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HOUSE BILL NO. 912

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 63.2-608 of the Code of Virginia, relating to the Virginia Initiative for Employment Not Welfare; workforce development pilot program.

Patrons—Herring and Filler-Corn

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-608 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-608. Virginia Initiative for Employment Not Welfare (VIEW).**

A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare (VIEW) to reduce long-term dependence on welfare, to emphasize personal responsibility and to enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment or other allowable TANF work activity as defined by federal law and enter into an agreement of personal responsibility.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following work activities within 90 days after the approval of TANF assistance:

1. Unsubsidized private-sector employment;

2. Subsidized employment, as follows:

a. The Department shall conduct a program in accordance with this section that shall be known as the Full Employment Program (FEP). FEP replaces TANF with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for TANF may participate in FEP unless exempted by this chapter. FEP shall assign participants to subsidized wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

b. Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF received prior to the work placement.

c. Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304(a)(5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

d. FEP employers shall:

(i) Endeavor to make FEP placements positive learning and training experiences;

(ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;

(iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;

(iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;

(v) Maintain health, safety and working conditions at or above levels generally acceptable in the

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59 industry and no less than those in which other employees perform the same type of work;
60 (vi) Provide workers' compensation coverage for participants;
61 (vii) Encourage volunteer mentors from among their other employees to assist participants in
62 becoming oriented to work and the workplace; and
63 (viii) Sign an agreement with the local department outlining the employer requirements to participate
64 in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in
65 the event the employer violates FEP rules.
66 e. As a condition of FEP participation, employers shall be prohibited from discriminating against any
67 person, including program participants, on the basis of race, color, sex, national origin, religion, age, or
68 disability;
69 3. Part-time or temporary employment;
70 4. Community work experience, as follows:
71 a. The Department and local departments shall work with other state, regional and local agencies and
72 governments in developing job placements that serve a useful public purpose as provided in § 482(f) of
73 the Social Security Act, as amended. Placements shall be selected to provide skills and serve a public
74 function. VIEW participants shall not displace regular workers.
75 b. The number of hours per week for participants shall be determined by combining the total dollar
76 amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work
77 week of 32 hours, of which up to 12 hours of employment-related education and training may substitute
78 for work experience employment; or
79 5. Any other allowable TANF work activity as defined by federal law.
80 E. Notwithstanding the provisions of subsections A and D, if a local department determines that a
81 VIEW participant is in need of job skills and would benefit from immediate job skills training, it may
82 place the participant in a general educational development (GED) program or a career and technical
83 education program targeted at skills required for particular employment opportunities. Eligible
84 participants include those with problems related to obtaining and retaining employment, such as
85 participants (i) with less than a high school education, (ii) whose reading or math skills are at or below
86 the eighth grade level, (iii) who have not retained a job for a period of at least six months during the
87 prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving
88 services through a family violence treatment program. The VIEW participant may continue in a GED
89 program or career and technical education program for as long as the local department determines he is
90 progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work
91 Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.
92 F. Participants may be reevaluated after a period determined by the local department and reassigned
93 to another work component. In addition, the number of hours worked may be reduced by the local
94 department so that a participant may complete additional training or education to further his
95 employability.
96 G. Local departments shall be authorized to sanction parents up to the full amount of the TANF
97 grant for noncompliance, unless good cause exists.
98 H. VIEW participants shall not be assigned to projects that require that they travel unreasonable
99 distances from their homes or remain away from their homes overnight without their consent.
100 I. Any injury to a VIEW participant arising out of and in the course of community work experience
101 shall be covered by the participant's existing Medicaid coverage. If a community work experience
102 participant is unable to work due to such an accident, his status shall be reviewed to determine whether
103 he is eligible for an exemption from the limitation on TANF financial assistance.
104 J. A community work experience participant who becomes incapacitated for 30 days or more shall be
105 eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.
106 K. The Board shall adopt regulations providing for the accrual of paid sick leave or other equivalent
107 mechanism for community work experience participants.
108 L. *The Department shall establish a pilot program to be known as the Workforce Development Pilot*
109 *Program (Program) that seeks to allow participants to acquire marketable skills that will enable them to*
110 *advance into employment positions that pay a wage that is sufficient to eliminate the need for*
111 *participation in public assistance programs. The Program will provide participants who comply with the*
112 *Program's requirements with an alternative to the requirements of this chapter that impose place a*
113 *priority on full-time employment. Satisfaction of all applicable requirements for continued participation*
114 *in the Program shall be in lieu of other requirements of this chapter regarding employment activity. The*
115 *Department shall adopt regulations establishing limits on the scope of the Program, which shall be*
116 *subject to conditions imposed pursuant to the general appropriation act. The Program shall:*
117 1. *Ensure that parents receiving TANF may engage in educational and vocational programs where*
118 *an assessment shows that engaging in the activities improves their chances of achieving self-sufficiency;*
119 2. *Ensure that participants are subject to all requirements for VIEW participation other than those*
120 *imposing requirements for participation in work activities to the extent such requirements are*

inconsistent with the requirements for participation in the Program;

3. Ensure that participants are allowed to pursue training and education for up to 15 hours per week, provided they are employed for at least 20 hours per week;

4. Ensure that participants are allowed to meet the requirement of pursuing training and education by attending community college full-time for up to two years; and

5. Allow participants enrolled as students to earn additional income and gain work experience in TANF-funded work-study jobs.

Notwithstanding the provisions of subsections A, D, and E, able-bodied recipients of TANF who are enrolled as participants in the Program established pursuant to this subsection shall be exempt from work requirements that are inconsistent with the requirements of the Program.

The Department shall conduct annual assessments of the costs of the Program and the Program's effectiveness in assisting participants in acquiring marketable skills that will enable them to advance into employment positions that pay a self-sufficient wage and shall provide reports annually to the House Appropriations Committee and Senate Finance Committee that summarize the results of their assessments.