

HOUSE BILL 359

Introduced by Cobb, et al.

1/27	Introduced
1/27	Referred to Human Services & Aging
1/27	First Reading
1/27	Fiscal Note Requested
2/01	Fiscal Note Received
2/03	Fiscal Note Printed
2/25	Missed Transmittal Deadline

1 HOUSE BILL NO. 359
2 INTRODUCED BY C. H. Peters

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
5 WORKFARE PROGRAM; AMENDING SECTIONS 53-3-215, 53-3-303,
6 53-3-304, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-326,
7 AND 53-3-327, MCA; AND REPEALING SECTION 53-2-822, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 53-3-215, MCA, is amended to read:

11 "53-3-215. Eligibility classifications -- duration of
12 assistance. (1) For purposes of eligibility, a recipient of
13 general relief must be classified as either employable,
14 temporarily unemployable, or unemployable.

15 (2) Unemployable persons may receive general relief for
16 as long as they remain eligible.

17 (3) Except as provided in subsection (4), employable
18 persons who are otherwise eligible may receive general
19 relief for a period not to exceed 4 months in any 12-month
20 period.

21 (4) An employable person may receive general relief for
22 a maximum of 6 months in any 12-month period if such the
23 person:

24 (a) has a serious barrier to employment and is willing
25 to participate in a program to overcome that employment

1 barrier;

2 (b) suffers from drug or alcohol dependency and,
3 subject to available funding, is undergoing active treatment
4 in an approved program; or

5 (c) is the head of a household that includes minor
6 dependent children and is enrolled in a job search,
7 training, ~~workfare~~, or self-sufficiency program as required
8 by 53-3-304.

9 (5) A temporarily unemployable person complying with
10 53-3-303 may receive general relief for a maximum of 6
11 months in any 12-month period.

12 (6) Assistance granted prior to January 1, 1990, may
13 not be considered in determining eligibility.

14 (7) Subsections (3) and (4) do not apply to general
15 relief medical assistance."

16 **Section 2.** Section 53-3-303, MCA, is amended to read:

17 "53-3-303. Conditions of eligibility. (1) As a
18 condition of eligibility for general relief, an employable
19 or temporarily unemployable recipient must:

20 (a) register for employment with the department of
21 labor and industry;

22 (b) maintain an active job registration file;

23 (c) comply with and actively participate in any job
24 search, training, ~~workfare~~, or self-sufficiency program
25 required by the department; and

(d) actively pursue and accept available employment within ~~his-or-her~~ the recipient's capability.

(2) Refusal without good cause to comply with the requirements of subsection (1) will render the individual recipient, but not the rest of that recipient's household, ineligible for general relief for 3 months following the first refusal and for 6 months following any subsequent refusal. The period of ineligibility begins on the first day of the next month in which the person would otherwise be eligible for general relief."

Section 3. Section 53-3-304, MCA, is amended to read:

"53-3-304. Power to require employable and temporarily unemployable recipients to participate in job search, training, workfare, and self-sufficiency programs. (1) The department shall initiate, promote, and develop job search, training, workfare, and self-sufficiency programs that will provide any combination of employment, training, work experience, or self-sufficiency for persons receiving general relief under the provisions of this chapter. These programs must be designed to:

(a) preserve and improve the work habits and skills of recipients for whom jobs are not otherwise immediately available;

(b) provide training and work experience that will enable recipients to find regular, sustainable employment;

and

(c) provide necessary supportive services and training in order to overcome any condition of temporary unemployability.

(2) For each county with state-assumed welfare services, the department shall institute job search, training, workfare, and self-sufficiency programs as provided in subsection (1).

(3) Except as otherwise provided in this chapter, in a county with state-assumed welfare services, an employable or temporarily unemployable recipient of general relief shall enroll in a structured job search, training, or self-sufficiency program, as required, at an employment office or other site designated by the department. The programs may include the following elements:

(a) assessment and testing;

(b) an employability plan;

(c) ~~a requirement that recipients participate for a minimum of 40 hours a week in a combination of activities, including workfare as provided in subsection (4), unless they are prevented with good cause from participating in such activities;~~

~~(d)~~ remedial education or job skills training, if it is called for in the employability plan and if it provides for immediate referral to an appropriate Job Training

1 Partnership Act program;

2 {e}{d} a job readiness and job search program that may

3 include:

4 (i) self-assessment and occupational testing;

5 (ii) instruction in completing applications, writing

6 resumes, and preparing for interviews;

7 (iii) identification of and contact with potential

8 employers;

9 (iv) participation in simulated job interviews; and

10 (v) intensive job search activity and prompt placements

11 for recipients who are ready to enter the work force;

12 {f}{e} a supervised effort to find employment;

13 {g}{f} efforts to address barriers to employment;

14 {h}{g} an expectation that recipients must be employed

15 at the end of the program;

16 {i}{h} followup and monitoring of program performance;

17 {j}{i} supportive services necessary to overcome

18 temporary unemployability;

19 {k}{j} a self-sufficiency plan; and

20 {l}{k} concentrated rehabilitation activities.

21 {4}---in-addition-to-the-training-required-in-subsection

22 {3},--the--county--department--of--public--welfare--or--the

23 department-of-social-and-rehabilitation-services-may-require

24 a-recipient-to-participate-in-a-workfare-program.-The

25 purpose-of-the-workfare-program-is-to-provide-work

1 experience--and--training--for--general-relief-recipients-in

2 specifically-created-work--projects--operated--by--a--public

3 agency--or--a--private,-nonprofit-agency.-A-workfare-program

4 established-under-this-section-must-provide-that:

5 {a}--a-currently-employed-worker-may-not-be-displaced-by

6 any-recipient-(including-partial-displacement-such-as-a

7 reduction-in-the-hours-of-nonovertime-work,-wages,-or

8 employment-benefits);

9 {b}--a-recipient-may-not-be-given-a-work-experience-or

10 training-assignment-if:

11 {i}--the-assignment-would-fill-an-established,-unfilled

12 vacancy-that-exists-because-an-employee-has-been-laid-off;

13 or

14 {ii}--the-employer-has-terminated-the-employment-of-any

15 regular-employee-or-otherwise-reduced-its-work-force-with

16 the-intention-of-filling-the-vacancy-with-a-general-relief

17 recipient;

18 {c}--a-recipient-may-not-be-required-to-participate-in-a

19 workfare-program-if-participation-is-determined-to-interfere

20 with:

21 {i}--participation-in-a-job-search,-training,-or

22 self-sufficiency-program;-or

23 {ii}-attendance-in-a-secondary-education-program;

24 {d}--the-maximum-number-of-hours-that-a-recipient-may-be

25 required-to-participate-in-a-workfare-program-and-job

search, training, and self-sufficiency programs may not exceed 40 hours in a week.

(5) The county department of public welfare or the department of social and rehabilitation services, as the case may be, shall provide coverage under the Workers' Compensation Act for those recipients of general relief participating in the workfare program and may enter into such agreements with the department of labor and industry as may be necessary to carry out the provisions of this section.

(6) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the area where it is proposed to assign the recipient to a workfare project, an opportunity must be provided for that organization to submit comments with respect to such proposal.

(7) A workfare program may not impair existing contracts for services or collective bargaining agreements, and a workfare program that would be inconsistent with the terms of a collective bargaining agreement may not be undertaken without the written concurrence of the labor organization and employer concerned.

(8) No program established under this section may include any political, partisan, or lobbying activities. The department shall deny funds to any program involved in such

activities."

Section 4. Section 53-3-321, MCA, is amended to read:

"53-3-321. Services for recipients in need of special assistance. (1) Unless otherwise exempted, in a county with state-assumed welfare services, a person who has a serious barrier to employment, who is temporarily unemployable, or who suffers from drug or alcohol dependency shall report to any combination of a job search, training, workfare, or self-sufficiency program, as required by the department, for the purpose of receiving an assessment to determine whether the person is likely to benefit from counseling, therapy, or rehabilitation. The agency shall require that the person be enrolled in any combination of:

(a) a job search, training, workfare, or self-sufficiency program established under 53-3-304, except that the person need not participate in the job search program under 53-3-304(3)(c)(3)(d) until the agency determines that the person is ready to participate in the work force; or

(b) a program designed specifically to help that person overcome problems that impair the potential for employment.

(2) Subject to available funding, a program provided for in subsection (1)(b) may include the following elements:

(a) assessment and testing;

(b) an employability or self-sufficiency plan;

(c) remedial education or job skills training, if required by the employability or self-sufficiency plan;

(d) a chemical dependency assessment; and

(e) services, including counseling, therapy, and rehabilitation, to address serious barriers to employment and drug or alcohol dependency.

(3) In order to encourage rehabilitation, the department may restrict services to persons suffering from drug or alcohol dependency to one intervention through the provision of services described in subsections (2)(a) through (2)(e)."

Section 5. Section 53-3-322, MCA, is amended to read:

"53-3-322. **Payment after performance.** (1) The department may by rule withhold general relief or limit payments to shelter or personal needs until all employable or temporarily unemployable members of the household have completed 4 full weeks in a structured job search, training, ~~workfare~~ or self-sufficiency program as required in 53-3-304.

(2) A person is ineligible for assistance under subsection (1) if:

(a) the person fails to cooperate with the department in its investigation of eligibility; or

(b) the department's investigation during the 4-week period described in subsection (1) discloses that the person

is ineligible to receive assistance."

Section 6. Section 53-3-323, MCA, is amended to read:

"53-3-323. **Limitation of services.** (1) The department may limit the scope and availability of programs and services under 53-3-304 as may be necessary because of:

(a) the actual needs of an individual, as determined in accordance with an employability or self-sufficiency plan;

(b) funding limitations;

(c) service limitations;

(d) limitations caused by the lack of available employment in the area; and

(e) an insufficient number of recipients in an area to justify establishment of any combination of a job search, training, ~~workfare~~ or self-sufficiency program.

(2) Recipients residing in areas where programs and services are restricted because of subsection (1) are exempt from mandatory participation in a job search, training, ~~workfare~~ or self-sufficiency program."

Section 7. Section 53-3-324, MCA, is amended to read:

"53-3-324. **Employability and self-sufficiency plans.**

(1) The department shall develop or contract for the development of an employability or self-sufficiency plan, as appropriate, for each participant enrolled in a job search, training, ~~workfare~~ or self-sufficiency program provided for in 53-3-304.

(2) The department may contract for assessment and testing if:

(a) it determines there is a need for assessment and testing in order to develop a plan; and

(b) funds are available for such services."

Section 8. Section 53-3-326, MCA, is amended to read:

"53-3-326. Transportation assistance. The department may provide necessary transportation or reimbursement of transportation costs for persons enrolled in job search, training, workfare, or self-sufficiency programs provided in 53-3-304."

Section 9. Section 53-3-327, MCA, is amended to read:

"53-3-327. Performance standards -- monitoring and evaluation of program. (1) The department shall provide standards to measure the performance and effectiveness of the general relief job search, training, workfare and self-sufficiency programs provided in 53-3-304. The standards must consist of an objective, quantifiable measure of the extent to which participation in the program increases the employment and earnings of participants and decreases their dependency on public assistance.

(2) In order to determine whether performance standards are met, the department shall monitor and evaluate the program on the basis of appropriate factors that must include the following:

(a) the placement of participants in unsubsidized employment;

(b) the retention of participants in unsubsidized employment;

(c) the increase in earnings, including hourly wages, of participants due to placement in unsubsidized employment;

(d) the reduction in the number of individuals and families receiving general relief; and

(e) the amount of reductions in payments for general relief.

(3) In monitoring and evaluating the performance of the program, the department shall determine the reasons for high and low levels of performance, administrative efficiencies, and program coordination."

NEW SECTION. Section 10. Repealer. Section 53-2-822, MCA, is repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0359, as introduced.DESCRIPTION OF PROPOSED LEGISLATION: An act eliminating the workfare program.ASSUMPTIONS:

1. Based on discussion with the Department of Labor, it is estimated that 15% of the Project Work Program (PWP) contracts are spent on work experience activities.
2. FY94 and FY95 Executive Budget funds the PWP program at \$657,526, of which \$342,752 is general fund.
3. Clients will continue to participate in 40 hours per week in non-workfare components.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Project Work Program	657,526	558,897	(98,629)	657,526	558,897	(98,629)
Total Expenses	\$657,526	\$558,897	\$ (98,629)	\$657,526	\$558,897	\$ (98,629)
<u>Funding:</u>						
General Fund	342,752	293,437	(49,315)	342,752	293,437	(49,315)
Federal Funds	314,774	265,460	(49,314)	314,774	265,460	(49,314)
Total Funding	\$657,526	\$558,897	\$ (98,629)	\$657,526	\$558,897	\$ (98,629)
<u>Net Impact:</u>						
General Fund (Appropriation Reduction)			(49,315)			(49,315)

David Lewis 2-1-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

2-3-93
 JOHN COBB, PRIMARY SPONSOR DATE

Fiscal Note for HB0359, as introduced**HB 359**