

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
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Official Code*

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To amend the District of Columbia Public Assistance Act of 1982 to require the use of a standardized initial assessment for all Temporary Assistance for Needy Families (“TANF”) program participants, to define what work activities are acceptable educational opportunities under the TANF employment program, to require the Mayor to report an annual basis performance measurements from TANF vendors, and to require the Mayor to submit a family assessment plan on services and training opportunities for the TANF program and on transitioning families from the program within 5 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “TANF Educational Opportunities and Accountability Amendment Act of 2010”.

Sec. 2. Title V of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 4-101; D.C. Official Code § 4-205.01 *et seq.*), is amended as follows:

(a) Section 519b (D.C. Official Code § 4-205.19b) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) Using a standard process and mechanism, the Mayor shall make a detailed assessment of the skills, prior work experience, employability, and barriers to employment, including domestic violence, mental health, and substance abuse (“assessment”) of each TANF recipient.

“(2) As a condition of eligibility, all TANF applicants shall complete the assessment.

“(3) Staff responsible for administering the assessment shall receive specific training regarding the administration of the assessment and the follow-up services and programs available to eligible TANF recipients. Training shall include a focus on identifying barriers to employment, such as issues of domestic violence, mental health, and substance abuse.”

(2) Subsection (b) is amended to read as follows:

“(b)(1) Following the assessment and a positive eligibility determination, a TANF

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recipient in a single-parent assistance unit shall be required to sign and comply with an agreement to participate in work activities as a condition of continuing eligibility for TANF benefits when the recipient:

“(A) Has a child under 6 years of age and is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month); or

“(B) Has a child 6 years of age and is not engaged in paid employment for at least 30 hours per week (or an average of 120 hours per month).

“(2) The Mayor shall determine the nature and scope of the work activities that shall be required based on the person’s assessment; provided, that the Mayor shall not require the TANF recipient to participate in work activities for more than 35 hours per week.

“(3) This subsection shall not apply to a TANF recipient who is exempt pursuant to section 519g or subject to the school-attendance requirements of section 565.”.

(3) Subsection (c) is amended as follows:

(A) Strike the word “preliminary” both times it appears.

(B) Strike the phrase “the applicant” both times it appears and insert the phrase “the TANF recipient” in its place.

(b) Section 519c (D.C. Official Code § 4-205.19c) is amended by striking the phrase “in job search or job readiness activities” each time it appears and inserting the phrase “in work activities” in its place.

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(c) Section 519d (D.C. Official Code § 4-205.19d) is amended as follows:

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(1) Subsection (a) is amended to read as follows:

“(a) If the Mayor has assessed a TANF recipient pursuant to section 519b(a), the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps the recipient is required to take to achieve self sufficiency and the services that the District shall provide to assist the recipient in attaining self sufficiency. The individual responsibility plan shall be based on the recipient’s assessment at application.”.

(2) Subsections (a-1) and (b) are repealed.

(3) Subsection (c) is amended as follows:

(A) Paragraph (10) is amended to read as follows:

“(10) Education directly related to employment;”.

(B) A new paragraph (10A) is added to read as follows:

“(10A) Satisfactory attendance in a secondary school or in a general equivalence program; or”.

(4) A new subsection (c-1) is added to read as follows:

“(c-1)(1) The following are work activities and are defined as follows:

“(A) “Job search and job readiness” means the act of seeking or obtaining employment or preparation to seek or obtain employment, including: life skills strategies and soft skills training, budget and credit counselling, substance abuse treatment, domestic violence support or services, mental health activities or rehabilitative activities for individuals who are otherwise employable as defined by the Work Verification Plan. Job

search and job-readiness activities may count towards the work participation rates for a total of 6 weeks in a year, or 12 weeks in a year for states who meet the criteria established in section 403(b)(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2123; 42 U.S.C.S § 603(b)(5)).

“(B) “Vocational educational training,” not to exceed 12 months, means education programs that are directly related to the preparation of individuals for employment in current or emerging occupations that are provided by an accredited education or training organization such as a vocational-technical school, community college, post secondary institution, or proprietary school. Courses offered by such programs can include adult basic education, English as a Second Language (“ESL”), and literacy courses; provided, that the courses are part of the vocational training curriculum and are directly related to the preparation of individuals for employment in occupations that require training.

“(C) “Job skills training directly related to employment” means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This activity may include post-secondary education at an accredited university or college that leads to a bachelor’s or advanced degree that is directly related to employment.

“(D) “Education directly related to employment,” in the case of a recipient who has not received a high school diploma or general educational development certificate (“GED”) and needs specific employment training, means education directly related to a specific job or job offer. This includes adult basic education, literacy, GED, and ESL activities.

“(E) “Satisfactory attendance in secondary school or a general equivalence program” means regular attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

“(F) “Unsubsidized employment,” means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

“(G) “Subsidized private sector employment,” means employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

“(H) “Subsidized public sector employment,” means employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

“(I) “Work experience,” including work associated with the refurbishing of publicly-assisted housing, if sufficient private-sector employment is not available means a work activity performed in return for welfare that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.

“(J) “On-the-job training,” means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that

provides knowledge and skills essential to the full and adequate performance of the job.

“(K) “Community service programs,” mean structured programs and activities in which individuals perform work for the direct benefit of the community under the auspices of public or nonprofit organizations.

“(L) “Providing child care services to an individual who is participating in a community service program” means providing child care to enable another TANF or state supplementary payment recipient to participate in a community service program.

“(2) Participation in one of the work activities listed in subparagraphs (I) through (L) of paragraph (1) this subsection shall count towards federal work requirements when combined with participation in a work activities listed in subparagraphs (A) through (H) of paragraph (1) of this subsection for the number of hours specified in 45 C.F.R. §§ 261.31-261.32.”.

(d) A new section 519m is added to read as follows:

“Sec. 519m. Reporting requirements.

“The Mayor shall report and make public the following performance measures annually:

“(1) By vendor program:

“(A) The number of TANF work-eligible recipients and percentage of the TANF caseload who have participated in the specific vendor program, including the number and percentage of those recipients who have:

“(i) Met their work participation requirements for at least one month during the reporting period;

“(ii) Completed the education or training program; and

“(iii) Have become employed.

“(B) Of those who gained employment, the number and percentage of TANF recipients who remain employed and met work participation requirements, by month, for up to 6 months;

“(C) Of those who exited TANF due to earnings, the number and percentage of TANF recipients who return to a vendor program after 3 months, 6 months, 12 months, and 18 months;

“(2) The number of TANF recipients and percentage of the TANF caseload who:

“(A) Have applied for a waiver from job search or job readiness activities, as defined in § 4-205.19b, and work activities, as defined in 519d, due to domestic violence as referenced in 519b(d)(3);

“(B) Have been granted a waiver from job search or job readiness activities, pursuant to section 519b, and work activities due to domestic violence as referenced in section 519b(d)(3);

“(C) Have been referred to treatment through domestic violence services pursuant to section 519b(d)(2); and

“(D) Are receiving domestic violence services through a referral by the Mayor pursuant to section 519b(d)(2);

“(3) The number of TANF recipients and percentage of the TANF caseload who have been:

“(A) Referred to POWER pursuant to section 573(b);

“(B) Approved for POWER; and

“(C) Referred to and receive, to the extent such information is accessible and available, treatment services for substance abuse or physical or mental disabilities;

“(4) The number of TANF recipients and percentage of the TANF caseload who are participating in each work activity listed in section 519d(c-1), including the number of TANF recipients and percentage of TANF caseload who have reported self-employment as their unsubsidized employment work activity;

“(5) For the following activities, a list of organizations, with which TANF recipients have been placed and the number placed with each:

“(A) Subsidized private sector employment;

“(B) Subsidized public sector employment;

“(C) Work experience;

“(D) On-the-job-training;

“(E) Community service;

“(F) Vocational education training; and

“(G) Job skills training directly related to employment;

“(6) The number of TANF recipients and percentage of the TANF caseload who have:

“(A) Been referred to the Tuition Assistance Program Initiative for TANF (“TAPIT”);

“(B) Been enrolled in TAPIT; and

“(C) Successfully completed TAPIT;

“(7) The number of TANF recipients and percentage of the TANF caseload who have:

“(A) Been referred to the University of the District of Columbia Paths Program;

“(B) Been enrolled in the UDC Paths Program; and

“(C) Successfully completed the UDC Paths Program; and

“(8) The number of TANF recipients and percentage of the TANF caseload who were not referred to work activities within 6 months and 12 months after a positive eligibility determination.”.

(e) A new section 519n is added to read as follows:

“Sec. 519n. Family assessment plan.

“Within 180 days of the effective date of the TANF Educational Opportunities and Accountability Amendment Act of 2010, passed on 2nd reading on December 21, 2010 (Enrolled version of Bill 18-1007), the Mayor shall submit to the Council a plan, with timetables and budget requirements, to assess every family and to offer supportive services and

job training opportunities for the TANF program, starting with all present and subsequent families that have been on the program beyond 60 months, and to transition all families beyond 60 months from the program within 5 years.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect after approval by the Mayor (or in the event of a veto by the Mayor, override of the veto by the Council, a 30-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia