NJ

Lower Authority Appeals Timeliness

The Appeal Tribunal is not meeting federal time lapse standards for deciding at least 60% of appeals within 30 days of the date of appeal and 80% of appeals within 45 days of the date of appeal. The current (January 1, 2004 through December 31, 2004) aggregate appeals time lapse performance for New Jersey is 39.7% for decisions made within 30 days of filing and 74.2% for decisions made within 45 days of filing. However, these current levels of achievement do exceed the projected performance levels cited in New Jersey's FY 2005 State Quality Service Plan for the first FY quarter (39% within 30 days and 65% within 45 days).

Staffing issues continued to have a negative effect on time lapse due to the vacancies of four Appeals Examiners during the most recent quarter. To address this problem, the Appeal Tribunal has received approval to hire four Claims Examiners to implement a new process, which will streamline the interaction between Adjudication Centers and the Appeal Tribunal. In May 2005, once these individuals are hired and trained, appeals from nonmonetary determinations will be sent directly to the Appeal Tribunal, eliminating the extra workflow step of processing appeals at the Adjudication Centers before mailing them to the Appeal Tribunal. The Appeal Tribunal recently tested this more direct method of scheduling appeals in a pilot program, and the findings indicate that it will substantially improve the timeliness of appeal decisions.

The majority of appeals in New Jersey are currently conducted by telephone. The Appeal Tribunal has taken action to address scheduling appeals for examiners who are absent, by assigning the cases to any available Appeals Examiner or Supervising Appeals Examiner. By reducing the number of cases to be rescheduled to another day, we should improve time lapse performance, eliminate unnecessary rework and reduce the back-log of cases to be scheduled.

The remedial actions undertaken by New Jersey's Appeal Tribunal are having their desired effect. Preliminary time lapse figures for March 2005 show performance to be at 50% in 30 days, 83% in 45 days, significantly improved service for our customers. Furthermore, these figures indicate that we are closing in and within reach of the 60% within 30 days performance goal.

N. Waiver and Work-Flex Requests

1. Will your State be requesting waivers as a part of this Unified Plan?

New Jersey requests an extension of its current waiver to extend the initial eligibility of the Eligible Training Provider List.

In addition, New Jersey is requesting additional waivers to improve delivery of services to customers. These include shifting the priority of service to those with the most severe barriers to employment and the use of Individual Training Accounts (ITAs) for Older Youth. Because of the current method used, older youth who use an ITA are counted

as an adult. This causes a shift of the data and performance and does not accurately show the number of older youths who have benefited from training.

New Jersey is also requesting a waiver to increase the transfer amount of funds between the Adult and Dislocated Worker programs from 20% to 30%. This flexibility will allow the local areas to use the funding where there is more need for services.

Additional waivers are being requested for the pre-wages to be counted for the Dislocated Worker wage measures. New Jersey may be a high wage state for those who are working, but these wages are not duplicated after layoff or displacement. New Jersey's history has demonstrated that high earnings gains are not attainable for all dislocated workers, and will be seeking relief in this area.

New Jersey will be exploring the enrollment of more incumbent workers and is requesting waivers that will allow the State flexibility in dealing with this group. A waiver is also requested to allow limited flexibility with the employer match for customized training.

All of the waiver requests will assist New Jersey to gain flexibility to improve its workforce system and to serve the customers and business community with increased results.

New Jersey
Request for Waiver
Transfer of Funds

New Jersey is submitting a waiver request to increase the transfer amount of funds between the Adult and Dislocated Worker programs from 20 percent to 30 percent.

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:
In compliance with WIA Section 189(i)(4)(B) and WIA Regulations at 661.420(c), the State of New Jersey requests a general waiver to increase the transfer amount of funds between the Adult and Dislocated Worker programs from 20 percent to 30 percent. This flexibility will allow the local areas to use the funding where there is more need for services.

WIA Section 133(b)(4) and WIA Regulations at 667.140 state 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 activities.

New Jersey requests that the Governor be given authority to approve a request from a local board to transfer up to 30 percent of a program year allocation for adult employment and training activities and up to 30 percent of a program year allocation for dislocated worker employment and training activities between the two programs.

The goal to be achieved by the waiver is to increase local flexibility to manage funding and respond to changes in the labor market. Eligible applicants will benefit because funds will be able to be used where needed.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:
The waiver will provide local Workforce Investment Boards the ability to better respond to changes in the economy and the local labor market. The programmatic impact will be the flexibility to channel resources to the population with the greatest need at that time, thereby providing a more efficient usage of available funds.

Describe the individuals affected by the waiver:

Adults and Dislocated Workers eligible for the program will be positively impacted by the waiver since local boards will be able to move significant funding to reflect the actual needs of the area.

Describe the processes used to:

Monitor the progress in implementing the waiver:

The LWD's Division of One-Stop Coordination and Support will be the entity responsible for the approval process and monitoring. This waiver will be incorporated into the Division's WIA monitoring procedures.

Provide notice to any Local Board affected by the waiver:

Notice about the requested waiver will be provided by the State Employment and Training Commission and the New Jersey Department of Labor and Workforce Development through their regular communications with the local Workforce Investment Boards. This includes monthly WIB Director Meetings and the distribution of periodic Bulletins and Directives.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.

NEW JERSEY
REQUEST FOR WAIVER
YOUTH ITAS AND COMPETITIVE BIDDING

New Jersey is submitting a request for a two-part waiver of the WIA Law and Regulations regarding ITA's for older youth and the competitive bidding process for Eligible Training Providers of Youth programs.

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:
Pursuant to WIA Section 189(i)(4)(B) and WIA Regulations 661.420(c), New Jersey is requesting a waiver from Title 20 CFR 664.510, which prohibits the use of Individual Training Accounts for youth participants. This waiver requests the use of Individual Training Accounts for older youth with implementation upon approval of this waiver request.

The State of New Jersey is now requesting such a waiver to allow older youth, when appropriate, to select approved ITA programs from New Jersey's Eligible Training Provider List, while retaining their "youth" classification.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to be removed.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:
The goals of this waiver are as follows:

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.

To remove the need for co-enrollment of older youth accessing ITA's as adults or dislocated workers; this will eliminate duplicative paperwork and tracking requirements.

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.

Describe the individuals affected 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.

New Jersey is also requesting that in areas where the traditional competitive procurement process for identifying eligible providers of youth activities has been exhausted, an additional process be instituted that allows local areas to directly negotiate with appropriate public entities, such as community colleges, to design effective programs that will meet the local need for provision of youth services. In the event that procurement does not produce the services deemed essential for demand/growth occupations, the ability for local boards to negotiate directly with public entities in this process will promote increased flexibility at the local level and support the development of demand-driven programs for youth. The process to be adopted is to be consistent with New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-5 which states the process by which exceptions can be made to the requirement for competition. Under N.J.S.A. 40A:11-5 (3) it states the conditions if no acceptable bids have been received and reasonable efforts have been made to determine the availability of the goods from the agency or authority of the United States, the State of New Jersey, or of a county in which the contracting unit is located or any municipality in close proximity to the contracting unit.

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:
As stated in section 123 of the Workforce Investment Act of 1998, Identification of Eligible Providers of Youth Activities, "From funds allocated under paragraph (2)(A) or (3) of section 128(b) to a local area, the local board for such area shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council and on the criteria contained in the State plan, to the providers to carry out the activities..". The State of New Jersey is requesting to modify this statute by allowing local boards the flexibility to work with public entities in designing youth programs that more effectively meet the needs of this population and the economic demands of the local area.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to be removed. As cited in the introduction, New Jersey Public Contract Law allows for direct negotiations with public entities.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:
The goals of this waiver request are to allow for an additional avenue by which local areas may establish effective youth programs to meet the needs of this segment of

the population when the traditional competitive process has been exhausted. By allowing locals to directly negotiate with public entities, programs for in-school and out-of-school youth can be designed with a demand-driven focus to meet the needs of the local economy. Programmatic outcomes include meeting or exceeding State and local performance goals for in-school and out-of-school youth.

Describe the individuals affected by the waiver:
Individuals affected by this waiver are in-school and out-of-school youth.

For Both A&B Sections of this waiver request
Describe the processes used to:

Monitor the progress in implementing the waiver:

The process of acquiring valid student data will be monitored by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development, Division of One Stop Coordination and Support utilizing the Department of Labor and Workforce Development's and SETC's existing monitoring procedures.

Provide notice to any Local Board affected by the waiver:

Notice about the requested waiver will be provided by the State Employment and Training Commission and the New Jersey Department of Labor and Workforce Development through their regular communications with the local Workforce Investment Boards. This includes monthly WIB Director Meetings and the distribution of periodic Bulletins and Directives.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.

New Jersey
Request for Waiver
Customized Training Match

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:

Pursuant to WIA Section 189(i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420 (c), the State of New Jersey is requesting a waiver of the requirement of the 50% employer match for Customized Training, as identified at WIA 101(8)(C).

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

The goal of this waiver request is to provide 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 match 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.

Describe the individuals affected 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 will also have a positive impact on the Adult, Older Youth and Dislocated Workers eligible for services under WIA.

In addition, this waiver will improve the capability of local boards to market demand-driven services and build beneficial relations with the private sector.

Describe the processes used to:

Monitor the progress in implementing the waiver:

The State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development, Division of One-Stop Coordination and Support will monitor the progress in implementing the waiver.

Provide notice to any Local Board affected by the waiver:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meetings hosted by the State Employment and Training Commission.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.

New Jersey
Request for Waiver
Priority of Service

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:

Pursuant to WIA Section 189(i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420 (c), the State of New Jersey is requesting a waiver of the priority of service at section 134(d)(4)(E) that specifies, "in the event funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. With this waiver, New Jersey wishes to shift the priority of service to focus on individuals with extreme barriers to employment. By changing this priority of service, local areas can have greater flexibility in responding to the needs of their local area, which includes serving incumbent workers.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:
The goal of this waiver request is to provide local flexibility by shifting priority of service to better respond to the training needs of individuals with extreme barriers to employment.

Describe the individuals affected by the waiver:
Individuals affected by this waiver are Adults, Older Youth, Dislocated and Incumbent Workers with extreme barriers to employment that will benefit by receiving priority of service in the event funds allocated to a local area for employment and training activities are limited.

Describe the processes used to:

Monitor the progress in implementing the waiver:
The State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development, Division of One-Stop Coordination and Support will monitor the progress in implementing the waiver.

Provide notice to any Local Board affected by the waiver:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meetings hosted by the State Employment and Training Commission.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.

NEW JERSEY
REQUEST FOR WAIVER
Incumbent Worker Training

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals:

The State of New Jersey is requesting a two-part waiver pursuant to WIA Section 189 (i) (4) (B) and the WIA Federal regulations at 20 CFR 661.420.

First, the State of New Jersey is requesting a waiver of the restrictions on the use of local area WIA funds for Incumbent Worker Training at the local area level. The waiver would allow local Workforce Investment Boards to spend up to 10 percent of funds allocated to a local area under section 133(b) to carry out incumbent worker training programs targeting employed workers earning below self-sufficiency.

Secondly, the State of New Jersey is also requesting a waiver of the performance measurement of a wage increase for adults who are employed but earn below self-sufficiency. The design of the performance measurement has had negative implications for those who are working. A waiver to exempt employed workers earning below self-sufficiency from the core indicator of performance of Section 136 (2)(A)(i)(III), would allow local boards to target improving skills of these workers with anticipation of only marginal increases in salaries.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

The goals of this waiver request are twofold: 1) to provide local Workforce Investment Boards the option to spend a portion of their WIA funding on training targeting employed workers earning below self-sufficiency; and 2) to exempt this population from the performance measurement for adult wage increase and thereby disallow marginal increases in salaries of this population segment to affect performance outcomes negatively.

Describe the individuals affected by the waiver:
Individuals affected by this waiver are employed adults earning below self-sufficiency.

Describe the processes used to:

Monitor the progress in implementing the waiver:

The State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development, Division of One-Stop Coordination and Support will monitor the progress in implementing the waiver.

Provide notice to any Local Board affected by the waiver:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meetings hosted by the State Employment and Training Commission.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.

NEW JERSEY
REQUEST FOR WAIVER
HIGH WAGE

Identify the statutory or regulatory requirements for which a waiver is requested and the goals that the State or local area, as appropriate, intends to achieve as a result of the waiver and how those goals related to the Strategic Plan goals: Pursuant to WIA Section 189(i)(4)(B) and WIA Regulations 661.420(c), New Jersey is requesting a waiver of the statutory and regulatory requirements at WIA section 136(b)(2)(A)(III) and 136(d)(2)(B) as it applies to performance accountability for dislocated worker programs. This waiver is being requested to exclude individuals earning greater than $50,000 in either the second or third quarter prior to WIA registration from the performance measurement of earnings gain for the dislocated worker population. Elimination of dislocated worker records with wages greater than $50,000 in the second or third quarter prior to receiving WIA-funded services will ensure greater accuracy in the earnings gain measurement of performance statewide. Currently, dislocated workers in New Jersey who have earned top salaries in positions that have been downsized or moved to foreign soil often find employment earning substantially less than in their previous job. Also, pre-wages prior to dislocation may include severance packages and pension plans that artificially inflate the real wages earned. By eliminating the inclusion of dislocated workers earning greater than $50,000 in the second or third quarter prior to WIA registration, the negative skew for the rate of earnings gain affecting this performance measurement will be reduced.

Describe the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers:
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:
The goal of this waiver is give local areas the ability to more accurately report their performance in assisting dislocated workers. Individuals earning greater than $50,000 in either the second or third quarter prior to registration can have an adverse effect on the outcomes of a local area in achieving positive performance results in this category. Eliminating these records from the earnings gain measurement can have a positive effect on performance outcomes.

Programmatic outcomes include retention of funding and financial incentives to support WIA-funded services for dislocated workers.

Describe the individuals affected by the waiver:

Individuals affected by this waiver are Dislocated Workers who will receive greater assistance via WIA-funded training and employment programs.

Local Workforce Investment Boards will be better served by having the ability to report performance for Dislocated Worker Earnings Gain more accurately.

Statewide performance will be positively affected.

Describe the processes used to:

Monitor the progress in implementing the waiver:

The process of acquiring valid data will be monitored by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development, Division of One Stop Coordination and Support utilizing the Department of Labor and Workforce Development's and SETC's existing monitoring procedures.

Provide notice to any Local Board affected by the waiver:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meetings hosted by the State Employment and Training Commission.

Provide any local Board affected by the waiver an opportunity to comment on the request:

The local Workforce Investment Boards will have an opportunity to comment concerning the waiver request at the monthly scheduled meeting hosted by the State Employment and Training Commission.

Ensure meaningful public comment, including comment by business and organized labor on the waiver:

Business and labor are represented on the State Employment and Training Commission and the local Workforce Investment Boards. Information about the waiver request will be disseminated through these Boards to the necessary groups.