

Ensure Jobless Workers Have Opportunity for Appropriate Training



What is it?

In theory, jobless and dislocated workers should be receiving individualized training services in which workers choose programs and services they want. In practice, many jobless workers get one-size-fits-all treatment with little opportunity for meaningful participation in identifying appropriate training. Information on training options is spotty and sometimes inaccurate. Options are limited by inadequate funding, distance to providers, or poor coordination in the delivery of services. Some one-stop providers offer a majority of customers “work first” style services rather than an opportunity to obtain appropriate training. Even for those jobless workers who get access to training, the service they receive is of poor quality or does not lead to economic self-sufficiency.

Making the most of training and related services’ potential requires effective participation by affected jobless workers. First, workers must know about the options; written notice about the range of options available to jobless individuals regardless of their race, gender, age, religion or national origin is critical. Some state programs – such as those providing for agency approval of training for UI recipients or, in some states, UI benefit extensions for individuals in training – often are not well marketed. In too many cases, individuals find out about these options, if at all, after deadlines for application have passed. As a result, dislocated workers fail to gain access to these programs. Increasingly, states are taking measures to ensure that affected workers get a realistic chance to find out about job training options and sufficient information to participate in making meaningful choices about those options.

In some states, training providers operating under the Workforce Investment Act (WIA) serve as an alternative delivery system to state UI agencies and the Employment Service. Some states prefer decentralized, non-governmental service providers for jobless workers to state agencies staffed with civil servants. In a number of states, UI agencies are not central to dislocated worker services, despite their role in paying UI benefits to those actively seeking work. As a policy matter, disinterested and fair delivery of public services is a vital component of retraining and dislocated worker services. Jobless workers gain from trained and experienced staff providing public services. Meaningful participation for jobless workers is facilitated when one-stops provide in-person contact in settings with sufficient resources to provide individual help and guidance.



Model Legislation

New Jersey is among the states that have tried to set a new direction in providing retraining and re-employment services. New Jersey adopted a comprehensive revision of its job and welfare-to-work training in 2004 addressing many issues

regarding notice to jobless workers and their participation in job training and dislocated worker services. Selected provisions of New Jersey's law are set forth here.

a. Counseling requirement. No individual shall receive employment and training services paid for with federal job training funds unless the individual first receives counseling pursuant to this section. The counseling shall be provided by a job counselor hired and employed by the State pursuant to Title 11A, Civil Service, of the New Jersey Statutes, or hired and employed by a political subdivision of the State, or be provided by a qualified job counselor hired and employed by a non-profit organization which began functioning as the One Stop Career Center operator with the written consent of the chief elected official and the commissioner prior to the effective date of P.L.2004,c.39 (C.34:1A-1.2 et al.), or hired and employed by an approved community-based or faith-based organization to provide counseling which the organization entered into an agreement to provide before the effective date of P.L.2004,c.39 (C.34:1A-1.2 et al.). The purpose of any counseling provided pursuant to this section is to assist each individual in obtaining the employment and training services most likely to enable the individual to obtain employment providing self-sufficiency for the individual and also to provide the individual with the greatest opportunity for long-range career advancement with high levels of productivity and earning power. The counseling shall include:

(4) The timely provision of information to the individual regarding the services and benefits available to the individual, and all actions required of the individual to obtain the services and benefits, under programs supported by federal job training funds or the provisions of P.L.1992, c.47 (C.43:21-57 et al.), and the provision to the individual of a written statement of the individual's rights and responsibilities with respect to programs for which the individual is eligible, which includes a full disclosure to the individual of his right to obtain the services most likely to enable the individual to obtain employment providing self-sufficiency and the individual's right not to be denied employment and training services for any of the reasons indicated in section 5 of P.L.1992, c.48 (C.34:15B-39), including the individual's right not to be denied training services because the individual already has identifiable vocational skills, if those existing skills are for employment with a level of earnings lower than the level of self-sufficiency; and

(5) Discussion with the counselor of the results of the testing and evaluation and, based on those results, the development of a written Employability Development Plan identifying the training and employment services, including any needed remedial education, to be provided to the individual.

b. Federal job training funds shall be used to provide training and employment services to an individual only if the counselor who evaluates the individual pursuant to this section determines that the individual can reasonably be expected to successfully complete the training and education identified in the Employability Development Plan developed pursuant to this section.

N.J. REV. STAT. § 34:15B-38, as amended by P.L. 2004, c. 39 (June 23, 2004)