

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas As Engrossed: S3/24/99 S3/29/99 S3/31/99 H4/7/99

2 82nd General Assembly

A Bill

Act 1567 of 1999

3 Regular Session, 1999

SENATE BILL 859

4

5 By: Senators Bradford, B. Walker, *Bearden, Bisbee, Hoofman, Ross, Scott, Wilson*

6 By: Representatives Lavery, White, *Ammons, Biggs, Creekmore, Eason, Faris, Gullett, Haak, Horn,*

7 *Hendren, Lendall, P. Malone, Minton, Rackley, M. Steele, T. Steele, Taylor, Trammell, Womack*

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For An Act To Be Entitled

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"AN ACT TO REVISE THE ARKANSAS PERSONAL RESPONSIBILITY
AND PUBLIC ASSISTANCE REFORM ACT; AND FOR OTHER
PURPOSES. "

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14

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Subtitle

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"AN ACT TO REVISE THE ARKANSAS PERSONAL
RESPONSIBILITY AND PUBLIC ASSISTANCE
REFORM ACT. "

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

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SECTION 1. "Purpose.

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(1) The General Assembly finds that it is important that all families in this state be strong and economically self-sufficient.

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(2) It is in the public interest that eligible persons and families of lesser means be given time-limited cash assistance along with an opportunity to obtain and retain employment that is sufficient to sustain their families.

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(3) As a part of this transition from welfare to work , it is in the public's interest that various supportive services and in some cases education and training be offered these families to enable them to make this transition.

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(4) The General Assembly finds that education and training are essential to long-term career development and self-sufficiency.

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(5) The General Assembly further finds that employment improves the quality of life for parents and children by increasing family income and

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1 assets and by improving self-esteem.

2 (6) Therefore, it is in the public interest that our state provides
3 time-limited cash assistance and supportive services to our most vulnerable
4 citizens and their children."

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6 SECTION 2. Arkansas Code 5-36-205 is amended to read as follows:

7 "5-36-205. Ineligibility for programs.

8 In addition to the penalties set forth in this chapter:

9 (1) Except as set forth in subdivision (5) of this section, any
10 recipient of food stamps who pleads guilty or nolo contendere to, or is found
11 guilty of, a violation set forth in this subchapter shall be ineligible for
12 further participation in the food stamp program, as follows:

13 (A) For a period of one (1) year upon the first occasion of
14 an offense pertaining to the receipt of food stamps;

15 (B) For a period of two (2) years upon the second occasion
16 of an offense pertaining to the receipt of food stamps; and

17 (C) Permanently upon the third occasion of an offense
18 pertaining to the receipt of food stamps;

19 (2) Any recipient of Transitional Employment Assistance who
20 pleads guilty or nolo contendere to, or is found guilty of, a violation set
21 forth in this subchapter shall be ineligible for further participation in the
22 Transitional Employment Assistance program, as follows:

23 (A) For a period of one (1) year upon the first occasion of
24 an offense pertaining to the receipt of Transitional Employment Assistance;

25 (B) For a period of two (2) years upon the second occasion
26 of an offense pertaining to the receipt of Transitional Employment Assistance;
27 and

28 (C) Permanently upon the third occasion of an offense
29 pertaining to the receipt of Transitional Employment Assistance;

30 ~~(3) Any recipient of benefits under the Special Supplemental Food~~
31 ~~Program for Women, Infants and Children who pleads guilty or nolo contendere~~
32 ~~to, or is found guilty of, a violation set forth in this subchapter may be~~
33 ~~ineligible for further participation in the Special Supplemental Food Program~~
34 ~~for Women, Infants and Children for up to three (3) months; and~~

35 ~~(4) (3) Any recipient of Supplemental Security Income who pleads~~
36 ~~guilty or nolo contendere to, or is found guilty of, a violation set forth in~~

1 this subchapter shall be ineligible for further participation in the
2 Supplemental Security Income program, as follows:

3 (A) For a period of one (1) year upon the first occasion of an
4 offense pertaining to the receipt of Supplemental Security Income;

5 (B) For a period of two (2) years upon the second occasion of an
6 offense pertaining to the receipt of Supplemental Security Income; and

7 (C) Permanently upon the third occasion of an offense pertaining
8 to the receipt of Supplemental Security Income; and

9 ~~(5)~~ (4) An individual shall be ineligible to participate in the food
10 stamp program as a member of any household for a ten-year period if the
11 individual is found by the department to have made, or is found guilty of or
12 pleads guilty or nolo contendere to having made, a fraudulent statement or
13 representation with respect to the identity or place of residence of the
14 individual in order to receive multiple benefits simultaneously."
15

16 SECTION 3. Arkansas Code 20-76-101 is amended to read as follows:

17 "20-76-101. Definitions.

18 As used in this chapter:

19 (1) "Assessment services" means an evaluation to determine the
20 abilities, talents, proficiencies, and deficiencies of applicants and
21 recipients with regard to the ability of the individual to move into
22 employment;

23 (2) "Board" means the Arkansas Transitional Employment Board;

24 ~~(2)~~ (3) "Date of enrollment" means the date that an applicant is
25 approved as eligible for the Transitional Employment Assistance Program (TEA);

26 ~~(3)~~ (4) "Department" means the Department of Human Services;

27 ~~(4)~~ (5) "Diversion from assistance" means a one-time loan of money or
28 the furnishing of nonmonetary assistance to an applicant who is eligible for
29 but does not require enrollment in the Transitional Employment Assistance
30 Program (TEA);

31 ~~(5)~~ (6) "Education or training" means basic remedial education, adult
32 education, high school education, education to obtain the equivalent of a high
33 school diploma, education to learn English as a second language, and applied
34 technology training and post-secondary education and training;

35 ~~(6)~~ (7) "Employment assistance" means financial assistance, child care,
36 assistance to secure full-time employment, assistance in obtaining education

1 and training that leads to full-time employment, case management services, and
2 other services designed to assist recipients to achieve self-sufficiency
3 through employment;

4 ~~(14)~~(8) "Extended support services" means assistance to a recipient who
5 has ~~exhausted the financial assistance available~~ obtained employment under the
6 Transitional Employment Assistance Program (TEA), which may include, but is
7 not limited to, child care and medical assistance;

8 ~~(7)~~ (9) "Full-time education or training" means education or training
9 on a full-time basis as defined by the department;

10 ~~(8)~~(10) "Medical Assistance" means assistance furnished pursuant to
11 Title XIX of the Social Security Act, commonly referred to as Medicaid, or a
12 state-funded medical assistance program;

13 ~~(9)~~(11) "Personal responsibility agreement" means an agreement between
14 the department and recipient specifying the recipient's responsibilities that
15 are a condition of receiving employment assistance, which may include an
16 employment plan that describes what the recipient and the department will do
17 to assist the recipient to achieve self-sufficiency through employment;

18 ~~(10)~~(12) "Positive reinforcement outcome bonus" means a one-time cash
19 assistance bonus for achieving an employment plan goal;

20 ~~(11)~~(13) "Relocation assistance" means assistance to an eligible
21 recipient, who lives in an area of limited job opportunities, to enable the
22 recipient to relocate for purposes of full-time employment that the recipient
23 has secured;

24 ~~(12)~~(14) "Support Services" means child care, transportation,
25 financial assistance, medical assistance, substance abuse treatment, life
26 skills training, and parenting skills training, and other similar assistance;

27 ~~(13)~~(15) "TEA" means the Transitional Employment Assistance Program;

28 ~~(15)~~(16) "Unearned income" means all income that a recipient
29 receives from sources other than employment, including child support payments,
30 supplemental security income, supplemental security disability income,
31 workers' compensation, and unemployment insurance."

32

33 SECTION 4. Arkansas Code 20-76-102(c) is amended to read as follows:

34 "(c) To ensure that all available state government resources are used
35 to help TEA recipients make the transition from welfare to work, each of the
36 following state agencies and organizations shall also be required to work with

1 the Department of Human Services in providing TEA services:

- 2 (1) The Arkansas Employment Security Department;
- 3 (2) The Department of Health;
- 4 (3) The Department of Higher Education, including community
- 5 colleges and the University of Arkansas Cooperative Extension Service;
- 6 (4) The Department of Education, ~~including the General Education~~
- 7 ~~Division and the Vocational Education Division;~~
- 8 (5) The Arkansas Development Finance Authority;
- 9 (6) Arkansas ~~Industrial~~ Economic Development Commission;
- 10 (7) Arkansas State Highway and Transportation Department;
- 11 (8) The Department of Finance and Administration, including the
- 12 Child Support Enforcement Unit;
- 13 (9) The State Child Abuse and Neglect Prevention Board;
- 14 (10) The Arkansas ~~Adult~~ Literacy Council, Inc.; ~~and~~
- 15 (11) The Department of Workforce Education; and
- 16 ~~(11)~~ (12) Other state agencies as directed by the Governor or as
- 17 directed by the General Assembly."

18
19 SECTION 5. Arkansas Code 20-76-102(e) is amended to read as
20 follows:

21 "(e) All agencies of the state and local governments providing TEA
22 program services shall work cooperatively with and provide any necessary
23 assistance to the General Assembly and the TEA Program ~~Advisory Council~~
24 Arkansas Transitional Employment Board and shall furnish, in a timely manner,
25 complete and accurate information regarding the TEA program to legislative
26 committees and the ~~advisory council~~ board upon request."

27
28 SECTION 6. Arkansas Code 20-76-105 is amended to read as follows:

29 "20-76-105. ~~TEA Program Advisory Council~~ Arkansas Transitional
30 Employment Board.

31 (a) There is created an ~~an~~ TEA Program Advisory Council Arkansas
32 Transitional Employment Board, which shall be composed of the following
33 members:

- 34 (1) The Director of the Department of Human Services;
- 35 (2) The Director of the Arkansas Employment Security Department;
- 36 (3) The Director of the Department of Health;

- 1 (4) The Director of the Department of Workforce Education;
- 2 (5) The Director of the Department of Higher Education;
- 3 ~~(6) The Director of the Arkansas Development Finance Authority;~~
- 4 ~~(7) (6) The Director of the Arkansas Industrial Economic~~
- 5 Development Commission;
- 6 ~~(8) The Director of the Arkansas Highway and Transportation~~
- 7 ~~Department;~~
- 8 ~~(9) The Director of the Office of Child Support Enforcement;~~
- 9 ~~(10) The Director of the Division of Child Care and Early~~
- 10 ~~Childhood Education;~~
- 11 ~~(11) (7) Three (3) members appointed by the Governor; and~~
- 12 (8) Six (6) members, at least one (1) of whom shall be a current
- 13 or former TEA or AFDC recipient, appointed by the Governor from a list of ten
- 14 (10) nominees, of whom five (5), at least one (1) of whom shall be a current
- 15 or former TEA or AFDC recipient, shall be submitted by the President Pro Tem
- 16 of the Senate and five (5), at least one (1) of whom shall be a current or
- 17 former TEA or AFDC recipient, shall be submitted by the Speaker of the House
- 18 of Representatives;
- 19 ~~(12) Three (3) members appointed by the House chairperson of the~~
- 20 ~~Public Health, Welfare and Labor Committee; and~~
- 21 ~~(13) Three (3) members shall be appointed by the Senate~~
- 22 ~~chairperson of the Public Health, Welfare and Labor Committee.~~
- 23 (b) Appointed members ~~may~~ shall be ~~representatives of nonprofit~~
- 24 ~~organizations, the business community, labor, current and former public~~
- 25 ~~assistance recipients, the chamber of commerce, the Arkansas Municipal League,~~
- 26 ~~and the Association of Arkansas Counties. Appointed members may be legislators~~
- 27 employed in the private sector and a majority of those members shall have
- 28 managerial experience.
- 29 (c)(1)(A) The appointed members of the ~~advisory council~~ Arkansas
- 30 Transitional Employment Board shall serve ~~three~~ four-year staggered terms;
- 31 (B) Initial appointed members of the advisory council shall
- 32 draw lots to determine the length of their terms;
- 33 (C) The Director of the Department of Human Services shall
- 34 call the first meeting of the ~~advisory council~~ Arkansas Transitional
- 35 Employment Board within thirty (30) calendar days of their appointment, and
- 36 the ~~advisory council~~ Governor, in consultation with the Senate and House

1 chairs of the Public Health, Welfare, and Labor Committees, shall annually
2 ~~elect~~ select a chairperson from among the appointed members;

3 (D) Ten (10) members of the advisory council board shall
4 constitute a quorum;

5 (E) Only the nine (9) appointed members and the six (6)
6 agency directors will serve as voting members;

7 (F) No member may authorize a designee to vote on his or her
8 behalf;

9 (G) The advisory council board shall meet with the Governor
10 every six (6) months or as frequently as it deems necessary upon request of
11 the chairperson; and

12 (H) A majority of the appointed members shall be citizens
13 with no direct fiduciary interest in programs involved with the TEA program.

14 (2) The Governor may remove an appointed member for cause. An
15 absence from three (3) consecutive meetings results in automatic removal,
16 unless the member is excused by the chairperson. Vacancies occurring on the
17 advisory council Arkansas Transitional Employment Board by reason of death or
18 resignation shall be filled in the same manner as a regular appointment for
19 the remainder of the unexpired term.

20 (3) The members of the advisory council Arkansas Transitional
21 Employment Board shall not be entitled to compensation for their services but
22 may receive expense reimbursement in accordance with § 25-16-902.

23 ~~(d) The advisory council shall:~~

24 ~~(1) Advise and assist all state agencies in the implementation of~~
25 ~~the TEA program;~~

26 ~~(2) Provide evaluation and feedback on the TEA implementation~~
27 ~~plan submitted by the Department of Human Services;~~

28 ~~(3) Provide evaluation and feedback on rules of state agencies~~
29 ~~participating in the delivery of services under the TEA program;~~

30 ~~(4) Provide evaluation and feedback on the role of local TEA~~
31 ~~coalitions;~~

32 ~~(5) Encourage businesses in the state to hire TEA recipients;~~

33 ~~(6) Respond to and report on citizen concerns about the~~
34 ~~implementation and administration of the TEA program; and~~

35 ~~(7) Submit biannual reports to the House and Senate committees on~~
36 ~~Public Health, Welfare and Labor.~~

1 (d) The Arkansas Transitional Employment Board shall:

2 (1) Review, recommend and approve TEA regulations developed by the
3 department;

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

7 (3) Coordinate the activities of all state agencies involved in the TEA
8 program, including moderating disagreements among those state agencies about
9 their respective responsibilities in the TEA program and facilitating their
10 active collaboration;

11 (4) Employ necessary staff to assist with the range and diversity
12 of its charge;

13 (5) Review, recommend and approve annually updates of the state's
14 TEA plan by December 1 of each year, for the next year, and report on the
15 updated plan to the Governor and the House and Senate Committees on Public
16 Health, Welfare and Labor;

17 (6) Review, recommend and approve charters, re-charters or
18 dissolutions of local TEA coalitions recommended by the department;

19 (7) Review, recommend and approve department guidelines to local
20 TEA coalitions regarding annual plan development;

21 (8) Review, recommend and approve guidelines for the funding of
22 local TEA coalitions;

23 (9) Review, recommend and approve all requests for proposals using
24 TEA program moneys and state-controlled welfare-to-work moneys;

25 (10) Initiate activities to foster multi-county collaboration,
26 including establishing incentives for local TEA coalitions with small
27 caseloads to combine and become multi-county coalitions;

28 (11) Respond to and report on citizens' concerns about the
29 implementation and administration of the TEA program;

30 (12) Review, recommend and approve standards of eligibility for
31 assistance developed by the department;

32 (13) Review the department's plan for bonus awards and employee
33 incentives focused on achieving TEA outcomes;

34 (14) Submit biannual reports to the House and Senate committees on
35 Public Health, Welfare and Labor and to the Governor;

36 (15) Require that, prior to approval, each local TEA

1 implementation plan describe a method by which the corresponding regional
2 Workforce Investment Board will support the local TEA implementation plan;

3 (16) Contract for an independent evaluation of the TEA program;

4 (17) Review, recommend and approve a plan developed by the
5 department for home visits to check on the safety and well-being of children
6 in families that have lost TEA cash assistance for any reason other than
7 employment;

8 (18) Provide guidance and oversight to the Governor's Partnership
9 Council on Children and Families, which is a collaborative partnership with
10 the Department of Health, the Department of Education and the Department of
11 Human Services;

12 (19) Review, recommend and approve a plan developed by the
13 department to provide services and information to former TEA recipients to
14 help them stay employed and achieve progressively higher wages and earnings;
15 and

16 (20) Review, recommend and approve a plan developed by the
17 department for pilot projects to provide employment training, job search
18 services and parenting education to non-custodial parents of children in TEA
19 families that cannot pay child support because of unemployment or low
20 earnings.

21 ~~(e) Employees of the Department of Human Services and the Employment~~
22 ~~Security Department shall provide staff support for the TEA advisory council.~~

23 (e) No member of the Arkansas Transitional Employment Board shall:

24 (1) Vote on a matter under consideration by the board:

25 (A) Regarding the provision of services by the member; or

26 (B) That would provide direct financial benefit to the
27 member, the immediate family of the member, or an organization that employs
28 the member; or

29 (2) Engage in any other activity determined by law to constitute a
30 conflict of interest.

31 (f)(1) The Governor in consultation with the chairs of the House and
32 Senate Committee on Public Health, Welfare, and Labor shall appoint the staff
33 director. The appointment of the staff director shall be subject to Senate
34 confirmation.

35 (2) The staff director shall supervise the Arkansas Transitional
36 Employment Board staff and coordinate the activities of those state agencies

1 charged with implementation of the TEA program.

2 (g) The Agency Advisory Council shall be formed to advise and to meet in
3 conjunction with the Arkansas Transitional Employment Board. The council
4 shall be composed of the following members or other members as the board may
5 determine:

6 (1) The Director of the Division of County Operations of the
7 Department of Human Services;

8 (2) The Director of the State Child Abuse and Neglect Prevention
9 Board;

10 (3) The Director of the Division of Child Care and Early
11 Childhood Education of the Department of Human Services;

12 (4) The Director of the Office of Child Support Enforcement;

13 (5) The Director of the Department of Education;

14 (6) The Director of the Arkansas Development Finance Authority;

15 (7) The Director of the Arkansas State Highway and Transportation
16 Department;

17 (8) One (1) member of the State Workforce Investment Executive
18 Committee; and

19 (9) Two (2) members of local TEA coalitions selected by the
20 chairperson of the Arkansas Transitional Employment Board.

21 (h) The Agency Advisory Council shall:

22 (1) Periodically make recommendations to the board about the TEA
23 program, especially pertaining to collaborative efforts among agencies
24 involved in the Arkansas Transitional Employment Board;

25 (2)(A) Provide reasonable and necessary cooperation with Arkansas
26 Transitional Employment board members and staff and local TEA coalition
27 members and staff; and

28 (B) Periodically report to the board on local coalition activities;
29 and

30 (3) Advise the board on how to address outcomes.

31 (i) (1) This section shall be reviewed by the General Assembly prior to
32 that date; and

33 (2) In its review, the General Assembly shall assess the status of
34 the TEA program and shall determine whether the responsibility for
35 administering the program should be transferred to another state agency or
36 board.

1 (j) There shall be no liability on the part of and no cause of action of
2 any nature shall arise against any member of the board or its agents or
3 employees, the association or its agents or employees, for any action or
4 omission by them in the performance of their powers and duties under this
5 chapter.

6 (k) The Arkansas Transitional Employment Board is designed to be an
7 agent of change and challenge to the existing federal, state and local agency
8 service delivery mechanisms. The challenge shall be to insure that persons on
9 TEA are getting the assistance, the information and the services needed to
10 help these low income persons become self-sufficient.

11 (l) The administration of the TEA program shall focus on promoting the
12 following TEA outcomes for TEA recipients and poor families in Arkansas:

13 (1) Increase the percentage of needy families that receive TEA
14 assistance;

15 (2) Decrease the number of families who need TEA cash assistance;

16 (3) Decrease spending on TEA cash assistance;

17 (4) Increase the percentage of families receiving TEA cash assistance
18 who participate in work activities for the required number of hours;

19 (5) Increase the percentage of TEA recipients who receive services
20 necessary for them to participate in work activities, including education and
21 training, and to move toward self-sufficiency;

22 (6) Increase the percentage of TEA recipients facing barriers of
23 substance abuse, domestic violence, physical or mental disabilities or limited
24 education and work experience who receive services necessary for them to
25 participate in work activities and to move toward self-sufficiency;

26 (7) Increase the number of families who leave TEA for work;

27 (8) Increase the hourly wages and monthly earnings of families that
28 leave TEA for work;

29 (9) Decrease the number of families who leave TEA and face hardship or
30 deprivation;

31 (10) Increase the percentage of families who leave TEA for work who stay
32 employed;

33 (11) Increase the percentage of families who leave TEA for work who
34 achieve progressively higher wages and earnings; and

35 (12) Increase the percentage of families who leave TEA cash assistance
36 who move out of poverty.

1 (m) The Arkansas Transitional Employment Board shall select three (3) of
2 its members to form an Executive Committee.

3 (1) On those rare occasions when it becomes necessary for the department
4 to take action on matters regarding the TEA program between meetings of the
5 board, the director is authorized to contact the executive committee to
6 receive direction on how to proceed.

7 (2) Any decisions or guidance given to the department by the executive
8 committee shall be reported to the board at its next meeting.

9 (3) Other duties may be assigned to the executive committee by a
10 majority vote of the board.

11 (4) This procedure may be changed by a majority vote of the board."

12
13 SECTION 7. Arkansas Code 20-76-106 is amended to read as follows:

14 "20-76-106. Statewide implementation plan - TEA.

15 (a) ~~The department~~ Arkansas Transitional Employment Board shall:

16 (1) ~~Develop~~ Review, recommend and approve a statewide
17 implementation plan for ensuring the cooperation of state agencies and local
18 agencies and encouraging the cooperation of private entities, especially those
19 receiving state funds, in the coordination and implementation of the TEA
20 program; and

21 (2) Ensure that TEA recipients throughout the state including
22 those in rural areas have comparable access to TEA benefits;_ and

23 ~~(3) Charter local TEA coalitions and approve local implementation~~
24 ~~plans.~~

25 ~~(b)(1) By March 1, 1998, or anytime prior to that date, the department~~
26 ~~shall submit to the TEA Program Advisory Council the proposed TEA~~
27 ~~implementation plan.~~

28 ~~(2) By July 1, 1998, or any time prior to that date, the~~
29 ~~department shall submit to the Governor and the House and Senate committees on~~
30 ~~Public Health, Welfare and Labor the TEA implementation plan.~~

31 ~~(c)~~ (b) At a minimum, the TEA implementation plan shall include:

32 (1) Performance standards and measurement criteria for state and
33 county offices of the Department of Human Services and all service providers
34 under the TEA program;_

35 (2) Contract guidelines for contract service providers under the
36 TEA program;_

1 (3) ~~Recommendations~~ Guidelines for training TEA service
2 providers, whether state employees or contract providers--;

3 (4) Functions to be performed by each state agency in helping
4 recipients make the transition from welfare to work--;

5 (5) ~~Recommendations~~ Guidelines for clarifying, or if necessary,
6 modifying the rules of the state agencies charged with implementing the TEA
7 program so that all unnecessary duplication is eliminated--;

8 (6) ~~Recommendations~~ Guidelines for establishing joint TEA benefit
9 and employment offices in every county of the state, which shall function as
10 common service centers for the delivery of TEA program services to applicants
11 and recipients of food stamps and TEA benefits--;

12 (7) ~~Recommendations~~ Guidelines for modifying compensation and
13 incentive programs for state employees in order to achieve the performance
14 outcomes necessary for successful implementation of the TEA program--;

15 (8) Guidelines for timely assessments for each participant that
16 leads to an individual personal responsibility agreement that identifies the
17 strengths of the participant and the barriers faced in obtaining a job and
18 reaching self-sufficiency, and the services to be provided to assist the
19 participant to find and keep work and to move toward self-sufficiency;

20 (9) Guidelines for timely provision of needed support services as
21 specified in the individual personal responsibility agreement. These
22 guidelines shall include procedures for evaluating the quality and value of
23 assessments and the provision of support services;

24 (10) Guidelines governing job search requirements for TEA
25 applicants;

26 (11) Guidelines governing the provision of support services to TEA
27 participants and former TEA participants to assist them in retaining
28 employment and earning higher wages and career advancement.

29 (12) Guidelines governing the combining of work with education and
30 training;

31 (13) Guidelines for the independent evaluation of all cases closed
32 due to sanctions or time limits;

33 ~~(8)~~ (14) A micro-lending program and an individual development
34 trust account (IDA) demonstration project for TEA recipients--;

35 ~~(9)~~ (15) One (1) or more employment opportunity districts and
36 ~~develop~~ job development, child care, and transportation strategies for each

1 ~~district~~;

2 ~~(10)~~ (16) Application guidelines and requirements for chartering
3 local TEA coalitions to plan and coordinate the delivery of services under the
4 TEA program at the local level;

5 ~~(11)~~ (17) Criteria for relocation of TEA recipients, which take
6 into account factors, including but not limited to, job availability,
7 availability of support services, and proximity of relocation area to current
8 residence;

9 ~~(12)~~ (18) Criteria for the approval of the implementation plans
10 submitted by local TEA coalitions;

11 ~~(13)~~ (19) Criteria for allocating TEA program resources to local
12 TEA coalitions;

13 ~~(14)~~ (20) Criteria for prioritizing work activities of TEA
14 recipients in the event that funds are projected to be insufficient to support
15 full-time work activities of TEA recipients. The criteria may include, but not
16 be limited to, priorities based on the following:

17 (A) At least one adult in each two-parent family shall be
18 assigned priority for full-time work activities;

19 (B) Among single-parent families, a family that has older
20 preschool children or school-age children shall be assigned priority for work
21 activities;

22 (C) A recipient who has access to nonsubsidized child care
23 may be assigned priority for work activities;

24 (D) Priority may be assigned based on the amount of time
25 remaining until the recipient reaches the applicable time limit for program
26 participation or may be based on requirements of a personal responsibility
27 agreement; and

28 ~~(15)~~ (21) The development of a performance-based payment structure
29 to be used for all TEA program services, which takes into account the degree
30 of difficulty associated with placing a TEA program recipient in a job, the
31 quality of placement with regard to salary, benefits, and opportunities for
32 advancement, and the recipient's retention of the placement. The payment
33 structure should, if appropriate, provide bonus payments to providers that
34 experience notable success in achieving long-term job retention with TEA
35 program recipients.

36 ~~(d)~~ (c) The department shall ~~update the~~ prepare an annual TEA

1 ~~implementation plan.~~ annually and The plan shall be subject to review,
 2 recommendation and approval by the board. The board shall submit quarterly
 3 progress reports to the Governor and the House and Senate Committees on Public
 4 Health, Welfare, and Labor. The annual updated plan ~~must~~ shall contain
 5 proposals for ~~implementing~~ measuring and making progress toward the goals and
 6 ~~objectives of the TEA program~~ TEA outcomes during the succeeding three-year
 7 period. The quarterly progress reports to the Governor and the House and
 8 Senate Committees on Public Health, Welfare, and Labor shall ~~also~~ include ~~the~~
 9 ~~following~~ all information ~~for the state, each employment opportunity district,~~
 10 ~~and each county;~~ which the board deems necessary for determining progress in
 11 achieving the TEA outcomes. Information shall be provided for the state, each
 12 employment opportunity district and each county. The report shall also
 13 include all information requested by resolution of the Public Health, Welfare
 14 and Labor Committees of the House and Senate. The report shall include the
 15 following:

- 16 (1) Total number of cases;
- 17 (2) Number of TEA recipients who signed the personal
 18 responsibility agreement;
- 19 (3) Number of persons getting a diversion from assistance;
- 20 (4) Number of TEA program dropouts, and to the extent possible,
 21 the reason they have dropped out, where they are living, if they are working,
 22 and any other pertinent information;
- 23 (5) The number of persons who reapplied for and received TEA
 24 benefits after having dropped out;
- 25 (6) The types of assistance and support services utilized by TEA
 26 recipients;
- 27 (7) Number of births to TEA recipients;
- 28 (8) Percentage of TEA children complying with compulsory school
 29 attendance;
- 30 (9) Percentage of TEA children immunized;
- 31 (10) Number of cases of reported child abuse and neglect cases
 32 among TEA recipients and TEA program dropouts;
- 33 (11) Number of cases deferred from TEA work requirements and time
 34 limitations ~~because of domestic violence~~ and the number and reasons for all
 35 exemptions and deferrals;
- 36 (12) Types and percentages of child care placements; ;

- 1 (13) Percentage of TEA recipients in allowable work activities;
- 2 (14) Number of TEA recipients in each allowable work activity;
- 3 (15) Length of time TEA recipients have spent in each allowable
- 4 work activity;
- 5 (16) Number of TEA recipients employed by state agencies and
- 6 contract service providers compared to the ten percent (10%) target goal;
- 7 (17) Occupation types of TEA recipients;
- 8 (18) Estimated earnings for employed TEA recipients;
- 9 (19) Number of hours worked by TEA recipients;
- 10 (20) Percent of TEA-employed persons with continued employment
- 11 continuing into the next quarter; ~~and~~
- 12 (21) The number of TEA case closures, by reasons for case
- 13 closure;
- 14 (22) The number of TEA applications, the number denied and the
- 15 reasons for applications denial;
- 16 (23) The amount of state and federal funds budgeted for TEA-
- 17 related activities, by purpose or activity type and actual TEA expenditures,
- 18 by purpose or activity type;
- 19 (24) Education levels of families, including highest grade
- 20 completed and educational credentials, functional math and reading levels, by
- 21 number of participants;
- 22 (25) Work-related skills levels of families, by type of skill and
- 23 number of participants;
- 24 (26) Work experience levels, by number of participants and type of
- 25 work experience;
- 26 (27) Health and disability levels of families, by type and number
- 27 of participants;
- 28 (28) Transportation needs and availability, by number of
- 29 participants and by type;
- 30 (29) Child care needs and availability, by number of participants
- 31 and by type;
- 32 (30) Other barriers to work and self-sufficiency, including
- 33 domestic violence, inadequate housing, substance abuse, parental skills and
- 34 budgeting and home management;
- 35 (31) Participants' characteristics, by age, race and sex;
- 36 (32) Number of families diverted from TEA who receive food stamps

1 and Medicaid;

2 (33) Number of closed TEA cases which continue to receive food
3 stamps and Medicaid; and

4 (21) Any other data agreed to by the department, the board and
5 the House and Senate Committees on Public Health, Welfare, and Labor.

6 ~~(e)~~ (d) The Department of Human Services shall submit biannual reports
7 on the impact of welfare reform on child welfare issues to the Senate
8 Committee on Children and Youth and the House Subcommittee on Children and
9 Youth of the House Committee on Aging, Children and Youth, and Legislative and
10 Military Affairs.

11 ~~(f)~~ (e) The House and Senate Committees on Public Health, Welfare, and
12 Labor, the Senate Committee on Children and Youth and the House Subcommittee
13 on Children and Youth of the House Committee on Aging, Children and Youth, and
14 Legislative and Military Affairs shall report annually to the General Assembly
15 their findings and recommendations regarding the TEA program."

16
17 SECTION 8. Arkansas Code 20-76-107 is amended to read as follows:

18 "20-76-107. Independent evaluator.

19 (a) By ~~July 1, 1997~~ September 1, 1999 the ~~Governor~~ Arkansas Transitional
20 Employment Board shall contract with a professional consultant for an ongoing
21 independent evaluation of the TEA program and TEA program development. The
22 independent evaluator shall submit biannual reports to the Governor and the
23 House and Senate Committees on Public Health, Welfare, and Labor, which
24 assess:

25 (1) How effective the TEA program is in addressing the TEA
26 outcomes and any measures that might be taken to improve its performance;

27 ~~(1)(2)~~ (2) How effectively performance standards and measurement
28 criteria in the statewide implementation plan are being met;

29 ~~(2)(3)~~ (3) How effectively state agencies are cooperating in the
30 implementation of the TEA program;

31 ~~(3)(4)~~ (4) How effectively various funding sources are being
32 integrated into the support of the TEA program;

33 ~~(4)(5)~~ (5) How effectively local TEA coalitions are serving the needs
34 of their local TEA population;

35 ~~(5)(6)~~ (6) The effects of the TEA program on recipients and their
36 children; to include at least the following:

- 1 (A) Changes in family income and child poverty;
 2 (B) Impact on child welfare;
 3 (C) Impact on child hunger;
 4 (D) Impact on housing conditions, family living
 5 arrangements and homelessness;
 6 (E) Impact on health care coverage and health status of
 7 children;
 8 (F) Changes in family expenditure patterns;
 9 (G) Births to unwed parents, teen pregnancies and changes
 10 in family structure;
 11 (H) Impact on child care patterns and youth supervision;
 12 (I) The work history and employment patterns of adults,
 13 including whether they are working, the types of employment held, job
 14 retention and their wages or earnings;
 15 (J) Impact on substance abuse and substance abuse
 16 treatment; and
 17 (K) Educational and skill attainment.
- 18 ~~(6)(7) Effectiveness of training received by TEA recipients based~~
 19 ~~upon the number of individuals placed in employment;~~
 20 ~~(7) Outcomes of incentive programs for state employees charged~~
 21 ~~with implementing the TEA program;~~
 22 ~~(8) Outcomes of bonus programs for TEA service providers who~~
 23 ~~experience success in achieving long-term job retention with TEA recipients;~~
 24 ~~(9) (8) Effectiveness of incentives designed to promote business~~
 25 ~~participation in the TEA program; and~~
 26 (9) How effectively TEA supportive services are being delivered
 27 and the extent to which they meet client needs in making the transition from
 28 welfare to work and achieving long-term economic self-sufficiency;
 29 (10) TEA client usage of other forms of public assistance, including at
 30 least, food stamps, Medicaid and ARKids First and usage of non-governmental
 31 forms of community services;
 32 ~~(10)(11) Any other information deemed by the independent~~
 33 ~~evaluator or the Arkansas Transitional Employment Board to be helpful in~~
 34 ~~assisting the Governor and the General Assembly in evaluating the impact and~~
 35 ~~effectiveness of the TEA program.~~
 36 (b) All agencies of the state and local government providing TEA

1 program services shall work cooperatively with and provide any necessary
2 assistance to the independent evaluator and shall furnish, in a timely manner,
3 complete and accurate information to the independent evaluator upon request.

4 (c)(1) The independent evaluation shall include a survey of families
5 that have left the TEA program to examine their work experience, their sources
6 of financial support, the barriers that affect their ability to work, the
7 well-being of families and children, including whether adults face hardships
8 in providing food, shelter or other basic necessities for their families, and
9 their perceptions of the TEA program and their life after welfare.

10 (2) The study shall utilize professionally recognized techniques for
11 research on families leaving welfare, including statistical sampling and
12 telephone and in-person surveys with rigorous follow-up to insure adequate
13 response rates.

14
15 SECTION 9. Arkansas Code 20-76-108 is amended to read as follows:

16 "20-76-108. Local TEA coalitions.

17 ~~(a)(1) Local TEA coalitions may organize and apply to the department for~~
18 ~~a charter to plan and coordinate the delivery of services for the TEA program~~
19 ~~at the local level.~~ Each local TEA coalition may select from its existing
20 membership a local TEA Coalition Board to consist of at least eleven (11)
21 members or the coalition may choose to retain their existing board or have
22 their entire coalition serve as the board. Each local TEA coalition shall
23 designate an interim chairperson who shall call the first meeting of the local
24 TEA Coalition Board not more than thirty (30) days after selection of the
25 board members.

26 (2) The membership of each coalition may include:

27 (A) Representatives of the principal entities that provide
28 funding for the employment, education, training, and social service programs
29 that are operated in the area.

30 (B) A representative of the chamber of commerce;

31 (C) A representative of the department;

32 (D) A representative of a community development
33 organization;

34 (E) Representatives of the business community who represent
35 a diversity of sizes of business;

36 (F) Representatives of other local planning, coordinating,

1 or service-delivery entities; and

2 (G) A representative of a grassroots community or economic
3 development organization that serves the poor of the community.

4 (3) In selecting new or replacement members for the local TEA
5 Coalition Board, the local TEA coalition shall:

6 (A) Seek to select a majority of business persons;

7 (B) Seek to select individuals who represent local
8 government, TEA recipients and organizations interested in providing
9 employment, job training, social services and community and economic
10 development programs;

11 (C) Seek a membership which reflects the gender and ethnic
12 character of the local community;

13 (D) Seek to appoint a member of the local Workforce
14 Investment Board; and

15 (E) A majority of the TEA Coalition Board shall be citizens
16 with no direct fiduciary interest in programs involved with the TEA program.

17 (4) No member of the local TEA Coalition Board shall:

18 (A) Vote on a matter under consideration by the board
19 regarding the provision of services by the member that would provide direct
20 financial benefit to the member or the immediate family of the member, or an
21 organization that employs the member; or

22 (B) Engage in any other activity determined by law to
23 constitute a conflict of interest.

24 (5)(A) Members of each local TEA Coalition Board shall serve three
25 (3) year terms. The members shall, at their first meeting, draw lots to
26 determine their respective lengths of term; and

27 (B) The members shall elect a chairperson to serve a one (1)
28 year term.

29 ~~(b)(1) Each local TEA coalition may perform the planning, coordination,~~
30 ~~and oversight functions specified in the statewide implementation plan,~~
31 ~~including, but not limited to:~~

32 ~~(A) Developing a local implementation plan to be approved~~
33 ~~by the department to achieve the performance outcomes of the TEA program for~~
34 ~~current and potential program recipients in the local area, which reflects the~~
35 ~~needs of the service area for seed money to create programs that assist~~
36 ~~children of TEA recipients;~~

1 ~~(B) Developing a funding strategy to implement the local~~
2 ~~implementation plan which incorporates resources from all principal funding~~
3 ~~sources;~~

4 ~~(C) Identifying employment, service, and support resources~~
5 ~~in the community which may be used to fulfill the performance outcomes of the~~
6 ~~TEA program; and~~

7 ~~(D) Advising the Department of Human Services and other~~
8 ~~agencies involved in the delivery of services under the TEA program with~~
9 ~~respect to the competitive procurement of services under the TEA program.~~

10 (b)(1) The Local TEA Coalition Board shall:

11 (A) Plan and coordinate the delivery of TEA program services
12 in their area;

13 (B) Replace vacancies in membership with the goal of
14 establishing or retaining a majority of business persons;

15 (C) Moderate and propose solutions to disagreements between
16 or among local offices of state agencies regarding their duties and
17 responsibilities in the local TEA program;

18 (D) Report on the participation of state agencies in local
19 TEA programs and periodically report their findings to the Arkansas
20 Transitional Employment Board;

21 (E) Annually update the local TEA coalition's implementation
22 plan;

23 (F) Apply to the Arkansas Transitional Employment Board for
24 any changes in the local TEA coalition charter;

25 (G) Receive funding via the fiscal agent approved in the
26 local implementation plan;

27 (H) Employ necessary staff to assist with the range and
28 diversity of its charge;

29 (I) Coordinate with local offices of state agencies in
30 implementing state and local TEA implementation plans and TEA regulations;

31 (J) Contract for services to be provided to TEA recipients;
32 and

33 (2)(A) Develop local transportation plan that emphasizes cost-effective,
34 long-term solutions for the transportation challenges that face TEA
35 recipients, former TEA recipients and other poor Arkansas families in their
36 areas;

1 (B) Transportation services under this policy may include
2 subsidized public transit, van-pooling and subsidized vehicle purchase and
3 maintenance plans;

4 ~~(2)~~ (C) The department shall not approve the local implementation
5 plan of a TEA local coalition unless the plan provides a teen pregnancy
6 prevention program within each segment of the service area in which the
7 childhood birth teen fertility rate is higher than the state average-;

8 (D) The department shall not approve the local implementation plan
9 of a TEA local coalition unless the local implementation plan includes a teen
10 pregnancy prevention program within each county of the service area in which
11 the teen fertility rate is higher than the state average, based on the most
12 recent five (5) year date available from the Department of Health;

13 (E) The department shall not approve the local implementation plan
14 of a TEA local coalition unless the local implementation plan includes a teen
15 pregnancy prevention program within each county of the service area that ranks
16 among the five (5) counties in the state with the highest number of births to
17 teens, based on the most recent five (5) year date available from the
18 Department of Health; and

19 (F) The effective date of subdivision (b)(2) of this subsection
20 shall be July 1, 1999.

21 (c) Each local TEA coalition shall establish a business registry for
22 business firms committed to assist in the effort of finding jobs for TEA
23 recipients. Registered businesses agree to work with the coalition and to hire
24 TEA recipients to the maximum extent possible consistent with the nature of
25 their business. Each quarter, the coalition shall publish a list of the
26 businesses registered, the number of jobs each has provided for TEA
27 recipients, and the current job openings with each registered business.

28 (d) There shall be no liability on the part of and no cause of action of
29 any nature shall arise against any member of the board or its agents or
30 employees, for any action or omission by them in the performance of their
31 powers and duties under this chapter."

32
33 SECTION 10. Arkansas Code 20-76-201 is amended to read as follows:

34 "20-76-201. Department of Human Services - Powers and duties.

35 The department shall:

36 (1) Administer all forms of public assistance, supervise agencies and

1 institutions caring for dependent or mentally or physically disabled or aged
2 adults, and administer such other welfare activities or services that may be
3 vested in it;

4 (2) Administer or supervise all child welfare activities, in accordance
5 with the rules and regulations of the department, including:

6 (A) Licensing and supervising of private and public child-caring
7 agencies and institutions;

8 (B) The care of dependent, neglected, and delinquent children and
9 children with mental or physical disabilities, in foster family homes or in
10 institutions; and

11 (C) The care and supervision of children placed for adoption;

12 (3) Enter into reciprocal agreements with public welfare agencies in
13 other states relative to the provisions of relief and assistance to transients
14 and nonresidents and cooperate with other state departments and with the
15 federal government in studying labor, health, and public assistance problems
16 involved in transiency;

17 (4) Administer and make effective the rules and regulations governing
18 personnel administration, including the preparation and administration of
19 classification and compensation plans and the method of selection for
20 positions in the department;

21 (A) Develop and implement a training program to educate
22 caseworkers and managers on the requirements of an effective TEA Program and
23 the skills and knowledge required by their positions;

24 (B) Develop performance standards and bonus awards for all
25 positions in the TEA Program focused on achieving the TEA outcomes; and

26 (C) Remove or transfer employees from the TEA Program to other
27 responsibilities within the department if they do not meet performance
28 standards;

29 (5) Carry on research and compile statistics relative to the public
30 welfare programs throughout the state, including all phases of dependency,
31 defectiveness, delinquency, and related problems and develop plans in
32 cooperation with other public and private agencies for the prevention as well
33 as treatment of conditions giving rise to public welfare problems;

34 (6) Assist other departments, agencies, and institutions of the state
35 and federal governments, when so requested, by performing services in
36 conformity with the purposes of this chapter;

1 (7) Cooperate with the federal government in matters of mutual concern
2 pertaining to federally funded programs within the department's purview;

3 (8) Make any and all contracts and grants that may be necessary to
4 carry out the purposes of this chapter and in accordance with rules and
5 regulations ~~made~~ developed by the department and subject to review,
6 recommendation and approval by the board;

7 (9) Make such reports in such form and containing such information as
8 the federal government may from time to time require and comply with such
9 provisions as the federal government may from time to time find necessary to
10 assure the correctness and veracity of the reports;

11 (10) Allocate funds for such purposes and in accordance with the
12 provisions of this chapter and such rules and regulations as may be prescribed
13 by the department and subject to review, recommendation and approval by the
14 board;

15 (11) Establish standards of eligibility for assistance developed by the
16 department and subject to review, recommendation and approval by the board;

17 (12) Receive, administer, disburse, dispose, and account for funds,
18 commodities, equipment, supplies, and any kind of property given, granted,
19 loaned, or advanced to the State of Arkansas for public assistance, public
20 welfare, social security, or any other similar purposes;

21 (13) Make such rules and regulations and take such actions as necessary
22 or desirable to carry out the provisions of this chapter and which are not
23 inconsistent therewith;

24 (14) Solicit participation of private organizations, nonprofit
25 organizations, charitable organizations, and institutions of education, in the
26 delivery of services and in the enactment and revision of rules and
27 regulations;

28 (15) Employ attorneys to represent the interests of the department;

29 (16) ~~Establish and implement a transitional employment assistance~~
30 ~~program that meets the requirements of this chapter and of federal law~~

31 ~~regarding Temporary Assistance for Needy Families~~ (A) The department shall
32 develop a statewide TEA transportation policy that emphasizes cost-effective,
33 long-term solutions for the transportation challenges that face TEA
34 recipients, former TEA recipients and other poor Arkansas families;

35 (B) Transportation services under this policy shall include subsidized
36 public transit, van-pooling, subsidized vehicle purchase and maintenance plans

1 among others;

2 (C) The department shall coordinate with various planning organizations
3 that receive federal assistance under the Job Access and Reverse Commute
4 Program;

5 (D) The department shall provide technical assistance to local TEA
6 coalitions to help them develop local TEA transportation plans; and

7 (17) Develop and implement automated statewide benefit delivery and
8 information systems to achieve the purposes of this chapter.”

9

10 SECTION 11. Arkansas Code 20-76-401 is amended to read as follows:

11 “20-76-401. Eligibility generally - Transitional Employment Assistance
12 Program.

13 (a) The department shall ~~establish~~ administer a program of transitional
14 employment assistance (TEA). Eligible applicants shall receive one or more of
15 the following: assessment services, employment assistance, support services,
16 medical assistance, a positive reinforcement outcome bonus, relocation
17 assistance, and extended support services.

18 (b) Eligibility for TEA is limited to applicants for or recipients of
19 assistance who:

20 (1) Have care and custody of a related minor child;

21 (2) Reside in the state at the time of application for
22 assistance;

23 (3) Have applied for child support services, when applicable,
24 with a local child support enforcement office at the time of application for
25 assistance and comply and cooperate with all applicable requirements of that
26 office, including, but not limited to, assignment of benefits to the
27 department;

28 (4) Participate in an approved work activity, including complying
29 with an employment plan, unless deferred or exempt from work activity
30 requirements;

31 (5) Are citizens of the United States of America, are qualified
32 aliens lawfully present in the United States of America before August 23 22,
33 1996, are qualified aliens who physically entered the United States on or
34 after August 22, 1996 and have been in qualified immigrant status for at least
35 five (5) years, or are aliens to whom benefits under Temporary Assistance for
36 Needy Families must be provided under federal law;

- 1 (6) Are income and resource eligible; and
2 (7) Sign and comply with a personal responsibility agreement.
- 3 (c) The department shall promulgate regulations to determine resource
4 eligibility and benefit levels for participating families. The regulations
5 shall be subject to review, recommendation and approval by the board and shall
6 include, but not be limited to, the following categories of income and
7 resource disregards:
- 8 (1) To reward work, earned income from sources other than TEA;
 - 9 (2) A certain percentage of a family's gross monthly income;
 - 10 (3) The family's homestead;
 - 11 (4) An operable motor vehicle per family;
 - 12 (5) Household and personal goods;
 - 13 (6) Income producing property;
 - 14 (7) Moneys deposited in an approved individual development
15 account (IDA) or approved escrow account for business or career development;
 - 16 (8) Any other property or resource specified in the TEA
17 implementation plan which is determined to be cost-efficient to exclude or
18 which must be excluded due to federal or state law.
- 19 ~~(e)~~(d) Any person who makes an application for assistance shall have the
20 burden of proving eligibility for such assistance.”

21
22 SECTION 12. Arkansas Code 20-76-402 is amended to read as follows:

23 “(a) The department shall develop and describe categories of approved
24 work activities for TEA recipients in accordance with this section. The
25 regulations shall be subject to review, recommendation and approval by the
26 board. Approved work activities may include unsubsidized employment,
27 subsidized private sector employment, subsidized public sector employment,
28 education or training, vocational educational training, skills training, job
29 search and job readiness assistance, on-the-job training, micro enterprise,
30 ~~and~~ community service and work experience. For purposes of this section:

- 31 (1) “Unsubsidized employment” is full-time employment or part-
32 time employment that is not directly supplemented by federal or state funds.
- 33 (2)(A) “Subsidized private sector employment” is employment in a
34 private for-profit enterprise or a private not-for-profit enterprise which is
35 directly supplemented by federal or state funds. A TEA recipient in subsidized
36 private sector employment shall be eligible for the same benefits as a

1 nonsubsidized employee who performs similar work. Prior to receiving any
2 subsidy or incentive, an employer shall enter into a written contract with the
3 department which may include, but not be limited to, provisions addressing any
4 of the following:

5 (i) Payment schedules for any subsidy or incentive,
6 such as deferred payments based on retention of the recipient in employment;

7 (ii) Durational requirements for the employer to
8 retain the recipient in employment;

9 (iii) Training to be provided to the recipient by the
10 employer;

11 (iv) Contributions, if any, made to the recipients
12 individual development account (IDA); and

13 ~~(iv)(v)~~ Weighting of incentive payments proportionally
14 to the extent to which the recipient has limitations associated with the long-
15 term receipt of welfare and difficulty in sustaining employment. In
16 establishing incentive payments, the department shall consider the extent of
17 the recipient's prior receipt of welfare, lack of employment experience, lack
18 of education, lack of job skills, and other appropriate factors.

19 (B) The department may require an employer to repay some or
20 all of a subsidy or incentive previously paid to an employer under the TEA
21 program unless the recipient is terminated for cause.

22 (3)(A) "Subsidized public sector employment" is employment by an
23 agency of the federal, state, or local government which is directly
24 supplemented by federal or state funds. A TEA recipient in subsidized public
25 sector employment shall be eligible for the same benefits as a nonsubsidized
26 employee who performs similar work. Prior to receiving any subsidy or
27 incentive, an employer shall enter into a written contract with the department
28 which may include, but not be limited to, provisions addressing any of the
29 following:

30 (i) Payment schedules for any subsidy or incentive,
31 such as deferred payments based on retention of the recipient in employment;

32 (ii) Durational requirements for the employer to
33 retain the recipient in employment;

34 (iii) Training to be provided to the recipient by the
35 employer;

36 (iv) Contributions, if any, made to the recipients

1 individual development account (IDA); and

2 ~~(iv)(v)~~ Weighting of incentive payments proportionally
3 to the extent to which the recipient has limitations associated with the long-
4 term receipt of welfare and difficulty in sustaining employment. In
5 establishing incentive payments, the department shall consider the extent of
6 the recipient's prior receipt of welfare, lack of employment experience, lack
7 of education, lack of job skills, and other appropriate factors.

8 (B) The department may require an employer to repay some or
9 all of a subsidy and incentive previously paid to an employer under the TEA
10 program unless the recipient is terminated for cause.

11 (4) ~~"Community service w/~~work experience" is job-training
12 experience at a supervised public or private not-for-profit agency or
13 organization or with a private, for-profit employer, which is + linked to
14 education or training and substantially enhances a recipient's employability.
15 Work experience may include work study, training-related practicums and
16 internships.

17 (5)(A) "Job search assistance" may include supervised or
18 unsupervised job-seeking activities. Job readiness assistance provides support
19 for job-seeking activities, which may include:

20 (i) Orientation in the world of work and basic job-
21 seeking and job-retention skills;

22 (ii) Instruction in completing an application for
23 employment and writing a resume;

24 (iii) Instruction in conducting oneself during a job
25 interview, including appropriate dress; and

26 (iv) Providing a recipient with access to an
27 employment resource center that contains job listings, telephones, facsimile
28 machines, typewriters, and word processors.

29 (B) Job search and job readiness activities may be used in
30 conjunction with other program activities, such as community service work
31 experience, but may not be the primary work activity and may not continue
32 longer than the length of time permitted under federal law.

33 ~~(6) Education or training is vocational-educational training and~~
34 ~~education directly related to employment. Education or training may be~~
35 ~~combined with other program activities and also may be used to upgrade skills~~
36 ~~or prepare for a higher-paying occupation for a recipient who is employed.~~

1 (6) "Education" includes elementary and secondary education and
 2 education to obtain the equivalent of a high school diploma and education to
 3 learn English as a second language. In consultation with adult education or
 4 rehabilitative services, a person with a high school diploma or the equivalent
 5 who tests at less than a working functioning level shall be eligible to
 6 participate in basic remedial or adult education. If an individual does not
 7 have a high school diploma or equivalency, education also includes basic
 8 remedial education and adult education.

9 (7) "Vocational educational training" is post-secondary education,
 10 including at least, programs at two (2) or four (4) year colleges,
 11 universities, technical institutes and vocational schools or training in a
 12 field directly related to a specific occupation.

13 ~~(7)(8)~~ Job skills training directly related to employment provides job
 14 skills training in a specific occupation ~~for which there is a written~~
 15 ~~commitment by the employer to offer employment to a recipient who successfully~~
 16 ~~completes the training. Job skills training may includes customized training~~
 17 ~~designed to meet the needs of a specific employer or a specific industry. A~~
 18 ~~recipient may be required to complete an entrance assessment or test before~~
 19 ~~entering into job skills training if assessments or tests are required for~~
 20 ~~employment upon completion of the training.~~

21 (9) "On-the-job training" means training and work experience at a
 22 public or private not-for-profit agency or organization or with a private for-
 23 profit employer which provides an opportunity to obtain training and job
 24 supervision and provides employment upon satisfactory completion of training.

25 ~~(8)(10)~~ School attendance at a high school or attendance at a
 26 program designed to prepare the recipient to receive a high school equivalency
 27 diploma is a required program activity for each recipient eighteen (18) years
 28 of age or younger who:

29 (A) Has not completed high school or obtained a high school
 30 equivalency diploma;

31 (B) Is a dependent child or a head of household; and

32 (C) For whom it has not been determined that another
 33 program activity is more appropriate.

34 ~~(9)(11)~~ "Participation" in medical, educational, counseling, and
 35 other services that are part of a the recipient's personal responsibility
 36 agreement is a required activity for each teen parent who participates in the

1 TEA program.

2 (12) "Community service" is time spent engaged in an approved
3 activity at a government entity or community-based, charitable organization.

4 ~~(b) Adult recipients who meet the minimum weekly work requirement, but~~
5 ~~who do not have a GED or the equivalent and who do not spend forty (40) hours~~
6 ~~per week in approved work activities, shall be given an option of~~
7 ~~participating in education directly related to employment or a GED program in~~
8 ~~accordance with the recipient's personal responsibility agreement. All~~
9 occupational training must meet at least one (1) of the following
10 requirements:

11 (1) Be on the statewide or appropriate area list of occupations in
12 the "Guide to Educational Training Program for Demand Occupations" published
13 by the Arkansas Employment Security Department;

14 (2) Be on that list for another area within the state to which the
15 TEA recipient has signed a commitment to relocate;

16 (3) Be for a specific position for which an employer has submitted
17 a letter demonstrating intent to hire persons upon successful completion of
18 training; and

19 (4) Be in an occupation in local demand but not shown on the state
20 or area demand list if the local demand is documented or will be documented by
21 the area Workforce Investment Board through a state-prescribed methodology.

22 (c)(1) Each state agency and each entity that contracts to provide
23 services for a state agency shall establish recruitment and hiring goals which
24 shall target ten percent (10%) of all jobs requiring a high school diploma or
25 less to be filled with TEA or food stamp recipients.

26 (2) A question concerning receipt of TEA benefits or food
27 stamps may be added to the state employment application for purposes of
28 targeting these applicants.

29 (3) Each agency shall report to the TEA Program ~~Advisory~~
30 Council Arkansas Transitional Employment Board and the independent evaluator
31 the number of TEA recipients employed by the state agency and the contract
32 service provider in comparison to the established goal.

33 (d)(1) The department shall require participation in approved work
34 activities to the maximum extent possible, subject to federal and state
35 funding. If funds are projected to be insufficient to support full-time work
36 activities by all TEA program recipients who are required to participate in

1 work activities, the department shall screen recipients and assign priority in
2 accordance with the TEA implementation plan.

3 (2) In accordance with the TEA implementation plan, the
4 department may limit a recipient's weekly work requirement to the minimum
5 required to meet federal work activity requirements and may develop screening
6 and prioritization procedures within employment opportunity districts or
7 within counties based on the allocation of resources, the availability of
8 community resources, or the work activity needs of the employment opportunity
9 district or county.

10 (e)(1) Subject to subdivision (d)(2), an adult in a family receiving
11 assistance under TEA may fill a vacant employment position in order to engage
12 in a work activity described in subsection (a).

13 (2) No adult in a work activity described in subsection (a) which is
14 funded, in whole or in part, by funds provided by the federal government shall
15 be employed or assigned:

16 (A) When any other individual is on
17 layoff from the same or any substantially equivalent job; or

18 (B) If the employer has terminated the
19 employment of any regular employee or otherwise caused an involuntary
20 reduction in its workforce in order to fill the vacancy so created with an
21 adult described in subdivision (e)(1).

22 (3) The Employment Security Department shall establish and maintain a
23 grievance procedure for resolving complaints of alleged violations of
24 subdivision (e)(2).

25 (4) Nothing in this subsection (e) shall preempt or supersede any
26 provision of state or local law that provides greater protection for employees
27 from displacement.

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

31 (1) An individual required to care for a recipient child until
32 the child reaches the maximum age specified by regulation, not to exceed
33 twelve (12) months of age;

34 ~~(2) An individual who is medically incapacitated or who possesses~~
35 ~~a disability that precludes an individual from working at available employment~~
36 A disabled parent or caregiver, based upon criteria set forth in regulations;

1 (3) A woman in the third trimester of pregnancy;

2 (4) ~~An individual who must remain in the home to care for a~~
 3 ~~resident family member who is seriously ill or incapacitated~~ A parent or
 4 caregiver who is caring for a disabled child relative or disabled adult
 5 relative, based upon criteria set forth in regulations;

6 (5) A minor parent less than eighteen (18) years old who resides
 7 in the home of a parent or in an approved adult-supervised setting and who
 8 participates in full-time education or training;

9 (6) A teen parent/head of household under the age of twenty (20)
 10 who maintains satisfactory attendance as a full-time student at a secondary
 11 school;

12 (7) An individual for whom support services necessary to engage
 13 in a work activity are not available;

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

19 (9) An individual unable to participate in a work activity due to
 20 extraordinary circumstances;~~;~~

21 (10) A parent or caregiver over sixty (60) years of age; and

22 (11) Child-only cases."

23
 24 SECTION 13. Arkansas Code 20-76-404 is amended to read as follows:

25 "20-76-404. Duration of assistance - Extended support services.

26 (a) (1) ~~Beginning~~ July 1, 1998, the department shall not provide
 27 financial assistance to a family that includes an adult recipient who has
 28 received financial assistance for more than twenty-four (24) months, except as
 29 provided in subsection (c) of this section.

30 (2) The number of months need not be consecutive and shall
 31 include the time a recipient receives financial assistance from another state.

32 (3) The department may by regulation establish other limitations
 33 on the receipt of financial assistance not inconsistent with state or federal
 34 law.

35 (b) (1) The department shall certify to the Governor and the House and
 36 Senate Committees on Public Health, Welfare and Labor when the support

1 services necessary for TEA recipients to obtain employment or participate in
2 allowable work activities are available.

3 (2) The department may certify subsets of TEA recipients,
4 including, but not limited to, TEA recipients in a certain geographical area
5 or employment opportunity district, or TEA recipients with a high school
6 diploma or G. E. D.

7 (3) Prior to implementing the twenty-four (24) month cumulative
8 limit on financial assistance, the department shall notify TEA recipients by
9 direct mail or contact and by other means reasonably calculated to reach to
10 current and potential TEA recipients, including but not limited to, the
11 posting of notices in county offices.

12 (c) The department shall ~~establish criteria to~~ within thirty (30)
13 calendar days exempt or temporarily defer the following persons from the
14 twenty-four (24) month cumulative limit on financial assistance:

15 (1) An individual, as determined by a department case manager,
16 who cooperated and participated in activities, but was unable to obtain
17 employment because of ~~extraordinary~~ circumstances or barriers beyond his or
18 her control;

19 (2) Child-only cases;

20 (3) An individual unable to obtain employment because of the lack
21 of support services necessary to overcome barriers to employment;

22 (4) A parent or caregiver over sixty (60) years of age;

23 (5) A parent or caregiver who is caring for a disabled child
24 relative or disabled adult relative, based upon criteria set forth in the
25 department's regulations;

26 (6) A disabled parent or caregiver, based upon criteria set forth
27 in the department's regulations;

28 (7) A parent less than eighteen (18) years old who resides in the
29 home of a parent or in an approved adult-supervised setting, and who
30 participates in full-time education or training;

31 (8) An individual, who as determined by a department case
32 manager, is unable to obtain employment due directly to the effects of
33 domestic violence. All case manager determinations made under this subsection
34 (c) shall be reviewed by a supervisor within five (5) days of such
35 determination;

36 (9) Other individuals as determined by the department, including,

1 but not limited to, a child when necessary to protect the child from risk of
2 neglect, as defined by § 12-12-503(6)-;

3 (10) Individuals participating in education and training
4 activities who have reached the end of their twenty-four (24) month cumulative
5 limit on financial assistance, have complied with all TEA regulations and are
6 making satisfactory academic progress as determined by the academic
7 institution or training program in which the individual is currently enrolled
8 and are expected to complete the requirements for the education or training
9 program within a reasonable period of time as defined in regulations issued by
10 the department.

11 (d)(1) No months shall be counted toward a person's twenty-four (24)
12 month cumulative limit on financial assistance while they are receiving a
13 deferral or exemption;

14 (2) There shall be no limit on the length or the number of
15 deferrals or exemptions granted each person as long as the person meets any of
16 the criteria outlined in Arkansas Code 20-76-404(c)(1) through (11);

17 (3) The department shall periodically review each case to
18 determine whether the person still meets any of the criteria outlined in
19 Arkansas Code 20-76-404(c)(1) through (11); and

20 (4)(A) The department shall carry out an enhanced review of all
21 cases six (6) months before the expiration of the time limit.

22 (B) The review shall assess the barriers that remain to the
23 adult or adults in the case obtaining employment, what enhanced services can
24 be provided to enable him or her to obtain employment and whether the case
25 should be given a six (6) month extension or be exempted from the time limit.

26 (C) The department shall make every reasonable effort to
27 deliver the available services identified in subdivision (d)(4)(B) of this
28 section.

29 (D) The department shall grant an extension at the time for
30 review if the client meets one of the grounds for extension.

31 (E) The department shall carry out a further review at the
32 end of the extension period.

33 ~~(d)~~(e)(1) A recipient who was eligible for Medicaid that loses his or
34 her financial assistance due to earnings whose income remains below one
35 hundred eighty-five percent (185%) of the federal poverty level shall remain
36 eligible for transitional Medicaid and child care assistance without

1 reapplication during the immediately succeeding twelve-month period if private
2 medical insurance is unavailable from the employer.

3 (2) Twenty-four (24) additional months of child care assistance shall
4 be provided on a sliding fee scale or other cost-sharing arrangement as
5 determined by the department.

6 (f) (1) The department shall deny Medicaid, ~~and~~ child care and
7 transportation assistance during the twelve-month period for any month in
8 which the recipient's family does not include a dependent child.

9 (2) The department shall notify the recipient of transitional Medicaid,
10 ~~and~~ child care and transportation assistance when the recipient is notified of
11 the termination of cash assistance. The notice shall include a description of
12 the circumstances in which the transitional Medicaid and child care assistance
13 may be terminated.

14 ~~(e)~~(g) (1) In order to assist current and former TEA recipients in
15 continuing training and upgrading skills, transitional education or training
16 may be provided to a recipient for up to one (1) year after the recipient is
17 no longer eligible to participate in the TEA program due to employment
18 earnings.

19 (2) Education or training resources available in the community at
20 no additional cost to the department shall be used whenever possible.

21 (3) Transitional education or training shall be employment-
22 related, and may include education or training to improve a recipient's job
23 skills in the recipient's existing area of employment or may include education
24 or training to prepare a recipient for employment in another occupation.

25 (4) The department may enter into an agreement with an employer
26 to share the costs relating to upgrading the skills of recipients hired by the
27 employer.

28 ~~(f)~~(h) Other extended support services may be available to recipients no
29 longer eligible for financial assistance under TEA.

30 (g)(i) By January 1, ~~1998~~ of each year, the department, ~~in conjunction~~
31 ~~with~~ and the Department of Health shall present a plan ~~for the consideration~~
32 ~~of the Governor and the House and Senate committees on Public Health, Welfare~~
33 ~~and Labor~~ to the Arkansas Transitional Employment Board to monitor and protect
34 the safety and well-being of the children within a family whose temporary
35 assistance is terminated for any reason other than the family's successful
36 transition to economic self-sufficiency. Such actions ~~may~~ shall include, but

1 not necessarily be limited to, ~~one (1) or more in-home visits with such~~
 2 ~~children within thirty (30) days of the termination of such temporary~~
 3 ~~assistance at least three (3) home visits with such children, the first of~~
 4 ~~which shall occur within thirty (30) days of the termination of cash~~
 5 ~~assistance, the second visit three (3) months after termination of cash~~
 6 ~~assistance and the third visit six (6) months after termination of cash~~
 7 ~~assistance.~~

8 (j) As part of the home visits, families shall be informed about the
 9 availability of Medicaid and ARKids First, food stamps, child care, housing
 10 assistance, any other supportive services offered by the department or the
 11 Department of Health designed to help meet the basic needs and well-being of
 12 children, federal and state earned income tax credits, IDAs, employment
 13 counseling services and education and training opportunities designed to
 14 increase the future earnings and employment prospects of clients."

15
 16 SECTION 14. Arkansas Code 20-76-407 is amended to read as follows:

17 "20-76-407. Micro-lending program and individual development accounts.

18 ~~(a)(1) The department will make available a micro-lending program to~~
 19 ~~low-income entrepreneurs. For the purpose of this section, a 'low-income~~
 20 ~~entrepreneur' is one who is starting or expanding a business and who meets the~~
 21 ~~eligibility criteria established by the department for the micro-lending~~
 22 ~~program. A 'micro-lending program' is one which provides training, technical~~
 23 ~~assistance, and loan funds to low-income entrepreneurs to start or expand a~~
 24 ~~business venture. In accordance with their personal responsibility~~
 25 ~~agreement, low-income entrepreneurs may escrow profits from their business~~
 26 ~~enterprises which are not reinvested into their businesses into an account~~
 27 ~~which will be placed in a micro-lending program and not be counted against~~
 28 ~~their public assistance benefits until they accumulate an amount to be~~
 29 ~~determined by the department for the period they are eligible for the TEA~~
 30 ~~program. Under this section, participating low-income entrepreneurs, who are~~
 31 ~~otherwise eligible for TEA, shall not have their benefits reduced and shall~~
 32 ~~not lose any transitional or extended support services available to them as~~
 33 ~~TEA recipients for the life of the escrow account.~~

34 ~~(2) In accordance with their personal responsibility agreement,~~
 35 ~~low-income entrepreneurs may escrow profits from their business enterprises~~
 36 ~~which are not reinvested into their businesses into an account which will be~~

1 ~~placed in a micro-lending program and not be counted against their public~~
2 ~~assistance benefits until they accumulate an amount to be determined by the~~
3 ~~department for the period they are eligible for the TEA program. Under this~~
4 ~~section, participating low-income entrepreneurs, who are otherwise eligible~~
5 ~~for TEA, shall not have their benefits reduced and shall not lose any~~
6 ~~transitional or extended support services available to them as TEA recipients~~
7 ~~for the life of the escrow account. The department will make available a~~
8 ~~micro-lending program to low-income entrepreneurs. For the purpose of this~~
9 ~~section, a 'low-income entrepreneur' is one who is starting or expanding a~~
10 ~~business and who meets the eligibility criteria established by the department~~
11 ~~for the micro-lending program. A 'micro-lending program' is one which provides~~
12 ~~training, technical assistance, and loan funds to low-income entrepreneurs to~~
13 ~~start or expand a business venture.~~

14 (3) Under this section self-employment shall be considered an
15 allowable work activity, ~~if the individual's income, divided by the minimum~~
16 ~~wage, equals at a minimum twenty (20) hours per week. To receive the self-~~
17 ~~employment exemption outlined in this section, low-income entrepreneurs shall~~
18 ~~be enrolled in the TEA program and shall be enrolled in a micro-lending~~
19 ~~program providing entrepreneurship training, technical assistance, and peer~~
20 ~~support.~~

21 (b)(1) The department shall establish an individual development account
22 (IDA) demonstration project.

23 (2) ~~In the selected communities for the demonstration project,~~
24 ~~TEA recipients may deposit up to an amount determined by the department in~~
25 ~~special savings accounts for career development goals for post-secondary~~
26 ~~education of themselves or their children, small business development, home~~
27 ~~ownership purposes, or transportation needs. For the period the recipient is~~
28 ~~eligible for the TEA program, the individual development account (IDA) shall~~
29 ~~not be considered when computing the asset limit of the recipient when~~
30 ~~determining the participant's eligibility for TEA or for food stamps, unless~~
31 ~~contrary to federal law.~~

32 (3) ~~To be eligible, IDA demonstration project participants shall~~
33 ~~be a member of a group which meets twice a month to make contributions into~~
34 ~~their individual development accounts (IDAs) and receive support, training,~~
35 ~~and technical assistance to ensure they secure and maintain employment while~~
36 ~~building their individual development account (IDA), and shall notify the~~

1 ~~department in advance of establishing such an account.~~

2 ~~(4) For those TEA recipients who secure employment while~~
3 ~~participating in this project, their individual development accounts (IDAs)~~
4 ~~may begin to be matched immediately. TEA recipients who are not employed shall~~
5 ~~not receive matching fund donations into their individual development accounts~~
6 ~~(IDAs). Matching funds may be secured from public and private funds. Public~~
7 ~~funds utilized to provide such matching funds shall not include state funds.~~

8 (c) Federal funds received by the state pursuant to the Temporary
9 Assistance for Needy Families (TANF) program shall be available for programs
10 under this section.”

11
12 SECTION 15. Arkansas Code 20-76-410(c)(1) is amended to read as follows:

13 “(c)(1) If a parent is sanctioned for noncompliance with TEA program
14 requirements, financial assistance for the child or children in a family who
15 are under age ~~sixteen (16)~~ eighteen (18) ~~may shall~~ be continued. The
16 department shall develop procedures in such instances to ensure the well-being
17 of the child or children. Such procedures may include, but not be limited to,
18 reduced assistance to the parent, designation of a protective payee, referral
19 to the Division of Children and Family Services as a dependent-neglect case,
20 or any other procedures necessary to protect the child or children from risk
21 of neglect, as defined in § 12-12-503(6).”

22
23 SECTION 16. Arkansas Code 20-76-411 is repealed.

24 ~~20-76-411. Reporting requirements for recipients of TEA benefits –~~
25 ~~Failure to appear for pediatrics screening and have children age-appropriately~~
26 ~~immunized.~~

27 ~~Those citizens receiving benefits under TEA who fail to keep their~~
28 ~~appointments for pediatric screening at the local health office or who fail to~~
29 ~~have their child or children age-appropriately immunized shall be required to~~
30 ~~appear in person at the local health office the following month and each month~~
31 ~~thereafter to receive their warrants until such time as the appointment is~~
32 ~~kept or until such time as the child or children are age-appropriately~~
33 ~~immunized.~~

34
35 SECTION 17. Arkansas Code 20-76-437 is amended to read as follows:

36 “20-76-437. Reporting - TEA.

1 The Department of Human Services, the Arkansas Employment Security
2 Department, the Department of Health, the Department of Education, the
3 Department of Higher Education, the Department of Workforce Education, the
4 Arkansas Development Finance Authority, the Arkansas ~~Industrial~~ Economic
5 Development Commission, and the Arkansas State Highway and Transportation
6 Department shall report ~~quarterly~~ periodically to the House and Senate
7 Committees on Public Health, Welfare and Labor regarding the provision of
8 services to TEA recipients.”

9
10 SECTION 18. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
11 by adding the following section to be appropriately numbered by the Arkansas
12 Code Revision Commission:

13 “Self-sufficiency - Assessments, Personal Responsibility Agreements, and
14 Supportive Services.

15 (a)(1) At the time of application for TEA, the department and the
16 applicant shall sign a Personal Responsibility Agreement (PRA).

17 (2) An applicant shall not be required to engage in job search
18 activities if the applicant does not have available child care and
19 transportation services.

20 (b)(1) Within thirty (30) calendar days after an application for TEA
21 assistance has been approved, the department shall conduct an in-depth
22 assessment of the functional educational level, skills, prior work experience,
23 and employability of the participant.

24 (2) The department shall utilize testing instruments which shall
25 yield education levels, skill levels, work readiness and employability of the
26 participant.

27 (3)(A) The assessment shall identify barriers to immediate
28 employment as well as barriers that may prevent the participant from
29 increasing his or her long-term earnings and from taking advantage of
30 opportunities for employment advancement.

31 (B) The barriers to be assessed shall include, at least,
32 domestic violence, substance abuse, learning disabilities and unmet client
33 needs for supportive services such as child care, transportation, assistance
34 with job-related expenses, housing, health care, job readiness preparation,
35 and education and training.

36 (c) The department shall inform the participant of supportive services

1 that may be available to alleviate barriers to employment and increase long-
2 term earnings and opportunities for employment advancement.

3 (d) After the skills assessment has been completed and the participant
4 has been informed about the availability of supportive services, the
5 department shall work with the participant to develop an individual employment
6 plan that:

7 (1) Sets forth an employment goal for the participant and a plan
8 for moving the participant into employment;

9 (2) Is designed to the greatest extent possible to move the
10 participant into employment, help the participant maintain employment and
11 increase the participant's long-term earnings and opportunities for employment
12 advancement;

13 (3) Makes education and training a priority of allowable work
14 activities, subject to federal work participation requirements and taking into
15 account the caseload reduction credit, when the assessment warrants that
16 education and training are the best means to achieving long-term economic
17 self-sufficiency;

18 (4) Lists the supportive services that are generally available
19 under the TEA program and the methods by which a participant may access these
20 services; and

21 (5) Describes the services the department shall provide to enable
22 participants to obtain and maintain employment and increase their potential
23 long-term earnings and opportunities for employment advancement.

24 (6) Designates the number of hours that he or she must
25 participate in work activities to meet participation standards unless the
26 participant is deemed by the department to be exempt or temporarily deferred
27 from work participation requirements.

28 (e)(1) The department shall review the progress of the participant in
29 the program and meet with the participant as necessary to review and revise
30 his or her employability plan.

31 (2) The department shall inform the participant of his or her time
32 remaining on the lifetime limit on financial assistance and shall reassess the
33 client's needs for supportive services.

34 (f) The department may, with approval from the board, develop and
35 promulgate regulations requiring TEA applicants who have been determined to be
36 job ready to engage in job search activities while the application is being

1 processed.

2 (g) The department shall not require an applicant to engage in job
3 search activities if, in the judgment of the department, the applicant has one
4 (1) or more barriers which, if not addressed, would prevent the applicant from
5 finding employment.

6 (h)(1) Prior to requiring the applicant to engage in job search
7 activities, the department shall ask the applicant whether child care or
8 transportation assistance or both will be needed to complete job search
9 activities.

10 (2) If needed child care and transportation are not available, the
11 applicant shall not be required to engage in job search activities as a
12 condition of application approval."

13
14 SECTION 19. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
15 by adding the following section to be appropriately numbered by the Arkansas
16 Code Revision Commission:

17 "TEA Monitoring System and Supportive Services.

18 (a)(1) The department shall establish a TEA monitoring system to ensure
19 that participants receive the supportive services needed to become job ready,
20 find employment, maintain employment and increase their long-term earning and
21 employment prospects.

22 (2) The TEA monitoring system shall include procedures to review
23 and report on issues regarding process measures, outcome measures and
24 financial activities. Those procedures shall be subject to review and
25 approval by the board.

26 (b) The department shall submit bi-annual reports to the board, or
27 more frequently if requested by the board. The first report shall be due no
28 later than December 30, 1999.

29 (c) Each report shall address the extent to which participants receive
30 the supportive services needed to become job ready, find employment, maintain
31 employment and increase their long-term earning and employment prospects."

32
33 SECTION 20. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
34 by adding the following section to be appropriately numbered by the Arkansas
35 Code Revision Commission:

36 "TEA Post-Employment Information and Referral System.

1 The department shall establish a TEA Post-Employment Information and
2 Referral Program to:

3 (1) Contact all employed TEA participants and former TEA participants
4 whose cases have been closed due to employment; and

5 (2) Inform respondents about the availability of transitional supportive
6 services such as child care, transportation, ARKids First, federal and state
7 Earned Income Tax retention, mentoring, financial credit counseling, IDAs, any
8 other supportive services offered by the department and information about
9 education and training opportunities designed to increase participants' future
10 earning and employment prospects."

11
12 SECTION 21. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
13 by adding the following section to be appropriately numbered by the Arkansas
14 Code Revision Commission:

15 "TEA Customer Service Review Program.

16 (a) The department shall establish a process to review a statistically
17 valid sample of TEA case closures due to non-compliance with TEA program
18 regulations.

19 (b) The review process shall include the following:

20 (1) A review of the case file to determine whether the caseworker
21 followed state policy; and

22 (2) An attempt to contact the family to hear the family's version
23 of the reason for case closure.

24 (c) The program shall be operational no later than three (3) months
25 after the effective date of this act.

26 (d) The department shall submit semiannual reports to the Governor, the
27 board and the Senate and House Committee on Public Health, Welfare, and Labor.
28 Each report shall include the following information for the state and each
29 county:

30 (1) The number of cases reviewed;

31 (2) Reasons for case closure; and

32 (3) The findings of the review.

33 (e) If the board or the Senate and House Committee on Public Health,
34 Welfare, and Labor find that cases are being mistakenly closed because of case
35 worker error, the department shall be required to develop and implement a plan
36 for rectifying the problem, which plan shall be subject to board review and

1 approval. "

2
3 SECTION 22. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
4 by adding the following section to be appropriately numbered by the Arkansas
5 Code Revision Commission:

6 "Education and Training.

7 (a) The department shall permit TEA recipients to obtain the education
8 and training they need to obtain jobs that pay wages allowing them to be
9 economically self-sufficient.

10 (1) TEA recipients who are assessed to have basic education deficiencies
11 shall be allowed to combine educational activities leading to a high school
12 diploma or GED and employment and work experience. Participants may be
13 required to engage in internships, work experience or employment. Work
14 requirements shall not exceed fifteen (15) hours per week unless the
15 department certifies that allowing education to count towards recipients'
16 required work activities would affect the state's ability to meet federal work
17 participation rates. To the extent possible, educational activities shall
18 take place in a work context.

19 (2) Qualified TEA recipients shall be allowed to enroll in vocational
20 educational courses designed to prepare them for jobs in high growth, high
21 wage occupations. Participants may be required to engage in internships or
22 work experience related to their course of study. Work requirements shall not
23 exceed fifteen (15) hours per week unless the department certifies that
24 allowing education to count towards recipients' required work activities would
25 affect the state's ability to meet federal work participation rates. The
26 department shall seek to allow at least seven hundred (700) participants this
27 option.

28 (3) Qualified TEA recipients shall be allowed to enroll in post-
29 secondary courses leading to a two (2) or four (4) year degree or a five (5)
30 year teaching degree. Participants may be required to engage in internships
31 or work experience related to their course of study. Work requirements shall
32 not exceed fifteen (15) hours per week unless the department certifies that
33 allowing education to count towards recipients' required work activities would
34 affect the state's ability to meet federal work participation rates. The
35 department shall seek to allow at least four hundred (400) participants this
36 option.

1 (4) Participants under each of these options shall be provided the
2 supportive services they need to attend classes and other educational
3 activities, including at least, child care and transportation.

4 (b) TEA recipients shall be assigned to work activities that prepare
5 them for long-term economic self-sufficiency, including basic, vocational and
6 post-secondary education where appropriate.

7 (c) Participation in combined work and education activities shall be
8 deemed to meet TEA recipients' work activity requirements. The department may
9 require additional or fewer hours of federally defined work activities if it
10 certifies that the state may not meet federal work participation rates after
11 taking into account the caseload reduction credit because recipients enrolled
12 in educational courses are not required to engage in federally defined work
13 activities for the minimum number of hours.

14
15 SECTION 23. Arkansas Code 19-10-305 is amended to add the following new
16 language:

17 "(c) For purposes of this chapter, persons acting individually or on
18 behalf of charitable organizations, other than motor carriers as defined by
19 Arkansas Code 23-13-203(9), shall have the status of an employee while
20 transporting persons as a service of the Transitional Employment Assistance
21 (TEA) program."

22
23 SECTION 24. (a)(1) There is created on the books of the Treasurer of
24 State, Auditor of State, and Chief Fiscal Officer of the State a fund to be
25 known as the "Arkansas Transitional Employment Fund".

26 (2) The Arkansas Transitional Employment Fund shall consist of such
27 revenue as may be provided for by law.

28 (b) The fund shall be used exclusively by the Arkansas Transitional
29 Employment Board to fund its programs, operations, and activities.

30
31 SECTION 25. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

34
35 SECTION 26. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

4
5 SECTION 27. All laws and parts of laws in conflict with this act are
6 hereby repealed.

7
8 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly of the State of Arkansas that the United States Congress has amended
10 the laws pertaining to certain federally funded public assistance programs;
11 that these programs are crucial to the life and health of many needy citizens
12 of the State of Arkansas who otherwise will be unable to obtain food,
13 clothing, shelter, or medical care; that federal funds have already been
14 appropriated for this program and any delays could work irreparable harm upon
15 the proper administration of essential governmental programs and the State of
16 Arkansas may risk forfeiture of the federal funding; that this act so
17 provides. Therefore, an emergency is declared to exist and this act being
18 necessary for the preservation of the public peace, health, and safety, shall
19 be in full force and effect on July 1, 1999.

20 /s/ Bradford, et al

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