



# New Jersey State Employment and Training Commission

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Dennis M. Bone, *Chairman*

Chris Christie, *Governor*

## New Jersey Workforce System Waivers

### 1. Local WIB Input into ETPL (See note below for USDOL determination)

#### **Type of Request:** New

#### Statutory and/or Regulatory requirements to be waived

New Jersey requests a new waiver of WIA Sec 663.500, 663.510 (d) requiring local board recruitment and application of new training providers to the statewide ETPL.

#### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

#### Goals and expected programmatic outcomes of waiver

The waiver will support the full utilization of the statewide online ETPL registration and eligibility determination system (NJTOPS) and reduce the staffing burden on the local areas to manage locally what can be completed statewide. This waiver will allow Local boards that identify new potential training providers to utilize an established system and not necessitate the expenditure of local resources to duplicate an established process.

#### Individuals impacted by the waiver

Local Boards will continue to be utilized as local area experts in the establishment and refinement of the ETPL and related processes. Through participation in both targeted focus groups and ongoing ETPL task forces, local areas will have the opportunity to provide input into the statewide policies and protocols.

#### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and



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One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Note: USDOL-ETA advised on December 13, 2012 that that this waiver is not needed. The process and procedures the State describes in its request align with the requirements in 20 CFR Sections 663.500 and 663.510(d).**



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## 2. Customized Training Employer Contribution

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

Pursuant to WIA Section 189(i)(4)(B) and the WIA Federal regulations at 20 CFR 661.240(c), New Jersey requests an extension of the waiver of the required 50% employer contribution for Customized Training as identified in WIA 101(8)(C).

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

The goal of this waiver request is to continue providing the flexibility to use federal funds where our own State funds are not viable in providing customized training for up to 10 individuals at the onset of a workforce relationship. By removing the requirement of a 50% employer contribution towards the cost of training, local boards will be able to more effectively market WIA-funded customized training to the private sector in support of building relations with employers in the demand-growth industry. The amount of an individual employer's match will be determined at the discretion of the One-Stop Operator, based on the size and need of the employer to train up to a maximum of 10 individuals in a demand-growth occupation.

Under the waiver the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply.

When determining the funding source for customized training, the state must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals 18 years of age or older with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

### Individuals impacted by the waiver

Individuals affected by this waiver are employers, who will benefit from the waiver due to the reduced match requirement and the ability to train a small number of individuals to their specifications. The waiver also has a positive impact on the Adult, Older Youth and Dislocated Workers eligible for services under WIA. In addition, this waiver improves the capability of local boards to market demand-driven services and build beneficial relations with the private sector.



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## Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

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## Public Comment

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### 3. **Adult-Dislocated Worker Funds Transfer**

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

#### Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of the waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The requirement stipulates that a local board may transfer, if such transfer is approved by the governor, not more than 20 percent of the funds allocated to Adult and Dislocated Worker employment and training. This waiver permits an increase in the amount the State is allowed to transfer between Adult and Dislocated Worker funding streams. Under the waiver, transfer authority is limited to 50 percent.

#### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

#### Goals and expected programmatic outcomes of waiver

This waiver provides increased flexibility in allocating and expending WIA Adult and Dislocated Worker funds for local areas. The programmatic impact is the flexibility to channel resources to the population with the greatest need at that time, thereby providing a more efficient usage of available WIA funds.

#### Individuals impacted by the waiver

Adults and Dislocated Workers eligible for the program will be positively impacted by the waiver since local boards have greater flexibility to respond to the actual local area needs.

#### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website.



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Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

## **4. Incumbent Worker Training**

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of the waiver of WIA section 134(a) to permit local areas to use a portion of local funds for Incumbent Worker Training.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

This waiver permits local area formula funding to be used for statewide activities, specifically incumbent worker training. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and





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training activities at WIA section 134(d) and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309.

## Individuals impacted by the waiver

Individuals affected by this waiver are employed adults, who will have greater opportunity for job retention and career advancement due to increased skills.

## Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.



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## 5. Youth ITAs

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey is requesting an extension of the waiver from the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

The goals of this waiver are as follows:

- 1) To provide an additional training option that allows for increased customer choice. With the availability of ITA's for older youth, more of these customers can achieve educational and occupational goals without the additional barrier of having to meet adult or dislocated worker eligibility requirements.
- 2) To remove the need for co-enrollment of older youth accessing ITA's as adults or dislocated workers, eliminating duplicative paperwork and tracking requirements.
- 3) To foster improvement in the expenditures for out-of-school youth towards meeting the federal mandate to expend 30 percent of youth funds for this population.

It is expected that the utilization of ITA's for older youth will have a positive impact on the local areas ability to meet or exceed performance goals for this population. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

### Individuals impacted by the waiver

The waiver will positively impact WIA eligible older youth. These customers will receive the type of services that most closely and quickly meet their individualized needs without unnecessary paperwork, tracking, and delay.

### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify





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documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

## **6. Employer Contributions for On-the-Job Training** **Status: Approved by USDOL, December 13, 2012** **Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of the waiver of the required 50 percent employer contribution for the On-the-Job Training (OJT) as identified at WIA 101(31)(B), to permit an increase in employer reimbursement for OJT through a sliding scale based on the size of the business.



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## Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

## Goals and expected programmatic outcomes of waiver

By removing the requirement of a 50 percent employer contribution towards the cost of training to businesses with 100 or less employees, LWD and local WIBs will be able to more effectively market WIA-funded OJT training to the private sector in support of building relations with employers in high demand, high growth industries. Allowing businesses to apply the sliding scale to determine the contribution amount will increase participation in OJT programs at the local level.

Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply.

When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals 18 years of age or older with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

## Individuals impacted by the waiver

Employers will benefit by having a labor pool with the marketable skills they require. The specific goals to be achieved by the waiver are to: 1) Improve the ability of LWD to respond to changes in employer and industry needs; 2) Increase control for program delivery; 3) Increase employer/Board collaboration to address industry needs and worker training; 4) Increase accountability for service providers; and 5) Provide greater flexibility in designing and implementing WIA programs.

## Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators)



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through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

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## **7. On-the-Job Training (OJT) Credential Performance**

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of the waiver of the provision at 20 CFR 666.1 to require reporting of credential attainment outcome for participants enrolled in On-the-Job Training (OJT).

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

This waiver provides local workforce investment areas with greater flexibility and access to use of the OJT program without negatively impacting upon performance standards. It allows the training program design to be more responsive to employer and the employee needs as it can be specifically created for that industry, business or worksite. Eliminating the performance measures reporting requirement for those participating in the OJT program encourages its use and should have a positive effect on training



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outcomes. Under the waiver credential attainment data should still be collected, and Workforce Investment Act Standardized Record Database (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual enrolled in on-the-job training.

#### Individuals impacted by the waiver

This waiver impacts adults, dislocated workers, and eligible youth who participate in the On the Job Training (OJT) program services.

#### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

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#### Public Comment

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## 8. Common Measures

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of this waiver to allow the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

The waiver streamlines the performance reporting system, encourages system integration, and enables local areas to better focus on delivery of customer services rather than costly administrative duties. The waiver permits local workforce areas to focus additional resources on training opportunities and regional workforce service strategies.

### Individuals impacted by the waiver

This will continue the enhanced oversight and assessment of program effectiveness in New Jersey, which will benefit all individuals through improved programs and services.

### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators)





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through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

## **9. Eligible Training Provider List (ETPL) Initial Eligibility** **Status: Approved by USDOL, December 13, 2012** **Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey requests an extension of the waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers. Under this waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

New Jersey requests an extension to the waiver for the State Employment and Training Commission (SETC), in conjunction with the COEI, to promulgate rules that govern all aspects of





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implementation, maintenance and evaluation of the ETPL by ensuring that appropriate guidelines are implemented for initial and subsequent approval for placement on the ETPL, to ensure that clients of these training programs participate in quality programming to fulfill their respective training needs and job placement needs. The State of New Jersey, Department of Labor and Workforce Development (LWD) remains fully committed to the value of the ETPL and its implementation, maintenance and quality assurance as a means for ensuring customer choice and promoting appropriate, relevant and in-demand training. The additional time is needed to ensure that the information that the State will make available to the public is reliable, accurate, and equitable to clients and to training providers. This extension is necessary in order to promulgate and implement new rules governing the State's eligible training provider certification process, for placement on the Statewide ETPL, as required by 29 U.S.C. 2842 (Section 122 of WIA).

## Individuals impacted by the waiver

Implementation of these regulations will strengthen all aspects of the delivery system for the provision of quality training which the State makes available to eligible recipients in order to strengthen New Jersey's workforce system and to enhance the overall economic health in alignment with the New Jersey's Unified Workforce Investment Plan. The ETPL will contain reliable and complete information with which to determine initial and subsequent eligibility for training providers.

The ETPL is accessible by training providers through the Internet at [www.njtopps.org](http://www.njtopps.org). The list is maintained by the Center for Occupational Employment Information (COEI).

## Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.



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## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

## **10. Competitive Procurement for Youth Program Elements**

**Status: Approved by USDOL, December 13, 2012**

**Expires: June 30, 2017**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements to be waived

New Jersey is requesting a continuation of the waiver of WIA section 123 that requires that providers of Youth program elements be selected on a competitive basis. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the three (3) youth program elements of supportive services, follow-up services, and work experience. The local boards, as per WIA requirements, have awarded grants or contracts on a competitive basis based upon the recommendations of the youth council and the criteria in the State plan, and conduct oversight with respect to the providers. These processes comply with OMB requirements codified in 29 CFR Parts 95.40-95.48 and 97.36.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

The goal of the waiver is to allow the grant recipient or One-Stop to provide these services directly rather than through a service provider that has been competitively procured. Under this waiver, the local workforce areas, with the consent and participation of and through the One-Stop Operator, would be allowed to waive the requirement for competitive procurement of service providers and directly provide the following three (3) youth program elements - supportive services, follow-up services, and work experience - in order to ensure continuity of youth services.

### Individuals impacted by the waiver

Individuals affected by this waiver are eligible Youth who are being appropriately served under WIA Title I in order to receive greater assistance via WIA-funded training and employment programs.



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## Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

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## 11. Requirement for Local Incentive Grants

**Status: Approved by USDOL, December 13, 2012**

**Effective Dates: July 1, 2011 - June 30, 2013**

**Type of Request:** New

### Statutory and/or Regulatory requirements to be waived

New Jersey is requesting a waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) which requires the provision of incentive grants to local areas.

### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

The reduction to five percent in the WIA allotment for Governor's Reserve funds restricts the state's ability to effectively fund and carry out all of the required statewide workforce investment activities. The current funding level in the Governor's Reserve is insufficient to cover the cost of incentive grants to local areas.

The state's reduced funds are being used to cover the following required activities:

- Statewide support, administration and oversight activities of the WIA program and local WIBs
- Funding for the SETC (the State WIB) in its role to provide system planning, policy and performance oversight in support of WIA programs and local WIBs.

Our goal in seeking this waiver is to ensure that the state may prioritize the use of Governor's Reserve funds for the required activities we deem most essential to the basic functions of the workforce investment system.

### Individuals impacted by the waiver

This waiver will provide the state agency with more flexibility in directing Governor's Reserve funds to those activities that best preserve basic functions of the statewide workforce investment system.

### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).



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## Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

## Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.