

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 S3/24/03

# A Bill

Act 1306 of 2003  
SENATE BILL 942

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

## 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

## Subtitle

15 AN ACT TO AMEND THE TRANSITIONAL  
16 EMPLOYMENT ASSISTANCE PROGRAM.  
17  
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 child support payments, the  
21 imputed value of food 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

APPROVED: 4/14/2003