

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/20/03
A Bill

SENATE BILL 942

5 By: Senator Steele
6 By: Representative Bradford
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE TRANSITIONAL EMPLOYMENT
11 ASSISTANCE PROGRAM; TO ENSURE THAT FORMER
12 RECIPIENTS RECEIVE NEEDED HELP IN MOVING TOWARD
13 SELF-SUFFICIENCY; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 AN ACT TO AMEND THE TRANSITIONAL
17 EMPLOYMENT ASSISTANCE PROGRAM.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code § 20-76-105(c) is amended to add an*
23 *additional subdivision to read as follows:*

24 *(9)(A) The Governor may remove an appointed member for cause.*

25 *(B) An absence from three (3) consecutive meetings shall*
26 *result in automatic removal, unless the member is excused by the chairperson.*

27 *(10)(A) Vacancies on the Arkansas Transitional Employment Board*
28 *shall be filled in the same manner as the original appointment for the*
29 *unexpired portion of the term.*

30 *(B) If a vacancy occurs in a position filled by nominees*
31 *from either the President Pro Tempore of the Senate or the Speaker of the*
32 *House of Representatives, the member shall be appointed by the Governor from*
33 *a list of at least four (4) nominees, of whom at least two (2) shall be*
34 *submitted by the President Pro Tempore of the Senate and at least two (2)*
35 *shall be submitted by the Speaker of the House of Representatives.*
36



1 SECTION 2. Arkansas Code § 20-76-105(d)(2), concerning outcomes for
2 the Transitional Employment Assistance program, is amended to read as
3 follows:

4 (2)(A) Oversee the operation of the program and progress toward
5 the program outcomes, including the activities of the local coalitions and
6 all state agencies involved in the program.

7 (B) Develop a performance management plan for achievement
8 of the transitional employment assistance outcomes that includes:

9 (i) Performance measures for each of the
10 transitional employment assistance outcomes;

11 (ii) Setting targets for each of the transitional
12 employment assistance outcomes;

13 (iii) Reporting requirements for department and each
14 county on their progress toward transitional employment assistance outcome
15 targets;

16 (iv) Measures for accountability for county and
17 state offices for progress in meeting the targets that include increased
18 flexibility and funding for offices meeting the targets and corrective action
19 for offices not meeting the targets; and

20 (v) Reporting on the operation of the performance
21 management plan to the Governor and the cochairs of the House and Senate
22 Interim Committees on Public Health, Welfare, and Labor;

23
24 SECTION 3. Arkansas Code § 20-76-105(1), concerning the outcomes of
25 the Transitional Employment Assistance Program, is amended to read as
26 follows:

27 (1) The administration of the program shall focus on promoting the
28 following outcomes for program recipients and poor families in Arkansas:

29 ~~(1) Increase the percentage of needy families that receive~~
30 ~~transitional employment assistance;~~

31 ~~(2) Decrease the number of families who need transitional~~
32 ~~employment assistance cash assistance;~~

33 ~~(3) Decrease spending on transitional employment assistance cash~~
34 ~~assistance;~~

35 ~~(4) Increase the percentage of families receiving transitional~~
36 ~~employment assistance cash assistance who participate in work activities for~~

1 ~~the required number of hours;~~

2 ~~(5) Increase the percentage of program recipients who receive~~
3 ~~services necessary for them to participate in work activities, including~~
4 ~~education and training, child care, and transportation, and to move toward~~
5 ~~self-sufficiency;~~

6 ~~(6) Increase the percentage of program recipients facing~~
7 ~~barriers of substance abuse, domestic violence, physical or mental~~
8 ~~disabilities, or limited education and work experience who receive services~~
9 ~~necessary for them to participate in work activities and to move toward self-~~
10 ~~sufficiency;~~

11 ~~(7) Increase the number of families who leave transitional~~
12 ~~employment assistance for work;~~

13 ~~(8) Increase the hourly wages and monthly earnings of families~~
14 ~~who leave transitional employment assistance for work;~~

15 ~~(9) Decrease the number of families who leave transitional~~
16 ~~employment assistance and face hardship or deprivation;~~

17 ~~(10) Increase the percentage of families who leave transitional~~
18 ~~employment assistance for work who stay employed;~~

19 ~~(11) Increase the percentage of families who leave transitional~~
20 ~~employment assistance for work who achieve progressively higher wages and~~
21 ~~earnings;~~

22 ~~(12) Increase the percentage of families who leave transitional~~
23 ~~employment assistance cash assistance who move out of poverty; and~~

24 ~~(13) Increase the percentage of transitional employment~~
25 ~~assistance families who leave for work and obtain job-related benefits~~
26 ~~provided by the employer.~~

27 (1)(A) Increase the percentage of families who receive
28 appropriate services to move off of transitional employment assistance cash
29 assistance, into employment, and towards self-sufficiency.

30 (B) The Arkansas Transitional Employment Board shall use
31 the following or similar indicators to determine whether this outcome is
32 being met:

33 (i) Percentage of recipients who receive specified
34 assessment within thirty (30) days of the application approval;

35 (ii) Percentage of recipients who receive services
36 specified in the assessment;

1 (iii) Percentage of recipients engaged in work
2 activities for the required number of hours per week;

3 (iv) Percentage of former recipients who are
4 eligible to receive needed services;

5 (v) Percentage of eligible families who receive low-
6 income child care, to be determined by dividing the number of low-income
7 recipients by the sum of the number of low-income recipients plus the number
8 of recipients on the waiting list; and

9 (vi) Percentage of recipients engaged in education
10 and training for the required number of hours per week;

11 (2)(A) Increase the percentage of families who leave
12 transitional employment assistance cash assistance due to earnings from work.

13 (B) The Arkansas Transitional Employment Board shall use
14 the following or similar indicators to determine whether this outcome is
15 being met:

16 (i) Percentage of recipients who leave welfare each
17 month, each quarter, and each year; and

18 (ii) Percentage of families leaving if a parent has
19 earnings from work;

20 (3)(A) Increase earnings of families who leave transitional
21 employment assistance cash assistance.

22 (B) The Arkansas Transitional Employment Board shall use
23 the following or similar indicators to determine whether this outcome is
24 being met:

25 (i) Median level of earnings in the first full
26 quarter after leaving the program;

27 (ii) Median level of earnings in the second full
28 quarter after leaving the program;

29 (iii) Median level of earnings in the fourth full
30 quarter after leaving the program; and

31 (iv) Median level of earnings in the sixth full
32 quarter after leaving the program;

33 (4)(A) Increase the percentage of parents leaving transitional
34 employment assistance cash assistance who stay employed.

35 (B) The Arkansas Transitional Employment Board shall use
36 the following or similar indicators to determine whether this outcome is

1 being met:

2 (i) Percentage of former recipients who are working
3 in the second quarter after leaving the program;

4 (ii) Percentage of former recipients who have
5 maintained steady employment for two (2) quarters after leaving the program;

6 (iii) Percentage of former recipients who are
7 working in the fourth quarter after leaving the program; and

8 (iv) Percentage of former recipients who have
9 maintained steady employment for four (4) quarters after leaving the program;
10 and

11 (5)(A) Increase the percentage of former transitional employment
12 assistance cash assistance recipients who move out of poverty, including the
13 value of food stamps and the federal Earned Income Tax Credit and child
14 support.

15 (B) The Arkansas Transitional Employment Board shall use
16 the following or similar indicators to determine whether this outcome is
17 being met:

18 (i) Percentage of families with earning levels above
19 one hundred percent (100%) and the percentage above two hundred percent
20 (200%) of the federal poverty limit, including the imputed value of food
21 stamps and the federal Earned Income Tax Credit;

22 (ii) Percentage of eligible former recipient
23 families enrolled in the food stamp program; and

24 (iii) Percentage of eligible former recipient
25 families who file for the federal Earned Income Tax Credit.

26
27 SECTION 4. Arkansas Code § 20-76-107(a)(5), concerning biannual
28 independent evaluations of the Transitional Employment Assistance Program, is
29 amended to read as follows:

30 ~~(5) The effects of the program on recipients and their children~~
31 The outcomes for current and former transitional employment assistance cash
32 assistance recipients and their children, to include at least the following:

33 (A) Changes in family income and child poverty;

34 (B) Impact on child welfare;

35 (C) Impact on child hunger;

36 (D) Impact on housing conditions, family living

1 arrangements, and homelessness;

2 (E) Impact on the health care coverage and the health
3 status of children;

4 (F) Changes in family expenditure patterns;

5 (G) Births to unwed parents, teen pregnancies, and changes
6 in family structure;

7 (H) Impact on child care patterns and youth supervision;

8 (I) The work history and employment patterns of adults,
9 including whether they are working, the types of employment held, job
10 retention, and their wages or earnings;

11 (J) Impact on substance abuse and substance abuse
12 treatment; and

13 (K) Educational and skill attainment;

14
15 SECTION 5. Arkansas Code § 20-76-402(f), concerning work activities
16 under the transitional employment, is amended to read as follows:

17 (f) The department, subject to review, recommendation, and approval by
18 the board, shall establish criteria to exempt or temporarily defer the
19 following persons from any work activity requirement:

20 (1) An individual required to care for a recipient child until
21 the child reaches twelve (12) months of age, if the caregiver is an active
22 participant in a home-based or part-time center-based quality approved early
23 learning program, where available, that requires parental involvement and is
24 approved by the Arkansas Department of Education under Arkansas Code Title 6,
25 Chapter 45;

26 ~~(1)~~(2) An individual required to care for a recipient child
27 until the child reaches the maximum age specified by regulation, not to
28 exceed twelve (12) months of age;

29 ~~(2)~~(3) A disabled parent or caregiver, based upon criteria set
30 forth in regulations;

31 ~~(3)~~(4) A woman in the third trimester of pregnancy;

32 ~~(4)~~(5) A parent or caregiver who is caring for a disabled child
33 relative or disabled adult relative, based upon criteria set forth in
34 regulations;

35 ~~(5)~~(6) A minor parent less than eighteen (18) years old who
36 resides in the home of a parent or in an approved adult-supervised setting

1 and who participates in full-time education or training;

2 ~~(6)~~(7) A teen parent head of household under the age of twenty
3 (20) who maintains satisfactory attendance as a full-time student at a
4 secondary school;

5 ~~(7)~~(8) An individual for whom support services necessary to
6 engage in a work activity are not available;

7 ~~(8)~~(9) An individual who, as determined by a department case
8 manager, is unable to participate in work activities due directly to the
9 effects of domestic violence. All case manager determinations made under this
10 subsection (f) shall be reviewed by a supervisor within five (5) days of such
11 determination;

12 ~~(9)~~(10) An individual unable to participate in a work activity
13 due to extraordinary circumstances;

14 ~~(10)~~(11) A parent or caregiver over sixty (60) years of age; and

15 ~~(11)~~(12) Child-only cases.
16

17 SECTION 6. Arkansas Code § 20-76-443(a), concerning education and
18 training in the Transitional Employment Assistance Program, is amended to
19 read as follows:

20 (a)(1) The Department of Human Services shall permit Transitional
21 Employment Assistance Program recipients to obtain the education and training
22 they need to obtain jobs that pay wages allowing them to be economically
23 self-sufficient.

24 (2) Program recipients who are assessed as having basic
25 education deficiencies shall be allowed to combine educational activities
26 leading to a high school diploma or general educational development
27 certificate and employment and work experience. Participants may be required
28 to engage in internships, work experience, or employment. Work requirements
29 shall not exceed fifteen (15) hours per week unless the department certifies
30 that allowing education to count toward program recipients' required work
31 activities would affect the state's ability to meet federal work
32 participation rates. To the extent possible, educational activities shall
33 take place in a work context.

34 (3)(A) Qualified program recipients shall be allowed to enroll
35 in vocational education courses designed to prepare them for jobs in high
36 growth, high wage occupations. ~~Participants may be required to engage in~~

1 ~~internships or work experience related to their course of study. Work~~
2 ~~requirements shall not exceed fifteen (15) hours per week unless the~~
3 ~~department certifies that allowing education to count toward program~~
4 ~~recipients' required work activities would affect the state's ability to meet~~
5 ~~federal work participation rates.~~

6 (B) As long as the recipient's coursework, including study
7 time, exceeds the minimum number of work activity hours required to count
8 toward federal work participation rates, this activity alone shall satisfy
9 the recipient's required work activity.

10 (C)(i) If a recipient's coursework, including study time,
11 does not exceed the minimum number of work activity hours required to count
12 toward federal work participation rates, the recipient may be required to
13 engage in internships or work experience related to the course of study.

14 (ii) However, the combination of work activities and
15 the recipient's coursework shall not exceed the minimum number of work
16 activity hours required to count toward federal work participation rates.

17 (D)(i) The department may suspend the allowance to enroll
18 only if the board certifies that allowing education to count toward a program
19 recipient's required work activities would affect the state's ability to meet
20 federal work participation rates.

21 (ii) Upon certification, the department may require
22 all recipients to engage in work activities for the number of hours required
23 to count toward the federal work participation rates.

24 (E) The department shall seek to allow at least seven
25 hundred (700) participants this option.

26 (4)(A) Qualified program recipients shall be allowed to enroll
27 in postsecondary courses leading to a two-year or four-year degree or a five-
28 year teaching degree. Participants may be required to engage in internships
29 or work experience related to their course of study. Work requirements shall
30 not exceed fifteen (15) hours per week unless the department certifies that
31 allowing education to count toward program recipients' required work
32 activities would affect the state's ability to meet federal work
33 participation rates.

34 (B) As long as the recipient's coursework, including study
35 time, exceeds the minimum number of work activity hours required to count
36 toward federal work participation rates, this activity alone shall satisfy

1 the recipient's required work activity.

2 (C)(i) If a recipient's coursework does not exceed the
3 minimum number of work activity hours required to count toward federal work
4 participation rates, the recipient may be required to engage in internships
5 or work experience related to the course of study.

6 (ii) However, the combination of work activities and
7 the recipient's coursework shall not exceed the minimum number of work
8 activity hours required to count toward federal work participation rates.

9 (D)(i) The department may suspend the allowance to enroll
10 only if the board certifies that allowing education to count toward a program
11 recipient's required work activities would affect the state's ability to meet
12 federal work participation rates.

13 (ii) Upon certification, the department may require
14 all recipients to engage in work activities for the number of hours required
15 to count toward the federal work participation rates.

16 (E) The department shall seek to allow at least four
17 hundred (400) participants this option.

18 (5) Participants under each of these options shall be provided
19 the supportive services they need to attend classes and other educational
20 activities, including, at least, child care and transportation.

21
22 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that it is crucial to the life and
24 health of many needy citizens of the State of Arkansas that the outcomes of
25 the transitional employment program are more clearly defined and monitored in
26 order that these public assistance programs can be better focused on meeting
27 the real needs of needy Arkansans, that the United States Congress is in the
28 process of reauthorizing the federal laws which guide and fund these
29 programs, and that it is necessary, in order to avoid any disruption in
30 federal funding, that the program outcomes be clearly defined so as to
31 provide better information to the federal government about the progress of
32 these programs in Arkansas. Therefore, an emergency is declared to exist and
33 this act being necessary for the preservation of the public peace, health,
34 and safety shall become effective on July 1, 2003.

35
36 /s/ Steele