H.B. NO. 3139

A BILL FOR AN ACT

RELATING TO THE FIRST-TO-WORK PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Part XI, chapter 346, Hawaii Revised Statutes, is amended to read as follows:

"[~~[~~]**PART XI.**[~~]~~] [~~**JOB OPPORTUNITIES AND BASIC SKILLS (JOBS) PROGRAM**~~]~~ **FIRST-TO-WORK PROGRAM**

[~~[~~]**§346-261**[~~]~~] [~~**JOBS**~~] **First-To-Work; establishment; purpose.** There is established a mandatory work program for certain applicants and recipients of [~~aid to families with dependent children (AFDC)~~] temporary assistance for needy families and temporary assistance for other needy families consistent with federal regulations and requirements under [~~Title IV-F of the Social Security Act, Public Law 100-485~~] Title IV-A of the Social Security Act, 42 U.S.C. §601 et seq. The purposes of the [~~job opportunities and basic skills (JOBS)~~] first-to-work program shall be to encourage, assist, and require [~~AFDC~~] temporary assistance for needy families and temporary assistance for other needy families applicants and recipients to fulfill their responsibilities to support their children by preparing for, accepting, and retaining employment. [~~To assure that needy~~

~~individuals or families are provided the means to avoid long term welfare dependency, JOBS is intended to:~~

~~(1) Provide individuals with the opportunity to acquire the basic education and skills necessary to qualify for employment;~~

~~(2) Provide necessary supportive services, including but not limited to transitional child care and medical assistance, so that recipients can participate in the work program and accept employment; and~~

~~(3) Coordinate job services at all levels of government to facilitate access to a wide range of services and maximize the use of existing resources.~~]

The department shall adopt rules consistent with the requirements of Title IV-A of the Social Security Act, 42 U.S.C. §601 et seq., and in accordance with chapter 91 for the purposes of this part.

[~~**[§346-262] Eligible participants; priority target groups.**~~

~~(a) All applicants for and recipients of AFDC shall be required to register and participate in the program; provided that exemptions consistent with federal requirements are applied.~~

~~(b) The priority target groups under the JOBS program may include individuals who:~~

~~(1) Are receiving AFDC and have received such aid for any thirty-six of the preceding sixty months;~~

~~(2) Are applying for AFDC and have received such aid for any thirty-six of the sixty months immediately preceding the most recent month for which application has been made;~~

~~(3) Are custodial parents under the age of twenty-four years;~~

~~(4) Are members of a family in which the youngest child is within two years of being ineligible for AFDC because of age.~~

~~(c) Exempt applicants for and recipients of AFDC and state-funded public assistance programs may volunteer to participate in the program.~~

~~(d) The department shall not be required to provide services to all eligible participants, if necessary resources are not available, provided that:~~

~~(1) Participants not offered specific services due to lack of resources shall be placed on inactive status until these services are available; and~~

~~(2) Any participant placed on inactive status due to lack of resources shall not incur any negative sanctions as a result of that placement.~~

~~(c) The department may establish quotas for the target groups under this program to reflect the priorities of this section.~~

~~**[§346-263] Program components.** The activities and components of the JOBS program may include, but are not limited to the following:~~

~~(1) Assessment and identification of barriers to participation;~~

~~(2) Development of a supportive service plan to remove barriers;~~

~~(3) Employability planning, including career path development;~~

~~(4) Basic and higher education, including remedial education and English proficiency to help participants become job ready];~~

~~(5) Job skills training;~~

~~(6) Job readiness and job search;~~

~~(7) Job placement activities and services;~~

~~(8) Work maturity;~~

~~(9) Work/study and~~

~~(10) Work experience and community work experience program (CWEP).~~

~~**[§346-264] Assessment.** An initial assessment of each participant shall determine priority for participation in JOBS. A comprehensive assessment may follow to determine barriers to participation in the program and may include, but is not limited to:~~

~~(1) A review of the family circumstances to identify social and health problems and needs; and~~

~~(2) Identification of child care, transportation, and other supportive services needs.~~

~~**[§346-265] Support service plan.** Where barriers have been identified during the assessment phase, the department, in consultation with the participant, shall develop a supportive service plan describing services or tasks to be completed for removing or controlling barriers which constrain participation in employment, training, or education.~~

~~**[§346-266] Employability planning.** Under this component, the department shall assess the participant's skills, knowledge, capability, and capacity for permanent employment in general and in specific professions, occupations, or vocations; offer~~

~~guidance and counseling to establish career goals and develop career paths; and, with the assistance and agreement of the participant, establish and approve a specific employability plan which may include job placement, job training, and education.~~

~~**[§346-267] Case management.** The department may provide to a participant case management services to support and strengthen the participant's capacity to become self-supporting and to facilitate access to resources and opportunities required for self-support. Case management activities may include, but are not limited to:~~

~~(1) Facilitating activities and services needed by a recipient who is working toward the goal of self-sufficiency;~~

~~(2) Assisting the individual and the family to obtain services needed to assure effective participation in the program;~~

~~(3) Facilitating communication between the participant and service providers;~~

~~(4) Providing initial support, assessment, and referral to appropriate services; and~~

~~(5) Monitoring the participant's program participation progress to ensure that the individual receives required assistance in a timely and effective manner.~~

~~**[§346-268] Child care.** The department may provide child care services to eligible families to allow participation in education, training, and employment in accordance with federal regulations and requirements; provided that the department:~~

~~(1) Shall ensure that care arrangements for children meet applicable standards of state law; and~~

~~(2) May pay for child care services up to the amount consistent with the department's payment standard.~~

~~**[§346-269] Transportation assistance.** (a) The department may provide transportation assistance that is necessary to enable an individual to participate in the JOBS program. The assistance may include the cost of transportation of the participant and participant's child, if necessary.~~

~~(b) The determination of whether the transportation services to be used are necessary and economical shall be the decision of the department upon consultation with the participant.~~

~~(c) Transportation assistance may be provided through bus passes, mileage reimbursements equivalent to the public~~

~~employees' contract negotiations, and other appropriate means of transportation to be determined by the department with the involvement and agreement of the participant.~~

~~(d) The department may provide assistance with air fare cost, on a limited basis and as funds permit, to eligible individuals living on Molokai, Lanai, and West Hawaii to travel to another island to receive appropriate training not available in these locations. Assistance with this cost shall be based on the individual's employability plan and availability of employment in the individual's place of residence.~~

~~**[§346-270] Other support services.** The department may provide other supportive services, such as counseling for personal and family related problems, and for one time training and work related expenses, to allow eligible individuals to participate in education, training, and employment. The department may:~~

~~(1) Provide health and social services to eligible individuals and families with identified needs to assist them in removing or controlling any barriers to successful participation in the program.~~

~~(2) Establish separate emergency funds to meet the one time training and work related expenses necessary to allow~~

~~individuals to participate in the program. The items to be paid for by the emergency fund may include, but are not limited to, initial work clothing, work tools, safety equipment, dental and medical procedures not covered under the medical assistance program, rental and utility deposits not available through the welfare grant, and limited assistance with auto repairs.~~

~~**[§346-271] Incentive benefits.** The department may provide incentive benefits for recipients who work full time under an employability plan by providing supplemental benefits up to one hundred per cent of the poverty standard.~~

~~**[§346-272] Transitional benefits.** The department may provide transitional child care and medical benefits to those families whose eligibility for AFDC has been discontinued due to employment. Transitional assistance shall be provided in accordance with federal regulations and requirements, and shall be arranged and developed with the involvement and approval of the participant.~~

~~**[§346-273] Coordination.** The department shall coordinate the JOBS program with education, employment, health, and other related services programs to assist participants in becoming self-sufficient.~~

~~**§346-274 Contracts.** The department may contract with a public agency or private nonprofit organization to administer all or portions of this part in accordance with federal regulations and in accordance with chapter 42D.~~

~~**[§346-275] Rules.** The department shall adopt rules consistent with federal JOBS program requirements and in accordance with chapter 91 for the purposes of this part.~~

~~**[§346-276] Duties.** The department shall monitor and evaluate the JOBS program, and shall, among other analyses, identify factors that facilitate or make difficult the implementation of this part~~. ~~The department shall also assess the impact of the program with regard to encouraging AFDC recipients in finding employment and avoiding long term welfare dependency. The department shall collect and provide all data relevant to its assessment.~~

~~The department shall submit annual status reports on its findings to the legislature prior to the convening of the regular session of each year, starting with the regular session of 1991.~~]"

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

H.B. NO. 3139

Report Title:
Temporary Assistance for Needy Families

Description:
Conforms state law to current federal law by deleting references to the Aid to Families with Dependent Children and Job Opportunities and Basic Skills Act and replaces it with the federal Temporary Assistance for Needy Families law.

HB 3139

JUSTIFICATION SHEET

DEPARTMENT: HUMAN SERVICES.

TITLE: A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM.

PURPOSE: To conform state law to the current federal law that requires applicants and recipients of Temporary Assistance for Needy Families (TANF) and Temporary Assistance for Other Needy Families (TAONF) to participate in work activities.

MEANS: Amend part XI, chapter 346, Hawaii Revised Statutes.

JUSTIFICATION: Amendments will conform the state law to current federal law.

Impact on the public: These changes will clarify to the public that the State has implemented the correct and current federal regulations pertaining to the work requirements for the recipients of TANF and TAONF.

Impact on the department and other agencies: The statutes and rules will reflect the current federal program references.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 211, HMS 236, and HMS 903.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.