

WORKFORCE SERVICES AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Richard M. Siddoway

This act modifies the Employment Support Act. The act corrects and updates references to federal legislation. The act amends the duties of the Office of Child Care. The act repeals the Child Care Expendable Trust Fund and the Workforce Reentry Program.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

35A-3-114, as last amended by Chapter 133, Laws of Utah 2000

35A-3-203, as last amended by Chapter 1, Laws of Utah 1998

35A-3-304, as last amended by Chapter 1, Laws of Utah 1998

REPEALS:

35A-3-206, as renumbered and amended by Chapter 375, Laws of Utah 1997

35A-3-305, as enacted by Chapter 174, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-3-114** is amended to read:

35A-3-114. Programs for displaced homemakers.

(1) For purposes of this section, "displaced homemaker" means an individual:

(a) who has been a homemaker for a period of eight or more years without significant gainful employment outside the home;

(b) whose primary occupation during the period of time described in Subsection (1)(a) was the provision of unpaid household services for family members;

(c) has found it necessary to enter the job market;

(d) is not reasonably capable of obtaining employment sufficient to provide self-support or necessary support for dependents, due to a lack of marketable job skills or other skills necessary for self-sufficiency; and

28 (e) has depended on:
29 (i) the income of a family member and lost that income; or
30 (ii) governmental assistance as the parent of dependent children and is no longer eligible
31 for that assistance.

32 (2) The department shall establish, in cooperation with state and local governmental
33 agencies, community-based organizations, and private employers, a program for the education,
34 training, and transitional counseling of displaced homemakers, which includes referral services and
35 the following services:

36 (a) employment and skills training, career counseling, and placement services specifically
37 designed to address the needs of displaced homemakers;

38 (b) assistance in obtaining access to existing public and private employment training
39 programs;

40 (c) educational services, including information on high school or college programs, or
41 assistance in gaining access to existing educational programs;

42 (d) health education and counseling, or assistance in gaining access to existing health
43 education and counseling services;

44 (e) financial management services which provide information on insurance, taxes, estate
45 and probate matters, mortgages, loans, and other financial issues; and

46 (f) prevocational self-esteem and assertiveness training.

47 (3) The department shall:

48 (a) (i) contract with existing governmental or private agencies or community-based
49 organizations that have demonstrated effectiveness in serving displaced homemakers to provide
50 a program for displaced homemakers in each county or group of counties, as the population
51 demands; or

52 (ii) establish a program for displaced homemakers in that area;

53 (b) coordinate its program for displaced homemakers with existing state or federal
54 programs of a similar nature and, where possible, utilize existing physical resources;

55 (c) establish rules to implement this section, and may form an advisory committee for
56 recommendations on the establishment and improvement of a program for displaced homemakers;

57 (d) encourage the placement of displaced homemakers in programs established under:

58 (i) the ~~Job Training Partnership Act, 29 U.S.C. Section 1501~~ Workforce Investment Act

59 of 1998; and

60 (ii) the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C.
61 Section 2301, et seq.; and

62 (e) prepare an evaluation of its program for displaced homemakers, including the success
63 of placement of displaced homemakers in programs described in this section, and annually submit
64 a written report of that evaluation to the Legislature.

65 (4) Displaced homemakers may act as peer counselors in programs for displaced
66 homemakers.

67 (5) (a) Appropriate funds received by the state under Section 21-2-8 shall be deposited as
68 nonlapsing dedicated credits and used for the purposes of this section.

69 (b) Notwithstanding Subsection (5)(a), if the nonlapsing amount exceeds \$300,000 at the
70 end of any fiscal year, the excess shall lapse into the General Fund.

71 (6) The department shall establish procedures for payment and repayment, when possible,
72 by clients to the department of the costs of services provided to displaced homemakers under this
73 section.

74 Section 2. Section **35A-3-203** is amended to read:

75 **35A-3-203. Functions and duties of office.**

76 The office shall:

77 (1) provide information:

78 (a) to employers for the development of options for child care in the work place; and

79 (b) for educating the public in obtaining quality child care;

80 (2) coordinate services for quality child care training and child care resource and referral
81 core services;

82 (3) apply for, accept, or expend gifts or donations from public or private sources;

83 (4) provide administrative support services to the committee;

84 (5) work collaboratively with the following for the delivery of quality child care and early
85 childhood programs, and school age programs in the state:

86 (a) the State Board of Education;

87 (b) the Department of Community and Economic Development; and

88 (c) the Department of Health;

89 ~~[(6) recommend to the Legislature legislation that will further the purposes of the office~~

90 and child care, early childhood programs, and school age programs; and]

91 ~~[(7)]~~ (6) provide planning and technical assistance for the development and
92 implementation of programs in communities that lack child care, early childhood programs, and
93 school age programs[-]; and

94 (7) provide organizational support for the establishment of nonprofit organizations
95 approved by the Child Care Advisory Committee, created in Section 35A-3-205.

96 Section 3. Section **35A-3-304** is amended to read:

97 **35A-3-304. Assessment -- Participation requirements and limitations -- Mentors.**

98 (1) (a) Within 20 business days of the date of enrollment, a parent client shall:

99 (i) be assigned an employment counselor; and

100 (ii) complete an assessment provided by the division regarding the parent client's family
101 circumstances, education, work history, skills, and ability to become self-sufficient.

102 (b) The assessment provided under Subsection (1) shall include a survey to be completed
103 by the parent client with the assistance of the division.

104 (2) (a) Within 15 business days of a parent client completing an assessment, the division
105 and the parent client shall enter into an employment plan.

106 (b) The employment plan shall contain a target date for entry into employment.

107 (c) The division shall provide a copy of the employment plan to the parent client.

108 (d) As to the parent client, the plan may include:

109 ~~[(i) participation in the Workforce Reentry Program described in Section 35A-3-305;]~~

110 ~~[(ii)]~~ (i) job searching requirements;

111 ~~[(iii)]~~ (ii) participation in an educational program to obtain a high school diploma, or its
112 equivalent, if the parent client does not have a high school diploma;

113 ~~[(iv)]~~ (iii) education or training necessary to obtain employment;

114 ~~[(v)]~~ (iv) a combination of work and education or training;

115 ~~[(vi)]~~ (v) assisting the Office of Recovery Services in good faith to:

116 (A) establish the paternity of a minor child; and

117 (B) establish or enforce a child support order; and

118 ~~[(vii)]~~ (vi) participation in available treatment for drug dependency and progress toward
119 overcoming that dependency if the parent client is a drug dependent person as defined in Section
120 58-37-2.

- 121 (e) As to the division, the plan may include:
- 122 (i) providing cash and other types of public and employment assistance, including child
123 care;
- 124 (ii) assisting the parent client to obtain education or training necessary for employment;
- 125 (iii) assisting the parent client to set up and follow a household budget; and
- 126 (iv) assisting the parent client to obtain employment.
- 127 (f) An employment plan may be amended to reflect new information or changed
128 circumstances.
- 129 (g) If immediate employment is an activity contained in the employment plan the parent
130 client shall:
- 131 (i) promptly commence a search for a specified number of hours each week for
132 employment; and
- 133 (ii) regularly submit a report to the division on:
- 134 (A) how time was spent in search for a job;
- 135 (B) the number of job applications completed;
- 136 (C) the interviews attended;
- 137 (D) the offers of employment extended; and
- 138 (E) other related information required by the division.
- 139 (h) If full-time education or training to secure employment is an activity contained in an
140 employment plan, the parent client shall promptly undertake a full-time education or training
141 program. The employment plan may describe courses, education or training goals, and classroom
142 hours.
- 143 (i) (i) As a condition of receiving cash assistance under this part, a parent client shall agree
144 to make a good faith effort to comply with the employment plan.
- 145 (ii) If a parent client consistently fails to show good faith in complying with the
146 employment plan, the division may seek under Subsection (2)(i)(iii) to terminate all or part of the
147 cash assistance services provided under this part.
- 148 (iii) The division shall establish a process to reconcile disputes between a client and the
149 division as to whether:
- 150 (A) the parent client has made a good faith effort to comply with the employment plan;
- 151 or

152 (B) the division has complied with the employment plan.

153 (3) (a) Except as provided in Subsection (3)(b), a parent client's participation in education
154 or training beyond that required to obtain a high school diploma or its equivalent is limited to the
155 lesser of:

156 (i) 24 months; or

157 (ii) the completion of the education and training requirements of the employment plan.

158 (b) A parent client may participate in education or training for up to six months beyond
159 the 24-month limit of Subsection (3)(a) if:

160 (i) the parent client is employed for 80 or more hours a month; and

161 (ii) the extension is for good cause shown and approved by the director.

162 (c) A parent client who receives an extension under Subsection (3)(b) remains subject to
163 Subsection (4).

164 (4) A parent client with a high school diploma or equivalent who has received 24 months
165 of education or training shall participate in full-time work activities. The 24 months need not be
166 continuous and the department may define "full-time work activities" by rule.

167 (5) Beginning on July 1, 1998, as a condition for receiving cash assistance on behalf of a
168 minor child under this part, the minor child shall be:

169 (a) enrolled in and attending school in compliance with Section 53A-11-101; or

170 (b) exempt from school attendance under Section 53A-11-102.

171 (6) This section does not apply to a person who has received diversion assistance under
172 Section 35A-3-303.

173 (7) (a) The division shall recruit and train volunteers to serve as mentors for parent clients.

174 (b) A mentor may advocate on behalf of a parent client and help a parent client:

175 (i) develop life skills;

176 (ii) implement an employment plan; or

177 (iii) obtain services and supports from:

178 (A) the volunteer mentor;

179 (B) the division; or

180 (C) civic organizations.

181 **Section 4. Repealer.**

182 This act repeals:

183 Section 35A-3-206, Expendable trust fund -- Use of monies -- Committee and director
184 **duties -- Restrictions.**

185 Section 35A-3-305, Workforce Reentry Program.

Legislative Review Note
as of 1-3-01 2:25 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Workforce Services Interim Committee recommended this bill.