANATION – Matter enclosed in **bold-faced** brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

3

provided in connection with paragraph (3) of this subsection, at the 1 2 discretion of the commissioner and without any special preference 3 over any other applicant seeking funds in connection with 4 paragraph (3) of this subsection, for the purpose of providing basic 5 skills training to qualified displaced, disadvantaged or employed 6 workers. Any request for those additional funds shall only be 7 authorized after a determination by the commissioner that the funds 8 provided in connection with this paragraph have been encumbered 9 and that there is a demand for additional funds to provide basic 10 skills training] If the 13% is less than \$3 million, an additional 11 amount shall be deposited into this account either from the 87% 12 deposited pursuant to paragraphs (1), (2), (3), and (5) of this 13 subsection or from other funds as determined by the commissioner 14 until this account equals \$3 million; and

(5) 10% shall be deposited in an account to be used, at the
discretion of the commissioner, for any of the purposes indicated in
this subsection a. and any administrative costs incurred by the
Department of Labor and Workforce Development in connection
with the fund.

20 b. Any grant provided in connection with paragraph (3) of 21 subsection a. of this section directly to an employer or to an 22 employer through a consortium shall be regarded as a customized 23 training grant and shall be administered by the Office of 24 Customized Training and the employer and consortium shall 25 comply with all requirements of section 5 of P.L.1992, c.43 26 (C.34:15D-5), except that any grants provided directly or indirectly 27 to an employer for use in connection with any program which 28 includes apprenticeship training or activities or preparation for 29 entry into apprenticeship training shall be exempt from the 30 requirement of this subsection b. to be administered by the Office of 31 Customized Training and be subject to the requirements of section 5 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the 32 33 Apprenticeship Policy Committee, as defined in section 3 of 34 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the provisions of subsection e. of section 5 of P.L.1993, c.268 35 (C.34:15E-5). Any grant provided in connection with paragraph (2) 36 37 of subsection a. of this section directly to an individual shall be 38 regarded as an individual training grant and shall be subject to the 39 requirements of subsections a., c. and d. of section 6 of P.L.1992, 40 c.43 (C.34:15D-6).

Also, any funds provided in connection with paragraph (4) of
subsection a. of this section shall be provided to the New Jersey
Community College Consortium for Workforce and Economic
Development by the Office of Customized Training, and shall
comply with the following requirements:

46 (1) The New Jersey Community College Consortium for
47 Workforce and Economic Development shall work with all the
48 community colleges throughout the State of New Jersey to deliver

basic skills training in the most effective and efficient manner
 possible at any of their 63 campuses or at any appropriate business
 facility;

4 (2) There shall be no charge to the employer sending employees 5 to the training, but the employer shall pay employees regular wages 6 for the hours the training takes place, except that any waiver of this 7 requirement to pay employees regular wages, for the hours of 8 training, authorized by the Commissioner of Labor and Workforce 9 Development, may, at the discretion of the commissioner, be 10 offered to the New Jersey Community College Consortium for 11 Workforce and Economic Development on the same basis as any 12 other grant recipient;

13 (3) The employers sending their employees to this training shall 14 not be asked to provide any paperwork or complete any financial 15 disclosure forms, including a tax clearance certificate as provided in section 1 of P.L.2007, c.101 (C.54:50-39), except that employers 16 17 shall provide the employees participating in the training with the 18 information that the employees need to comply with paragraph (4) 19 of this subsection, and shall provide the New Jersey Community 20 College Consortium for Workforce and Economic Development with the information the employer has regarding its participating 21 22 employees that the consortium needs to produce the annual report 23 required pursuant to paragraph (7) of this subsection;

(4) The employees being trained shall provide the Federal
Employer Identification Number (FEIN) of their employer and the
employer's contact information at the beginning of the training;

(5) The mean class size for training under this subsection shall
be 10, but the New Jersey Community College Consortium for
Workforce and Economic Development may aggregate employees
from multiple employers in a single training to reach that mean of
10;

(6) The training provided under this subsection shall be basic
skills training, but the apportionment of classes in the different
areas of basic skills as defined by subsection h. of this section may
be determined by the New Jersey Community College Consortium
for Workforce and Economic Development in consultation with
representatives of the business community;

38 (7) The New Jersey Community College Consortium for 39 Workforce and Economic Development shall file an annual report by September 1 of each year with the New Jersey Legislature and 40 41 the New Jersey Department of Labor and Workforce Development 42 containing the total number of workers trained, the total funds 43 expended on training, the number of workers trained in each area of 44 basic skills training, the number of businesses with employees 45 trained, the number of classes held in each area of basic skills 46 training, the number of classes held at each community college, the 47 wage ranges of the workers trained, the job titles of the workers 48 trained and the results of the pre-training and post-training

1 assessments. The report shall also include an analysis of the 2 strengths and weaknesses of the training program and how it can be 3 improved in the following year. The report shall supplant all 4 requirements for any other reporting that the New Jersey 5 Community College Consortium for Workforce and Economic 6 Development may be asked to complete with respect to the funds it 7 receives through paragraph (4) of subsection a. of this section; and

8 (8) The New Jersey Community College Consortium for 9 Workforce and Economic Development shall work with the 10 business community to promote this program to businesses across 11 the State, including chambers of commerce and Statewide 12 associations, such as the New Jersey Business and Industry Association, and shall seek out, and work with, State, regional, and 13 14 county organizations that are dedicated to the economic 15 empowerment of segments of society by race, ethnicity, gender, 16 age, religion, disability, or sexual orientation, including, but not 17 limited to the African American Chamber of Commerce of New 18 Jersey and the Statewide Hispanic Chamber of Commerce of New 19 Jersey, and any other appropriate business organizations.

20 c. Any employment and training services funded by the 21 Supplemental Workforce Fund for Basic Skills shall be provided in 22 a manner which complies with the provisions of subsections b., c., 23 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the 24 extent that those subsections pertain to remedial education. Any 25 service provider receiving moneys from the Supplemental 26 Workforce Fund for Basic Skills shall be subject to the provisions of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of 27 28 P.L.1992, c.44 (C.34:15D-19).

d. All staff located at any One Stop Career Center supported by
funds provided from the Supplemental Workforce Fund for Basic
Skills shall be hired and employed by the State pursuant to Title
11A, Civil Service, of the New Jersey Statutes.

33 Beginning July 1, 2002, and for any subsequent fiscal year, e. 34 if the unexpended cash balance in any of the accounts indicated in 35 subsection a. of this section, less any amount awarded in grants but 36 not yet disbursed from the account, is determined to exceed 20% of 37 the amount of contributions collected for deposit in the account 38 pursuant to this subsection during the fiscal year then ended, the 39 excess shall be regarded as an unemployment compensation 40 contribution and deposited into the unemployment compensation 41 fund within seven business days of the date that the determination is 42 made.

f. The Commissioner of Labor and Workforce Development
shall establish standards of performance for providers of basic skills
training pursuant to this act. The standards shall include, but not be
limited to, standards for the curriculum or training to be furnished,
qualifications for persons who will provide the training under the
act, and standards for establishing what constitutes successful

completion of the training program. The commissioner shall 1 2 establish means of determining the ability of enrollees to gain or 3 maintain employment following the successful completion of a 4 training program established pursuant to this section. In the event 5 that the commissioner determines that a provider has not conducted 6 its training program in accordance with the standards of 7 performance, he may take that action necessary to correct the 8 deficiencies of the provider, or terminate the contract with the 9 provider of basic skills services if the provider fails to respond to 10 remedial action.

The State Employment and Training Commission shall 11 g. 12 review and evaluate the operations of programs supported by the 13 Supplemental Workforce Fund for Basic Skills established pursuant 14 to this section, with special consideration to how those programs 15 assist in the implementation of the goals of the Strategic Five-Year State Plan for New Jersey's Workforce Investment System, and 16 17 shall consult with the Commissioner of Labor and Workforce 18 Development regarding its findings.

h. For the purpose of this section:

"Basic skills training" means basic mathematics, reading
comprehension, basic computer literacy <u>including new technology</u>
<u>topics</u>, English proficiency and work-readiness skills <u>including</u>
<u>topics for entry level managers</u> and shall be regarded as a form of
"remedial education" for the purposes of section 3 of P.L.1992, c.43
(C.34:15D-3);

"One Stop Career Center" means one of the centers established in local areas to coordinate a variety of State and local programs providing employment and training services, including job placement services, or any other similar State or local governmentsponsored center providing employment and training services as may be developed at any later time; and

"Qualified disadvantaged worker," "qualified displaced worker,"
"qualified employed worker," and "employment and training
services" have the meanings given to them by section 3 of
P.L.1992, c.43 (C.34:15D-3).

- 36 (cf: P.L.2017, c.52)]
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38 1. Section 1 of P.L.2001, c.152 (C.34:15D-21) is amended to39 read as follows:

40 1. a. A restricted, nonlapsing, revolving "Supplemental Workforce Fund for Basic Skills," to be managed and invested by 41 the State Treasurer, is hereby established in the Department of 42 43 Labor and Workforce Development to provide basic skills training. 44 All moneys appropriated to the fund, all interest accumulated on 45 balances in the fund and all cash received for the fund from any 46 other source shall be allocated by the Commissioner of Labor and 47 Workforce Development as follows:

(1) 24% shall be deposited in an account reserved to support
 basic skills training delivered by the State's One Stop Career
 Centers to qualified displaced, disadvantaged and employed
 workers pursuant to Employability Development Plans developed
 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7);

6 (2) 28% shall be deposited in an account reserved for Workforce Investment Boards to provide grants for basic skills training for 7 8 qualified displaced, disadvantaged and employed workers pursuant 9 to Employability Development Plans developed pursuant to section 10 7 of P.L.1992, c.43 (C.34:15D-7) and for other individuals with 11 learning disabilities or otherwise in need of vocational 12 rehabilitation services;

13 (3) 25% shall be deposited in an account reserved for grants to 14 consortia including one or more of any of the following: eligible 15 individual employers, employer organizations, labor organizations, 16 community-based organizations or educational institutions to 17 provide basic skills training to qualified displaced, disadvantaged or 18 employed workers or to other individuals seeking to enter 19 apprenticeship training; except that, during the fiscal year beginning 20 after June 30, 2019, 12.5% shall be deposited in an account reserved for grants to consortia including one or more of any of the 21 22 following: eligible individual employers, employer organizations, 23 labor organizations, community-based organizations or educational 24 institutions to provide basic skills training to qualified displaced, 25 disadvantaged or employed workers or to other individuals seeking 26 to enter apprenticeship training, and 12.5% shall be deposited in an 27 account reserved to provide grants under the "High-Growth 28 Industry Regional Apprenticeship Development Grant Pilot 29 Program, established pursuant to section 1 of P.L., c. (C.) 30 (pending before the Legislature as this bill) through fiscal year 31 2024;

32 (4) 13%, but not less than \$3 million, shall be deposited in an 33 account reserved for a grant to the New Jersey Community College 34 Consortium for Workforce and Economic Development, a part of 35 the New Jersey Council of County Colleges, to provide basic skills 36 training to qualified displaced, disadvantaged or employed workers. 37 The New Jersey Community College Consortium for Workforce 38 and Economic Development may request additional funds, beyond 39 the amount provided for in this paragraph, from the Commissioner 40 of Labor and Workforce Development, which funds shall be 41 provided in connection with paragraph (3) of this subsection, at the 42 discretion of the commissioner and without any special preference 43 over any other applicant seeking funds in connection with 44 paragraph (3) of this subsection, for the purpose of providing basic 45 skills training to qualified displaced, disadvantaged or employed 46 workers. Any request for those additional funds shall only be 47 authorized after a determination by the commissioner that the funds 48 provided in connection with this paragraph have been encumbered

and that there is a demand for additional funds to provide basic skills training] If the 13% is less than \$3 million, an additional amount shall be deposited into this account either from the 87% deposited pursuant to paragraphs (1), (2), (3), and (5) of this subsection or from other funds as determined by the commissioner until this account equals \$3 million; and

7 (5) 10% shall be deposited in an account to be used, at the 8 discretion of the commissioner, for any of the purposes indicated in 9 this subsection a. and any administrative costs incurred by the 10 Department of Labor and Workforce Development in connection 11 with the fund.

12 b. Any grant provided in connection with paragraph (3) of subsection a. of this section directly to an employer or to an 13 14 employer through a consortium shall be regarded as a customized 15 training grant and shall be administered by the Office of 16 Customized Training and the employer and consortium shall 17 comply with all requirements of section 5 of 18 P.L.1992, c.43 (C.34:15D-5), except that any grants provided 19 directly or indirectly to an employer for use in connection with any 20 program which includes apprenticeship training or activities or 21 preparation for entry into apprenticeship training shall be exempt 22 from the requirement of this subsection b. to be administered by the 23 Office of Customized Training and be subject to the requirements of 24 section 5 of P.L.1992, c.43 (C.34:15D-5), if it is approved by the 25 Apprenticeship Policy Committee, as defined in section 3 of 26 P.L.1993, c.268 (C.34:15E-3), and the employer complies with the 27 provisions of subsection e. of section 5 of P.L.1993, c.268 28 (C.34:15E-5). Any grant provided in connection with paragraph (2) 29 of subsection a. of this section directly to an individual shall be 30 regarded as an individual training grant and shall be subject to the 31 requirements of subsections a., c. and d. of section 6 of P.L.1992, 32 c.43 (C.34:15D-6).

Also, any funds provided in connection with paragraph (4) of
subsection a. of this section shall be provided to the New Jersey
Community College Consortium for Workforce and Economic
Development by the Office of Customized Training, and shall
comply with the following requirements:

(1) The New Jersey Community College Consortium for
Workforce and Economic Development shall work with all the
community colleges throughout the State of New Jersey to deliver
basic skills training in the most effective and efficient manner
possible at any of their 63 campuses or at any appropriate business
facility;

(2) There shall be no charge to the employer sending employees
to the training, but the employer shall pay employees regular wages
for the hours the training takes place, except that any waiver of this
requirement to pay employees regular wages, for the hours of
training, authorized by the Commissioner of Labor and Workforce

Development, may, at the discretion of the commissioner, be
 offered to the New Jersey Community College Consortium for
 Workforce and Economic Development on the same basis as any
 other grant recipient;

5 (3) The employers sending their employees to this training shall 6 not be asked to provide any paperwork or complete any financial 7 disclosure forms, including a tax clearance certificate as provided in 8 section 1 of P.L.2007, c.101 (C.54:50-39), except that employers 9 shall provide the employees participating in the training with the 10 information that the employees need to comply with paragraph (4) 11 of this subsection, and shall provide the New Jersey Community 12 College Consortium for Workforce and Economic Development 13 with the information the employer has regarding its participating 14 employees that the consortium needs to produce the annual report 15 required pursuant to paragraph (7) of this subsection;

(4) The employees being trained shall provide the Federal
Employer Identification Number (FEIN) of their employer and the
employer's contact information at the beginning of the training;

(5) The mean class size for training under this subsection shall
be 10, but the New Jersey Community College Consortium for
Workforce and Economic Development may aggregate employees
from multiple employers in a single training to reach that mean of
10;

(6) The training provided under this subsection shall be basic
skills training, but the apportionment of classes in the different
areas of basic skills as defined by subsection h. of this section may
be determined by the New Jersey Community College Consortium
for Workforce and Economic Development in consultation with
representatives of the business community;

30 (7) The New Jersey Community College Consortium for Workforce and Economic Development shall file an annual report 31 32 by September 1 of each year with the New Jersey Legislature and 33 the New Jersey Department of Labor and Workforce Development 34 containing the total number of workers trained, the total funds 35 expended on training, the number of workers trained in each area of 36 basic skills training, the number of businesses with employees 37 trained, the number of classes held in each area of basic skills 38 training, the number of classes held at each community college, the 39 wage ranges of the workers trained, the job titles of the workers 40 trained and the results of the pre-training and post-training 41 assessments. The report shall also include an analysis of the 42 strengths and weaknesses of the training program and how it can be 43 improved in the following year. The report shall supplant all 44 requirements for any other reporting that the New Jersey 45 Community College Consortium for Workforce and Economic 46 Development may be asked to complete with respect to the funds it 47 receives through paragraph (4) of subsection a. of this section; and

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(8) The New Jersey Community College Consortium for 1 2 Workforce and Economic Development shall work with the 3 business community to promote this program to businesses across 4 the State, including chambers of commerce and Statewide 5 associations, such as the New Jersey Business and Industry 6 Association, and shall seek out, and work with, State, regional, and 7 county organizations that are dedicated to the economic 8 empowerment of segments of society by race, ethnicity, gender, 9 age, religion, disability, or sexual orientation, including, but not 10 limited to the African American Chamber of Commerce of New 11 Jersey and the Statewide Hispanic Chamber of Commerce of New 12 Jersey, and any other appropriate business organizations.

13 c. Any employment and training services funded by the 14 Supplemental Workforce Fund for Basic Skills shall be provided in 15 a manner which complies with the provisions of subsections b., c., 16 f., g., h. and i. of section 4 of P.L.1992, c.43 (C.34:15D-4), to the 17 extent that those subsections pertain to remedial education. Any 18 service provider receiving moneys from the Supplemental 19 Workforce Fund for Basic Skills shall be subject to the provisions of section 8 of P.L.1992, c.43 (C.34:15D-8) and section 8 of 20 21 P.L.1992, c.44 (C.34:15D-19).

d. All staff located at any One Stop Career Center supported by
funds provided from the Supplemental Workforce Fund for Basic
Skills shall be hired and employed by the State pursuant to Title
11A, Civil Service, of the New Jersey Statutes.

26 Beginning July 1, 2002, and for any subsequent fiscal year, e. 27 if the unexpended cash balance in any of the accounts indicated in 28 subsection a. of this section, less any amount awarded in grants but 29 not yet disbursed from the account, is determined to exceed 20% of 30 the amount of contributions collected for deposit in the account pursuant to this subsection during the fiscal year then ended, the 31 32 excess shall be regarded as an unemployment compensation 33 contribution and deposited into the unemployment compensation 34 fund within seven business days of the date that the determination is 35 made.

36 f. The Commissioner of Labor and Workforce Development 37 shall establish standards of performance for providers of basic skills 38 training pursuant to this act. The standards shall include, but not be 39 limited to, standards for the curriculum or training to be furnished, 40 qualifications for persons who will provide the training under the 41 act, and standards for establishing what constitutes successful 42 completion of the training program. The commissioner shall 43 establish means of determining the ability of enrollees to gain or 44 maintain employment following the successful completion of a 45 training program established pursuant to this section. In the event 46 that the commissioner determines that a provider has not conducted 47 its training program in accordance with the standards of 48 performance, he may take that action necessary to correct the

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deficiencies of the provider, or terminate the contract with the
 provider of basic skills services if the provider fails to respond to
 remedial action.

4 g. The State Employment and Training Commission shall 5 review and evaluate the operations of programs supported by the 6 Supplemental Workforce Fund for Basic Skills established pursuant to this section, with special consideration to how those programs 7 8 assist in the implementation of the goals of the Strategic Five-Year 9 State Plan for New Jersey's Workforce Investment System, and 10 shall consult with the Commissioner of Labor and Workforce 11 Development regarding its findings.

12 h. For the purpose of this section:

"Basic skills training" means basic mathematics, reading
comprehension, basic computer literacy <u>including new technology</u>
topics, English proficiency and work-readiness skills <u>including</u>
topics for entry level managers and shall be regarded as a form of
"remedial education" for the purposes of section 3 of P.L.1992, c.43
(C.34:15D-3);

"One Stop Career Center" means one of the centers established in local areas to coordinate a variety of State and local programs providing employment and training services, including job placement services, or any other similar State or local governmentsponsored center providing employment and training services as may be developed at any later time; and

"Qualified disadvantaged worker," "qualified displaced worker,"
"qualified employed worker," and "employment and training
services" have the meanings given to them by section 3 of
P.L.1992, c.43 (C.34:15D-3).

- 29 (cf: P.L.2019, c.314, s.2)
- 30

31 2. This act shall take effect immediately.