

SENATE AMENDMENT 2 TO hb1295.

by deleting lines 20 through 23 on page 8 and substituting the following:

"(b) (1) TEA recipients shall not be deemed to be state employees solely as a consequence of receiving TEA benefits and shall not be eligible to participate in the State Employees Retirement System solely as a consequence of receiving TEA benefits;
(2) TEA recipients who are employed by the State shall be eligible for the same benefits as an employee who performs similar work and is not a TEA recipient."

AND

by deleting lines 27 through 36 of page 10 and lines 1 through 10 of page 11 and substituting the following:

"(a) The department shall develop and describe categories of approved work activities for TEA recipients in accordance with this section. Approved work activities may include unsubsidized employment, subsidized private sector employment, subsidized public sector employment, education or training, skills training, job search and job readiness assistance, on-the-job training, micro enterprise, and community service work experience.

(1) Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds.

(2) (A) Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A TEA recipient in subsidized private sector employment shall be eligible for the same benefits as a nonsubsidized employee who performs similar work. Prior to receiving any subsidy or incentive, an employer shall enter into a written contract with the department which may include, but not be limited to, provisions addressing any of the following:

(i) payment schedules for any subsidy or incentive, such as deferred payments based on retention of the recipient in employment;
(ii) durational requirements for the employer to retain the recipient in employment;
(iii) training to be provided to the recipient by the employer;
(iv) weighting of incentive payments proportionally to the extent to which the recipient has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department shall consider the extent of the recipient's prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors.

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

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

- (i) payment schedules for any subsidy or incentive, such as deferred payments based on retention of the recipient in employment;
- (ii) durational requirements for the employer to retain the recipient in employment;
- (iii) training to be provided to the recipient by the employer;
- (iv) weighting of incentive payments proportionally to the extent to which the recipient has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department shall consider the extent of the recipient's prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors.

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

(4) Community service work experience is job-training experience at a supervised public or private not-for-profit agency, which is both linked to education or training and substantially enhances a recipient's employability.

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

- (i) Orientation in the world of work and basic job-seeking and job retention skills;
- (ii) Instruction in completing an application for employment and writing a resume;
- (iii) Instruction in conducting oneself during a job interview, including appropriate dress;
- (iv) Providing a recipient with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors.

(B) Job search and job readiness activities may be used in conjunction

with other program activities, such as community service work experience, but may not be the primary work activity and may not continue longer than the length of time permitted under federal law.

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

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

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

(A) has not completed high school or obtained a high school equivalency diploma;

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

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

(9) Participation in medical, educational, counseling, and other services that are part of a the recipient s personal responsibility agreement is a required activity for each teen parent who participates in the TEA Program.

(b) Adult recipients who meet the minimum weekly work requirement, but who do not have a GED or the equivalent and who do not spend forty (40) hours per week in approved work activities, shall be given an option of participating in education directly related to employment or a GED program in accordance with the recipient s personal responsibility agreement.

(c) Each state agency and each entity that contracts to provide services for a state agency shall establish recruitment and hiring goals which shall target ten percent (10%) of all jobs requiring a high school diploma or less to be filled with TEA or food stamp recipients. A question concerning receipt of TEA benefits or food stamps may be added to the state employment application for purposes of targeting these applicants. Each agency shall report to the TEA Program Advisory Council and the independent evaluator the number of TEA recipients employed by the state agency and the contract service provider in comparison to the established goal.

(d) (1) The department shall require participation in approved work activities to the maximum extent possible, subject to federal and state funding. If funds are projected

to be insufficient to support full-time work activities by all TEA program recipients who are required to participate in work activities, the department shall screen recipients and assign priority in accordance with the TEA implementation plan.

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

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

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

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

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

(3) The Employment Security Department shall establish and maintain a grievance procedure for resolving complaints of alleged violations of subparagraph (2).

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

(f) The department shall establish criteria to exempt or temporarily defer the following persons from any work activity requirement:

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

(2) an individual who is medically incapacitated or who possesses a disability that precludes an individual from working at available employment;

(3) a woman in the third trimester of pregnancy;

(4) an individual who must remain in the home to care for a resident family member who is seriously ill or incapacitated;

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

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

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

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

(9) an individual unable to participate in a work activity due to extraordinary circumstances."