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2011-2012 Regular Sessions

I N  S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed 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 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;

*C. THE TERM "NONTRADITIONAL EMPLOYMENT" MEANS OCCUPATIONS OR FIELDS OF WORK, INCLUDING CAREERS IN THE SKILLED TRADES, OR COMPUTER SCIENCE, TECHNOLOGY AND OTHER EMERGING HIGH SKILL OCCUPATIONS, FOR WHICH ANY ONE GENDER COMPRISES LESS THAN TWENTY-FIVE PERCENT OF THE INDIVIDUALS EMPLOYED IN EACH SUCH OCCUPATION OR FIELD OF WORK ACCORDING TO FEDERAL DEPARTMENT OF LABOR STATISTICS; AND*

*D. THE TERM "SUSTAINABLE WAGE" MEANS A WAGE THAT IS AT LEAST ONE HUNDRED EIGHTY-FIVE PERCENT OF THE POVERTY LINE AND THAT IS ADJUSTED FOR REGIONAL FACTORS.*

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

Such plan shall be developed in cooperation and coordination with public and private education institutions, child care providers, child

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

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care resource and referral agencies if available in the district, labor unions, libraries, public and private employers, employment and training agencies and organizations, and private industry councils established in service delivery areas defined in subdivision five of section nine hundred seventy-one of the executive law. SUCH PLAN SHALL STRONGLY CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED), TRAINING FOR SUSTAINABLE WAGE JOBS AND PROMOTE NONTRADITIONAL EMPLOYMENT OPPORTUNITIES FOR SUCH PARTICIPANTS; PROVIDED THAT ANY INDIVIDUAL'S PREPARATION FOR EMPLOYMENT SHALL BE CONSISTENT WITH FEDERAL AND STATE WORK PARTICIPATION REQUIREMENTS.

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

(a) education, employment and training opportunities available under the local plan, including: (I) EDUCATION AND TRAINING FOR SUSTAINABLE WAGE JOBS AND NONTRADITIONAL EMPLOYMENT OPPORTUNITIES; AND (II) educational and training opportunities available at no cost to the participant as well as the responsibilities associated with the repayment of student financial aid;

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

(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 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, the employability 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 plan. The employability plan shall also take into account the participant's supportive services needs, available program resources, local employment opportunities, AND SHALL STRONGLY CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED), THE POTENTIAL FOR AVAILABLE EMPLOYMENT THAT PAYS A SUSTAINABLE WAGE; PROVIDED THAT ANY INDIVIDUAL'S PREPARATION FOR EMPLOYMENT SHALL BE CONSISTENT WITH FEDERAL AND STATE WORK PARTICIPATION REQUIREMENTS; 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 plan shall be explained to the participant. Any change to the participant's employability plan required by the social services official shall be discussed with the participant and shall be documented in writing.

S 5. Paragraph (a) of subdivision 2 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, is amended to read as follows:

(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 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. The employability plan also shall take into account the participant's supportive services needs, available program resources, local employment opportunities, AND SHALL STRONGLY CONSIDER, FOR INDIVIDUALS WHO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED), THE POTENTIAL FOR AVAILABLE EMPLOYMENT THAT PAYS A SUSTAINABLE WAGE; PROVIDED THAT ANY INDIVIDUAL'S PREPARATION FOR EMPLOYMENT SHALL BE CONSISTENT WITH FEDERAL AND STATE WORK PARTICIPATION REQUIREMENTS; 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 plan shall be explained to the participant. Any change to the participant's employability plan required by the social services official shall be discussed with the participant and shall be documented in writing.

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