

3298

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 24, 2011

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Introduced by M. of A. MILLMAN, WRIGHT, SCHROEDER -- Multi-Sponsored by  
-- M. of A. CANESTRARI, CLARK, COLTON, COOK, CYMBROWITZ, GLICK, GOTT-  
FRIED, HEASTIE, McENENY, PERRY, PHEFFER, J. RIVERA, SWEENEY, WEISEN-  
BERG -- read once and referred to the Committee on Social Services

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 ASSEM-  
BLY, 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.  
19    S 2. The second undesignated paragraph of section 333 of the social  
20    services law, as amended by section 148 of part B of chapter 436 of the  
21    laws of 1997, is amended to read as follows:

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

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

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

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

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

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

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

54 (a) Based on the assessment required by subdivision one of this  
55 section, the social services official, in consultation with the partic-  
56 ipant, shall develop an employability plan in writing which shall set

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

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