S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, GLICK, MILLMAN, JOHN, JAFFEE -- Multi-Sponsored by -- M. of A. BRENNAN, CAMARA, HOOPER, MAGEE, McENENY, PHEFFER, ROBINSON, SWEENEY -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to public assistance employment programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 330 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, paragraphs a and b as amended by section 2 of part C of chapter 57 of the laws of 2005, is amended to read as follows:

1. Whenever used in this title:

a. the term "commissioner" means the commissioner of the state office of temporary and disability assistance; [and]

b. the term "department" means the state office of temporary and disability assistance; AND

C. THE TERM "SUSTAINABLE LIVING WAGE" MEANS A WAGE THAT IS AT LEAST ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL FOR A HOUSEHOLD THAT CONSISTS OF FOUR PERSONS AND THAT TAKES INTO ACCOUNT COSTS RELATED TO EMPLOYMENT SUCH AS FEDERAL, STATE AND LOCAL TAXES, CHILD CARE, HEALTH CARE, FOOD AND SHELTER COSTS FOR A PARTICULAR SOCIAL SERVICES DISTRICT.

S 2. Subdivisions 1, 2, 4 and 5 of section 335 of the social services law, subdivision 1 as amended by chapter 214 of the laws of 1998 and subdivisions 2, 4 and 5 as amended by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. Each social services official shall ensure that each recipient of public assistance who is a member of a household with dependent children and is eighteen years of age or older, or who is sixteen or seventeen

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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years of age and is not attending secondary school and has not completed high school or a high school equivalency program, receives an assessment [of employability] AND A CAREER PLAN based on his or her educational level, including literacy and English language proficiency, basic skills proficiency, child care and other supportive services needs; and skills, prior work experience, training and vocational interests. THE SOCIAL SERVICES OFFICIAL SHALL FURTHER ENSURE THAT SUCH ASSESSMENT INCLUDES A COMPREHENSIVE REVIEW OF THE SPECIFIC EMPLOYMENT-RELATED SKILLS AND ABILITIES OF EACH PUBLIC ASSISTANCE RECIPIENT. THIS ASSESSMENT SHALL ALSO IDENTIFY SPECIFIC BARRIERS, SUCH AS ACCESS TO CHILD CARE AND TRANSPORTATION, UNSAFE OR UNSTABLE HOUSING CONDITIONS, THE NEED TO CARE FOR A DISABLED FAMILY MEMBER, SUBSTANCE ABUSE OR PHYSICAL OR MENTAL HEALTH CONDITIONS, OR DOMESTIC VIOLENCE ISSUES THAT MAY MAKE IT DIFFICULT FOR A PUBLIC ASSISTANCE RECIPIENT TO OBTAIN OR MAINTAIN PERMANENT UNSUBSIDIZED EMPLOYMENT. This assessment shall include a review of family circumstances including a review of any special needs of a child. Such assessment shall be completed within ninety days of the date on which such person is determined eligible for public assistance. An applicant for or recipient of public assistance may be assigned to work activities prior to completion of such assessment. HOWEVER, IN NO INSTANCE SHALL A PUBLIC ASSISTANCE RECIPIENT BE ASSIGNED TO ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE WITHOUT CONSIDERATION OF LOCALLY AVAILABLE UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES.

2. (a) Based on the assessment required by subdivision one of this section, the social services official, in consultation with the participant, shall develop [an employability] A CAREER plan in writing which shall set forth the services that will be provided by the social services official, including but not limited to child care and other services and the activities in which the participant will take part, including child care and other services and shall set forth an employment goal for the participant. TO THE EXTENT POSSIBLE, SUCH CAREER PLAN SHALL INCLUDE AN EMPHASIS UPON DEVELOPING THE PARTICIPANT'S CAPACITY TO OBTAIN UNSUBSIDIZED EMPLOYMENT, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. THE SOCIAL SERVICES OFFICIAL SHALL PROVIDE THE PARTICIPANT WITH INFORMATION PERTAINING TO NEW YORK STATE WORKFORCE AND INDUSTRY DATA PUBLISHED BY THE DEPARTMENT OF LABOR WHEN DEVELOPING THE CAREER PLAN. TO THE EXTENT POSSIBLE, SUCH INFORMATION SHALL INCLUDE A QUARTERLY UPDATED LISTING OF LOCAL INDUSTRIES WITH RECENT JOB GAINS. SUCH INFORMATION SHALL ALSO EMPHASIZE LOCAL EMPLOYMENT OPPORTUNITIES AVAILABLE PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE.

To the extent possible, the [employability] CAREER plan shall reflect the preferences of the participant in a manner that is consistent with the results of the participant's assessment and the need of the social services district to meet federal and state work activity participation requirements, and, if such preferences cannot be accommodated, the reasons shall be specified in the [employability] CAREER plan. The [employability] CAREER plan shall also take into account the participant's supportive services needs, available program resources, local employment opportunities, and where the social services official is considering an educational activity assignment for such participant, the participant's liability for student loans, grants and scholarship

awards. The [employability] CAREER plan shall be explained to the participant AND WRITTEN IN PLAIN LANGUAGE IN COLLABORATION WITH THE PARTICIPANT. Any change to the participant's [employability] CAREER plan required by the social services official shall be discussed with the participant and shall be documented in writing.

(b) Where an assessment indicates that a participant who is not subject to the education requirements of subdivision four of section three hundred thirty-six-a of this title has not attained a basic literacy level, the social services official shall encourage and may require the participant to enter a program to achieve basic literacy or high school equivalency or to enter such educational programs in combination with other training activities consistent with the [employability] CAREER plan.

(C) THE CAREER PLAN THAT IS DEVELOPED FOR EACH PARTICIPANT SHALL, TO THE EXTENT POSSIBLE, INCLUDE AN EMPLOYMENT GOAL DIRECTLY RELATED TO UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES AVAILABLE PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. IN INSTANCES WHERE THE PARTICIPANT'S ASSESSMENT INDICATES A NEED FOR ADDITIONAL EDUCATION, TRAINING OR WORK EXPERIENCE TO IMPROVE HIS OR HER WORK SKILLS AND QUALIFICATIONS FOR UNSUBSIDIZED EMPLOYMENT, THE CAREER PLAN SHALL SET FORTH THE SPECIFIC PROGRAMS AND SERVICES THAT WILL BE MADE AVAILABLE TO THE PARTICIPANT FOR THE PURPOSES OF OBTAINING ADDITIONAL EMPLOYMENT AND JOB READINESS SKILLS. IF THE PARTICIPANT'S CAREER PLAN INCLUDES AN IMMEDIATE ASSIGNMENT TO ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE, THEN THE PLAN SHALL INDICATE THE SPECIFIC EMPLOYMENT-RELATED SKILLS THAT THE PARTICIPANT SHALL OBTAIN THROUGH PARTICIPATION IN THE ASSIGNED WORK ACTIVITY. THE CAREER PLAN SHALL PREFERABLY INCLUDE ASSIGNMENT TO VOCATIONAL EDUCATIONAL TRAINING DEFINED IN PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE TO THE EXTENT THAT THE ASSESSMENT INDICATES A NEED FOR SUCH TRAINING AND THAT SUCH TRAINING IS LOCALLY AVAILABLE. WHENEVER PRACTICABLE, THE CAREER PLAN SHALL ALSO INCLUDE A LONG-TERM EMPLOYMENT GOAL DIRECTLY RELATED TO UNSUBSIDIZED EMPLOYMENT. NOTHING IN THIS PARAGRAPH SHALL LIMIT THE STATE'S CAPACITY TO MEET THE MANDATORY WORK REQUIREMENT AS SET FORTH IN SECTION THREE HUNDRED THIRTY-FIVE-B OF THIS TITLE; PROVIDED, HOWEVER EACH SOCIAL SERVICES DISTRICT IS AUTHORIZED TO ASSIGN OR EXTEND A RECIPIENT'S PARTICIPATION IN VOCATIONAL EDUCATIONAL TRAINING IF THE STATE IS ALREADY IN FULL COMPLIANCE WITH FEDERALLY MANDATED WORK PARTICIPATION RATES.

(D) THE SOCIAL SERVICES OFFICIAL SHALL ENSURE THAT THE CAREER PLAN OF EACH PARTICIPANT IS COMPREHENSIVELY REVIEWED, IN CONSULTATION WITH SUCH PARTICIPANT, AT REGULAR INTERVALS NO LESS OFTEN THAN EVERY TWELVE MONTHS OR AT THE POINT OF REDETERMINATION OF ELIGIBILITY. SUCH REVIEW SHALL BE CONDUCTED THROUGH AN IN-PERSON INTERVIEW ONLY TO THE EXTENT THAT THE APPOINTMENT SHALL NOT CONFLICT WITH THE PARTICIPANT'S EMPLOYMENT AND ACADEMIC SCHEDULES. A PARTICIPANT WHO IS ENGAGED IN UNSUBSIDIZED EMPLOYMENT OR WHO IS A FULL-TIME NON-GRADUATE STUDENT SHALL RECEIVE THE OPTION OF CORRESPONDENCE WITH THE SOCIAL SERVICES OFFICIAL THROUGH THE REGULAR MAIL OR TELEPHONE COMMUNICATION FOR THE PURPOSES OF REVIEWING THE CAREER PLAN. THE REVIEW SHALL INCLUDE AN UPDATE OF THE PARTICIPANT'S SPECIFIC EMPLOYMENT-RELATED SKILLS, INCLUDING ANY NEW SKILLS THAT THE PARTICIPANT

HAS OBTAINED THROUGH PARTICIPATION IN A WORK OR TRAINING ACTIVITY OR THROUGH PARTICIPATION IN BASIC LITERACY, HIGH SCHOOL EQUIVALENCY OR OTHER HIGHER EDUCATION PROGRAM. IF THE PARTICIPANT HAS BEEN ENGAGED IN ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE, THEN THE REVIEW SHALL ALSO INCLUDE A CONSIDERATION OF UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES CURRENTLY AVAILABLE THAT PAY A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. IN NO INSTANCE SHALL A PARTICIPANT BE ASSIGNED TO CONTINUED PARTICIPATION IN ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE WITHOUT CONSIDERATION OF NEW LOCALLY AVAILABLE UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES. IF THE SOCIAL SERVICES OFFICIAL DETERMINES, UPON REVIEW OF THE CAREER PLAN, THAT THE PARTICIPANT IS IN NEED OF ADDITIONAL EDUCATION, TRAINING OR WORK EXPERIENCE TO IMPROVE HIS OR HER WORK SKILLS AND QUALIFICATIONS TO OBTAIN UNSUBSIDIZED EMPLOYMENT, THE CAREER PLAN SHALL SET FORTH THE SPECIFIC PROGRAMS AND SERVICES THAT SHALL BE MADE AVAILABLE TO THE PARTICIPANT FOR THE PURPOSES OF OBTAINING ADDITIONAL EMPLOYMENT AND JOB READINESS SKILLS.

4. A local social services official shall, pursuant to department regulations developed in consultation with the department of education, and the department of social services or its successor agencies use designated trained staff or contract with providers having a demonstrated effectiveness in performing assessments and developing [employability] CAREER plans to perform assessments and develop [employability] CAREER plans.

5. A social services district shall assign participants to activities pursuant to their [employability] CAREER plans to the extent that child care is guaranteed and other services as prescribed by section three hundred thirty-two-a of this title and section four hundred ten-u of this chapter are available. The district shall provide information to participants orally and in writing, as appropriate, regarding child care and the methods of payment therefor. Such information shall be sufficient for participants to make an informed decision regarding child care.

S 3. Subdivisions 1, 2, 3 and 5 of section 335-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. To the extent resources are available, the social services official shall, within a reasonable period of time not to exceed one year following application and not to the exclusion of the assessment requirements of section three hundred thirty-five of this title, conduct an assessment [of employability] AND DEVELOP A CAREER PLAN based on the educational level, including literacy and English language proficiency; basic skills proficiency; supportive services needs; and the skills, prior work experience, training and vocational interests of each participant. This assessment shall include a review of family circumstances. THE SOCIAL SERVICES OFFICIAL SHALL FURTHER ENSURE THAT SUCH ASSESSMENT INCLUDES A COMPREHENSIVE REVIEW OF THE SPECIFIC EMPLOYMENT-RELATED SKILLS AND ABILITIES OF EACH PARTICIPANT. THIS ASSESSMENT SHALL ALSO IDENTIFY SPECIFIC BARRIERS, SUCH AS ACCESS TO CHILD CARE AND TRANSPORTATION, UNSAFE OR UNSTABLE HOUSING CONDITIONS, THE NEED TO CARE FOR A

DISABLED FAMILY MEMBER, SUBSTANCE ABUSE OR PHYSICAL OR MENTAL HEALTH CONDITIONS, OR DOMESTIC VIOLENCE ISSUES THAT MAY MAKE IT DIFFICULT FOR A PARTICIPANT TO OBTAIN OR MAINTAIN PERMANENT UNSUBSIDIZED EMPLOYMENT. IF A PARTICIPANT IS ASSIGNED TO WORK ACTIVITIES PRIOR TO THE COMPLETION OF SUCH ASSESSMENT, SUCH PARTICIPANT SHALL IN NO INSTANCE BE ASSIGNED TO ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE WITHOUT CONSIDERATION OF LOCALLY AVAILABLE UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES.

2. (a) Based on the assessment required by subdivision one of this section, the social services official, in consultation with the participant, shall develop [an employability] A CAREER plan in writing which shall set forth the services that will be provided by the social services official and the activities in which the participant will take part, including supportive services and shall set forth an employment goal for the participant. A local social services district may assign recipients in households without dependent children to any activity. TO THE EXTENT POSSIBLE, SUCH CAREER PLAN SHALL INCLUDE AN EMPHASIS UPON DEVELOPING THE PARTICIPANT'S CAPACITY TO OBTAIN UNSUBSIDIZED EMPLOYMENT, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. THE SOCIAL SERVICES OFFICIAL SHALL PROVIDE THE PARTICIPANT WITH INFORMATION PERTAINING TO NEW YORK STATE WORKFORCE AND INDUSTRY DATA PUBLISHED BY THE DEPARTMENT OF LABOR WHEN DEVELOPING THE CAREER PLAN. TO THE EXTENT POSSIBLE, SUCH INFORMATION SHALL INCLUDE A QUARTERLY UPDATED LISTING OF LOCAL INDUSTRIES WITH RECENT JOB GAINS. SUCH INFORMATION SHALL ALSO EMPHASIZE LOCAL EMPLOYMENT OPPORTUNITIES AVAILABLE PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE. The [employability] CAREER plan also shall take into account the participant's supportive services needs, available program resources, local employment opportunities, and where the social services official is considering an educational activity assignment for such participant, the participant's liability for student loans, grants and scholarship awards. The [employability] CAREER plan shall be explained to the participant AND WRITTEN IN PLAIN LANGUAGE IN COLLABORATION WITH THE PARTICIPANT. Any change to the participant's [employability] CAREER plan required by the social services official shall be discussed with the participant and shall be documented in writing.

(b) Where an assessment indicates that a participant who is not subject to the education requirements of this title has not attained a basic literacy level, the social services official shall encourage and may require the participant to enter a program to achieve basic literacy or high school equivalency or to enter such educational programs in combination with other training activities consistent with the [employability] CAREER plan.

(C) THE CAREER PLAN THAT IS DEVELOPED FOR EACH PARTICIPANT SHALL, TO THE EXTENT POSSIBLE, INCLUDE AN EMPLOYMENT GOAL DIRECTLY RELATED TO UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES AVAILABLE PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. IN INSTANCES WHERE THE PARTICIPANT'S ASSESSMENT INDICATES A NEED FOR ADDITIONAL EDUCATION, TRAINING OR WORK EXPERIENCE TO IMPROVE

HIS OR HER WORK SKILLS AND QUALIFICATIONS FOR UNSUBSIDIZED EMPLOYMENT, THE CAREER PLAN SHALL SET FORTH THE SPECIFIC PROGRAMS AND SERVICES THAT WILL BE MADE AVAILABLE TO THE PARTICIPANT FOR THE PURPOSES OF OBTAINING ADDITIONAL EMPLOYMENT AND JOB READINESS SKILLS. IF THE PARTICIPANT'S CAREER PLAN INCLUDES AN IMMEDIATE ASSIGNMENT TO ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE, THEN THE PLAN SHALL INDICATE THE SPECIFIC EMPLOYMENT-RELATED SKILLS THAT THE PARTICIPANT SHALL OBTAIN THROUGH PARTICIPATION IN THE ASSIGNED WORK ACTIVITY. THE CAREER PLAN SHALL PREFERABLY INCLUDE ASSIGNMENT TO VOCATIONAL EDUCATIONAL TRAINING DEFINED IN PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE TO THE EXTENT THAT THE ASSESSMENT INDICATES A NEED FOR SUCH TRAINING AND THAT SUCH TRAINING IS LOCALLY AVAILABLE. WHEREVER PRACTICABLE, THE CAREER PLAN SHALL ALSO INCLUDE A LONG-TERM EMPLOYMENT GOAL DIRECTLY RELATED TO UNSUBSIDIZED EMPLOYMENT. NOTHING IN THIS PARAGRAPH SHALL LIMIT THE STATE'S CAPACITY TO MEET THE MANDATORY WORK REQUIREMENT AS SET FORTH IN SECTION THREE HUNDRED THIRTY-FIVE-B OF THIS TITLE; PROVIDED, HOWEVER EACH SOCIAL SERVICES DISTRICT IS AUTHORIZED TO ASSIGN OR EXTEND A RECIPIENT'S PARTICIPATION IN VOCATIONAL EDUCATIONAL TRAINING IF THE STATE IS ALREADY IN FULL COMPLIANCE WITH FEDERALLY MANDATED WORK PARTICIPATION RATES.

(D) THE SOCIAL SERVICES OFFICIAL SHALL ENSURE THAT THE CAREER PLAN OF EACH PARTICIPANT IS COMPREHENSIVELY REVIEWED, IN CONSULTATION WITH SUCH PARTICIPANT, AT REGULAR INTERVALS NO LESS OFTEN THAN EVERY TWELVE MONTHS OR AT THE POINT OF REDETERMINATION OF ELIGIBILITY. SUCH REVIEW SHALL BE CONDUCTED THROUGH AN IN-PERSON INTERVIEW ONLY TO THE EXTENT THAT THE APPOINTMENT SHALL NOT CONFLICT WITH THE PARTICIPANT'S EMPLOYMENT AND ACADEMIC SCHEDULES. A PARTICIPANT WHO IS ENGAGED IN UNSUBSIDIZED EMPLOYMENT OR WHO IS A FULL-TIME NON-GRADUATE STUDENT SHALL RECEIVE THE OPTION OF CORRESPONDENCE WITH THE SOCIAL SERVICES OFFICIAL THROUGH THE REGULAR MAIL OR TELEPHONE COMMUNICATION FOR THE PURPOSES OF REVIEWING THE CAREER PLAN. THE REVIEW SHALL INCLUDE AN UPDATE OF THE PARTICIPANT'S SPECIFIC EMPLOYMENT-RELATED SKILLS, INCLUDING ANY NEW SKILLS THAT THE PARTICIPANT HAS OBTAINED THROUGH PARTICIPATION IN A WORK OR TRAINING ACTIVITY OR THROUGH PARTICIPATION IN BASIC LITERACY, HIGH SCHOOL EQUIVALENCY OR OTHER HIGHER EDUCATION PROGRAM. IF THE PARTICIPANT HAS BEEN ENGAGED IN ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE, THEN THE REVIEW SHALL ALSO INCLUDE A CONSIDERATION OF UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES CURRENTLY AVAILABLE PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE, OR THOSE MADE AVAILABLE UNDER SECTION THREE HUNDRED THIRTY-SIX-B OF THIS TITLE, WITH SUBSTANTIAL OPPORTUNITY FOR INCREMENTAL CAREER ADVANCEMENTS AND SALARY INCREASES. IN NO INSTANCE SHALL A PARTICIPANT BE ASSIGNED TO CONTINUED PARTICIPATION IN ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE WITHOUT CONSIDERATION OF NEW LOCALLY AVAILABLE UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES. IF THE SOCIAL SERVICES OFFICIAL DETERMINES, UPON REVIEW OF THE CAREER PLAN, THAT THE PARTICIPANT IS IN NEED OF ADDITIONAL EDUCATION, TRAINING OR WORK EXPERIENCE TO IMPROVE HIS OR HER WORK SKILLS AND QUALIFICATIONS TO OBTAIN UNSUBSIDIZED EMPLOYMENT, THE CAREER PLAN SHALL SET FORTH THE SPECIFIC PROGRAMS AND SERVICES THAT SHALL BE MADE AVAILABLE TO THE PARTICIPANT FOR THE PURPOSES OF OBTAINING ADDITIONAL EMPLOYMENT AND JOB READINESS SKILLS.

3. A local social services official shall, pursuant to department regulations developed in consultation with the department of education and the department of social services or its successor agencies, use designated trained staff or contract with providers having a demonstrated effectiveness in performing assessments and developing [employability] CAREER plans to perform assessments and develop [employability] CAREER plans.

5. A social services district shall assign participants to activities pursuant to their [employability] CAREER plans to the extent that supportive services including transportation are available.

S 4. The social services law is amended by adding a new section 336-b to read as follows:

S 336-B. UNSUBSIDIZED EMPLOYMENT. TO THE EXTENT POSSIBLE, AND TO THE EXTENT THAT SUFFICIENT RESOURCES ARE AVAILABLE, LOCAL SOCIAL SERVICES OFFICIALS SHALL ESTABLISH COLLABORATIVE RELATIONSHIPS WITH LOCAL EMPLOYERS IN THE PRIVATE SECTOR. SUCH COLLABORATIONS SHALL PROVIDE A MECHANISM TO DIRECT PARTICIPANTS INTO UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES PAYING A SUSTAINABLE LIVING WAGE SUFFICIENT TO MEET BASIC NEEDS INCLUDING HOUSING, FOOD, CLOTHING, ENERGY, AND TRANSPORTATION AND ARE LIKELY TO OFFER BENEFITS, SUCH AS HEALTH INSURANCE, SICK LEAVE AND VACATION LEAVE. SOCIAL SERVICES OFFICIALS THAT HAVE ESTABLISHED SUCH COLLABORATIONS WITH EMPLOYERS IN THE PRIVATE SECTOR SHALL WORK TO INFORM PARTICIPANTS OF THE AVAILABILITY OF UNSUBSIDIZED EMPLOYMENT OPPORTUNITIES WITH SUCH EMPLOYERS. IN NO INSTANCE SHALL A PARTICIPANT WHO SEEKS TO OBTAIN UNSUBSIDIZED EMPLOYMENT BE ASSIGNED TO ACTIVITIES DESCRIBED IN PARAGRAPH (B), (C), (D), OR (G) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE UNLESS SUCH WORK ASSIGNMENT IS NECESSARY TO MEET FEDERALLY MANDATED WORK PARTICIPATION RATES.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before the effective date of this act.