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West

S.B. No. 589

A BILL TO BE ENTITLED

AN ACT

1
2 relating to Temporary Assistance for Needy Families (TANF)
3 employment programs and participation in those programs by certain
4 parents who are not TANF recipients.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 31, Human Resources Code,
7 is amended by adding Section 31.0021 to read as follows:

8 Sec. 31.0021. DEFINITION OF NONRECIPIENT PARENT.

9 (a) Except as provided by Subsection (b), in this chapter,
10 "nonrecipient parent" means an adult or minor parent who is not a
11 recipient of financial assistance but who is living with the
12 person's child who is a recipient of financial assistance.

13 (b) "Nonrecipient parent" does not include:

14 (1) a minor parent who is not the head of household;

15 (2) a person who is ineligible for financial
16 assistance because of the person's immigration status; or

17 (3) a parent who cares for a disabled family member
18 living in the home if the family member does not attend school
19 full-time and the need for the care is supported by medical
20 documentation.

21 SECTION 2. Section 31.0095, Human Resources Code, is
22 amended to read as follows:

23 Sec. 31.0095. NEEDS ASSESSMENT. The Health and Human
24 Services Commission [~~department~~] shall assist a recipient or a

1 nonrecipient parent in assessing the particular needs of that
2 person [~~recipient~~] and the person's [~~recipient's~~] family upon
3 notification of entry into a Temporary Assistance for Needy
4 Families employment program established under Part A, Subchapter
5 IV, Social Security Act (42 U.S.C. Section 601 et seq.) [~~the JOBS~~
6 ~~program~~]. The Texas Workforce Commission [~~department~~] and the
7 recipient or the nonrecipient parent shall develop an employability
8 plan to help the recipient or nonrecipient parent achieve
9 independence from public assistance granted to the recipient and
10 the recipient's family, or to the child of the nonrecipient parent,
11 as applicable.

12 SECTION 3. Subsections (a) and (f), Section 31.010, Human
13 Resources Code, are amended to read as follows:

14 (a) Subject to the availability of funds, the Texas
15 Workforce Commission [~~department~~] shall provide a recipient or a
16 nonrecipient parent with support services designed to assist the
17 recipient or nonrecipient parent and the person's [~~recipient's~~]
18 family to attain and retain the capability of independence and
19 self-care.

20 (f) In providing work skills and job readiness training, the
21 Texas Workforce Commission [~~department~~] shall:

- 22 (1) emphasize training for sustainable wage jobs;
- 23 (2) promote understanding of nontraditional work
24 opportunities for recipients and nonrecipient parents; and
- 25 (3) offer micro-enterprise development and
26 self-employment assistance in rural areas and other areas in which
27 jobs are scarce.

1 SECTION 4. The heading to Section 31.0121, Human Resources
2 Code, is amended to read as follows:

3 Sec. 31.0121. SKILLS ASSESSMENT AND DEVELOPMENT FOR CERTAIN
4 RECIPIENTS AND CERTAIN NONRECIPIENT PARENTS.

5 SECTION 5. Subsections (a), (b), (d), and (e), Section
6 31.0121, Human Resources Code, are amended to read as follows:

7 (a) The Texas Workforce Commission shall ensure that each
8 local workforce development board assesses the skills development
9 needs of recipients and of nonrecipient parents referred to the
10 CHOICES program administered by the board.

11 (b) If, after assessing the [~~a recipient's~~] skills
12 development needs of a recipient or a nonrecipient parent, a local
13 workforce development board determines that the recipient or the
14 nonrecipient parent requires job-specific training for placement
15 in a job paying wages that equal or exceed the self-sufficiency wage
16 developed for the board under the Workforce Investment Act of 1998
17 (29 U.S.C. Section 2801 et seq.), as amended, the board shall:

18 (1) to the extent allowed by federal law, place the
19 recipient or the nonrecipient parent in training activities
20 designed to improve employment and wage outcomes and job retention
21 rates; and

22 (2) ensure that the training activities under
23 Subdivision (1) target occupations that are in demand by local
24 employers.

25 (d) A recipient or a nonrecipient parent participating in
26 the CHOICES program who is placed in training activities under
27 Subsection (b) may concurrently engage in those training activities

1 and in work activities.

2 (e) To meet the requirements of this section, the Texas
3 Workforce Commission shall use CHOICES program funds and, to the
4 extent possible, existing funds from other training programs for
5 which a recipient or a nonrecipient parent participating in the
6 CHOICES program may qualify, including funds from:

7 (1) other training programs provided under the
8 Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.),
9 as amended, or their successor programs;

10 (2) the skills development fund created under Chapter
11 303, Labor Code; or

12 (3) the self-sufficiency fund created under Section
13 309.002, Labor Code.

14 SECTION 6. Subsections (a) and (c), Section 31.0126, Human
15 Resources Code, are amended to read as follows:

16 (a) The Texas Workforce Commission [~~In cooperation with the~~
17 ~~state agency charged with primary responsibility for job training,~~
18 ~~employment, and workforce development in this state, the~~
19 ~~department~~] by rule shall develop the following programs to assist
20 recipients of financial assistance and services under this chapter
21 and nonrecipient parents in finding and retaining employment:

22 (1) a work first program that provides a participant
23 job readiness training and employment information and services that
24 will motivate the participant to find and apply for a job through
25 job clubs, job readiness activities, and job search activities;

26 (2) a business internship program that provides a
27 participant the opportunity to obtain marketable job skills through

1 an internship in a participating business;

2 (3) a Texas works program that:

3 (A) is operated by a nonprofit group or local
4 governmental entity;

5 (B) provides to a participant motivational and
6 job readiness training by placing the participant in a job for a
7 period of several months;

8 (C) ensures that the participant is visited at
9 work and receives counseling and help in resolving any work-related
10 or personal problems; and

11 (D) receives funding on the basis of participants
12 who are successfully hired for employment;

13 (4) a community work experience program that provides
14 a participant job training and work experience through a temporary
15 job in the public sector;

16 (5) a subsidized employment program that provides to a
17 participant job training and work experience through a job in the
18 private sector that pays the participant a subsidized salary; and

19 (6) a self-employment assistance program that
20 provides to a participant entrepreneurial training, business
21 counseling, and technical and financial assistance so that the
22 participant can establish a business and become self-employed.

23 (c) In adopting rules governing a program prescribed by this
24 section, the executive commissioner of the Health and Human
25 Services Commission [~~department~~] shall:

26 (1) establish the criteria for determining which
27 recipients and nonrecipient parents who are eligible to participate

1 in the Temporary Assistance for Needy Families employment programs
2 established under Part A, Subchapter IV, Social Security Act (42
3 U.S.C. Section 601 et seq.), [~~JOBS training program~~] may be
4 required to participate in a particular program; and

5 (2) ensure that a recipient or a nonrecipient parent
6 who is incapable of participating in a particular program is not
7 required to participate in that program[~~, and~~

8 [~~(3) provide technical assistance to local workforce~~
9 ~~development boards~~].

10 SECTION 7. Subchapter A, Chapter 31, Human Resources Code,
11 is amended by adding Section 31.01261 to read as follows:

12 Sec. 31.01261. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN
13 NONRECIPIENT PARENTS. The Texas Workforce Commission shall provide
14 employment services, including needs assessment, job training,
15 postemployment, and related support services, to nonrecipient
16 parents to the same extent the services are provided to recipients
17 under this chapter.

18 SECTION 8. Subsection (d), Section 301.063, Labor Code, is
19 amended to read as follows:

20 (d) On request, the commission shall furnish to an agency of
21 the United States responsible for the administration of public
22 works or assistance through public employment the name, address,
23 ordinary occupation, and employment status of each recipient of
24 benefits, including each nonrecipient parent as defined by Section
25 31.0021, Human Resources Code, who is receiving benefits, and shall
26 inform the agency of the recipient's right to further benefits
27 under Subtitle A.

1 SECTION 9. Section 302.001, Labor Code, is amended by
2 adding Subdivision (3) to read as follows:

3 (3) "Nonrecipient parent" has the meaning assigned by
4 Section 31.0021, Human Resources Code.

5 SECTION 10. Section 302.0025, Labor Code, is amended to
6 read as follows:

7 Sec. 302.0025. EMPLOYMENT PLAN AND POSTEMPLOYMENT
8 STRATEGIES. (a) The commission shall ensure that an individual
9 employment plan developed for a recipient of financial assistance
10 or a nonrecipient parent participating in an employment program
11 under Chapter 31, Human Resources Code, includes specific
12 postemployment strategies to assist the recipient or the
13 nonrecipient parent in making a transition to stable employment at
14 a wage that enables the person [~~recipient~~] and the person's
15 [~~recipient's~~] family to maintain self-sufficiency.

16 (b) The individual employment plan must:

17 (1) consider the person's [~~a recipient's~~] individual
18 circumstances and needs in determining the person's [~~recipient's~~]
19 initial job placement;

20 (2) identify a target wage that enables the person
21 [~~recipient~~] and the person's [~~recipient's~~] family to maintain
22 self-sufficiency;

23 (3) provide specific postemployment goals and include
24 methods and time frames by which the person [~~recipient~~] is to
25 achieve those goals; and

26 (4) refer the person [~~recipient~~] to additional
27 educational and training opportunities.

1 SECTION 11. Subsection (a), Section 302.0026, Labor Code,
2 is amended to read as follows:

3 (a) The commission and local workforce development boards
4 shall develop an employment services referral program for
5 recipients of financial assistance and nonrecipient parents who
6 participate in employment programs under Chapter 31, Human
7 Resources Code, and have, in comparison to other recipients or
8 nonrecipient parents, higher levels of barriers to employment. The
9 referral program must be designed to provide to a recipient or a
10 nonrecipient parent referrals to preemployment and postemployment
11 services offered by community-based organizations.

12 SECTION 12. Section 302.003, Labor Code, is amended to read
13 as follows:

14 Sec. 302.003. JOB RETENTION AND REEMPLOYMENT ASSISTANCE.
15 The division may provide ongoing job retention and reemployment
16 assistance for a recipient of public assistance or nonrecipient
17 parent who has participated in a job training program.

18 SECTION 13. Section 302.0036, Labor Code, is amended to
19 read as follows:

20 Sec. 302.0036. TRANSPORTATION ASSISTANCE. (a) To the
21 extent funds are available, the commission and local workforce
22 development boards shall provide transportation assistance to
23 recipients of financial assistance and nonrecipient parents
24 participating in employment programs under Chapter 31, Human
25 Resources Code, that enables the recipients and nonrecipient
26 parents to maintain a stable work history and attain financial
27 stability and self-sufficiency.

1 (b) The commission and local workforce development boards
2 may provide the assistance described by Subsection (a) by
3 implementing new initiatives or expanding existing initiatives
4 that provide transportation assistance to recipients of financial
5 assistance or nonrecipient parents for whom transportation is a
6 barrier to employment.

7 SECTION 14. Subsection (a), Section 302.0037, Labor Code,
8 is amended to read as follows:

9 (a) The commission and local workforce development boards
10 shall maximize the state's receipt of federal funds available to
11 provide transportation assistance to recipients of financial
12 assistance and nonrecipient parents participating in employment
13 programs under Chapter 31, Human Resources Code.

14 SECTION 15. The heading to Section 302.0038, Labor Code, is
15 amended to read as follows:

16 Sec. 302.0038. HOUSING RESOURCES FOR CERTAIN RECIPIENTS OF
17 FINANCIAL ASSISTANCE AND CERTAIN NONRECIPIENT PARENTS.

18 SECTION 16. Subsections (a) and (b), Section 302.0038,
19 Labor Code, are amended to read as follows:

20 (a) The commission, in cooperation with local workforce
21 development boards, shall, for a recipient of financial assistance
22 or nonrecipient parent participating in an employment program under
23 Chapter 31, Human Resources Code:

24 (1) identify unmet housing needs and assess whether
25 those needs are barriers to the person's [~~recipient's~~] full
26 participation in the workforce and attainment of financial
27 stability and self-sufficiency; and

1 (2) develop a service plan that takes into
2 consideration the person's [~~recipient's~~] unmet housing needs.

3 (b) The commission by rule shall develop and implement a
4 program through which a recipient or a nonrecipient parent
5 identified under Subsection (a) as having unmet housing needs is
6 referred by the commission or local workforce development board to
7 agencies and organizations providing housing programs and services
8 and connected to other housing resources. To provide those
9 referrals and connections, the commission shall establish
10 collaborative partnerships between:

11 (1) the commission;

12 (2) local workforce development boards;

13 (3) municipal, county, and regional housing
14 authorities; and

15 (4) sponsors of local housing programs and services.

16 SECTION 17. Subsections (a) and (d), Section 302.009, Labor
17 Code, are amended to read as follows:

18 (a) The commission by rule shall develop a job placement
19 incentive program under which persons with whom local workforce
20 development boards contract for employment services under Chapter
21 2308, Government Code, are provided incentives for placing
22 recipients of financial assistance and nonrecipient parents
23 participating in employment programs under Chapter 31, Human
24 Resources Code, in higher-wage jobs, as determined by the
25 commission.

26 (d) A local workforce development board that provides a
27 monetary incentive under the job placement incentive program to a

1 person with whom the board contracts for employment services shall
2 require the person to use the money for expenses relating to
3 education, training, and support services necessary to prepare,
4 place, and maintain recipients of financial assistance and
5 nonrecipient parents in jobs paying wages that allow those persons
6 [~~recipients~~] to attain self-sufficiency.

7 SECTION 18. Subsections (a) and (b), Section 302.010, Labor
8 Code, are amended to read as follows:

9 (a) The commission by rule shall develop guidelines under
10 which local workforce development boards provide postemployment
11 services to a recipient of financial assistance or nonrecipient
12 parent participating in an employment program under Chapter 31,
13 Human Resources Code.

14 (b) In developing the guidelines, the commission must
15 consider the difficulties the recipient or nonrecipient parent is
16 likely to encounter in acquiring additional education and training
17 after becoming employed.

18 SECTION 19. Section 302.011, Labor Code, is amended to read
19 as follows:

20 Sec. 302.011. POSTEMPLOYMENT CASE MANAGEMENT AND
21 MENTORING. The commission shall encourage local workforce
22 development boards to provide postemployment case management
23 services for and use mentoring techniques to assist recipients of
24 financial assistance and nonrecipient parents who participate in
25 employment programs under Chapter 31, Human Resources Code, and
26 have, in comparison to other recipients and nonrecipient parents,
27 higher levels of barriers to employment. The case management

1 services and mentoring techniques must be designed to increase the
2 person's [~~recipient's~~] potential for wage growth and development of
3 a stable employment history.

4 SECTION 20. Subchapter A, Chapter 302, Labor Code, is
5 amended by adding Section 302.015 to read as follows:

6 Sec. 302.015. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN
7 NONRECIPIENT PARENTS. The commission shall provide employment
8 services, including needs assessment, job training,
9 postemployment, and related support services, to nonrecipient
10 parents to the same extent the services are provided to recipients
11 of financial assistance under Chapter 31, Human Resources Code.

12 SECTION 21. If before implementing any provision of this
13 Act a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of that provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

18 SECTION 22. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2007.