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*** THIS SECTION IS CURRENT THROUGH NEW JERSEY 214TH LEGISLATURE ***
2ND ANNUAL SESSION (P.L. 2011 CHAPTER 46 AND JR 3)
STATE CONSTITUTION CURRENT THROUGH THE NOVEMBER, 2010 ELECTION
ANNOTATIONS CURRENT THROUGH APRIL 12, 2011.

TITLE 34. LABOR AND WORKERS' COMPENSATION
CHAPTER 15C. STATE EMPLOYMENT AND TRAINING COMMISSION

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 34:15C-1 (2011)

§ 34:15C-1. Definitions

As used in this act:

- a. "At-risk youth" means a teenage high school dropout or a teenage parent or other teenager whose pattern of behavior is likely to result in becoming a high school dropout.
- b. "Commission" means the State Employment and Training Commission established pursuant to section 5 of this act.
- c. "Federal job training funds" means any moneys expended pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. § 2801 et seq.) or any other federal law to obtain employment and training services or other employment-directed and workforce development programs and activities, including employment and training services as defined in section 1 of P.L.1992, c.48 (C.34:15B-35) and employment-directed and workforce development programs and activities as described in sections 2 and 4 of P.L.2004, c.39 (C.34:1A-1.3 and 34:1A-1.5).
- d. "Labor demand occupation" means an occupation which:
 - (1) The Center for Occupational Employment Information has, pursuant to subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86), determined is or will be, on a regional basis, subject to a significant excess of demand over supply for trained workers, based on a comparison of the total need or anticipated need for trained workers with the total number being trained; or
 - (2) The Center for Occupational Employment Information, in conjunction with a Workforce Investment Board, has, pursuant to subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86), determined is or will be, in the region for which the board is responsible, subject to a significant excess of demand over supply for adequately trained workers, based on a comparison of total need or anticipated need for trained workers with the total number being trained.
- e. "Owner" of a qualifying school means any person who acts as the proprietor of a qualifying school, including any individual who has an ownership interest of five percent or more in the qualifying school.
- f. (1) "Qualifying school" means, except as provided in paragraph (2) of this subsection f., a government unit, person, association, firm, corporation, private organization, or any entity doing business or maintaining facilities within the State, whether operating on a for profit or not for profit basis, which:

(a) Offers or maintains a course of instruction or instructional program utilized to prepare individuals for future education or the workplace, including instruction in literacy or basic skills, or provides supplemental instruction in recognized occupational skills, pre-employment skills or literacy skills;

(b) Offers instruction by any method including, but not limited to, classroom, shop, laboratory experience, correspondence, Internet and other distance learning media, or any combination thereof;

(c) Offers instruction to the general public or in conjunction with New Jersey's workforce investment system; and

(d) Charges tuition or other fees or costs, or receives public funding for the delivery of any of the above types of instruction.

(2) "Qualifying school" does not mean:

(a) Colleges and universities licensed by the Commission on Higher Education or other schools, institutions and entities, including public or private schools below college level, which are regulated and approved pursuant to any law of this State other than this 2005 amendatory and supplementary act;

(b) Employers offering instruction to their employees directly or through a contract instructor, where there is no cost to the employee and no profit to the employer; or

(c) Schools offering instruction which is avocational, cultural or recreational in nature.

g. "Service provider," "training provider" or "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.

h. "State job training funds" means any moneys expended from the Workforce Development Partnership Fund created pursuant to section 9 of P.L.1992, c.43 (*C.34:15D-9*), the Supplemental Workforce Fund for Basic Skills established pursuant to section 1 of P.L.2001, c.152 (*C.34:15D-21*) or any other source of State moneys to obtain employment and training services or other employment-directed and workforce development programs and activities, including employment and training services as defined in section 3 of P.L.1992, c.43 (*C.34:15D-3*) and employment-directed and workforce development programs and activities as described in sections 2 and 4 of P.L.2004, c.39 (*C.34:1A-1.3* and *34:1A-1.5*).

i. "Workforce Investment Board" means a board established pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (*29 U.S.C. § 2801* et seq.).

j. "Workforce investment programs" means programs and services that are State or federally funded and designed to develop, improve, or maintain the productivity and earning power of workers and job seekers, including employment and training services, as defined in section 1 of P.L.1992, c.48 (*C.34:15B-35*) and section 3 of P.L.1992, c.43 (*C.34:15D-3*), and including employment-directed and workforce development programs and activities as described in sections 2 and 4 of P.L.2004, c.39 (*C.34:1A-1.3* and *34:1A-1.5*).

k. "Workforce investment services" means core, intensive, and training services as defined by the "Workforce Investment Act of 1998," Pub.L.105-220 (*29 U.S.C. § 2801* et seq.).

HISTORY: L. 1989, c. 293, § 4; amended 2005, c. 354, § 6, eff. Jan. 12, 2006.

NOTES:

Administrative Code:

1. *N.J.A.C. 12:42-1.3* (2009), CHAPTER WORKFORCE INVESTMENT ACT RULES, Definitions.



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N.J. Stat. § 34:15C-2 (2011)

§ 34:15C-2. State Employment and Training Commission; created

There is created in the Executive Branch of the State Government a commission which shall be known as the State Employment and Training Commission. For the purposes of complying with the provisions of *Article V, Section IV, paragraph 1 of the New Jersey Constitution*, the commission is allocated within the Department of Labor, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof.

HISTORY: L. 1989, c. 293, § 5.

NOTES:

Cross References:

Definitions relative to State's workforce investment system, see *34:1A-85*.

Transfer of authority to appoint certain executive directors; transfer of functions, powers, duties, see *34:1B-228*.

State Council for Adult Literacy Education Services, see *34:15C-18*.

Youth Employment and After School Incentive Pilot Program, see *34:15F-12*.



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N.J. Stat. § 34:15C-3 (2011)

§ 34:15C-3. Members of the commission; appointments; terms

The commission shall consist of the following members: the Commissioners of Commerce, Energy and Economic Development, Community Affairs, Education, Human Services, and Labor and the Chancellor of Higher Education, all of whom shall serve *ex officio*; one member of the Senate appointed by the Governor to serve during the two-year legislative session in which the appointment is made; one member of the General Assembly appointed by the Governor to serve during the two-year legislative session in which the appointment is made; and a number of public members as determined by the Governor pursuant to section 122 of the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. § 1532). The public members shall be appointed by the Governor with the advice and consent of the Senate for terms of three years, except that of the public members first appointed by the Governor, not less than 30% shall be appointed for three years, not less than 30% shall be appointed for two years, and the others shall be appointed for one year. Not more than half of the members appointed by the Governor shall be of the same political party. The composition of the commission shall be consistent with the composition required for a State job training coordinating council pursuant to section 122(a)(3) of the "Job Training Partnership Act," Pub.L. 97-300 (29 U.S.C. § 1532). Each member shall hold office for the term of appointment and until his successor is appointed and qualified. A member appointed to fill a vacancy occurring in the membership of the board for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. All vacancies shall be filled in the same manner as the original appointment. A member may be appointed for any number of successive terms. Any member appointed by the Governor may be removed from office by the Governor, for cause, after a hearing and may be suspended by the Governor pending the completion of the hearing. Members of the board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members. Action may be taken and motions and resolutions may be adopted by the board at a board meeting by an affirmative vote of a majority of the members. The Governor shall select a chairperson who shall be a nongovernmental member of the commission. Advanced notification for, and copies of the minutes of, each meeting of the commission shall be filed with the Governor, the President of the Senate and the Speaker of the General Assembly.

HISTORY: L. 1989, c. 293, § 6.

LexisNexis (R) Notes:

LAW REVIEWS & JOURNALS

1. *36 Rutgers L. J. 1295*, SEVENTEENTH ANNUAL ISSUE ON STATE CONSTITUTIONAL LAW: DOCUMENT: State of New Jersey Property Tax Convention Task Force: Report to the Governor and Legislature.



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N.J. Stat. § 34:15C-4 (2011)

§ 34:15C-4. Appointment of executive director; duties

The commission shall appoint an executive director. The executive director shall report to the chairperson of the commission and be responsible for administering the daily operations of the commission, and may appoint not more than four administrators. The executive director and the administrators shall serve in the State unclassified service. The commission may also hire and employ, pursuant to Title 11A, Civil Service, of the New Jersey Statutes, other professional, technical, and clerical staff as may be necessary to perform the functions assigned to the commission. The commission may call to its assistance and avail itself of the services of the employees of any other units of State government as it may require and as may be available to it for that purpose.

HISTORY: L. 1989, c. 293, § 7.



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N.J. Stat. § 34:15C-5 (2011)

§ 34:15C-5. Purpose of commission

The purpose of the commission shall be to develop and assist in the implementation of a State workforce investment policy with the goal of creating a coherent, integrated system of workforce investment programs and services which, in concert with the efforts of the private sector, will provide each citizen of the State with equal access to the learning opportunities needed to attain and maintain high levels of productivity and earning power. The principal emphasis of the workforce investment policy shall be developing a strategy to fill significant gaps in New Jersey's workforce investment efforts, with special attention to finding ways to mobilize and channel public and private resources to individuals who would otherwise be denied access to the training and education they need to make their fullest contribution to the economic well being of the State. To the extent practicable, the strategy shall emphasize types of training and education which foster the communication and critical thinking skills in workers and job seekers which will be of greatest benefit for long term career advancement.

HISTORY: L. 1989, c. 293, § 8; amended 2005, c. 354, § 7, eff. Jan. 12, 2006.



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N.J. Stat. § 34:15C-6 (2011)

§ 34:15C-6. Duties of commission

The commission shall:

a. Issue the New Jersey Unified Workforce Investment Plan pursuant to the provisions of the Workforce Investment Act of 1998, Pub.L.105-220 (*29 U.S.C. § 2801 et seq.*) and section 10 of P.L.1989, c.293 (*C.34:15C-7*);

b. Establish performance standards for workforce investment programs pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (*29 U.S.C. § 2801 et seq.*) and section 11 of P.L.1989, c.293 (*C.34:15C-8*);

c. Act to ensure the full participation of Workforce Investment Boards in the planning and supervision of local workforce investment systems. The commission shall be responsible to oversee and develop appropriate standards to ensure Workforce Investment Board compliance with State and federal law, the State plan, and other relevant requirements regarding membership, staffing, meetings, and functions;

d. Foster and coordinate initiatives of the Department of Education and Commission on Higher Education to enhance the contributions of public schools and institutions of higher education to the implementation of the State workforce investment policy;

e. Examine federal and State laws and regulations to assess whether those laws and regulations present barriers to achieving any of the goals of this act. The commission shall, from time to time as it deems appropriate, issue to the Governor and the Legislature reports on its findings, including recommendations for changes in State or federal laws or regulations concerning workforce investment programs or services, including, when appropriate, recommendations to merge other State advisory structures and functions into the commission;

f. Perform the duties assigned to a State Workforce Investment Board pursuant to subsection (d) of section 111 of the Workforce Investment Act of 1998, Pub.L.105-220 (*29 U.S.C. § 2821*);

g. Have the authority to enter into agreements with the head of each State department or commission which administers or funds education, employment or training programs, including, but not limited to, the Departments of Labor and Workforce Development, Community Affairs, Education, and Human Services and the Commission on Higher Education, the New Jersey Economic Development Authority, and the Juvenile Justice Commission, which agreements are for the purpose of assigning planning, policy guidance and oversight functions to each Workforce Investment Board with respect to any workforce investment program funded or administered by the State department or commission within the Workforce Investment Board's respective labor market area or local area, as the case may be; and

h. Establish guidelines to be used by the Workforce Investment Boards in performing the planning, policy guidance, and oversight functions assigned to the boards under any agreement reached by the commission with a department or commission pursuant to subsection g. of this section. The commission shall approve all local Workforce Investment Board plans that meet the criteria established by the commission for the establishment of One-Stop systems. The Department of Labor and Workforce Development shall approve the operational portion of the plans for programs administered by the department.

The commission shall have access to all files and records of other State agencies and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

Nothing in P.L.2005, c.354 (*C.34:15C-7.1* et al.) shall be construed as affecting the authority of the State Treasurer to review and approve training programs for State employees pursuant to *N.J.S.11A:6-25*.

HISTORY: L. 1989, c. 293, § 9; amended 2005, c. 354, § 8, eff. Jan. 12, 2006; 2007, c. 253, § 20, eff. Jan. 4, 2008; 2008, c. 29, § 91, eff. June 30, 2008.

NOTES:

Amendment Note:

2007 amendment, by Chapter 253, substituted "New Jersey Commerce Commission" for "New Jersey Commerce, Economic Growth and Tourism Commission" in g.

2008 amendment, by Chapter 29, in the last paragraph of h., substituted "State Treasurer" for "Commissioner of Personnel."

OLS Corrections:

Pursuant to *R.S.1:3-1*, the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, corrected technical errors in L. 2007, c. 253, § 20.

Pursuant to *R.S.1:3-1*, the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, substituted "New Jersey Economic Development Authority" for "New Jersey Commerce Commission" in subsection g. in L. 2008, c. 29, § 91.

Editor's Note:

Functions, powers, and duties of the New Jersey Commerce Commission and the Executive Director of the New Jersey Commerce Commission are transferred to the New Jersey Economic Development Authority and the Executive Director of the New Jersey Economic Development Authority, respectively, with regard to, *inter alia*, the State Employment and Training Commission, see *34:1B-228*.

Effective Dates:

Section 120 of L. 2008, c. 29 provides: "This act shall take effect immediately and any actions necessary to implement this act may be taken any time thereafter. General implementation shall be completed no later than 12 months following enactment." Chapter 29, L. 2008, was approved on June 30, 2008.

Administrative Code:

1. *N.J.A.C. 12:23-10.3* (2009), CHAPTER WORKFORCE DEVELOPMENT PARTNERSHIP PROGRAM, Reporting requirements.



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N.J. Stat. § 34:15C-7 (2011)

§ 34:15C-7. Preparation of New Jersey Unified Workforce Investment Plan

The commission shall prepare a New Jersey Unified Workforce Investment Plan. The plan shall include:

- a. A description of the State workforce investment policy developed pursuant to section 8 of this act;
- b. An assessment and an evaluation of the demand for various kinds of trained workers in New Jersey and recommendations on how to direct the State's workforce investment efforts to be most effective in using that demand to increase the productivity and earning power of the work force;
- c. (Deleted by amendment, P.L.2005, c.354.)
- d. A description of any performance standards established pursuant to section 11 of this act and remedial instruction standards established pursuant to section 14 of this act and any evaluation of workforce investment activities based on those standards;
- e. Evaluations of other existing workforce investment programs, their goals and structures, and the consistency of each program with the State workforce investment policy developed by the commission;
- f. (1) Evaluations of the organizational structures, functions and activities of governmental agencies performing advisory functions or activities in relation to workforce investment programs or services, including advisory functions and activities performed in connection with vocational education, adult education, apprenticeship, vocational rehabilitation and human services programs; and
(2) Recommendations to the Governor about coordination of the State's efforts in these program areas, including, if the commission deems appropriate, a recommendation to the Governor for the transfer of these advisory functions and activities to the jurisdiction of the commission; and
- g. Recommendations for any other changes the commission deems appropriate in the overall structure of the State's workforce investment system, including the consolidation of duplicative programs and services and the reallocation of State and federal funds to the agencies able to make the best use of those funds.

The New Jersey Unified State Workforce Investment Plan shall be submitted to the Governor, the Legislature and each department charged with the operation of any program or service which is evaluated by the commission or the subject of a recommendation in the report consistent with the timetable established by the federal Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s. 2801 et seq.).

The New Jersey Unified State Workforce Investment Plan shall be a strategic unified workforce investment plan encompassing all of the required and optional One-Stop partners prescribed by the federal Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s. 2801 et seq.). The plan is intended to create a comprehensive workforce investment system in New Jersey. The programs included in the plan shall include but not be limited to workforce investment-related activities and programs authorized under: the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, Pub.L.105-332 (20 U.S.C. s 2301 et seq.); the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s. 2801 et seq.), including activities for adults, dislocated workers and youth under Title I of that act and adult education and family literacy programs under Title II of that act; the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.); the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (42 U.S.C. 601 et seq.); the federal Food and Agricultural Act of 1977, Pub.L.95-113 (7 U.S.C.s. 2011 et seq.); chapter 2 of Title II of the Trade Act of 1974, Pub.L.93-618 (19 U.S.C. s. 2102 et seq.); the Wagner-Peyser Act (29 U.S.C. s. 49 et seq.); Part B of Title I of the "Rehabilitation Act of 1973" (29 U.S.C. s. 701 et seq.); 38 U.S.C. s. 4100 et seq. and 38 U.S.C. s. 4200 et seq., including veterans' employment, disabled veterans' outreach, and local veterans' employment representative programs; the "unemployment compensation law," R.S.43:21-1 et seq.; the "Older Americans Act of 1965" (42 U.S.C. s. 3001 et seq.); Titles V and XIX of the Social Security Act (42 U.S.C. s. 701 et seq. and 42 U.S.C. s. 1396 et seq.); U.S. Department of Housing and Urban Development Community Development Block Grants, public housing programs; and Community Services Block Grant Act; and the State Workforce Development Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), including individual grants, customized training, youth transition to work, occupational health and safety training, tuition waivers and basic skills including literacy.

The commission may, at any other time as it deems appropriate, issue additional reports to the Governor and the Legislature concerning any of the subjects addressed in the New Jersey Unified Workforce Investment Plan. Significant changes in the economy or technology or in federal or State policy on any area included in the workforce investment system may result in modifications to the plan.

The commission shall conduct a periodic, comprehensive evaluation of the activities of the workforce investment system and make a periodic report to the Governor and the Legislature regarding the effectiveness of the workforce investment system in implementing the purposes of this act.

HISTORY: L. 1989, c. 293, § 10; amended 2005, c. 354, § 9, eff. Jan. 12, 2006.

NOTES:

Cross References:

Center for Occupational Employment Information, see 34:1A-86.

Duties of commission, see 34:15C-6.



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N.J. Stat. § 34:15C-7.1 (2011)

§ 34:15C-7.1. Selection of industries with growing, unmet demand for skilled workers

a. The State Employment and Training Commission shall select industries in which a growing or unmet demand for skilled workers, professionals or other personnel provides an opportunity to generate significant growth in employment or careers providing access to self-sufficiency and shall create State-level industry task forces consisting of key stakeholders in each selected industry to analyze the most significant mismatches between labor supply and demand in the industry and develop Statewide strategies to rectify those mismatches. The membership of each task force shall be selected by the commission and shall include leaders of businesses, labor unions, professional associations and other stakeholders in the industry and representatives from State departments and agencies which the commission determines may be of assistance in rectifying the mismatches of supply and demand.

b. The commission shall select Workforce Investment Boards and direct them to create regional planning bodies to address the workforce needs in the regions under the jurisdictions of the boards of specific industries, occupations or career clusters in which a growing or unmet demand for skilled workers, professionals or other personnel provides an opportunity to generate significant growth in employment or careers providing self-sufficiency. The membership of each regional planning body shall include representatives of Workforce Investment Boards and One Stop Career Center partners and leaders of businesses, labor unions and professional associations and other stakeholders of the industries, occupations, career clusters or employers in the region. The region under a regional planning body shall be selected by the commission to enhance local delivery systems by providing meaningful geographic boundaries for labor market rationalization. The region selected for one industry, occupation or career cluster may be different from the region selected for another industry, occupation or career cluster. The size of regions under regional planning bodies may vary in accordance with the concentration of the relevant work forces or in accordance with other factors. The commission may also determine any areas outside of the State which would benefit from a joint effort with a regional planning body and direct the body to seek cooperation with the Workforce Investment Board or boards outside of the State that have jurisdiction over those areas.

c. The purpose of each regional planning body shall be to develop, for its area of jurisdiction, strategies to match labor market supply and demands and support a demand-side focus anchoring the employment and training system to the labor market in a manner which increases opportunities for employment and careers providing access to self-sufficiency. Those strategies may include job skill training and utilization of labor market and demographic information to match the location of jobs with the residence of workers. The planning for the development of the strategy shall include an analysis of the adequacy of the transportation system to get the workers to the jobs and the suitability of the training being offered in an area for the needs of the local workplace, and shall take into consideration any Statewide

strategy developed by a Statewide industry task force pursuant to subsection a. of this section which is relevant to the jurisdiction of the regional planning body.

d. The Legislature finds and declares that the current and growing shortage of skilled and credentialed health care professionals, paraprofessionals, and entry-level workers has reached crisis proportions. The commission shall establish a State-level industry taskforce on the health care industry, as well as regional planning bodies on the health care industry in each region designated by the commission, to address this problem and promote enduring partnerships among employers, labor unions, professional associations and other stakeholders in the health care industry, the public workforce investment system, primary, secondary and postsecondary education, and social service providers to develop and sustain solutions in the areas of recruitment, retention, training and education capacity-building in that industry in a manner which increases opportunities for employment and careers providing access to self-sufficiency.

HISTORY: L. 2005, c. 354, § 12, eff. Jan. 12, 2006.

NOTES:

Cross References:

Duties of commission, see *34:15C-6*.



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N.J. Stat. § 34:15C-8 (2011)

§ 34:15C-8. Establishment of performance standards for evaluating workforce investment system

a. The commission shall establish quantifiable performance standards for evaluating the workforce investment system, and guidelines for procedures to encourage and enforce compliance with those standards. The commission shall establish the standards and procedures in conjunction with any department or commission which funds or administers workforce investment programs.

The standards shall be designed to measure the success of the system in assisting the individuals it serves to attain and maintain high levels of productivity and earning power, through preparation for employment in occupations with significant opportunities for career advancement. The standards shall take into account the specific needs and characteristics of the target populations.

b. Each workforce investment program, including any program funded or established pursuant to the Workforce Investment Act of 1998, Pub. L. 105-220 (29 U.S.C. s. 2901 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, Pub.L.105-332 (20 U.S.C. s. 2301 et seq.), or the State Workforce Development Partnership Program, P.L.1992, c.43 (C.34:15D-1 et seq.), is hereby deemed to be subject to the performance standards and guidelines established pursuant to subsection a. of this section. The performance standards for the program shall be based on factors including, but not limited to:

(1) The percentage of trainees who are placed, following completion of the program, in employment in the occupation for which they are trained or who are enrolled for further education or training, if those enrollments are a goal of the program;

(2) The success of the program in sustaining or increasing the trainees' levels of earnings, based on the wage levels upon placement in employment, and the trainees' retention in employment; and

(3) (Deleted by amendment, P.L.2005, c.354.)

(4) The success of the program in facilitating the remedial instruction which the program is required to make available to trainees under standards established pursuant to section 14 of this act.

In establishing performance standards, the commission shall not use criteria which may adversely affect the assessment of a program because of any emphasis the program may have on long-term occupational training and instruction.

The commission shall establish dates by which each department administering workforce investment programs shall adopt the standards and guidelines for use in the planning, budgeting and administration of those programs.

The standards shall apply to a program which is State or federally funded except to the extent that application of the standards would prevent the program from receiving the federal funding.

HISTORY: L. 1989, c. 293, § 11; amended 2005, c. 354, § 10, eff. Jan. 12, 2006.

NOTES:

Cross References:

Duties of commission, see *34:15C-6*.



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N.J. Stat. § 34:15C-8.1 (2011)

§ 34:15C-8.1. Repealed by L. 2005, c. 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating to state employment and training commission, duties (expired December 31, 1997 under the provisions of L. 1992, c. 43, § 16.), was repealed by L. 2005 c. 354, § 34, effective January 12, 2006. This section was derived from L. 1992, c. 43, § 13; amended 1995, c. 422, § 3.



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N.J. Stat. § 34:15C-8.2 (2011)

§ 34:15C-8.2. Repealed by L. 2005, ch. 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating to duties of state employment and training commission, was repealed by L. 2005, c. 354, § 34, effective January 12, 2006. This section was derived from L. 1992, c. 48, § 8.



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N.J. Stat. § 34:15C-8.3 (2011)

§ 34:15C-8.3. Repealed by L. 2005, c. 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating to annual, comprehensive evaluation, was repealed by L. 2005, c. 354, § 34, effective January 12, 2006. This section was derived from l. 1993, c. 268, § 9; amended 1995, c. 422, § 8.



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N.J. Stat. § 34:15C-9 (2011)

§ 34:15C-9. Repealed by L. 2005, c. 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating to New Jersey institute for employment and training staff development; created, duties, was repealed by L. 2005, c. 354, § 34, effective January 12, 2006. This section was derived from L. 1989, c. 293, § 12.



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N.J. Stat. § 34:15C-10 (2011)

§ 34:15C-10. Commission shall establish requirements for each workforce investment program

The commission shall establish such requirements as it deems appropriate for each workforce investment program to utilize the comprehensive occupational information compiled and disseminated by the Center for Occupational Employment Information established pursuant to section 27 of P.L.2005, c.354 (*C.34:1A-86*) and other information developed cooperatively by the Department of Labor and Workforce Development and the commission for program planning and individual career decision-making.

HISTORY: L. 1989, c. 293, § 13; amended 2005, c. 354, § 11, eff. Jan. 12, 2006.



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N.J. Stat. § 34:15C-10.1 (2011)

§ 34:15C-10.1. Certificate of approval for, application by qualifying schools

a. A qualifying school shall make a written application to the Commissioner of Labor and Workforce Development for a certificate of approval, and shall not be permitted to operate unless it receives the certificate of approval issued by the Commissioner of Labor and Workforce Development and the Commissioner of Education pursuant to the rules that they promulgate. The application shall be in the form prescribed by the commissioners and shall furnish the information required by the commissioners. Upon receipt of this application, with the required documentation, the Commissioner of Labor and Workforce Development shall cause to be conducted an evaluation of the applicant school prior to the issuance of a certificate of approval. The certificate shall be in a form prescribed by the Commissioners of Labor and Workforce Development and Education and shall be prominently displayed so that it is visible to the general public. The certificate is issued to the applicant owner and school and is nontransferable. In the event of a change of ownership, the new owner is required to apply for a change in ownership subject to the conditions and fees prescribed by the Commissioner of Labor and Workforce Development and prior to the issuance of a new certificate of approval. Approval shall also be required for changes in location and any additional locations. Program and course curricula and instructional personnel and administrator credentials shall be submitted for approval and contain sufficient information for proper evaluation as determined by the Commissioner of Education. The personnel of a qualifying school shall meet the qualifications set forth by the Commissioners of Labor and Workforce Development and Education in order to own, operate, market, supervise, or offer instruction.

b. A casino gaming school shall not receive a certificate of approval pursuant to subsection a. of this section unless the school is licensed by the New Jersey Casino Control Commission pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92).

c. An applicant shall not be issued a certificate of approval if, upon the review and consideration of the submitted application, the application is found to be not in accordance with the rules and regulations set forth by the Commissioners of Labor and Workforce Development and Education. The Commissioners of Labor and Workforce Development and Education may revoke, suspend, or place reasonable conditions upon the continued approval represented by the certificate. Prior to revocation, the Commissioners of Labor and Workforce Development and Education shall notify the holder in writing of the impending action and set forth the grounds for the action. The Commissioners of Labor and Workforce Development and Education may reexamine a school during the year in which notice or conditions have been imposed. A certificate of approval may be revoked, suspended, or made conditional if the Commissioners of Labor and Workforce Development and Education have reasonable cause to believe that the school is guilty of violating this section or any of the rules adopted under this section or is found to be financially unsound.

d. An approved qualifying school shall maintain a permanent student record for each student enrolled. This information shall include, but not be limited to, the student's Social Security number, gender, date of birth, date of enrollment, and any date of completion, date of termination, date of start in a job, date of application for a license, licensing examination result, date of issue of a license, any credential issued, and other information as specified by the State Employment and Training Commission or the Center for Occupational Employment Information. For any individual who does not have a Social Security number, the qualifying agency may substitute an alternate method of identification, except that, at the time of start into employment the alternate code shall be cross-referenced with the individual's valid Social Security number. The applicant school shall submit a record retention plan to the Commissioner of Labor and Workforce Development that describes the method by which a student or other legitimate requester may obtain a copy of the permanent record verifying attendance and academic achievement of a student at the school. The plan shall identify the organization or individual responsible for maintaining and responding to requests for and distributing records in the event that the school ceases operation or closes. The Department of Labor and Workforce Development and the Department of Education may adopt additional regulations prescribing the manner in which student records, including transcripts, shall be maintained and distributed, and regulations setting penalties for failure to comply with an approved record retention plan.

e. an approved qualifying school shall be open for monitoring and inspection to any officer, representative or agent designated by the Commissioners of Labor and Workforce Development and Education. The Departments of Labor and Workforce Development and Education shall conduct examinations of all facilities and methods of operating, as they deem appropriate.

f. The Departments of Labor and Workforce Development and Education shall continue to oversee the proper conduct of qualifying schools and shall maintain rules governing curricula, qualifications of instructors and supervisors, facilities, record keeping requirements and any other matters essential to the maintenance of quality instruction and the business integrity of qualifying schools.

g. An approved qualifying school shall submit an annual report to the Commissioner of Labor and Workforce Development. The annual report shall include, but not be limited to, enrollment information, post-training placement information and tuition received as well as an electronic or paper copy of student transcripts. Failure to furnish the required report shall be just cause for the commissioner to amend, suspend or revoke the approval to operate as previously granted by whatever governmental entity, or to take other appropriate actions. The annual report shall be for the period of July 1 through June 30 of the preceding year and shall be submitted, not later than 30 calendar days after the close of the reporting period, in the format and on the forms provided by the commissioner. A qualifying school shall also submit any additional reports as requested by the commissioner on a more frequent basis. A qualifying school shall submit the name and Social Security number of each newly enrolled student on a reporting basis to be established by the commissioner.

h. Objective performance standards and measures for evaluating qualifying schools shall be jointly developed and implemented by the State Board of Education and the New Jersey State Employment and Training Commission. Policy makers and consumers shall be provided with information concerning approved programs and shall be provided access to a consumer report card on the effectiveness of the qualifying schools on the State Eligible Training Provider List showing the long-term success of former trainees of each qualifying school in obtaining permanent employment and increasing earnings over one or more time periods following the completion or other termination of training, including a period of two years following the completion or other termination of training.

i. Any State or federal funds which become available for the school approval functions performed by the Department of Labor and Workforce Development or the Department of Education, as described in this act, shall be appropriated to the respective department for the regulation and oversight of qualifying schools pursuant to the provisions of this act.

j. The Commissioner of the Department of Labor and Workforce Development shall, in consultation with the Department of Education, adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1* et seq.), rules and regulations as necessary to establish approval and renewal fees and to effectuate the provisions of this section. Existing rules and regulations, as of the effective date of P.L.2005, c.354 (*C.34:15C-7.1* et al.), shall remain in effect for one year or until rules and regulations adopted pursuant to this subsection replace them.

HISTORY: L. 2005, c. 354, § 13, eff. Jan. 12, 2006.

NOTES:

Cross References:

Center for Occupational Employment Information, see *34:1A-86*.

State Eligible Training Provider List, see *34:15C-10.2*.

Office of Customized Training established., see *34:15D-5*.



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N.J. Stat. § 34:15C-10.2 (2011)

§ 34:15C-10.2. State Eligible Training Provider List

a. The Department of Labor and Workforce Development shall maintain a Statewide list of approved training providers known as the State Eligible Training Provider List. In order to be placed and retained on the list, a training provider shall meet:

- (1) The requirements of section 122 of the "Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. § 2842);
- (2) The requirements of this section;
- (3) Any requirement applicable to that training provider pursuant to section 13 of P.L.2005, c.354 (C.34:15C-10.1), section 6 of P.L.1992, c.48 (C.34:15B-40) and section 6 of P.L.1992, c.43 (C.34:15D-8);
- (4) All reporting requirements of section 29 of P.L.2005, c.354 (C.34:1A-88); and
- (5) Any other requirements established by the State Employment and Training Commission.

No training provider who is not an approved training provider included on the State Eligible Training Provider List shall receive any federal job training funds or State job training funds.

b. In order to be placed on the State Eligible Training Provider List, each training provider, including a school, shall obtain approval from an authorized government agency. Any provider that is not aligned with a specific cognizant agency shall be required to obtain approval from the Department of Labor and Workforce Development. Authorized government agencies shall include, but are not limited to, the following:

(1) The Commission on Higher Education: The commission shall approve programs from all institutions under its jurisdiction. This approval includes course work for degrees and certificates awarded by higher education institutions including public and private institutions.

(2) The Department of Education: The Department of Education shall approve all institutions in its jurisdiction. Programs operated by the Division of Vocational Rehabilitation Services shall be approved by the Department of Education cooperatively with the Department of Labor and Workforce Development. Private schools controlled or operated by a charitable institution or any school controlled or operated by a religious denomination requesting to be included on the State Eligible Training Provider List shall be approved by the Department of Labor and Workforce Development in consultation with the Department of Education or any other appropriate State agency. Appropriate fees may be charged for certification and annual renewal.

(3) State departments responsible for licensing: Training providers are approved by any State department authorized to license training providers for specific training programs.

(4) The federal Government: Training providers required to be approved by an agency of the federal government shall be included on the State Eligible Training Provider List after submission of the application and documentation indicating approval by the appropriate agency.

(5) Out-of-state approval: Training providers located in other states may be on the State Eligible Training Provider List if they demonstrate that they are approved by an appropriate state agency in the state in which they are located. Those providers shall complete the appropriate application process, submit to the Center for Occupational Employment Information proof of their approval, agree to the established reports, agree to any other requirements established for in-State providers, and comply with the specific requirements of the funding source.

c. Where applicable, training programs shall align with or use existing nationally recognized, industry-based skill standards and certifications as the basis for developing competency based learning objectives, curricula, instructional methods, teaching materials and worksite activities; prepare students to satisfy employer knowledge and skill requirements assessed by related examination, and provide students with the opportunity to take exams and receive certifications or licenses.

d. Each training provider shall apply to be placed on the State Eligible Training Provider List and provide a record for each trainee enrolled. This information shall include, but not be limited to, the participant's Social Security number, gender, date of birth, date of enrollment, any date of completion, date of termination, date of start in a job, date of application for a license, licensing examination result, date of issue of a license, any credential issued, and other information as specified by the State Employment and Training Commission or Center for Occupational Employment Information. For individuals who do not have a Social Security number, the qualifying agency may substitute an alternate method of identification, except that, at the time of start into employment, the alternate code shall be cross-referenced with the individual's valid Social Security number. In addition, the training provider shall agree to provide any other information deemed appropriate by the State Employment and Training Commission, the Department of Labor and Workforce Development and the Department of Education for evaluation purposes.

e. Every training provider shall provide access for on site visitation and monitoring by the State or its designee upon request.

f. Objective performance standards and measures for evaluating training providers shall be jointly developed and implemented by the State Board of Education and the New Jersey State Employment and Training Commission. Policy makers and consumers shall be provided with information concerning training providers on the State Eligible Training Provider List and shall be provided a consumer report card on the effectiveness of those training providers showing the long-term success of former trainees of each provider in obtaining permanent employment and increasing earnings over one or more time periods following the completion or other termination of training, including a period of two years following the completion or other termination of training.

g. Any qualifying school which has a currently valid certificate of approval issued pursuant to section 13 of P.L.2005, c.354 (*C.34:15C-10.1*) and complies with all requirements of this section applicable to the school shall be placed on the State Eligible Training Provider List and any qualifying school which has its certificate revoked or suspended shall be removed from the list until the certification is reinstated.

HISTORY: L. 2005, c. 354, § 14, eff. Jan. 12, 2006.

NOTES:

Cross References:

Definitions relative to job training., see *34:15B-35*.

Definitions relative to workforce development, see *34:15D-3*.



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N.J. Stat. § 34:15C-11 (2011)

§ 34:15C-11. Commission to coordinate initiatives with State departments

a. The commission shall foster and coordinate workforce investment initiatives of all State Departments. It shall promote initiatives of the Department of Education and the Commission on Higher Education to maximize the contributions of the State's public schools and institutions of higher education in implementing the State workforce investment policy developed by the commission. The commission shall foster and coordinate initiatives of the Department of Education and the Commission on Higher Education that will enhance the State's efforts to assist at-risk youths in achieving educational success and making successful transitions to work. The commission shall foster initiatives of the Commission on Higher Education among institutions of higher education that will enhance the State's workforce investment efforts, including: the coordination of vocational programs between institutions; more use of facilities at institutions which provide education at or above the level of county colleges, including, but not limited to, the Advanced Technology Centers established pursuant to P.L.1985, c.102 (*C.52:9X-1 et seq.*), P.L.1985, c.103 (*C.18A:64J-1 et seq.*), P.L.1985, c.104 (*C.18A:64J-8 et seq.*), P.L.1985, c.105 (*C.18A:64J-15 et seq.*), and P.L.1985, c.106 (*C.18A:64J-22 et seq.*); developing more programs to offer four year degrees for working students who attend only at nights and on weekends; and expanding programs which provide college credit for training and educational experiences outside of traditional academic contexts.

b. The commission shall have the responsibility, jointly with the Department of Education, the Department of Labor and Workforce Development and the Commission on Higher Education, to: (1) establish standards regarding the minimum levels of remedial instruction which shall be made available to a trainee under any workforce investment program, including any program of training undertaken in connection with additional unemployment compensation benefits provided pursuant to the provisions of P.L.1992, c.47 (*C.43:21-57 et al.*) or any program funded or established pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (*C.34:15D-1 et al.*) or the Workforce Investment Act of 1998, Pub. L. 105-220 (*29 U.S.C. s. 2801 et seq.*); and (2) coordinate the development of appropriate intake and assessment instruments and procedures for the assessment of persons seeking access to workforce investment programs. The remedial instruction standards shall be determined through the use of common diagnostic tools, curricula, and evaluation techniques, and shall take into account the differing needs and characteristics of the various target populations which the programs serve. The remedial instruction standards shall be based on evaluations of the minimum levels of basic skills needed to succeed in particular types of occupational training offered under the programs and any additional improvements in basic skills needed by individuals of each target population to successfully adapt to the State's changing economy. The standard for the minimum level of remedial instruction that shall be made available to an individual receiving the occupational training for a particular occupation shall not be less than the level necessary to attain the minimum basic skill levels indicated as needed for that occupation in the Bureau of Labor

Statistics' Occupational Information Network, or "O*NET." The commission, the Department of Education, the Department of Labor and Workforce Development and the Commission on Higher Education, may jointly set this standard at a higher level, but if they do not, the level indicated in the Bureau of Labor Statistics' Occupational Information Network, or "O*NET," shall be regarded as the established standard.

HISTORY: L. 1989, c. 293, § 14; amended 1992, c. 43, § 14; 1992, c. 47, § 12; 1992, c. 48, § 9; 2005, c. 354, § 15, eff. Jan. 12, 2006.

NOTES:

Cross References:

Counseling requirement., see *34:15B-38*.

Counseling, see *34:15D-7*.

Counseling, Employability Development Plan, see *43:21-59*.



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N.J. Stat. § 34:15C-12 (2011)

§ 34:15C-12. Preparation of annual budget for commission, funding

a. The chairperson of the commission shall prepare an annual budget for the commission. Resources to support the activities of the commission and commission staff shall be contributed by each of the State's workforce investment system's partner State departments. Up to 15 percent of allowable State administrative funds from all federally supported and State-supported workforce investment programs may be used to support the commission.

b. Funding for the commission and local Workforce Investment Boards shall be obtained from all workforce investment programs. Funding shall be established cooperatively by the departments who are partners to the workforce investment system. The Commissioner of Labor and Workforce Development, in consultation with the commission, shall set criteria and standards for any Workforce Investment Board administrators hired with these administrative resources.

HISTORY: L. 1989, c. 293, § 15; amended 2005, c. 354, § 16, eff. Jan. 12, 2006.



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N.J. Stat. § 34:15C-13 (2011)

§ 34:15C-13. Rules, regulations

The commission shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the provisions of this act.

HISTORY: L. 1989, c. 293, § 16.



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N.J. Stat. § 34:15C-14 (2011)

§ 34:15C-14. Repealed by L. 2005, c. 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating to needs-related payments, was repealed by L. 2005, c. 354, § 34, effective January 12, 2006. This section was derived from L. 1989, c. 293, § 17.



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N.J. Stat. § 34:15C-15 (2011)

§ 34:15C-15. Workforce Investment Boards; representatives; duties, powers

a. Each workforce investment area shall be under the jurisdiction of a Workforce Investment Board. Each local workforce investment area established by the Governor shall have the same boundaries as the labor market area of which it is a part, except in cases where the boundaries are different because the Governor is required, pursuant to section 116 of Pub. L. 105-220 (29 U.S.C. s. 2831), to approve a request to be a workforce investment area.

b. Each Workforce Investment Board shall be in conformity with section 116 of Pub. L. 105-220 (29 U.S.C. s. 2831) and the guidelines issued by the State Employment and Training Commission and shall consist of:

(1) Representatives of businesses who:

(a) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority;

(b) Represent businesses with employment opportunities that reflect the employment opportunities of the local area;

(c) Are appointed from among individuals nominated by local business organizations and business trade associations; and

(d) Constitute a majority of the membership of the local board;

(2) Representatives of local educational entities who:

(a) Are representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, county vocational technical schools and post-secondary educational institutions, including representatives of community colleges; and

(b) Are selected from nominations by regional or local educational agencies, institutions or organizations representing such local educational entities;

(3) Representatives of local area labor organizations who are nominated by local labor federations;

(4) Representatives of community-based organizations including organizations representing individuals with disabilities, organizations representing veterans, and faith-based organizations;

(5) Representatives of local economic development agencies including private sector entities;

(6) Representatives of each of the One-Stop partners; and

(7) Representatives that chief elected officials deem appropriate for board membership.

The chairperson of the board shall be selected from among members of the board who are representative of business in the local area.

c. Members of the board shall be appointed from among individuals nominated by appropriate organizations in accordance with section 117 of Pub. L. 105-220 (29 U.S.C. s. 2832). If there is only one unit of general local government in the local area with experience in administering workforce investment programs, the chief elected official of that unit shall determine the initial number of members on the board and shall appoint the members. If there are two or more units in the local area with experience in administering job training programs, the chief elected officials of those units shall, in accordance with an agreement entered into by all of those units, determine the initial number of members on the board and appoint the members. In the absence of an agreement by all of the units, the Governor shall determine the initial number of members on the board and appoint the members. Members shall be appointed for fixed and staggered terms and may serve until their successors are appointed. A vacancy in the membership of the board shall be filled in the same manner as the original appointment. A member of the board may be removed for cause in accordance with procedures established by the board.

d. The Governor shall certify a board if it is determined that the board's composition and appointments are consistent with the provisions of this section and section 117 of Pub. L. 105-220 (29 U.S.C. s. 2832) and the requirements of the State Employment and Training Commission. The certification shall be made or denied not later than 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Governor. The board shall, within 30 days after its certification by the Governor, be convened by the official or officials who made the appointments to the board under subsection c. of this section. The board shall meet at least four times per year, with meetings open to attendance by interested persons pursuant to the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

e. Each Workforce Investment Board established pursuant to this act shall:

(1) Provide policy guidance for, and exercise oversight with respect to, all workforce investment programs within its labor market area in partnership with the unit or units of general local government within the area. To provide the policy guidance and oversight, the board shall review and evaluate the programs and, as appropriate, make recommendations to the Governor, the Legislature, or any State agency or local governing entity involved in the funding or administration of the programs. The recommendations shall be based primarily on how effective each program is in meeting relevant performance standards, including standards regarding the cost and quality of training and the characteristics of participants. The board shall provide any planning, policy guidance or oversight with respect to workforce investment programs in accordance with any agreement entered into pursuant to subsection g. of section 9 of this act by the commission and the department administering or funding the programs.

(2) Establish skill level and competency guidelines, which may be above the criteria established by the commission, consistent with the provisions of this act to be used as a basis for the selection of skill training programs and competency curriculum in its local area;

(3) Assist in the development, approval and submission of the State workforce investment operating plan for its labor market area;

(4) Prepare, approve and submit to the Department of Labor and Workforce Development and the State Employment and Training Commission a budget for itself in accordance with the Workforce Investment Act of 1998, Pub. L. 105-220 (29 U.S.C. s. 2801 et seq.);

(5) Submit to the State Employment and Training Commission, by September 1 of each year, an annual report covering the immediately preceding program period of July 1 to June 30. The report shall contain:

(a) An account of activities during the program period, including all coordination activities undertaken by the board to eliminate unnecessary duplication of services and foster a unified One-Stop delivery system;

(b) Information describing the extent to which the activities failed or succeeded in meeting relevant performance standards; and

(c) The skill level and competency guidelines to be used in the upcoming year;

(6) Fulfill any other role or function of a Workforce Investment Board required pursuant to Pub. L. 105-220 (29 *U.S.C. s. 2801* et seq.); and

(7) Assume any additional responsibilities assigned to it by the Governor in consultation with the State Employment and Training Commission.

f. In order to carry out its functions under this act, a Workforce Investment Board may:

(1) Hire staff;

(2) Incorporate as a non-profit or other entity;

(3) Select, under agreement with the chief elected official or officials, the administrative entity for workforce investment programs funded within the workforce investment area;

(4) Seek, obtain and expend additional funding for the programs from public and private sources; and

(5) Establish as many committees as are necessary to satisfactorily perform its duties. There shall be, at a minimum, a local Youth Council, a Disability Committee, a One-Stop Committee and a Literacy Committee.

g. (Deleted by amendment, P.L.2005, c.354.)

h. No member of a Workforce Investment Board established pursuant to this act shall cast a vote on the provision of services by that member or any organization which that member directly represents or vote on any matter which would provide direct financial benefit to that member. Workforce Investment Boards shall be subject to policies concerning conflict of interest and nepotism prescribed by the Commissioner of Labor and Workforce Development.

i. (Deleted by amendment, P.L.2005, c.354.)

HISTORY: L. 1989, c. 293, § 18; amended 2005, c. 354, § 17, eff. Jan. 12, 2006.

NOTES:

Cross References:

Center for Occupational Employment Information, see *34:1A-86*.



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N.J. Stat. § 34:15C-16 (2011)

§ 34:15C-16. Repealed by L. 2005, c 354, § 34, effective January 12, 2006

NOTES:

Editor's Note:

This section, relating youth 2000 leadership conference, duties, was repealed by L. 2005, c. 354, § 34, effective January 12, 2006. This section was derived from L. 1989, c. 293, § 19.



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N.J. Stat. § 34:15C-17 (2011)

§ 34:15C-17. Findings, declarations relative to adult literacy

The Legislature finds and declares that:

- a. Education affects an individual's employability, wages, productivity, ability to function effectively in the family and community, and ultimately, it affects the State's economic well-being;
- b. Low literacy skills rob individuals of their future and undermine the economy of the State;
- c. Almost one-half of New Jersey's adults function at the lowest levels of literacy as defined by the National Adult Literacy Survey;
- d. Low literacy levels are related to crime, unemployment and underemployment, public assistance, and many other social problems on which the State invests hundreds of millions of dollars each year;
- e. A literate population is a precondition for solving many of society's ills; and
- f. Developing a solid, well-coordinated literacy delivery system will enhance the chances of adults' success in the labor market and in society as a whole.

HISTORY: L. 1999, c. 107, § 1, eff. May 14, 1999.



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N.J. Stat. § 34:15C-18 (2011)

§ 34:15C-18. State Council for Adult Literacy Education Services

a. There is created within the State Employment and Training Commission, established pursuant to section 5 of P.L.1989, c.293 (C.34:15C-2) in the Department of Labor and Workforce Development, a State Council for Adult Literacy Education Services.

b. The 27-member council shall consist of the following ex officio members: the Commissioners of Labor and Workforce Development, Human Services, Education, Community Affairs and Corrections, the Executive Director of the New Jersey Commerce Commission, the Executive Director of the Commission on Higher Education, and the Executive Director of the State Employment and Training Commission. The council shall also include one member of the Senate appointed by the President thereof and one member of the General Assembly appointed by the Speaker thereof, who shall serve during the two-year legislative session in which the appointment is made and who shall not be of the same political party; and 17 public members as follows: five public members appointed by the Governor including a member of a Workforce Investment Board literacy committee, a State or national adult education expert and three representatives of the business community, at least one of whom shall represent a small business; six public members appointed by the President of the Senate including a student or former student who received adult literacy services and a representative from each of the following: a county college, a four-year institution of higher education, the State Library or a local library, a Department of Education-funded adult education provider of adult basic education programs, general educational development programs or English as a second language programs and a community-based organization which is an adult education provider; and six public members appointed by the Speaker of the General Assembly including a representative from each of the following: a vocational school providing adult academic education programs, a trade union, the New Jersey Network, the New Jersey Association of Lifelong Learning, the Literacy Volunteers of America and the New Jersey Education Association.

c. The public members shall serve for terms of three years, but of the public members first appointed, six shall serve a term of three years, six shall serve a term of two years and five shall serve a term of one year. Each member shall hold office for the term of appointment and until his successor is appointed and qualified. A member appointed to fill a vacancy occurring in the membership of the board for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. All vacancies shall be filled in the same manner as the original appointment. A member may be appointed for any number of successive terms. A member may be removed from office by the Governor, for cause, after a hearing and may be suspended by the Governor pending the completion of the hearing.

d. The members shall select annually a chairperson and a vice-chairperson, who shall be nongovernmental members of the council, and shall appoint an executive director. The executive director shall report to the chairperson of the council and be responsible for administering the daily operations of the council. The executive director shall serve in the State unclassified service. The council may call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

e. Members of the council shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties as members, within the limits of funds appropriated or otherwise made available to the council for its purposes. Actions may be taken and motions and resolutions may be adopted by the council by an affirmative vote of a majority of the members.

HISTORY: L. 1999, c. 107, § 2, eff. May 14, 1999; amended 2005, c. 354, § 18, eff. Jan. 12, 2006; 2007, c. 253, § 21, eff. Jan. 4, 2008.

NOTES:

Amendment Note:

2007 amendment, by Chapter 253, substituted "Executive Director of the New Jersey Commerce Commission" for "Secretary and Chief Executive Officer of the New Jersey Commerce, Economic Growth and Tourism Commission" in the first sentence of b.

Cross References:

Transfer of authority to appoint certain executive directors; transfer of functions, powers, duties, see *34:1B-228*.

LexisNexis (R) Notes:

LAW REVIEWS & JOURNALS

1. *36 Rutgers L. J. 1295*, SEVENTEENTH ANNUAL ISSUE ON STATE CONSTITUTIONAL LAW: DOCUMENT: State of New Jersey Property Tax Convention Task Force: Report to the Governor and Legislature.



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N.J. Stat. § 34:15C-19 (2011)

§ 34:15C-19. Purpose of council

The purpose of the council shall be to facilitate Statewide and local policy development, planning and oversight in consultation with the stakeholders in the area of adult literacy education. The responsibilities of the council shall include, but not be limited to:

a. developing a broad-based Statewide master plan, which integrates and coordinates all adult literacy programs. At a minimum, the plan shall address service delivery, consolidation and coordination, funding and accountability, staff development and training, technology and advocacy. The plan shall include a proposal to consolidate the State supported literacy programs;

b. facilitating State planning and local planning through Workforce Investment Boards and among service providers to assure concurrence with the State master plan for adult literacy education, developed by the council pursuant to subsection a. of this section;

c. reviewing federal and State legislation, and developing and modifying literacy plans accordingly;

d. developing appropriate performance standards and impact measures and Statewide benchmarks to measure the entire system and programs of adult literacy services;

e. developing a Statewide strategy to facilitate and improve professional development and information sharing for practitioners and policy makers and to promote the availability of services to learners, employers, and service providers;

f. improving communication among federal, State, and local literacy initiatives;

g. recommending strategies to broaden adult literacy efforts so that literacy levels of the entire family are improved; and

h. working with public and private sector organizations to develop strategies to publicize the problem of low-literate populations as well as the services available to address this problem.

HISTORY: L. 1999, c. 107, § 3, eff. May 14, 1999.



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N.J. Stat. § 34:15C-20 (2011)

§ 34:15C-20. Annual report to Governor, Legislature

The council shall report annually to the Governor and the Legislature. The annual report shall include, but not be limited to, the accomplishments and initiatives of the reporting period. The first annual report shall also include the State master plan developed pursuant to subsection a. of section 3 of this act.

HISTORY: L. 1999, c. 107, § 4, eff. May 14, 1999.



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N.J. Stat. § 34:15C-21 (2011)

§ 34:15C-21. Council on Gender Parity in Labor and Education

a. There is created, in the New Jersey State Employment and Training Commission, a council which shall be known as the Council on Gender Parity in Labor and Education.

b. The council shall consist of 17 members who are individuals with experience in the fields of labor, education, training or gender equity. The 17 members shall include: six members appointed by the Director of the Division on Women; six members appointed by the Executive Director of the State Employment and Training Commission; and five members who shall serve ex officio, one of whom shall be appointed by the Commissioner of Community Affairs, one by the Commissioner of Education, one by the Commissioner of Human Services, one by the Commissioner of Labor and Workforce Development and one by the Executive Director of the Commission on Higher Education. Not more than half of the members appointed by the Director of the Division on Women and not more than half of the members appointed by the Executive Director of the State Employment and Training Commission shall be of the same political party. The members appointed by the director and executive director shall serve for terms of three years, except that of the eight members first appointed by the director and the executive director, four shall be appointed for three years, two shall be appointed for two years, and two shall be appointed for one year. Each member shall hold office for the term of appointment and until his successor is appointed and qualified. A member appointed to fill a vacancy occurring in the membership of the council for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. Vacancies shall be filled in the same manner as the original appointment. A member may be appointed for any number of successive terms. Any member appointed by the director or the executive director may be removed from the council by the director or the executive director, as the case may be, for cause, after a hearing and may be suspended by the director or the executive director pending the completion of the hearing.

c. Members of the council shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties as members. Action may be taken and motions and resolutions may be adopted by the council at a council meeting by an affirmative vote of a majority of the members. The council shall elect from its members a chairperson who shall be a nongovernmental member of the council. Advanced notification for, and copies of the minutes of, each meeting of the council shall be filed with the Governor, the President of the Senate and the Speaker of the General Assembly.

HISTORY: L. 1999, c. 223, § 1, eff. Sept. 22, 1999; amended 2005, c. 354, § 19, eff. Jan. 12, 2006.



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N.J. Stat. § 34:15C-22 (2011)

§ 34:15C-22. Duties of council

The Council shall:

- a. Assess the effectiveness of State programs designed to provide gender equity in labor, education and training;
- b. Make recommendations to the Commissioners of the Departments of Community Affairs, Education, Human Services and Labor, and the Chairperson of the Commission on Higher Education regarding the needs, priorities, programs and policies related to access and equity for labor, education and workforce training throughout the State;
- c. Review current and proposed legislation and regulations pertaining to gender equity in labor, education and workforce training and make recommendations regarding possible legislation and regulations to the State Employment and Training Commission and the Division on Women;
- d. Develop policies to insure that State agencies set benchmarks and integrate their data collection systems to assess progress toward achieving gender equity and take action to insure that appropriate data collection systems exist where needed;
- e. Develop policies to promote linkages among individuals, schools, organizations and public agencies providing gender equity services and programs;
- f. Educate and provide information to the public on the issues and current developments in gender equity by issuing reports and holding events such as conferences and symposia;
- g. Annually assess the implementation of the recommendations of the Gender Equity Task Force of the State Employment and Training Commission which were published in the reports of the task force entitled, "Leveling the Playing Field: Removing Barriers for Women in New Jersey's Employment and Training Programs," and "Balancing the Equation: A Report on Gender Equity in Education"; and
- h. Submit an annual report to the Governor, the Legislature, the State Employment and Training Commission and the Division on Women of its assessments and recommendations made pursuant to this section.

HISTORY: L. 1999, c. 223, § 2, eff. Sept. 22, 1999.



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N.J. Stat. § 34:15C-23 (2011)

§ 34:15C-23. Authority of council

The council is authorized to:

- a. Hold public hearings;
- b. Employ staff, responsible to the Executive Director of the State Employment and Training Commission, to assist the council to implement the purposes of this act; and
- c. Avail itself of the services of the employees and have access to the records of any instrumentality of the State, as necessary or useful to implement the purposes of this act.

HISTORY: L. 1999, c. 223, § 3, eff. Sept. 22, 1999.