

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

4096--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. MILLMAN, WRIGHT, SCHROEDER -- Multi-Sponsored by -- M. of A. BENJAMIN, CANESTRARI, CLARK, COLTON, COOK, CYMBROWITZ, EDDINGTON, ESPAILLAT, GLICK, GORDON, GOTTFRIED, HEASTIE, JOHN, McENE-
NY, PERRY, PHEFFER, J. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to training and education for sustainable wage jobs and traditional and nontraditional employment in public assistance employment programs

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

1 Section 1. Subdivision 1 of section 330 of the social services law, as
2 amended by section 148 of part B of chapter 436 of the laws of 1997,
3 paragraphs a and b as amended by section 2 of part C of chapter 57 of
4 the laws of 2005, is amended to read as follows:
5 1. Whenever used in this title:
6 a. the term "commissioner" means the commissioner of the state office
7 of temporary and disability assistance; [and]
8 b. the term "department" means the state office of temporary and disa-
9 bility assistance;
10 C. THE TERM "NONTRADITIONAL EMPLOYMENT" MEANS OCCUPATIONS OR FIELDS
11 OF WORK, INCLUDING CAREERS IN THE SKILLED TRADES, OR COMPUTER SCIENCE,
12 TECHNOLOGY AND OTHER EMERGING HIGH SKILL OCCUPATIONS, FOR WHICH ANY ONE
13 GENDER COMPRISES LESS THAN TWENTY-FIVE PERCENT OF THE INDIVIDUALS
14 EMPLOYED IN EACH SUCH OCCUPATION OR FIELD OF WORK ACCORDING TO FEDERAL
15 DEPARTMENT OF LABOR STATISTICS; AND
16 D. THE TERM "SUSTAINABLE WAGE" MEANS A WAGE THAT IS AT LEAST ONE
17 HUNDRED EIGHTY-FIVE PERCENT OF THE POVERTY LINE AND THAT IS ADJUSTED FOR
18 REGIONAL FACTORS.

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

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1 S 2. The second undesignated paragraph of section 333 of the social
2 services law, as amended by section 148 of part B of chapter 436 of the
3 laws of 1997, is amended to read as follows:

4 Such plan shall be developed in cooperation and coordination with
5 public and private education institutions, child care providers, child
6 care resource and referral agencies if available in the district, labor
7 unions, libraries, public and private employers, employment and training
8 agencies and organizations, and private industry councils established in
9 service delivery areas defined in subdivision five of section nine
10 hundred seventy-one of the executive law. SUCH PLAN SHALL STRONGLY
11 CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR A
12 GENERAL EQUIVALENCY DIPLOMA (GED), TRAINING FOR SUSTAINABLE WAGE JOBS
13 AND PROMOTE NONTRADITIONAL EMPLOYMENT OPPORTUNITIES FOR SUCH PARTIC-
14 IPANTS; PROVIDED THAT ANY INDIVIDUAL'S PREPARATION FOR EMPLOYMENT SHALL
15 BE CONSISTENT WITH FEDERAL AND STATE WORK PARTICIPATION REQUIREMENTS.

16 S 3. Paragraph (a) of subdivision 1 of section 334 of the social
17 services law, as amended by section 148 of part B of chapter 436 of the
18 laws of 1997, is amended to read as follows:

19 (a) education, employment and training opportunities available under
20 the local plan, including: (I) EDUCATION AND TRAINING FOR SUSTAINABLE
21 WAGE JOBS AND NONTRADITIONAL EMPLOYMENT OPPORTUNITIES; AND (II) educa-
22 tional and training opportunities available at no cost to the partic-
23 ipant as well as the responsibilities associated with the repayment of
24 student financial aid;

25 S 4. Paragraph (a) of subdivision 2 of section 335 of the social
26 services law, as amended by section 148 of part B of chapter 436 of the
27 laws of 1997, is amended to read as follows:

28 (a) Based on the assessment required by subdivision one of this
29 section, the social services official, in consultation with the partic-
30 ipant, shall develop an employability plan in writing which shall set
31 forth the services that will be provided by the social services offi-
32 cial, including but not limited to child care and other services and the
33 activities in which the participant will take part, including child care
34 and other services and shall set forth an employment goal for the
35 participant. To the extent possible, the employability plan shall
36 reflect the preferences of the participant in a manner that is consist-
37 ent with the results of the participant's assessment and the need of the
38 social services district to meet federal and state work activity partic-
39 ipation requirements, and, if such preferences cannot be accommodated,
40 the reasons shall be specified in the employability plan. The employa-
41 bility plan shall also take into account the participant's supportive
42 services needs, available program resources, local employment opportu-
43 nities, AND SHALL STRONGLY CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A
44 HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED), THE POTEN-
45 TIAL FOR AVAILABLE EMPLOYMENT THAT PAYS A SUSTAINABLE WAGE; PROVIDED
46 THAT ANY INDIVIDUAL'S PREPARATION FOR EMPLOYMENT SHALL BE CONSISTENT
47 WITH FEDERAL AND STATE WORK PARTICIPATION REQUIREMENTS; and where the
48 social services official is considering an educational activity assign-
49 ment for such participant, the participant's liability for student
50 loans, grants and scholarship awards. The employability plan shall be
51 explained to the participant. Any change to the participant's employa-
52 bility plan required by the social services official shall be discussed
53 with the participant and shall be documented in writing.

54 S 5. Paragraph (a) of subdivision 2 of section 335-a of the social
55 services law, as amended by section 148 of part B of chapter 436 of the
56 laws of 1997, is amended to read as follows:

1 (a) Based on the assessment required by subdivision one of this
2 section, the social services official, in consultation with the partic-
3 ipant, shall develop an employability plan in writing which shall set
4 forth the services that will be provided by the social services official
5 and the activities in which the participant will take part, including
6 supportive services and shall set forth an employment goal for the
7 participant. A local social services district may assign recipients in
8 households without dependent children to any activity. The employability
9 plan also shall take into account the participant's supportive services
10 needs, available program resources, local employment opportunities, AND
11 SHALL STRONGLY CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A HIGH SCHOOL
12 DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED), THE POTENTIAL FOR AVAIL-
13 ABLE EMPLOYMENT THAT PAYS A SUSTAINABLE WAGE; PROVIDED THAT ANY INDIVID-
14 UAL'S PREPARATION FOR EMPLOYMENT SHALL BE CONSISTENT WITH FEDERAL AND
15 STATE WORK PARTICIPATION REQUIREMENTS; and where the social services
16 official is considering an educational activity assignment for such
17 participant, the participant's liability for student loans, grants and
18 scholarship awards. The employability plan shall be explained to the
19 participant. Any change to the participant's employability plan required
20 by the social services official shall be discussed with the participant
21 and shall be documented in writing.

22 S 6. This act shall take effect on the one hundred twentieth day after
23 it shall have become a law, and shall apply to employability plans made
24 or updated on and after such effective date.