

1827

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 12, 2009

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Introduced by M. of A. WRIGHT -- 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:

1     Section 1. Paragraphs (h) and (i) of subdivision 1 of section 336 of  
2     the social services law, paragraph (h) as amended by chapter 214 of the  
3     laws of 1998 and paragraph (i) as added by section 148 of part B of  
4     chapter 436 of the laws of 1997, are amended to read as follows:  
5     (h) vocational educational training as time limited by federal law.  
6     For the purposes of this title, "vocational educational training" shall  
7     include but not be limited to organized educational programs offering a  
8     sequence of courses which are directly related to the preparation of  
9     individuals for current or emerging occupations [requiring other than],  
10    INCLUDING BUT NOT LIMITED TO PROGRAMS THAT LEAD TO a baccalaureate or  
11    advanced degree. Such programs shall include competency-based applied  
12    learning which contributes to an individual's academic knowledge, high-  
13    er-order reasoning, and problem-solving skills[, work attitudes, general  
14    employability skills, and the occupational-specific skills necessary for  
15    economic independence]. Such term also includes applied technology  
16    education;  
17    (i) job skills training directly related to employment. FOR THE  
18    PURPOSES OF THIS TITLE, "JOB SKILLS TRAINING" IS TRAINING OR EDUCATION  
19    FOR JOB SKILLS REQUIRED BY AN EMPLOYER TO PROVIDE AN INDIVIDUAL WITH THE  
20    ABILITY TO OBTAIN EMPLOYMENT TO ADVANCE OR ADAPT TO THE CHANGING DEMANDS  
21    OF THE WORKPLACE. JOB SKILLS TRAINING DIRECTLY RELATED TO EMPLOYMENT  
22    SHALL INCLUDE, BUT NOT BE LIMITED TO, ORGANIZED EDUCATIONAL PROGRAMS  
23    OFFERING A SEQUENCE OF COURSES WHICH ARE DIRECTLY RELATED TO THE PREPA-  
24    RATION OF INDIVIDUALS FOR CURRENT OR EMERGING OCCUPATIONS, INCLUDING  
25    SUCH PROGRAMS THAT LEAD TO A BACCALAUREATE OR ADVANCED DEGREE;

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

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1 S 2. Section 336 of the social services law is amended by adding a new  
2 subdivision 9 to read as follows:

3 9. FOR ANY PARTICIPANT ENGAGED IN AN EDUCATIONAL OR TRAINING ACTIVITY  
4 PURSUANT TO PARAGRAPH (H), (I), (J), (K) OR (N) OF SUBDIVISION ONE OF  
5 THIS SECTION, HOMEWORK EXPECTED OR REQUIRED BY THE EDUCATIONAL INSTITU-  
6 TION, INCLUDING UP TO ONE HOUR OF UNSUPERVISED HOMEWORK PER HOUR OF  
7 CLASS TIME, PLUS ADDITIONAL HOURS OF HOMEWORK SUPERVISED BY THE EDUCA-  
8 TIONAL INSTITUTION, SHALL COUNT TOWARD SATISFACTION OF THE PARTICIPANT'S  
9 WORK ACTIVITY REQUIREMENTS UNDER THIS TITLE, TO THE EXTENT THAT SUCH  
10 PARTICIPATION SHALL NOT IMPAIR THE NEED OF THE SOCIAL SERVICES DISTRICT  
11 TO MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS.

12 S 3. Paragraph (a) of subdivision 2 of section 335-a of the social  
13 services law, as amended by section 148 of part B of chapter 436 of the  
14 laws of 1997, is amended to read as follows:

15 (a) Based on the assessment required by subdivision one of this  
16 section, the social services official, in consultation with the partic-  
17 ipant, shall develop an employability plan in writing which shall set  
18 forth the services that will be provided by the social services official  
19 and the activities in which the participant will take part, including  
20 supportive services and shall set forth an employment goal for the  
21 participant. A local social services district may assign recipients in  
22 households without dependent children to any activity, SUBJECT TO SUBDI-  
23 VISION TWO OF SECTION THREE HUNDRED THIRTY-FIVE-B OF THIS TITLE. The  
24 employability plan also shall take into account the participant's  
25 supportive services needs, available program resources, local employment  
26 opportunities, and where the social services official is considering an  
27 educational activity assignment for such participant, the participant's  
28 liability for student loans, grants and scholarship awards. The employ-  
29 ability plan shall be explained to the participant. Any change to the  
30 participant's employability plan required by the social services offi-  
31 cial shall be discussed with the participant and shall be documented in  
32 writing.

33 S 4. Subdivision 2 of section 335-b of the social services law, as  
34 amended by section 1 of chapter 380 of the laws of 2004, is amended to  
35 read as follows:

36 2. Engaged in work for a month shall mean participating in work activ-  
37 ities identified in subdivision one of section three hundred thirty-six  
38 of this title for the required number of hours specified in this section  
39 provided, however, that at least twenty hours of such participation, or  
40 thirty hours for two-parent families, or fifty hours for two-parent  
41 families receiving federally funded child care as set forth in subpara-  
42 graph (iii) of paragraph [(d)] (E) of subdivision one of this section,  
43 shall be attributable to the activities described in paragraphs (a)  
44 through (h) and (l) of subdivision one of section three hundred thirty-  
45 six of this title, or for households without dependent children at least  
46 twenty hours of participation shall be attributable to the activities  
47 set forth in paragraphs (a) through (h) and (l) of subdivision one of  
48 section three hundred thirty-six of this title, and further provided  
49 that participation in job search and job readiness assistance as identi-  
50 fied in paragraph (f) of subdivision one of section three hundred thir-  
51 ty-six of this title shall only be determined as engaged in work for a  
52 maximum period of six weeks, only four of which may be consecutive as  
53 otherwise limited by federal law; and that individuals in all families  
54 and in two parent families may be engaged in work for a month by reason  
55 of participation in vocational training to the extent allowed by federal  
56 law. Any [non-graduate] student participating or approved by CUNY, SUNY

1 or another degree granting institution, or any other state or local  
2 district approved education, training or vocational rehabilitation agen-  
3 cy to participate in ANY EDUCATIONAL OR TRAINING ACTIVITY DESCRIBED IN  
4 PARAGRAPH (H), (I), (J), (K) OR (N) OF SUBDIVISION ONE OF SECTION THREE  
5 HUNDRED THIRTY-SIX OF THIS TITLE, OR IN work-study, [or in] internships,  
6 externships, or other work placements that are part of the curriculum of  
7 that student, shall not be unreasonably denied the ability to partic-  
8 ipate in such programs and each hour of participation shall count toward  
9 satisfaction of such student's work activity requirements of this title,  
10 SO LONG AS SAID PARTICIPATION SHALL NOT IMPAIR THE NEED OF THE SOCIAL  
11 SERVICES DISTRICT TO MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION  
12 REQUIREMENTS, provided that the district may consider, among other  
13 factors, (a) whether the student has voluntarily terminated his or her  
14 employment or voluntarily reduced his or her earnings to qualify for  
15 public assistance pursuant to subdivision ten of section one hundred  
16 thirty-one of this article; (b) whether a comparable job or on the job  
17 training position can reasonably be expected to exist in the private,  
18 public or not-for-profit sector; (c) that the student has a cumulative C  
19 average or its equivalent, which may be waived by the district for undue  
20 hardship based on (1) the death of a relative of the student, (2) the  
21 personal injury or illness of the student, or (3) other extenuating  
22 circumstances; and (d) whether the institution cooperates in monitoring  
23 students attendance and performance and reports to the local social  
24 services department monthly on each student. Failure of the institution  
25 to monitor and report monthly to local social services districts on  
26 attendance and performance of the student's work study, internship,  
27 externship or other work placement shall be cause for the department to  
28 reasonably deny the student's ability to participate in such programs.  
29 Students shall be subject to sanctions equivalent to those associated  
30 with failure to adequately satisfy their other required work activities.  
31 In assigning a [non-graduate] student participating in work-study,  
32 internships, externships or other work placements, pursuant to this  
33 section, to other work activities the district shall make reasonable  
34 effort to assign the student to hours that do not conflict with the  
35 student's academic schedule.

36 S 5. Subdivision 1 of section 336-a of the social services law, as  
37 amended by section 148 of part B of chapter 436 of the laws 1997, is  
38 amended to read as follows:

39 1. Social services districts shall make available vocational educa-  
40 tional training and educational activities. Such activities may include  
41 but need not be limited to, high school education or education designed  
42 to prepare a participant for a high school equivalency certificate,  
43 basic and remedial education, education in English proficiency and [no  
44 more than a total of two years of] post-secondary education [(or the  
45 part-time equivalent if full-time study would constitute an undue hard-  
46 ship)], INCLUDING BUT NOT LIMITED TO BACCALAUREATE PROGRAMS, AND  
47 PROGRAMS LEADING TO ADVANCED DEGREES, in any of the following providers  
48 which meet the performance or assessment standards established in regu-  
49 lations by the commissioner for such providers: a community college,  
50 licensed trade school, registered business school, or a two-year OR  
51 FOUR-YEAR college OR UNIVERSITY, OR OTHER DEGREE GRANTING INSTITUTION;  
52 provided, however, that IF SUCH PARTICIPANT SEEKS TO ENGAGE IN POST-SEC-  
53 ONDARY EDUCATION FOR A PERIOD OF TWELVE MONTHS OR LONGER WHILE IN  
54 RECEIPT OF FAMILY ASSISTANCE OR SAFETY NET ASSISTANCE, such post-secon-  
55 dary education must be necessary to the attainment of the participant's  
56 individual employment goal as set forth in the employability plan and

1 such goal must relate directly to obtaining useful employment [in a  
2 recognized occupation].

3 S 6. Subdivision 4 of section 336-c of the social services law, as  
4 amended by chapter 534 of the laws of 2000, is amended to read as  
5 follows:

6 4. In assigning a recipient who is a [non-graduate] student attending  
7 CUNY, SUNY or other approved non-profit education, training or voca-  
8 tional rehabilitation agency, the social services district must, after  
9 consultation with officials of CUNY, SUNY or other non-profit education,  
10 training or vocational rehabilitation agency, assign the student to a  
11 work site on campus, where the recipient is enrolled, and shall not  
12 unreasonably assign the student to hours that conflict with the  
13 student's academic schedule, if an approved work experience assignment  
14 is available. Where such work experience assignment is not available,  
15 the social services district shall, to the extent possible, assign the  
16 student to a work site within reasonable proximity to the campus where  
17 the recipient is enrolled and shall not unreasonably assign the student  
18 to hours that conflict with the student's academic schedule. Provided,  
19 however, in order to qualify for a work experience assignment on-campus,  
20 or in close proximity to campus, a student must have a cumulative C  
21 average, or its equivalent. The district may waive the requirement that  
22 the student have a cumulative C average or its equivalent for undue  
23 hardship based on: (i) the death of a relative of the student; (ii) the  
24 personal injury or illness of the student; or (iii) other extenuating  
25 circumstances.

26 S 7. This act shall take effect immediately; provided, however that  
27 the amendments to subdivision 2 of section 335-b and subdivision 4 of  
28 section 336-c of the social services law made by sections four and six  
29 of this act shall not affect the expiration of such subdivisions and  
30 shall be deemed to expire therewith.