

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

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/15/07

A Bill

SENATE BILL 996

5 By: Senator Steele
6 *By: Representative S. Prater*
7

For An Act To Be Entitled

10 AN ACT TO CREATE THE TEMPORARY ASSISTANCE FOR
11 NEEDY FAMILIES OVERSIGHT BOARD; TO AMEND THE LAW
12 REGARDING PUBLIC ASSISTANCE; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO CREATE THE TEMPORARY
16 ASSISTANCE FOR NEEDY FAMILIES OVERSIGHT
17 BOARD AND TO AMEND THE LAW REGARDING
18 PUBLIC ASSISTANCE.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code §§ 20-76-101 and 20-76-102 are amended to
25 read as follows:

26 20-76-101. Definitions.

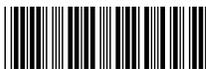
27 As used in this chapter:

28 (1) "Assessment services" means an evaluation to determine the
29 abilities, talents, proficiencies, and deficiencies of applicants and
30 recipients with regard to the ability of the individual to move into
31 employment;

32 (2) "Board" means the ~~Arkansas Transitional Employment~~ Temporary
33 Assistance for Needy Families Oversight Board;

34 (3) "Date of enrollment" means the date that an applicant is
35 approved as eligible for the Transitional Employment Assistance Program;

36 (4) "Department" means the Department of Human Services;



1 (5) "Diversion from assistance" means a one-time loan of money
2 or the furnishing of nonmonetary assistance to an applicant who is eligible
3 for but does not require enrollment in the program;

4 (6) "Education or training" means basic remedial education,
5 adult education, high school education, education to obtain the equivalent of
6 a high school diploma, education to learn English as a second language,
7 applied technology training, and postsecondary education and training;

8 (7) "Employment assistance" means financial assistance, child
9 care, assistance to secure full-time employment, assistance in obtaining
10 education and training that leads to full-time employment, case management
11 services, and other services designed to assist recipients in achieving self-
12 sufficiency through employment;

13 (8) "Extended support services" means assistance to a recipient
14 who has obtained employment under the program, which may include, but is not
15 limited to, child care and medical assistance;

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

18 (10) "Medical assistance" means assistance furnished pursuant to
19 Title XIX of the Social Security Act, commonly referred to as Medicaid, or a
20 state-funded medical assistance program;

21 (11) "Personal responsibility agreement" means an agreement
22 between the department and the recipient specifying the recipient's
23 responsibilities that are a condition of receiving employment assistance,
24 which may include an employment plan that describes what the recipient and
25 the department will do to assist the recipient in achieving self-sufficiency
26 through employment;

27 (12) "Positive reinforcement outcome bonus" means a one-time
28 cash assistance bonus for achieving an employment plan goal;

29 (13) "Relocation assistance" means assistance to an eligible
30 recipient who lives in an area of limited job opportunities to enable the
31 recipient to relocate for purposes of full-time employment that the recipient
32 has secured;

33 (14) "Support services" means child care, transportation,
34 financial assistance, medical assistance, substance abuse treatment, life
35 skills training, parenting skills training, and other similar assistance;

36 (15) "TEA" means the Transitional Employment Assistance Program;

1 and

2 (16) "Temporary Assistance for Needy Families Program" means all
 3 Arkansas programs funded by federal Temporary Assistance to Needy Families
 4 block grant funds or state funds claimed as maintenance of effort under the
 5 federal Temporary Assistance to Needy Families program, including:

6 (A) The Transitional Employment Assistance Program;

7 (B) The Arkansas Work Pays Program;

8 (C) The Career Pathways Initiative; and

9 (D) The Community Investment Initiative; and

10 ~~(16)~~(17) "Unearned income" means all income that a recipient
 11 receives from sources other than employment, including child support
 12 payments, supplemental security income, supplemental security disability
 13 income, workers' compensation, and unemployment insurance.

14
 15 20-76-102. Coordination of state agency service delivery. [Effective
 16 when contingency of Acts 2005, No. 1705, § 20(b), is met.]

17 ~~(a) The Director of the Department of Workforce Services and the~~
 18 ~~Director of the Department of Health and Human Services shall enter into a~~
 19 ~~written agreement regarding the provision of the services to recipients of~~
 20 ~~transitional employment assistance.~~

21 ~~(b)(1) The Department of Health and Human Services shall appropriately~~
 22 ~~train and supervise all employees and other persons who are responsible for~~
 23 ~~determining eligibility for cash assistance and diversion payments in the~~
 24 ~~Transitional Employment Assistance Program and the Arkansas Work Pays~~
 25 ~~Program.~~

26 ~~(2) The Department of Workforce Services shall appropriately~~
 27 ~~train and supervise all employees and other persons who are responsible for~~
 28 ~~developing, evaluating, and managing personal responsibility agreements for~~
 29 ~~transitional employment assistance recipients.~~

30 ~~(3) The training and supervision shall include, but not be~~
 31 ~~limited to, a competency based case management program to measure the~~
 32 ~~effectiveness of each plan and to provide appropriate oversight,~~
 33 ~~implementation, and training to identify and assist victims of domestic~~
 34 ~~violence.~~

35 ~~(e)~~(a) To ensure that all available state government resources are
 36 used to help transitional employment assistance recipients make the

1 transition from welfare to work, each of the following state agencies and
2 organizations shall also be required to work with the Department of Workforce
3 Services in providing transitional employment assistance services:

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

18 ~~(d)~~(b) State agencies required under subsection (c) of this section to
19 work with the Department of Workforce Services in providing transitional
20 employment assistance services to recipients shall make every effort to use
21 financial resources in their respective budgets and to seek additional
22 funding sources, whether private or federal, to supplement the moneys
23 allocated by the Department of Workforce Services for the Transitional
24 Employment Assistance Program.

25 ~~(e)~~(c) All agencies of the state and local governments providing
26 program services shall work cooperatively with and provide any necessary
27 assistance to the General Assembly and the ~~Arkansas Transitional Employment~~
28 Temporary Assistance for Needy Families Oversight Board and shall furnish, in
29 a timely manner, complete and accurate information regarding the program to
30 legislative committees and the board upon request.

31 ~~(f)~~—The Department of Workforce Services and the Department of Health
32 and Human Services are directed to enter into an interagency agreement under
33 which the Department of Health and Human Services shall continue providing
34 cash assistance and diversion assistance to all Transitional Employment
35 Assistance Program clients.
36

1 SECTION 2. Arkansas Code § 20-76-105 is amended to read as follows:

2 20-76-105. ~~Arkansas Transitional Employment Board~~ Temporary Assistance
3 for Needy Families Oversight Board. [Effective when contingency of Acts 2005,
4 No. 1705, § 20(b), is met.]

5 ~~(a) There is created an Arkansas Transitional Employment Board, which~~
6 ~~shall be composed of the following members:~~

7 ~~(1) The Director of the Department of Health and Human Services;~~

8 ~~(2) The Director of the Department of Workforce Services;~~

9 ~~(3) The Director of the Division of Health of the Department of~~
10 ~~Health and Human Services;~~

11 ~~(4) The Director of the Department of Workforce Education;~~

12 ~~(5) The Director of the Department of Higher Education;~~

13 ~~(6) The Director of the Arkansas Economic Development~~
14 ~~Commission;~~

15 ~~(7) The Director of the Arkansas Workforce Investment Board;~~

16 ~~(8) Three (3) members appointed by the Governor;~~

17 ~~(9)(A) Six (6) members, at least one (1) of whom shall be a~~
18 ~~current or former recipient of transitional employment assistance or of Aid~~
19 ~~to Families with Dependent Children appointed by the Governor from a list of~~
20 ~~ten (10) nominees.~~

21 ~~(B) Of these ten (10), five (5), at least one (1) of whom~~
22 ~~shall be a current or former recipient of transitional employment assistance~~
23 ~~or of Aid to Families with Dependent Children, shall be submitted by the~~
24 ~~President Pro Tempore of the Senate and five (5), at least one (1) of whom~~
25 ~~shall be a current or former recipient of transitional employment assistance~~
26 ~~or of Aid to Families with Dependent Children, shall be submitted by the~~
27 ~~Speaker of the House of Representatives; and~~

28 ~~(10) Two (2) members of the Arkansas Workforce Investment Board~~
29 ~~to be chosen by the Chair of the Arkansas Workforce Investment Board as~~
30 ~~follows:~~

31 ~~(A) One (1) member for a two-year term; and~~

32 ~~(B) One (1) member for a four-year term.~~

33 ~~(b) The appointed members shall be employed in the private sector, and~~
34 ~~a majority of those members shall have managerial experience.~~

35 ~~(c)(1) The appointed members of the Arkansas Transitional Employment~~
36 ~~Board shall serve four-year staggered terms.~~

1 ~~(2) Five (5) members of the Arkansas Transitional Employment~~
2 ~~Board shall constitute a quorum.~~

3 ~~(3) Only the nine (9) appointed members shall serve as voting~~
4 ~~members.~~

5 ~~(4) No member may authorize a designee to vote in his or her~~
6 ~~behalf.~~

7 ~~(5) The Arkansas Transitional Employment Board shall meet with~~
8 ~~the Governor every six (6) months or as frequently as it deems necessary,~~
9 ~~upon request of the chair.~~

10 ~~(6) A majority of the appointed members shall be citizens with~~
11 ~~no direct fiduciary interest in programs involved with or funded by the~~
12 ~~Transitional Employment Assistance Program or Temporary Assistance for Needy~~
13 ~~Families funds except for current or former participants in the Transitional~~
14 ~~Employment Assistance Program.~~

15 ~~(7)(A) The Governor may remove an appointed member for cause.~~

16 ~~(B) An absence from three (3) consecutive meetings shall~~
17 ~~result in automatic removal unless the member is excused by the chair.~~

18 ~~(8)(A) Vacancies on the Arkansas Transitional Employment Board~~
19 ~~shall be filled in the same manner as the original appointment for the~~
20 ~~unexpired portion of the term.~~

21 ~~(B) If a vacancy occurs in a position filled by nominees~~
22 ~~from either the President Pro Tempore of the Senate or the Speaker of the~~
23 ~~House of Representatives, the member shall be appointed by the Governor from~~
24 ~~a list of at least four (4) nominees, of whom at least two (2) shall be~~
25 ~~submitted by the President Pro Tempore of the Senate and at least two (2)~~
26 ~~shall be submitted by the Speaker of the House of Representatives.~~

27 ~~(d)(1) The Arkansas Transitional Employment Board shall:~~

28 ~~(A) Review, recommend, and approve transitional employment~~
29 ~~assistance regulations developed by the Department of Health and Human~~
30 ~~Services and the Department of Workforce Services;~~

31 ~~(B) Oversee the operation of the program and progress~~
32 ~~toward the program outcomes;~~

33 ~~(C) Develop a performance management plan for achievement~~
34 ~~of the transitional employment assistance outcomes that includes:~~

35 ~~(i) Performance measures for each of the outcomes~~
36 ~~and federal performance requirements;~~

1 ~~(ii) — Setting targets for each of the outcomes and~~
2 ~~requirements;~~

3 ~~(iii) — Reporting requirements for the Department of~~
4 ~~Workforce Services and each county on their progress toward outcome targets;~~

5 ~~(iv) — Measures for accountability for county and~~
6 ~~state offices for progress in meeting the targets, which include increased~~
7 ~~flexibility and funding for offices meeting the targets and corrective action~~
8 ~~for offices not meeting the targets; and~~

9 ~~(v) — Reporting on the operation of the performance~~
10 ~~management plan to the Governor and the co-chairs of the House Interim~~
11 ~~Committee on Public Health, Welfare, and Labor and the Senate Interim~~
12 ~~Committee on Public Health, Welfare, and Labor;~~

13 ~~(D) — Coordinate the activities of all state agencies~~
14 ~~involved in the program, including moderating disagreements among those state~~
15 ~~agencies about their respective responsibilities in the program and~~
16 ~~facilitating their active collaboration;~~

17 ~~(E) — Employ necessary staff to assist with the range and~~
18 ~~diversity of its charge;~~

19 ~~(F) — Review, recommend, and approve annually updates of the~~
20 ~~state's transitional employment assistance plan by December 1 of each year~~
21 ~~for the next year and report on the updated plan to the Governor, the House~~
22 ~~Committee on Public Health, Welfare, and Labor, and the Senate Committee on~~
23 ~~Public Health, Welfare, and Labor;~~

24 ~~(G) — Review, recommend, and approve all requests for~~
25 ~~proposals using program moneys and state-controlled welfare-to-work moneys~~
26 ~~subject to the restriction that the Arkansas Transitional Employment Board~~
27 ~~shall not approve any award or contract involving Transitional Employment~~
28 ~~Assistance Program or Temporary Assistance for Needy Families funds directly~~
29 ~~to an appointed member of the Arkansas Transitional Employment Board or to an~~
30 ~~organization in which one (1) of the appointed members of the Arkansas~~
31 ~~Transitional Employment Board has a fiduciary interest;~~

32 ~~(H) — Respond to and report on citizens' concerns about the~~
33 ~~implementation and administration of the program;~~

34 ~~(I) — Review, recommend, and approve standards of~~
35 ~~eligibility for assistance developed by the Department of Health and Human~~
36 ~~Services;~~

1 ~~(J) — Review the Department of Health and Human Services’~~
2 ~~and the Department of Workforce Services’ plans for bonus awards and employee~~
3 ~~incentives focused on achieving program outcomes;~~

4 ~~(K) — Submit biannual reports to the House Committee on~~
5 ~~Public Health, Welfare, and Labor and the Senate Committee on Public Health,~~
6 ~~Welfare, and Labor and to the Governor;~~

7 ~~(L) — Contract for an independent evaluation of the program;~~

8 ~~(M) — Review, recommend, and approve a plan developed by the~~
9 ~~Department of Workforce Services to provide services and information to~~
10 ~~former program recipients to help them stay employed and to achieve~~
11 ~~progressively higher wages and earnings;~~

12 ~~(N) — Review, recommend, and approve a plan developed by the~~
13 ~~Department of Workforce Services for pilot projects to provide employment~~
14 ~~training, job search services, and parenting education to noncustodial~~
15 ~~parents of children in transitional employment assistance families that~~
16 ~~cannot pay child support because of unemployment or low earnings;~~

17 ~~(O)(i) — Utilize the expertise of the Arkansas Workforce~~
18 ~~Investment Board, the Arkansas Transitional Employment Board, and the~~
19 ~~Department of Higher Education to jointly develop a plan for contracting with~~
20 ~~state agencies, two year technical colleges, technical institutions, local~~
21 ~~governments, or private or community organizations to establish, using~~
22 ~~available Temporary Assistance for Needy Families funds, at least three (3)~~
23 ~~demonstration projects, to develop job training certificate programs.~~

24 ~~(ii) — The job training certificate programs shall~~
25 ~~provide short term training designed to prepare low income parents and others~~
26 ~~for jobs that pay significantly more than minimum wage and that are available~~
27 ~~in the area.~~

28 ~~(iii) — The projects shall be designed in consultation~~
29 ~~with local employers and workforce investment boards to identify appropriate~~
30 ~~job opportunities and needed skills and training.~~

31 ~~(iv) — Contracts shall include performance based~~
32 ~~payments keyed to enrollments, completion, job placement, and job retention.~~

33 ~~(v) — Temporary Assistance for Needy Families may be~~
34 ~~combined with other state and federal funds in ways consistent with federal~~
35 ~~laws and rules; and~~

36 ~~(P)(i) — Oversee the operation of transitional employment~~

1 ~~assistance child care and transitional child care with the goals of~~
2 ~~maintaining the current provision of child care to families receiving~~
3 ~~transitional employment assistance and families who have left transitional~~
4 ~~employment assistance, to maximize child care available to low-income~~
5 ~~families and to avoid overspending the biennial budget for child care.~~

6 ~~(ii) The Arkansas Transitional Employment Board may~~
7 ~~authorize an increase in the spending cap on low-income child care if it~~
8 ~~certifies to the Governor and the Chief Fiscal Officer of the State that the~~
9 ~~additional expenditure of funds will not result in shortfalls in the~~
10 ~~transitional employment assistance child care or transitional child care~~
11 ~~budgets under existing conditions.~~

12 ~~(iii) If the Arkansas Transitional Employment Board~~
13 ~~certifies to the Governor and the Chief Fiscal Officer of the State and~~
14 ~~notifies the Legislative Council and the House Interim Committee on Public~~
15 ~~Health, Welfare, and Labor and the Senate Interim Committee on Public Health,~~
16 ~~Welfare, and Labor that the action is necessary to avoid overspending the~~
17 ~~biennial budget for child care, it may authorize one (1) or more of the~~
18 ~~following actions:~~

19 ~~(a) An increase in the copayment schedule for~~
20 ~~transitional child care;~~

21 ~~(b) An allocation of further Temporary~~
22 ~~Assistance for Needy Families funds;~~

23 ~~(c) A reduction of a total of twenty four (24)~~
24 ~~months in the transitional child care assistance available to temporary~~
25 ~~employment assistance recipients who leave assistance after the reduction; or~~

26 ~~(d) A reduction in the spending cap for low-~~
27 ~~income child care.~~

28 ~~(2) Actions taken by the Arkansas Transitional Employment Board~~
29 ~~shall be submitted to the Chair of the House Committee on Public Health,~~
30 ~~Welfare, and Labor and the Chair of the Senate Committee on Public Health,~~
31 ~~Welfare, and Labor within fifteen (15) days after the action is taken.~~

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

33 ~~(1) Vote on a matter under consideration by it:~~

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

35 ~~(B) That would provide direct financial benefit to the~~
36 ~~member, the immediate family of the member, or an organization that employs~~

1 ~~the member; or~~

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

4 ~~(f)(1) The Governor, in consultation with the chairs of the House~~
5 ~~Committee on Public Health, Welfare, and Labor and the Senate Committee on~~
6 ~~Public Health, Welfare, and Labor, shall appoint the staff director. The~~
7 ~~appointment of the staff director shall be subject to Senate confirmation.~~

8 ~~(2) The staff director shall supervise the Arkansas Transitional~~
9 ~~Employment Board's staff and coordinate the activities of those state~~
10 ~~agencies charged with implementation of the program.~~

11 ~~(g) [Repealed.]~~

12 ~~(h) The council shall:~~

13 ~~(1) Periodically make recommendations to the Arkansas~~
14 ~~Transitional Employment Board about the program, especially pertaining to~~
15 ~~collaborative efforts among agencies involved in the Arkansas Transitional~~
16 ~~Employment Board;~~

17 ~~(2)(A) Provide reasonable and necessary cooperation with~~
18 ~~Arkansas Transitional Employment Board members and staff and local coalition~~
19 ~~members and staff; and~~

20 ~~(B) Periodically report to the Arkansas Transitional~~
21 ~~Employment Board on local coalition activities; and~~

22 ~~(3) Advise the Arkansas Transitional Employment Board on how to~~
23 ~~address outcomes.~~

24 ~~(i)(1) This section shall be reviewed by the General~~
25 ~~Assembly prior to that date; and~~

26 ~~(2) In its review, the General Assembly shall assess the status~~
27 ~~of the program and shall determine whether the responsibility for~~
28 ~~administering the program should be transferred to another state agency or~~
29 ~~board.~~

30 ~~(j) There shall be no liability on the part of and no cause of action~~
31 ~~of any nature shall arise against any member of the Arkansas Transitional~~
32 ~~Employment Board or its agents or employees or the association or its agents~~
33 ~~or employees for any action or omission by them in the performance of their~~
34 ~~powers and duties under this chapter.~~

35 ~~(k) The Arkansas Transitional Employment Board is designed to be an~~
36 ~~agent of change and challenge to the existing federal, state, and local~~

1 ~~agency service delivery mechanisms. The challenge shall be to ensure that~~
2 ~~persons on transitional employment assistance are getting the assistance, the~~
3 ~~information, and the services needed to help these low-income persons become~~
4 ~~self-sufficient.~~

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

7 ~~(1)(A) Increase the percentage of families who receive~~
8 ~~appropriate services to move off of transitional employment assistance cash~~
9 ~~assistance into employment and toward self-sufficiency.~~

10 ~~(B) The Arkansas Transitional Employment Board shall use~~
11 ~~the following or similar indicators to determine whether this outcome is~~
12 ~~being met:~~

13 ~~(i) Percentage of recipients who receive specified~~
14 ~~assessment within thirty (30) days of the application approval;~~

15 ~~(ii) Percentage of recipients who receive services~~
16 ~~specified in the assessment;~~

17 ~~(iii) Percentage of recipients engaged in work~~
18 ~~activities for the required number of hours per week;~~

19 ~~(iv) Percentage of former recipients who are~~
20 ~~eligible to receive needed services;~~

21 ~~(v) Percentage of eligible families who receive low-~~
22 ~~income child care, to be determined by dividing the number of low-income~~
23 ~~recipients by the sum of the number of low-income recipients plus the number~~
24 ~~of recipients on the waiting list; and~~

25 ~~(vi) Percentage of recipients engaged in education~~
26 ~~and training for the required number of hours per week;~~

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

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

32 ~~(i) Percentage of recipients who leave welfare each~~
33 ~~month, each quarter, and each year; and~~

34 ~~(ii) Percentage of families leaving if a parent has~~
35 ~~earnings from work;~~

36 ~~(3)(A) Increase earnings of families who leave transitional~~

1 ~~employment assistance cash assistance.~~

2 ~~(B) The Arkansas Transitional Employment Board shall use~~
3 ~~the following or similar indicators to determine whether this outcome is~~
4 ~~being met:~~

5 ~~(i) Median level of earnings in the first full~~
6 ~~quarter after leaving the program;~~

7 ~~(ii) Median level of earnings in the second full~~
8 ~~quarter after leaving the program;~~

9 ~~(iii) Median level of earnings in the fourth full~~
10 ~~quarter after leaving the program; and~~

11 ~~(iv) Median level of earnings in the sixth full~~
12 ~~quarter after leaving the program;~~

13 ~~(4)(A) Increase the percentage of parents leaving transitional~~
14 ~~employment assistance cash assistance who stay employed.~~

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

18 ~~(i) Percentage of former recipients who are working~~
19 ~~in the second quarter after leaving the program;~~

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

22 ~~(iii) Percentage of former recipients who are~~
23 ~~working in the fourth quarter after leaving the program; and~~

24 ~~(iv) Percentage of former recipients who have~~
25 ~~maintained steady employment for four (4) quarters after leaving the program;~~
26 ~~and~~

27 ~~(5)(A) Increase the percentage of former transitional employment~~
28 ~~assistance cash assistance recipients who move out of poverty, including the~~
29 ~~value of food stamps and the federal Earned Income Tax Credit and child~~
30 ~~support.~~

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

34 ~~(i) Percentage of families with earning levels above~~
35 ~~one hundred percent (100%) and the percentage above two hundred percent~~
36 ~~(200%) of the federal poverty limit, including child support payments, the~~

1 ~~imputed value of food stamps, and the federal Earned Income Tax Credit;~~

2 ~~(ii) Percentage of eligible former recipient~~
3 ~~families enrolled in the food stamp program; and~~

4 ~~(iii) Percentage of eligible former recipient~~
5 ~~families who file for the federal Earned Income Tax Credit.~~

6 ~~(m)(1) The Arkansas Transitional Employment Board shall select three~~
7 ~~(3) of its members to form an executive committee.~~

8 ~~(2) On those rare occasions when it becomes necessary for the~~
9 ~~Department of Health and Human Services or the Department of Workforce~~
10 ~~Services to take action on matters regarding the program between meetings of~~
11 ~~the Arkansas Transitional Employment Board, the Director of the Department of~~
12 ~~Health and Human Services is authorized to contact the executive committee to~~
13 ~~receive direction on how to proceed.~~

14 ~~(3) Any decisions or guidance given to the Department of Health~~
15 ~~and Human Services or the Department of Workforce Services by the executive~~
16 ~~committee shall be reported to the Arkansas Transitional Employment Board at~~
17 ~~its next meeting.~~

18 ~~(4) Other duties may be assigned to the executive committee by a~~
19 ~~majority vote of the Arkansas Transitional Employment Board.~~

20 ~~(5) This procedure may be changed by a majority vote of the~~
21 ~~Arkansas Transitional Employment Board.~~

22 ~~(n) The Department of Workforce Services shall develop and maintain~~
23 ~~the indicators for the program outcomes listed in subdivisions (1)(1)-(5) of~~
24 ~~this section, subject to review and approval by the Arkansas Transitional~~
25 ~~Employment Board.~~

26 ~~(o)(1) The Department of Workforce Services shall develop proper~~
27 ~~targets for each program outcome by July 1 of each year, subject to review~~
28 ~~and approval by the Arkansas Transitional Employment Board.~~

29 ~~(2) The Arkansas Transitional Employment Board shall adopt the~~
30 ~~targets at the first meeting after July 1 of each year.~~

31 ~~(3) The Arkansas Transitional Employment Board shall review and~~
32 ~~report on progress in achieving the targets by December 10 and June 10 of~~
33 ~~each year.~~

34 ~~(4)(A) Reports shall be submitted to the Governor and to the~~
35 ~~House Interim Committee on Public Health, Welfare, and Labor and the Senate~~
36 ~~Interim Committee on Public Health, Welfare, and Labor.~~

1 ~~(B) The report shall include comments from the Department~~
2 ~~of Health and Human Services, the Department of Workforce Services, and other~~
3 ~~relevant state agencies about their activities and their progress toward the~~
4 ~~program outcome targets.~~

5 ~~(p) Minutes of the Arkansas Transitional Employment Board's meetings,~~
6 ~~including attendance records, shall be submitted to the Governor and to the~~
7 ~~chairs of the House Interim Committee on Public Health, Welfare, and Labor~~
8 ~~and the Senate Interim Committee on Public Health, Welfare, and Labor after~~
9 ~~each meeting of the Arkansas Transitional Employment Board.~~

10 (a) The Temporary Assistance for Needy Families Oversight Board is
11 created.

12 (b) The board shall be composed of the following members:

13 (1) The Director of the Department of Workforce Services;

14 (2) The Director of the Arkansas Workforce Investment Board;

15 (3) The Director of the Division of County Operations of the
16 Department of Health and Human Services;

17 (4)(A) Four (4) members to be appointed by the Governor.

18 (B) One (1) member appointed under subdivision (b)(4)(A)
19 of this section shall be a current or former recipient of transitional
20 employment assistance or Aid to Families with Dependent Children;

21 (5) Two (2) members, one (1) to be appointed by the Speaker of
22 the House of Representatives; and

23 (6) One (1) member to be appointed by the President Pro Tempore
24 of the Senate.

25 (c)(1) The board is designed to be an agent of change and challenge to
26 the existing federal, state, and local agency service delivery mechanisms for
27 programs serving low-income parents.

28 (2) The challenge shall be to ensure that persons in the
29 Temporary Assistance for Needy Families Program are getting the assistance,
30 the information, and the services needed to help these low-income persons
31 become self-sufficient.

32 (3) The chair and the appointed members of the board shall be
33 selected on the basis of their:

34 (A) Experience and knowledge in administering and
35 overseeing public assistance and work programs; and

36 (B) Understanding and commitment to active oversight of

1 these programs.

2 (d) The appointed members of the board shall serve four-year terms.

3 (e) The Governor shall appoint the Chair of the Temporary Assistance
4 for Needy Families Oversight Board from among the appointed members.

5 (f) Five (5) members including at least three (3) appointed members of
6 the board shall constitute a quorum.

7 (g) The board shall meet as often as necessary to complete its
8 statutory responsibilities, but no less than one (1) time every three (3)
9 months.

10 (h) The Governor may remove an appointed member for cause.

11 (i) Vacancies on the board shall be filled in the same manner as the
12 original appointment for the unexpired portion of the term.

13 (j)(1) The Director of the Department of Workforce Services shall
14 designate a senior manager of the Department of Workforce Services as staff
15 director for the board.

16 (2) Additional staff support to the board shall be provided by
17 the Department of Workforce Services and the Department of Health and Human
18 Services.

19 (k) The responsibilities of the board include:

20 (1)(A) Developing a vision and blueprint for the Temporary
21 Assistance for Needy Families Program to:

22 (i) Provide effective services to the Transitional
23 Employment Assistance Program and Arkansas Work Pays Program clients;

24 (ii) Improve performance on the Transitional
25 Employment Assistance Program client outcomes; and

26 (iii) Integrate Transitional Employment Assistance
27 Program services, Arkansas Work Pays Program services, and services offered
28 in local workforce offices.

29 (B) The board shall submit its recommended vision and
30 blueprint to the Governor and the House Interim Committee on Public Health,
31 Welfare, and Labor and the Senate Interim Committee on Public Health,
32 Welfare, Labor no later than December 31, 2007.

33 (2) Reviewing and developing recommendations to the Governor,
34 the General Assembly, the Department of Workforce Services, and other state
35 agencies on the following topics:

36 (A) Budget planning and the use of state and federal

1 Temporary Assistance for Needy Families Program funds;

2 (B) Measurement and performance on the Transitional
3 Employment Assistance Program outcomes;

4 (C) Performance management of the operation of the
5 Temporary Assistance for Needy Families Program;

6 (D) Administrative operations, including without
7 limitation:

8 (i) Dividing responsibilities among participating
9 agencies;

10 (ii) Information systems; and

11 (iii) The integration of Transitional Employment
12 Assistance and workforce systems.

13 (E) Rules developed by the Department of Workforce
14 Services and other state agencies dealing with the Transitional Employment
15 Assistance Program, the Arkansas Work Pays Program, the Career Pathways
16 Initiative, the Community Investment Initiative, and other initiatives within
17 the Temporary Assistance for Needy Families program;

18 (F) Policy and administration of the Transitional
19 Employment Assistance, the Work Pays, the Career Pathways Initiative, the
20 Community Investment Initiative, and other initiatives within the Temporary
21 Assistance for Needy Families program; and

22 (G) Additional initiatives that may be included within the
23 Temporary Assistance for Needy Families Program or funded with Temporary
24 Assistance for Needy Families Program funds;

25 (3) Determining the scope of work and timeline for the
26 independent evaluation of the Temporary Assistance for Needy Families
27 Program;

28 (4) Making reports to the Governor and to the House Interim
29 Committee on Public Health, Welfare, and Labor and the Senate Interim
30 Committee on Public Health, Welfare on the operations of Transitional
31 Employment Assistance Program, the Arkansas Work Pays Program, the Career
32 Pathways Initiative, the Community Investment Initiative, and other Temporary
33 Assistance for Needy Families initiatives; and

34 (5) Other responsibilities determined by a majority of the
35 board.

36

1 SECTION 3. Arkansas Code § 20-76-106(a), concerning the statewide
2 implementation plan for transitional employment assistance, is amended to
3 read as follows:

4 (a) ~~The Arkansas Transitional Employment Board~~ Department of Workforce
5 Services shall:

6 (1) ~~Review, recommend, and approve~~ Develop a statewide
7 implementation plan for ensuring the cooperation of state agencies and local
8 agencies and encouraging the cooperation of private entities, especially
9 those receiving state funds, in the coordination and implementation of the
10 Transitional Employment Assistance Program, the Arkansas Work Pays Program,
11 and achievement of the goals; and

12 (2)(A) Ensure that program recipients throughout the state,
13 including those in rural areas, have comparable access to transitional
14 employment assistance benefits.

15 (B) The statewide implementation plan shall be subject to
16 the review and recommendation of the Temporary Assistance for Needy Families
17 Oversight Board.

18
19 SECTION 4. Arkansas Code § 20-76-106(c), concerning the statewide
20 implementation plan for transitional employment assistance, is amended to
21 read as follows:

22 (c)(1)(A) The Department of Workforce Services shall prepare an annual
23 transitional employment assistance implementation plan.

24 (B) The plan shall be subject to review, and
25 ~~recommendation, and approval~~ by the ~~Arkansas Transitional Employment Board~~
26 Temporary Assistance for Needy Families Oversight Board.

27 (2) ~~The Arkansas Transitional Employment Board~~ Department of
28 Workforce Services shall submit quarterly progress reports to the Governor,
29 the House Committee on Public Health, Welfare, and Labor, and the Senate
30 Committee on Public Health, Welfare, and Labor.

31 (3) The annual updated plan shall contain proposals for
32 measuring and making progress toward the transitional employment assistance
33 outcomes during the succeeding three-year period.

34 (4) The quarterly progress reports to the Governor, the House
35 Committee on Public Health, Welfare, and Labor, and the Senate Committee on
36 Public Health, Welfare, and Labor shall include all information that the

1 ~~Arkansas Transitional Employment Board~~ Temporary Assistance for Needy
 2 Families Oversight Board deems necessary for determining progress in
 3 achieving the outcomes.

4 (5) Information shall be provided for the state, each employment
 5 opportunity district, and each county.

6 (6) The report shall also include all information requested by
 7 resolution of the House Committee on Public Health, Welfare, and Labor and
 8 the Senate Committee on Public Health, Welfare, and Labor.

9 (7) This report shall include a copy of all federal monthly,
 10 quarterly, and annual reports submitted by the Department of Health and Human
 11 Services regarding the Temporary Assistance for Needy Families Program.

12
 13 SECTION 5. Arkansas Code § 20-76-107(a), concerning the independent
 14 evaluator for the Transitional Employment Assistance Program, is amended to
 15 read as follows:

16 20-76-107. Independent evaluator.

17 (a)(1) By September 1, ~~2001~~ 2007, the ~~Arkansas Transitional Employment~~
 18 ~~Board~~ Department of Workforce Services shall contract with a professional
 19 consultant for an ongoing independent evaluation of the ~~Transitional~~
 20 ~~Employment Assistance Program and program development~~ Temporary Assistance
 21 for Needy Families Program.

22 (2) The Department of Workforce Services shall consult with the
 23 Temporary Assistance for Needy Families Oversight Board to determine the
 24 scope of work and timeline of the evaluation.

25 (3) The independent evaluator shall submit biannual reports to
 26 the Governor and the House Committee on Public Health, Welfare, and Labor and
 27 the Senate Committee on Public Health, Welfare, and Labor which assess:

28 ~~(1)~~(A) How effective the program is in addressing each of
 29 the transitional employment assistance outcomes as specified in § 20-76-
 30 105(1) and progressing toward each of the annual targets set for those
 31 outcomes and any measures that might be taken to improve its performance;

32 ~~(2)~~(B) How effectively performance standards and
 33 measurement criteria in the statewide implementation plan are being met;

34 ~~(3)~~(C) How effectively state agencies are cooperating in
 35 the implementation of the program;

36 ~~(4)~~(D) How effectively various funding sources are being

1 integrated into the support of the program;

2 ~~(5)~~(E) The outcomes for current and former transitional
3 employment assistance cash assistance recipients and their children, to
4 include at least the following:

5 ~~(A)~~(i) Changes in family income and child poverty;

6 ~~(B)~~(ii) Impact on child welfare;

7 ~~(C)~~(iii) Impact on child hunger;

8 ~~(D)~~(iv) Impact on housing conditions, family living
9 arrangements, and homelessness;

10 ~~(E)~~(v) Impact on the health care coverage and the
11 health status of children;

12 ~~(F)~~(vi) Changes in family expenditure patterns;

13 ~~(G)~~(vii) Births to unwed parents, teen pregnancies,
14 and changes in family structure;

15 ~~(H)~~(viii) Impact on child care patterns and youth
16 supervision;

17 ~~(I)~~(ix) The work history and employment patterns of
18 adults, including whether they are working, the types of employment held, job
19 retention, and their wages or earnings;

20 ~~(J)~~(x) Impact on substance abuse and substance abuse
21 treatment; and

22 ~~(K)~~(xi) Educational and skill attainment;

23 ~~(6)~~(F) Effectiveness of training received by program
24 recipients;

25 ~~(7)~~(G) How effectively transitional employment assistance
26 supportive services are being delivered and the extent to which they meet
27 client needs in making the transition from welfare to work and achieving
28 long-term economic selfsufficiency;

29 ~~(8)~~(H) Transitional employment assistance client usage of
30 other forms of public assistance, including, at least, food stamps, Medicaid
31 and ARKids First, and usage of nongovernmental forms of community services;

32 ~~(9)~~(I) Any other information deemed by the independent
33 evaluator or the board to be helpful in assisting the Governor and the
34 General Assembly in evaluating the impact and effectiveness of the program;
35 and

36 ~~(10)~~(J) To the extent allowed by available funds, the

1 evaluation shall include separate analyses for the following groups:

2 ~~(A)(i)~~ Cases closed because of noncompliance;

3 ~~(B)(ii)~~ Cases closed because of earnings and
4 employment; and

5 ~~(C)(iii)~~ Cases closed because of reaching the
6 twenty-four-month lifetime limit on cash assistance.

7
8 SECTION 6. Arkansas Code §§ 20-76-110 and 20-76-111 are repealed.

9 ~~20-76-110. Arkansas Transitional Employment Assistance Transition~~
10 ~~Workgroup.~~

11 ~~(a) There is created an Arkansas Transitional Employment Assistance~~
12 ~~Transition Workgroup that shall be composed of the following members:~~

13 ~~(1) The Director of the Department of Workforce Services;~~

14 ~~(2) The Executive Director of the Arkansas Transitional~~
15 ~~Employment Board;~~

16 ~~(3) The Director of the Division of County Operations of the~~
17 ~~Department of Health and Human Services;~~

18 ~~(4) The Director of the Arkansas Workforce Investment Board;~~

19 ~~(5) One (1) senior staff member from the Department of Health~~
20 ~~and Human Services appointed by the Director of the Department of Health and~~
21 ~~Human Services;~~

22 ~~(6) Four (4) members to be appointed by the Governor, as~~
23 ~~follows:~~

24 ~~(A) Two (2) with direct administrative experience in~~
25 ~~transitions of welfare programs to workforce agencies;~~

26 ~~(B)(i) One (1) of whom shall represent a local workforce~~
27 ~~board; and~~

28 ~~(ii) One (1) of whom shall be a current or former~~
29 ~~recipient of transitional employment assistance or Aid to Families with~~
30 ~~Dependent Children; and~~

31 ~~(7) Two (2) members, one (1) to be appointed by the Chair of the~~
32 ~~House Committee on Public Health, Welfare, and Labor and one (1) to be~~
33 ~~appointed by the Chair of the Senate Committee on Public Health, Welfare, and~~
34 ~~Labor.~~

35 ~~(b) The members appointed by the Governor and the committee chairs~~
36 ~~shall not be Arkansas state employees.~~

1 ~~(c)(1) The appointed members of the workgroup shall serve through the~~
2 ~~full period of operation of the workgroup.~~

3 ~~(2)(A) The Director of the Department of Workforce Services~~
4 ~~shall call the first meeting of the workgroup within thirty (30) calendar~~
5 ~~days of the appointments of the members.~~

6 ~~(B) The Director of the Department of Workforce Services~~
7 ~~shall serve as chair for the workgroup.~~

8 ~~(3) Five (5) members of the workgroup shall constitute a quorum.~~

9 ~~(4)(A) The workgroup shall meet at least two (2) times before~~
10 ~~July 1, 2005, or the effective date of the transfer of the Transitional~~
11 ~~Employment Assistance Program responsibilities to the Department of Workforce~~
12 ~~Services.~~

13 ~~(B) The workgroup shall meet as often as necessary to~~
14 ~~complete its statutory responsibilities.~~

15 ~~(5) The workgroup shall be dissolved after completing its~~
16 ~~statutory responsibilities at the decision of the Director of the Department~~
17 ~~of Workforce Services with the consent of the Governor, the Chair of the~~
18 ~~House Committee on Public Health, Welfare, and Labor and the Chair of the~~
19 ~~Senate Committee on Public Health, Welfare, and Labor.~~

20 ~~(6) The Governor may remove an appointed member for cause.~~

21 ~~(7) Vacancies on the workgroup shall be filled in the same~~
22 ~~manner as the original appointment for the unexpired portion of the term.~~

23 ~~(d) The workgroup shall:~~

24 ~~(1) Develop recommendations to the Directors of the Department~~
25 ~~of Workforce Services and the Department of Health and Human Services and the~~
26 ~~Arkansas Transitional Employment Board to guide the:~~

27 ~~(A) Implementation of the transfer of the Transitional~~
28 ~~Employment Assistance Program responsibilities from the Department of Health~~
29 ~~and Human Services to the Department of Workforce Services;~~

30 ~~(B) Efficient operation of the Transitional Employment~~
31 ~~Assistance Program; and~~

32 ~~(C) Use of Temporary Assistance for Needy Families funds;~~

33 ~~(2) Develop measures and benchmarks to gauge the progress of~~
34 ~~implementation;~~

35 ~~(3) Review the progress of implementation at six-month and~~
36 ~~twelve-month intervals and make recommendations to the Directors of the~~

1 ~~Department of Workforce Services and the Department of Health and Human~~
2 ~~Services, the Arkansas Transitional Employment Board, and the Arkansas~~
3 ~~Workforce Investment Board proposing improvements;~~

4 ~~(4) Request reports or information from the Directors of the~~
5 ~~Department of Workforce Services and the Department of Health and Human~~
6 ~~Services and the Arkansas Transitional Employment Board;~~

7 ~~(5) Make a study of the feasibility of combining the Arkansas~~
8 ~~Transitional Employment Board with the Arkansas Workforce Investment Board~~
9 ~~and report the findings to the Governor, the Chair of the House Committee on~~
10 ~~Public Health, Welfare, and Labor, and the Chair of the Senate Committee on~~
11 ~~Public Health, Welfare, and Labor; and~~

12 ~~(6) Submit reports to the Governor and to the Chair of the House~~
13 ~~Committee on Public Health, Welfare, and Labor and the Chair of the Senate~~
14 ~~Committee on Public Health, Welfare, and Labor about the guidelines and the~~
15 ~~progress in implementation.~~

16 ~~(e) Staff support to the workgroup shall be provided by the Department~~
17 ~~of Workforce Services, the Department of Health and Human Services, the~~
18 ~~Arkansas Transitional Employment Board, and the Bureau of Legislative~~
19 ~~Research.~~

20
21 ~~20-76-111. Transfers of powers, duties, and personnel.~~

22 ~~(a) The Department of Workforce Services and the Department of Health~~
23 ~~and Human Services shall enter into an interagency agreement transferring~~
24 ~~responsibility for the Transitional Employment Assistance Program block grant~~
25 ~~and for the administration of the Transitional Employment Assistance Program~~
26 ~~in accordance with this subchapter.~~

27 ~~(b) Personnel identified by contract or interagency agreement as~~
28 ~~performing duties that are transferred from the Department of Health and~~
29 ~~Human Services to the Department of Workforce Services shall be transferred~~
30 ~~to the Department of Workforce Services, where they shall continue serving~~
31 ~~the needs of Transitional Employment Assistance Program recipients, subject~~
32 ~~to the standard personnel policies of the Department of Workforce Services.~~

33
34 SECTION 7. Arkansas Code Title 20, Chapter 76, Subchapter 1 is amended
35 to add an additional section to read as follows:

36 20-76-113. Promoting outcomes for the Transitional Employment

1 Assistance Program and the Arkansas Work Pays Program.

2 (a) The administration of the Transitional Employment Assistance
3 Program and the Arkansas Work Pays Program shall focus on promoting the
4 following Transitional Employment Assistance Program outcomes for
5 Transitional Employment Assistance Program recipients and poor families in
6 Arkansas:

7 (1) Increase the percentage of families who receive appropriate
8 services to move off of Transitional Employment Assistance Program cash
9 assistance into employment and toward self-sufficiency;

10 (2) Increase the percentage of families who leave Transitional
11 Employment Assistance Program cash assistance due to earnings from work;

12 (3) Increase earnings of families who leave Transitional
13 Employment Assistance Program cash assistance;

14 (4) Increase the percentage of parents leaving Transitional
15 Employment Assistance Program cash assistance who stay employed; and

16 (5) Increase the percentage of former Transitional Employment
17 Assistance Program cash assistance recipients who move out of poverty,
18 including the value of food stamps and the federal Earned Income Tax Credit
19 and child support.

20 (b) The Department of Workforce Services shall develop and maintain
21 the indicators for the Transitional Employment Assistance Program outcomes
22 listed in subdivisions (a)(1)-(5) of this section, subject to review and
23 approval by the Temporary Assistance for Needy Families Oversight Board.

24 (c)(1) The Department of Workforce Services shall develop proper
25 targets for each Transitional Employment Assistance Program outcome by July 1
26 of each year, subject to review and approval by the Temporary Assistance for
27 Needy Families Oversight Board.

28 (2) The Department of Workforce Services shall review and report
29 on progress in achieving the targets by December 10 and June 10 of each year.

30 (3)(A) Reports shall be submitted to the Governor and to the
31 Chair of the House Interim Committee on Public Health, Welfare, and Labor and
32 the Chair of the Senate Interim Committee on Public Health, Welfare, and
33 Labor.

34 (B) The report shall include comments from the Department
35 of Health and Human Services, the Department of Workforce Services, and other
36 relevant state agencies about their activities and their progress toward the

1 Transitional Employment Assistance Program outcome targets.

2
3 SECTION 8. Arkansas Code § 20-76-201 is amended to read as follows:

4 20-76-201. ~~Department of Human Services~~ Department of Health and Human
5 Services - Powers and duties.

6 The ~~Department of Human Services~~ Department of Health and Human
7 Services shall:

8 (1) Administer ~~all~~ assigned forms of public assistance,
9 supervise agencies and institutions caring for dependent or mentally or
10 physically disabled or aged adults, and administer other welfare activities
11 or services that may be vested in it;

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

14 (A) The licensing and supervision of private and public
15 child care agencies and institutions;

16 (B) The care of dependent, neglected, and delinquent
17 children and children with mental or physical disabilities in foster family
18 homes or in institutions; and

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

21 (3) Enter into reciprocal agreements with public welfare
22 agencies in other states relative to the provisions of relief and assistance
23 to transients and nonresidents and cooperate with other state departments and
24 with the federal government in studying labor, health, and public assistance
25 problems involved in transiency;

26 (4) Administer and make effective the rules and regulations
27 governing personnel administration, including the preparation and
28 administration of classification and compensation plans and the method of
29 selection for positions in the department:

30 ~~(A) Develop and implement an internal training program to~~
31 ~~educate caseworkers and managers on the requirements of an effective~~
32 ~~Transitional Employment Assistance Program and the skills and knowledge~~
33 ~~required by their positions;~~

34 ~~(B)~~(A) Develop performance standards and bonus awards for
35 all positions in the program focused on achieving the outcomes; and

36 ~~(C)~~(B) Remove or transfer employees from the program to

1 other responsibilities within the department if they do not meet performance
2 standards;

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

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

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

14 ~~(8) Make any and all contracts and grants that may be necessary~~
15 ~~to carry out the purposes of this chapter and in accordance with rules and~~
16 ~~regulations developed by the department and subject to review,~~
17 ~~recommendation, and approval by the Arkansas Transitional Employment Board~~
18 ~~and subject to termination by the department as may be directed by the board;~~

19 ~~(9)~~(8) Make reports in the form and containing the information
20 as the federal government from time to time may require and comply with
21 provisions as the federal government from time to time may find necessary to
22 assure the correctness and veracity of the reports;

23 ~~(10)~~(9) Allocate funds for the purposes and in accordance with
24 the provisions of this chapter and rules and regulations as may be prescribed
25 by the department and subject to review, and recommendation, ~~and approval~~ by
26 the ~~board~~ Temporary Assistance for Needy Families Oversight Board;

27 ~~(11)~~(10) Establish standards of eligibility for assistance
28 developed by the department and subject to review, and recommendation, ~~and~~
29 ~~approval~~ by the board;

30 ~~(12)~~(11) Receive, administer, disburse, dispose, and account for
31 funds, commodities, equipment, supplies, and any kind of property given,
32 granted, loaned, or advanced to the State of Arkansas for public assistance,
33 public welfare, social security, or any other similar purposes;

34 ~~(13)~~(12) Make rules and regulations and take actions as are
35 necessary or desirable to carry out the provisions of this chapter and which
36 are not inconsistent therewith;

1 ~~(14)~~(13) Solicit participation of private organizations,
2 nonprofit organizations, charitable organizations, and institutions of
3 education in the delivery of services and in the enactment and revision of
4 rules and regulations;

5 ~~(15)~~(14) Employ attorneys to represent the interests of the
6 department; and

7 ~~(16)(A)~~—The department shall develop a statewide transitional
8 employment assistance transportation policy that emphasizes cost-effective,
9 long-term solutions for the transportation challenges that face program
10 recipients, former program recipients, and other poor Arkansas families.

11 ~~(B)~~—Transportation services under this policy shall
12 include subsidized public transit, van pooling, and subsidized vehicle
13 purchase and maintenance plans, among others.

14 ~~(C)~~—The department shall coordinate with various planning
15 organizations that receive federal assistance under the Job Access and
16 Reverse Commute Program.

17 ~~(D)~~—The department shall provide technical assistance to
18 local coalitions to help them develop local transportation plans; and

19 ~~(17)~~(15) Develop and implement automated statewide benefit
20 delivery and information systems to achieve the purposes of this chapter.

21
22 SECTION 9. Arkansas Code § 20-76-205 is repealed.

23 ~~20-76-205. Use of unspent federal assistance.~~

24 ~~(a)~~—At the end of each cost allocation close-out period following the
25 end of each federal fiscal year, the Department of Human Services and the
26 Arkansas Transitional Employment Board shall take all steps necessary to
27 maximize the availability and use of any unspent federal Temporary Assistance
28 to Needy Families funds to spend on subsidized child care for transitional
29 employment assistance and other low-income families during the next federal
30 fiscal year.

31 ~~(b)~~—This provision shall be subject to federal law and regulations
32 governing the use of Temporary Assistance to Needy Families block grant
33 funds.

34
35 SECTION 10. Arkansas Code §§ 20-76-401 and 20-76-402 are amended to
36 read as follows:

1 20-76-401. Eligibility generally - Transitional Employment Assistance
2 Program. [Effective when contingency of Acts 2005, No. 1705, § 20(b), is
3 met.]

4 (a)(1) The Transitional Employment Assistance Program is created.

5 (2)(A) The program shall be administered by the Department of
6 Health and Human Services and the Department of Workforce Services.

7 (B) Subject to the order of the Governor, the Department
8 of Workforce Services may take full authority for administering the
9 Transitional Employment Assistance Program.

10 (C) The Department of Workforce Services may contract with
11 the Department of Health and Human Services for administrative services.

12 (3) ~~Eligible applicants shall receive one (1) or more of the~~
13 ~~following: assessment services, employment assistance, support services,~~
14 ~~medical assistance, a positive reinforcement outcome bonus, relocation~~
15 ~~assistance, and extended support services.~~ The Department of Workforce
16 Services may operate a separate Transitional Employment Assistance Program
17 Two-Parent Program funded by state funds not claimed for the federal
18 Temporary Assistance for Needy Families maintenance of effort requirement if
19 the Director of the Department of Workforce Services deems such action
20 necessary to avoid the risk of not meeting the two-parent work participation
21 rate.

22 (b) Eligibility for transitional employment assistance is limited to
23 applicants for or recipients of assistance who:

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

25 ~~(2) Reside in the state at the time of application for~~
26 ~~assistance;~~

27 ~~(3) Have applied for child support services, when applicable,~~
28 ~~with a local child support enforcement office at the time of application for~~
29 ~~assistance and who comply and cooperate with all applicable requirements of~~
30 ~~that office, including, but not limited to, assignment of benefits to the~~
31 ~~department;~~

32 ~~(4) Participate in an approved work activity, including~~
33 ~~complying with an employment plan, unless deferred or exempt from work~~
34 ~~activity requirements;~~

35 ~~(5) Are citizens of the United States, are qualified aliens~~
36 ~~lawfully present in the United States before August 22, 1996, are qualified~~

1 ~~aliens who physically entered the United States on or after August 22, 1996,~~
 2 ~~and have been in qualified immigrant status for at least five (5) years, or~~
 3 ~~are aliens to whom benefits under Temporary Assistance for Needy Families~~
 4 ~~must be provided under federal law;~~

5 ~~(6)(1)~~ Are income and resource eligible; and

6 ~~(7)(2)~~ Sign and comply with a personal responsibility agreement.

7 (c) The department shall promulgate regulations to determine resource
 8 eligibility and benefit levels for participating families. The regulations
 9 shall be subject to review, and recommendation, ~~and approval~~ by the Arkansas
 10 ~~Transitional Employment~~ Temporary Assistance for Needy Families Oversight
 11 Board and shall include, but not be limited to, the following categories of
 12 income and resource disregards:

13 (1) To reward work, earned income from sources other than
 14 transitional employment assistance;

15 (2) A certain percentage of a family's gross monthly income;

16 (3) The family's homestead;

17 (4) An operable motor vehicle per family;

18 (5) Household and personal goods;

19 (6) Income-producing property;

20 (7) Moneys deposited in an approved individual development
 21 account or approved escrow account for business or career development; ~~and~~

22 (8) Any other property or resource specified in the transitional
 23 employment assistance implementation plan which is determined to be cost
 24 *efficient to exclude or which must be excluded due to federal or state law*; ~~;~~
 25 and

26 (9) Any investment earmarked for retirement or education, such
 27 as a retirement plan authorized by section 401(k) or section 529 of the
 28 Internal Revenue Code, as it existed on January 1, 2007.

29 (d) Any person who makes an application for assistance shall have the
 30 burden of proving eligibility for ~~such~~ the assistance.

31
 32 20-76-402. Work activities. [Effective when contingency of Acts 2005,
 33 No. 1705, § 20(b), is met.]

34 (a) The Department of Workforce Services shall develop and describe
 35 categories of approved work activities for transitional employment assistance
 36 recipients in accordance with this section. The ~~regulations~~ rules shall be

1 subject to review, and recommendation, ~~and approval~~ by the Arkansas
2 ~~Transitional Employment Board~~ Temporary Assistance for Needy Families
3 Oversight Board. Approved work activities may include unsubsidized
4 employment, subsidized private sector employment, subsidized public sector
5 employment, education or training, vocational educational training, skills
6 training, job search and job readiness assistance, on-the-job training, micro
7 enterprise, community service, and work experience. For purposes of this
8 section:

9 (1) "Unsubsidized employment" is full-time employment or part-
10 time employment that is not directly supplemented by federal or state funds;

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

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

21 (ii) Durational requirements for the employer to
22 retain the recipient in employment;

23 (iii) Training to be provided to the recipient by
24 the employer;

25 (iv) Contributions, if any, made to the recipient's
26 individual development account; and

27 (v) Weighting of incentive payments proportionally
28 to the extent to which the recipient has limitations associated with the
29 long-term receipt of welfare and difficulty in sustaining employment. In
30 establishing incentive payments, the Department of Workforce Services shall
31 consider the extent of the recipient's prior receipt of welfare, lack of
32 employment experience, lack of education, lack of job skills, and other
33 appropriate factors.

34 (B) The Department of Workforce Services may require an
35 employer to repay some or all of a subsidy or incentive previously paid to an
36 employer under the program unless the recipient is terminated for cause;

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

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

11 (ii) Durational requirements for the employer to
12 retain the recipient in employment;

13 (iii) Training to be provided to the recipient by
14 the employer;

15 (iv) Contributions, if any, made to the recipient's
16 individual development account; and

17 (v) Weighting of incentive payments proportionally
18 to the extent to which the recipient has limitations associated with the
19 long-term receipt of welfare and difficulty in sustaining employment. In
20 establishing incentive payments, the Department of Workforce Services shall
21 consider the extent of the recipient's prior receipt of welfare, lack of
22 employment experience, lack of education, lack of job skills, and other
23 appropriate factors.

24 (B) The Department of Workforce Services may require an
25 employer to repay some or all of a subsidy and incentive previously paid to
26 an employer under the program unless the recipient is terminated for cause;

27 (4) "Work experience" is job-training experience at a supervised
28 public or private not-for-profit agency or organization or with a private
29 for-profit employer which is linked to education or training and
30 substantially enhances a recipient's employability. Work experience may
31 include work study, training-related practicums, and internships;

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

35 ~~(i)~~(A) Orientation in the world of work and basic job-
36 seeking and job-retention skills;

1 ~~(ii)~~(B) Instruction in completing an application for
2 employment and writing a resume;

3 ~~(iii)~~(C) Instruction in conducting oneself during a job
4 interview, including appropriate dress; ~~and~~

5 ~~(iv)~~(D) Providing a recipient with access to an employment
6 resource center that contains job listings, telephones, facsimile machines,
7 typewriters, and word processors; and

8 (E) Preparation to seek or obtain employment, including
9 life skills and literacy training, and substance abuse treatment, mental
10 health treatment, or rehabilitation activities for those who are otherwise
11 employable;

12 ~~(B) Job search and job readiness activities may be used in~~
13 ~~conjunction with other program activities such as community service work~~
14 ~~experience but may not be the primary work activity and may not continue~~
15 ~~longer than the length of time permitted under federal law;~~

16 (6) "Education" includes elementary and secondary education,
17 education to obtain the equivalent of a high school diploma, and education to
18 learn English as a second language. In consultation with adult education or
19 rehabilitative services, a person with a high school diploma or the
20 equivalent who tests at less than a working functioning level shall be
21 eligible to participate in basic remedial or adult education. If an
22 individual does not have a high school diploma or equivalency, "education"
23 also includes basic remedial education and adult education;

24 (7) "Vocational educational training" is postsecondary
25 education, including, at least, programs at two-year or four-year colleges,
26 universities, technical institutes, and vocational schools or training in a
27 field directly related to a specific occupation;

28 (8) Job skills training directly related to employment provides
29 job skills training in a specific occupation. Job skills training may include
30 customized training designed to meet the needs of a specific employer or a
31 specific industry;

32 (9) "On-the-job training" means training and work experience at
33 a public or private not-for-profit agency or organization or with a private
34 for-profit employer which provides an opportunity to obtain training and job
35 supervision and provides employment upon satisfactory completion of training;

36 (10) School attendance at a high school or attendance at a

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

4 (A) Has not completed high school or obtained a high
 5 school equivalency diploma;

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

7 (C) For whom it has not been determined that another
 8 program activity is more appropriate;

9 (11) Participation in medical, educational, counseling, and
 10 other services that are part of the recipient's personal responsibility
 11 agreement is a required activity for each teen parent who participates in the
 12 Transitional Employment Assistance Program; and

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

15 (b) All occupational training must meet at least one (1) of the
 16 following requirements:

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

20 (2) Be on that list for another area within the state to which
 21 the program recipient has signed a commitment to relocate;

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

25 (4) Be in an occupation in local demand but not shown on the
 26 state or area demand list if the local demand is documented or will be
 27 documented by the area workforce investment board through a state-prescribed
 28 methodology.

29 ~~(c)(1)~~ *Each state agency and each entity that contracts to provide*
 30 *services for a state agency shall establish recruitment and hiring goals*
 31 *which shall target ten percent (10%) of all jobs requiring a high school*
 32 *diploma or less to be filled with transitional employment assistance or food*
 33 *stamp recipients.*

34 ~~(2)~~ ~~A question concerning receipt of transitional employment~~
 35 ~~assistance benefits or food stamps may be added to the state employment~~
 36 ~~application for purposes of targeting these applicants.~~

1 ~~(3) Each agency shall report to the Arkansas Transitional~~
2 ~~Employment Board and the independent evaluator the number of program~~
3 ~~recipients employed by the state agency and the contract service provider in~~
4 ~~comparison to the established goal.~~

5 ~~(d)(1)(c)(1)~~ The Department of Workforce Services shall require
6 participation in approved work activities to the maximum extent possible,
7 subject to federal and state funding. If funds are projected to be
8 insufficient to support full-time work activities by all program recipients
9 who are required to participate in work activities, the Department of
10 Workforce Services shall screen recipients and assign priority in accordance
11 with the implementation plan.

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

19 ~~(e)(1)(d)(1)~~ Subject to subdivision (e)(2) of this section, an adult
20 in a family receiving assistance under the program may fill a vacant
21 employment position in order to engage in a work activity described in
22 subsection (a) of this section.

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

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

28 (B) If the employer has terminated the employment of any
29 regular employee or otherwise caused an involuntary reduction in its
30 workforce in order to fill the vacancy so created with an adult described in
31 subdivision (e)(1) of this section.

32 (3) ~~The Arkansas Employment Security Department~~ Department of
33 Workforce Security shall establish and maintain a grievance procedure for
34 resolving complaints of alleged violations of subdivision (e)(2) of this
35 section.

36 (4) Nothing in this subsection (e) shall preempt or supersede

1 any provision of state or local law that provides greater protection for
2 employees from displacement.

3 ~~(f)~~(e) The Department of Workforce Services, subject to review, and
4 recommendation, ~~and approval~~ by the board, shall establish criteria to exempt
5 or temporarily defer the following persons from any work activity
6 requirement:

7 (1) An individual required to care for a recipient child until
8 the child reaches twelve (12) months of age, if the caregiver is an active
9 participant in a home-based or part-time center-based quality-approved early
10 learning program, where available, that requires parental involvement and is
11 approved by the Department of Education under The Arkansas Better Chance
12 Program Act, § 6-45-101 et seq.;

13 (2) An individual required to care for a recipient child until
14 the child reaches the maximum age specified by regulation, not to exceed
15 twelve (12) months of age;

16 (3) A disabled parent or caregiver, based upon criteria set
17 forth in regulations;

18 (4) A woman in the third trimester of pregnancy;

19 (5) A parent or caregiver who is caring for a disabled child
20 relative or disabled adult relative, based upon criteria set forth in
21 regulations;

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

25 (7) A teen parent head of household under the age of twenty (20)
26 who maintains satisfactory attendance as a full-time student at a secondary
27 school;

28 (8) An individual for whom support services necessary to engage
29 in a work activity are not available;

30 (9) An individual who, as determined by a Department of
31 Workforce Services case manager, is unable to participate in work activities
32 due directly to the effects of domestic violence. All case manager
33 determinations made under this subdivision shall be reviewed by a supervisor
34 within five (5) days of such determination;

35 (10) An individual unable to participate in a work activity due
36 to extraordinary circumstances;

- 1 (11) A parent or caregiver over sixty (60) years of age; and
2 (12) Child-only cases.

3
4 SECTION 11. Arkansas Code § 20-76-404(a)(1), concerning the duration
5 of public assistance, is amended to read as follows:

6 (a)(1) Beginning July 1, 1998, the ~~Department of Human Services~~
7 Department of Workforce Services shall not provide financial assistance to a
8 family that includes an adult recipient who has received financial assistance
9 for more than twenty-four (24) months, except as provided in subsection (c)
10 of this section.

11
12 SECTION 12. Arkansas Code § 20-76-404(e)(2) and (3), concerning
13 extended support services through public assistance, is amended to read as
14 follows:

15 (2) A recipient who loses his or her financial assistance due to
16 earnings and who is employed shall be eligible for:

17 (A) Child care assistance at no cost and without
18 reapplication for a cumulative period of twelve (12) months; and

19 (B) Twenty-four (24) additional months of child care
20 assistance provided on a sliding fee scale or other cost-sharing arrangement
21 as determined by the ~~Arkansas Transitional Employment Board~~ department.

22 (3) The ~~board~~ department may reduce the period of transitional
23 child care to a total of twenty-four (24) months for recipients who lose
24 assistance at a specified date after the board's decision to limit the
25 assistance if the board certifies to the Governor and the Chief Fiscal
26 Officer of the State that the reduction is necessary to avoid overspending
27 the biennial budget for child care.

28
29 SECTION 13. Arkansas Code § 20-76-404(i)(1), concerning extended
30 support services through public assistance, is amended to read as follows:

31 (i)(1) By August 1, 2001, the department shall
32 develop a plan, subject to review and ~~approval~~ recommendation by the board,
33 to monitor and protect the safety and well-being of the children within a
34 family whose temporary assistance is terminated for any reason other than the
35 family's successful transition to economic self-sufficiency.

36

1 SECTION 14. Arkansas Code § 20-76-406 is repealed.

2 ~~20-76-406. Alternative benefits.~~

3 ~~(a) The Department of Health and Human Services may establish and~~
4 ~~maintain a program of public assistance as an alternative for individuals~~
5 ~~otherwise eligible for transitional employment assistance who, having engaged~~
6 ~~in transitional employment assistance work activities for at least six (6)~~
7 ~~weeks, have fully complied with all provisions in the individual's personal~~
8 ~~responsibility agreement but who are not engaged in work as defined in~~
9 ~~transitional employment assistance laws or regulations.~~

10 ~~(b) No individual shall be eligible for alternative benefits unless~~
11 ~~the person meets the minimum eligibility requirements for transitional~~
12 ~~employment assistance. The amount, scope, and duration of alternative~~
13 ~~benefits shall not exceed benefits available through transitional employment~~
14 ~~assistance.~~

15
16 SECTION 15. Arkansas Code § 20-76-410 is amended to read as follows:

17 20-76-410. Administrative sanctions - Transitional employment
18 assistance. [Effective when contingency of Acts 2005, No. 1705, § 20(b), is
19 met.]

20 (a) A reduction in financial assistance or case closure shall be
21 imposed in the following situations:

22 (1) The individual fails without good cause to cooperate with
23 the Office of Child Support Enforcement;

24 (2) The individual refuses to accept employment without good
25 cause;

26 (3) The individual quits employment without good cause;

27 (4) The individual fails without good cause to comply with the
28 provisions of the employment plan;

29 (5) The individual fails without good cause to comply with the
30 provisions of the personal responsibility agreement; or

31 (6) The individual flees prosecution or custody or confinement
32 following conviction or is in violation of the terms or conditions of parole
33 or probation.

34 (b) The Department of Workforce Services may define by ~~regulation~~ rule
35 additional situations that require sanction, establish additional sanctions,
36 and provide for administrative disqualification.

1 (c)(1) If a parent ~~is sanctioned for noncompliance~~ fails to comply
2 with the Transitional Employment Assistance Program requirements, financial
3 assistance for the child or children may be continued under subdivisions
4 (a)(1)-(5) of this section, and the department shall suspend the family's
5 assistance for one (1) month.

6 ~~(A)(i) After making reasonable efforts to determine that~~
7 ~~the transitional employment assistance recipient understands the requirements~~
8 ~~and does not face unknown barriers to compliance, the department may withhold~~
9 ~~the family's financial assistance for one (1) month.~~

10 ~~(ii) If the parent comes into compliance within~~
11 ~~thirty (30) days and maintains compliance for two (2) weeks, the full~~
12 ~~financial assistance shall be paid to the parent.~~

13 ~~(iii) During the thirty (30) days, the department shall arrange~~
14 ~~a home visit to the family to determine the well-being of the child or~~
15 ~~children, to determine whether additional services are required to protect~~
16 ~~the well-being of the child or children, and to ensure that the parent~~
17 ~~understands the requirements and the consequences of noncompliance.~~

18 (2)(A) During the thirty (30) days after suspension of benefits,
19 the department shall make strong efforts to arrange a face-to-face meeting
20 with the parent, including a home visit to the family if necessary.

21 (B) In the face-to-face meeting, the department shall
22 explain:

23 (i) The reason that the family has been found to be
24 noncompliant;

25 (ii) The penalty that will be imposed; and

26 (iii) The opportunity to correct that noncompliance
27 and avoid the penalty.

28 (C) The department shall also seek to determine the well-
29 being of the child or children and whether additional services or actions are
30 required to protect the well-being of the child or children.

31 (D) If the parent comes into compliance within fifteen
32 (15) business days after the face-to-face meeting and maintains compliance
33 for two (2) weeks, the suspended benefits shall be paid to the family.

34 ~~(B)(3) If the parent fails to come into compliance in thirty~~
35 ~~(30) days~~ during the period of suspended benefits, the family's financial
36 assistance may be reduced+

1 ~~(i) By up to twenty-five percent (25%) for the~~
2 ~~second and third months of noncompliance next three (3) months if~~
3 ~~noncompliance continues.~~

4 ~~(ii) By up to fifty percent (50%) in the fourth~~
5 ~~through sixth months of noncompliance; and~~

6 ~~(iii) By up to one hundred percent (100%) after the~~
7 ~~sixth month of noncompliance.~~

8 (4) If the parent's noncompliance continues after the fourth
9 month, the department shall suspend the family's financial assistance for two
10 (2) months.

11 (5)(A) During the thirty (30) days after suspension of benefits,
12 the department shall make strong efforts to arrange a face-to-face meeting
13 with the parent, including a home visit to the family if necessary.

14 (B) In the face-to-face meeting, the department shall
15 explain:

16 (i) The reason that the family has been found to be
17 noncompliant;

18 (ii) The penalty that will be imposed; and

19 (iii) The opportunity to correct that noncompliance
20 and avoid the penalty.

21 (C) The department shall also seek to determine the well-
22 being of the child or children and whether additional services or actions are
23 required to protect the well-being of the child or children.

24 (D) If the parent comes into compliance within fifteen
25 (15) business days and maintains compliance for two (2) weeks, the suspended
26 benefits shall be paid to the parent.

27 (E) If the parent fails to come into compliance during the
28 second period of suspended benefits, the family's financial assistance may be
29 reduced by up to fifty percent (50%) for the next three (3) months, if
30 noncompliance continues.

31 (F) Months during which cash assistance benefits are
32 suspended shall not count toward the family's twenty-four month limit on
33 receiving Transitional Employment Assistance Program assistance.

34 (G) The Transitional Employment Assistance Program cash
35 assistance case shall be closed if noncompliance continues after the end of
36 the period under this subdivision (c)(5).

1 ~~(C)~~(6) The department shall arrange a home visit with the family
2 ~~after the sixth month of noncompliance~~ during the last month of sanction to
3 determine the well-being of the child or children and to determine whether
4 additional services are required to protect the well-being of the child or
5 children.

6 ~~(D)~~(7) Medicaid and food stamp benefits shall be continued
7 without need for reapplication if the family is being sanctioned and for as
8 long as the family remains eligible under the requirements of those programs.

9 ~~(E)~~(8) Department staff ~~may conduct home visits to sanctioned~~
10 ~~families or they may~~ contract with other state agencies, local coalitions, or
11 appropriate community organizations to ~~perform this function~~ carry out the
12 strong efforts to communicate with families facing sanction and to conduct
13 the face-to-face meetings and home visits specified in this section.

14 ~~(F)~~(d) Beginning January 1, ~~2001~~ 2008, the department shall submit
15 biannual reports on the families sanctioned and the outcomes of the home
16 visits to the Governor and the House Interim Committee on Public Health,
17 Welfare, and Labor and the Senate Interim Committee on Public Health,
18 Welfare, and Labor.

19 ~~(2)~~(e) When appropriate, protective payees may be designated by the
20 department and may include:

21 ~~(A)~~(1) A relative or other individual who is interested in or
22 concerned with the welfare of the child or children and agrees in writing to
23 utilize the assistance in the best interests of the child or children;

24 ~~(B)~~(2) A member of the community affiliated with a religious,
25 community, neighborhood, or charitable organization who agrees in writing to
26 utilize the assistance in the best interests of the child or children; or

27 ~~(C)~~(3) A volunteer or member of an organization who agrees in
28 writing to utilize the assistance in the best interests of the child or
29 children.

30 ~~(3)~~(4) If it is in the best interest of the child or children,
31 as determined by the department, for the staff member of a private agency, a
32 public agency, the department, or any other appropriate organization to serve
33 as a protective payee, ~~such~~ the designation may be made~~;~~.

34 (B) ~~except that~~ However, a protective payee ~~must~~ shall not
35 be any individual involved in determining eligibility for assistance for the
36 family, staff handling any fiscal pressures related to the issuance of

1 assistance, or landlords, grocers, or vendors of goods, services, or items
2 dealing directly with the recipient.

3
4 SECTION 16. Arkansas Code § 20-76-438(b)(1), concerning the purpose of
5 the Transitional Employment Assistance Program, is amended to read as
6 follows:

7 (b)(1) The General Assembly also finds that:

8 ~~(A) Currently there is duplication of effort on the part~~
9 ~~of the Department of Health and Human Services and the Department of~~
10 ~~Workforce Services in providing services to needy families qualifying for~~
11 ~~assistance under the Temporary Assistance for Needy Families Program;~~

12 ~~(B) The Department of Workforce Services is better able to~~
13 ~~assist individuals in preparing for and finding employment and staying in~~
14 ~~jobs and increasing their earnings;~~

15 ~~(C) The Department of Health and Human Services is better~~
16 ~~able to determine eligibility for benefits under the Temporary Assistance for~~
17 ~~Needy Families Program; and~~

18 ~~(D) Consideration shall be given to the fact that persons~~
19 ~~and families accessing these services are of lesser means and as a result~~
20 ~~these services will be conveniently made available to the public.~~

21 (A) Currently there are inefficiencies and duplication of
22 effort on the part of the Department of Workforce Services and the Department
23 of Health and Human Services in the administration of the Transitional
24 Employment Assistance Program; and

25 (B) A different division of responsibility for
26 administration of the Transitional Employment Assistance Program by the
27 Department of Workforce Services and the Department of Health and Human
28 Services may result in the more efficient and effective administration of the
29 program.

30 (2) Therefore, it is in the public interest that the General
31 Assembly authorize the Department of Workforce Services to:

32 (A) Receive the Temporary Assistance for Needy Families
33 block grant from the United States Department of Health and Human Services
34 for the administration of all Temporary Assistance for Needy Families funded
35 programs in Arkansas;

36 (B) Expend the Temporary Assistance for Needy Families

1 block grant funds subject to the appropriations of the General Assembly;

2 (C) Provide all employment-related services for time-
3 limited Transitional Employment Assistance Program clients;

4 (D) *Contract with other state agencies or other providers*
5 to deliver services in Temporary Assistance for Needy Families funded
6 programs;

7 (E) Consult with the Department of Health and Human
8 Services, the Arkansas Temporary Assistance for Needy Families Oversight
9 Board, other state agencies and organizational experts to determine the most
10 effective and efficient organization for administration of the TEA program
11 and make a recommendation to the Governor about how to implement that
12 administration no later than January 1, 2008; and

13 ~~(E)~~(F) Prepare and submit any Temporary Assistance for
14 Needy Families renewal plans that are required in § 402 of the Social
15 Security Act, 42 U.S.C. § 651 et seq.

16
17 SECTION 17. Arkansas Code § 20-76-439(f), concerning rules for job
18 searches by recipients of public assistance, is amended to read as follows:

19 (f) The department may, ~~with approval from the Arkansas Transitional~~
20 ~~Employment Assistance Board,~~ develop and promulgate regulations requiring
21 program applicants who have been determined to be job-ready to engage in job
22 search activities while the application is being processed.

23
24 SECTION 18. Arkansas Code §§ 20-76-441 and 20-76-442 are repealed.

25 ~~20-76-441. Transitional employment assistance postemployment~~
26 ~~information and referral program. [Effective until contingency of Acts 2005,~~
27 ~~No. 1705, § 20(b) is met.]~~

28 ~~The Department of Human Services shall establish a transitional~~
29 ~~employment assistance postemployment information and referral program to:~~

30 ~~(1) Contact all employed program participants and former program~~
31 ~~participants whose cases have been closed due to employment; and~~

32 ~~(2) Inform respondents about the availability of transitional~~
33 ~~supportive services such as child care, transportation, ARKids First, federal~~
34 ~~and state earned income tax retention, mentoring, financial credit~~
35 ~~counseling, individual development accounts, any other supportive services~~
36 ~~offered by the department, and information about education and training~~

1 ~~opportunities designed to increase participants' future earning and~~
2 ~~employment prospects.~~

3
4 ~~20-76-441. Transitional Employment Assistance Postemployment~~
5 ~~Information and Referral Program. [Effective when contingency of Acts 2005,~~
6 ~~No. 1705, § 20(b), is met.]~~

7 ~~The Department of Workforce Services shall establish a Transitional~~
8 ~~Employment Assistance Postemployment Information and Referral Program to:~~

9 ~~(1) Contact all employed program participants and former program~~
10 ~~participants whose cases have been closed due to employment; and~~

11 ~~(2) Inform respondents about the availability of transitional~~
12 ~~supportive services such as child care, transportation, ARKids First, federal~~
13 ~~and state earned income tax retention, mentoring, financial credit~~
14 ~~counseling, individual development accounts, any other supportive services~~
15 ~~offered by the department, and information about education and training~~
16 ~~opportunities designed to increase participants' future earning and~~
17 ~~employment prospects.~~

18
19 ~~20-76-442. Transitional employment assistance customer service review~~
20 ~~program. [Effective until contingency of Acts 2005, No. 1705, § 20(b) is~~
21 ~~met.]~~

22 ~~(a) The Department of Human Services shall establish a process to~~
23 ~~review a statistically valid sample of transitional employment assistance~~
24 ~~case closures due to noncompliance with program regulations.~~

25 ~~(b) The review process shall include the following:~~

26 ~~(1) A review of the case file to determine whether the~~
27 ~~caseworker followed state policy; and~~

28 ~~(2) An attempt to contact the family to hear the family's~~
29 ~~version of the reason for case closure.~~

30 ~~(c) The program shall be operational no later than three (3) months~~
31 ~~after July 1, 1999.~~

32 ~~(d) The department shall submit semiannual reports to the Governor,~~
33 ~~the Arkansas Transitional Employment Board, the Senate Interim Committee on~~
34 ~~Public Health, Welfare, and Labor, and the House Interim Committee on Public~~
35 ~~Health, Welfare, and Labor. Each report shall include the following~~
36 ~~information for the state and each county:~~

1 ~~(1) The number of cases reviewed;~~

2 ~~(2) The reasons for case closure; and~~

3 ~~(3) The findings of the review.~~

4 ~~(e) If the board or the Senate Interim Committee on Public Health,~~
5 ~~Welfare, and Labor and the House Interim Committee on Public Health, Welfare,~~
6 ~~and Labor find that cases are being mistakenly closed because of caseworker~~
7 ~~error, the department shall be required to develop and implement a plan for~~
8 ~~rectifying the problem, which plan shall be subject to board review and~~
9 ~~approval.~~

10
11 ~~20-76-442. Transitional employment assistance review process.~~
12 ~~{Effective when contingency of Acts 2005, No. 1705, § 20(b), is met.}~~

13 ~~(a) The Department of Health and Human Services and the Department of~~
14 ~~Workforce Services shall establish a process to review a statistically valid~~
15 ~~sample of transitional employment assistance case closures due to~~
16 ~~noncompliance with program regulations.~~

17 ~~(b) The review process shall include the following:~~

18 ~~(1) A review of the case file to determine whether the~~
19 ~~caseworker followed state policy; and~~

20 ~~(2) An attempt to contact the family to hear the family's~~
21 ~~version of the reason for case closure.~~

22 ~~(c) The program shall be operational no later than three (3) months~~
23 ~~after July 1, 1999.~~

24 ~~(d) The departments shall submit semiannual reports to the Governor,~~
25 ~~the Arkansas Transitional Employment Board, the Senate Interim Committee on~~
26 ~~Public Health, Welfare, and Labor, and the House Interim Committee on Public~~
27 ~~Health, Welfare, and Labor. Each report shall include the following~~
28 ~~information for the state and each county:~~

29 ~~(1) The number of cases reviewed;~~

30 ~~(2) The reasons for case closure; and~~

31 ~~(3) The findings of the review.~~

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

1 approval.

2
3 SECTION 19. Arkansas Code § 20-76-443(a)(3)(E), concerning training
4 and education for recipients of public assistance, is repealed.

5 ~~(E) The department shall seek to allow at least seven~~
6 ~~hundred (700) participants this option.~~

7
8 SECTION 20. Arkansas Code § 20-76-443(a)(4)(E), concerning training
9 and education for recipients of public assistance, is repealed.

10 ~~(E) The department shall seek to allow at least seven~~
11 ~~hundred (700) participants this option.~~

12
13 SECTION 21. Arkansas Code § 20-76-444(a)-(d), concerning eligibility
14 for cash assistance under the Arkansas Work Pays Program, are amended to read
15 as follows:

16 (a)(1) There is created the Arkansas Work Pays Program.

17 (2)(A) The Arkansas Work Pays Program shall be administered by
18 the Department of Workforce Services.

19 (B) The administration of the Arkansas Work Pays Program
20 shall focus on promoting the transitional employment assistance outcomes
21 specified in § 20-76-105(1).

22 (3) Eligible applicants to the Arkansas Work Pays Program shall
23 receive one (1) or more of the following:

24 (A) Cash assistance;

25 (B) Support services;

26 (C) Medical assistance; and

27 (D) Employment assistance.

28 (b)(1) Eligibility for assistance under the Arkansas Work Pays Program
29 is limited to applicants or participants who:

30 ~~(1)(A) Have care and custody of a related minor child;~~

31 ~~(2)(B) Reside in the State of Arkansas at the time of~~
32 ~~application for assistance and during the period of assistance;~~

33 ~~(3)(C) Apply for program assistance within six (6) months~~
34 ~~of leaving the Transitional Employment Assistance Program after at least~~
35 ~~three (3) months of Transitional Employment Assistance Program assistance;~~

36 ~~(4)(D) Have not received more than twenty-four (24) months~~

1 of Arkansas Work Pays Program benefits;

2 ~~(5)(E)~~ Were engaged:

3 ~~(A)(i)~~ In paid work activities for a minimum of
4 twenty-four (24) hours per week and met the federal work participation
5 requirement for the past month;

6 ~~(B)(ii)~~ In the case of continuing eligibility, in
7 paid work activities for a minimum of twenty-four (24) hours per week and met
8 the federal work participation requirement for one (1) of the past three (3)
9 months and for at least three (3) of the past six (6) months;

10 ~~(6)(F)~~ Are:

11 ~~(A)(i)~~ Citizens of the United States;

12 ~~(B)(ii)~~ Qualified aliens lawfully present in the
13 United States before August 22, 1996;

14 ~~(C)(iii)~~ Qualified aliens who physically entered the
15 United States on or after August 22, 1996, and have been in qualified
16 immigrant status for at least five (5) years; or

17 ~~(D)(iv)~~ Aliens to whom benefits under Temporary
18 Assistance for Needy Families must be provided under federal law;

19 ~~(7)(G)~~ Have income below one hundred fifty percent (150%)
20 of the federal poverty level; and

21 ~~(8)(H)~~ Sign and comply with a personal responsibility
22 agreement.

23 (2) Families who leave the Arkansas Work Pays Program due to
24 insufficient work hours may re-enter the Arkansas Work Pays Program once they
25 establish that they were paid work activities for a minimum of twenty-four
26 (24) hours per week and met the federal work participation requirement for
27 the past month.

28 (c)(1) Families participating in the Arkansas Work Pays Program with
29 earnings less than the federal poverty level shall receive monthly cash
30 assistance equal to the maximum monthly Transitional Employment Assistance
31 Program benefit for a family of three (3) with no earned income.

32 (2) The department may set payment levels for families earning
33 above the federal poverty level by rule to allow for a gradual reduction in
34 payments as earnings rise toward one hundred fifty percent (150%) of the
35 federal poverty level.

36 (d)(1) Enrollment in Arkansas Work Pays Program cash assistance ~~is~~ may

1 be limited to three thousand (3,000) participants.

2 (2) If the Arkansas Transitional Employment Board certifies to
3 the Governor and the Chief Fiscal Officer of the State and notifies the
4 Legislative Council, the Senate Public Health, Welfare, and Labor Committee,
5 and the House Public Health, Welfare, and Labor Committee that the action is
6 necessary to avoid the number of families receiving Arkansas Work Pays
7 Program cash assistance going over three thousand (3,000), it may authorize a
8 reduction of the months for which families may receive cash assistance or
9 other supportive services.

10 (3) The number of months for which families are eligible for
11 cash assistance may be reduced in three-month increments from the statutory
12 provision of twenty-four (24) months.

13 (4) Families who lose eligibility for cash assistance due to the
14 reduction in the number of months of eligibility shall qualify for financial
15 incentives offered to families leaving the Arkansas Work Pays Program.

16 (5) The Arkansas Transitional Employment Board shall withdraw
17 its reduction of the months for which families are eligible for cash
18 assistance if the reduction is no longer necessary to maintain enrollments
19 below three thousand (3,000) families.

20

21 SECTION 22. Arkansas Code § 20-76-444(j), concerning rulemaking for
22 the Arkansas Work Pays Program, is amended to read as follows:

23 (j)(1) The Department of Workforce Services shall promulgate
24 ~~regulations~~ rules establishing the Arkansas Work Pays Program.

25 (2) The ~~regulations~~ rules shall be subject to review, and
26 ~~recommendation, and approval~~ by the ~~Arkansas Transitional Employment~~
27 Temporary Assistance for Needy Families Oversight Board.

28

29 SECTION 23. Arkansas Code § 20-76-445 is amended to read as follows:

30 20-76-445. ~~High Wage Education and Training~~ Career Pathways
31 Initiative.

32 (a) The General Assembly finds that:

33 (1) Higher education credentials are:

34 (A) Becoming increasingly important for the State of
35 Arkansas to maintain a competitive workforce; and

36 (B) Critical for adults to qualify and obtain high-wage

1 employment; and

2 (2) It is in the public interest that:

3 (A) Individuals improve their education credentials in
4 order to qualify for higher-wage jobs;

5 (B) Eligible persons have access to postsecondary
6 education programs that meet the specific needs of working adults;

7 (C) Institutions of higher education offer programs
8 targeted to the specific workforce needs of their area within the state; and

9 (D) Our state provide services aimed at improving
10 employment prospects for low-income adults.

11 (b)(1)(A) The Department of Workforce Services, the Department of
12 Higher Education, and the Arkansas Workforce Investment Board shall work
13 jointly to develop a plan for the ~~High Wage Education and Training~~ Career
14 Pathways Initiative.

15 (B) The plan shall be updated annually.

16 (2) The initiative shall:

17 (A) Increase the access of low-income parents and other
18 individuals to education credentials that qualify them for higher-paying jobs
19 in their local areas;

20 (B) Improve the preparedness of the Arkansas workforce for
21 high skill and high-wage jobs;

22 (C) Develop training courses and educational credentials
23 after consulting local employers and local workforce boards to identify
24 appropriate job opportunities and needed skills and training to meet
25 employers' needs;

26 (D) Provide resources on the basis of performance
27 incentives, including participants:

28 (i) Enrolling in courses;

29 (ii) Completing the courses;

30 (iii) Obtaining jobs in the targeted job categories;

31 and

32 (iv) Staying employed in the targeted job

33 categories;

34 (E) Use available Temporary Assistance for Needy Families
35 funds for participants who have custody or legal responsibility for a child
36 under twenty-one (21) years of age and whose family income is less than two-

1 hundred and fifty percent (250%) of the federal poverty level; and

2 (F) Incorporate the existing Career Pathways Program.

3 (c) The initiative plan shall be subject to review, recommendation,
4 and approval by the ~~Arkansas Transitional Employment~~ Temporary Assistance for
5 Needy Families Oversight Board.

6 (d) Under the initiative, the Department of Higher Education shall
7 contract to provide education and training that will result in job training
8 certificates or higher education degrees for Transitional Employment
9 Assistance Program participants and other low-income adults with:

10 (1) State agencies;

11 (2) Two-year colleges;

12 (3) Local governments; or

13 (4) Private or community organizations.

14 (e)(1) The initiative plan shall specify procedures and requirements
15 for applications for entry into programs under subsection (d) of this
16 section.

17 (2) Applications shall be made to the Department of Higher
18 Education.

19 ~~(3) For each application period, the Department of Higher~~
20 ~~Education shall make a recommendation to the Arkansas Transitional Employment~~
21 ~~Board concerning funded programs.~~

22 (f) The ~~Arkansas Transitional Employment Board~~ Department of Higher
23 Education shall determine which two-year college proposals are funded under
24 the initiative.

25 (g) Temporary Assistance for Needy Families funds may be combined with
26 other federal, state, and local funds in ways consistent with federal laws
27 and regulations.

28
29 SECTION 24. Arkansas Code § 20-76-446 is amended to read as follows:
30 20-76-446. Community Investment Initiative. ~~{Effective January 1,~~
31 ~~2006.}~~

32 (a)(1) There is created the Community Investment Initiative.

33 (2) The ~~Arkansas Transitional Employment Board~~ Department of
34 Workforce Services shall develop the initiative.

35 (b) The ~~board shall authorize the Department of Workforce Services to~~
36 Department of Workforce Services shall contract with private or community

1 organizations, including faith-based organizations, to offer services and
2 support to parents, children, and youth in their communities ~~subject to the~~
3 ~~restriction that the board shall not authorize any award or contract~~
4 ~~involving Temporary Employment Assistance Program or Temporary Assistance for~~
5 ~~Needy Families funds directly to an appointed member of the board or to an~~
6 ~~organization in which one (1) of the appointed members of the board has a~~
7 ~~fiduciary interest.~~

8 (c) The initiative may fund programs for the following purposes:

9 (1) Improving outcomes for youth, including, but not limited to:

10 (A) Academic achievement;

11 (B) Job skills;

12 (C) Civic participation and community involvement; and

13 (D) Reducing risky behaviors such as sexual activities,
14 drug use, and criminal behavior;

15 (2) Improving parenting and family functioning through services
16 and support to parents, children, and to families;

17 (3) Improving marriage and relationship skills among youth and
18 engaged and married couples;

19 (4) Improving the financial and emotional connections of
20 noncustodial parents to their children through fatherhood programs;

21 (5) Improving the employment skills and family connections of
22 parents who leave state jails and prisons;

23 (6) Providing supportive services to child-only cases in the
24 Transitional Employment Assistance Program; and

25 (7) Other purposes allowable under the federal Temporary
26 Assistance for Needy Families Program.

27 (d)(1) The ~~board~~ department shall authorize contracts with state
28 agencies or community organizations to provide training and capacity building
29 services to organizations eligible to apply for initiative funds.

30 (2) Contracts may be let for the following purposes:

31 (A) Assisting in the development of proposals to be funded
32 through the initiative;

33 (B) Preparing organizations for the fiscal
34 responsibilities involved in receiving and spending state and federal funds;
35 and

36 (C) Improving the provision of services by contractors

1 receiving funds from the initiative.

2 (e) Use of Temporary Assistance for Needy Families funds shall be
3 subject to appropriations by the General Assembly for the Community
4 Investment Initiative.

5 (f) Contracts shall include performance-based payments keyed to
6 participation in services and specified outcomes.

7 (g) Temporary Assistance for Needy Families may be combined with other
8 state, federal, and other funds in ways consistent with federal laws and
9 rules.

10
11 SECTION 25. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that the state fiscal year begins
13 July 1, 2007; that the state agencies responsible for the programs under this
14 act require time to prepare for the program changes created in this act; that
15 families in need of temporary assistance may not receive the needed
16 assistance if this act does not become effective immediately; and that any
17 delay in the effective date of this act could work irreparable harm on
18 families in need of temporary assistance. Therefore, an emergency is declared
19 to exist and this act being necessary for the preservation of the public
20 peace, health, and safety shall become effective on:

21 (1) The date of its approval by the Governor;

22 (2) If the bill is neither approved nor vetoed by the Governor,
23 the expiration of the period of time during which the Governor may veto the
24 bill; or

25 (3) If the bill is vetoed by the Governor and the veto is
26 overridden, the date the last house overrides the veto.

27
28 /s/ Steele
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