

1 **SELF-RELIANCE TRAINING FOR PUBLIC ASSISTANCE**

2 **RECIPIENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lincoln Fillmore**

6 House Sponsor: Steve Eliason

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions of the Utah Workforce Services Code.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines "approved self-reliance training";
- 14 ▶ requires that a client receiving certain public assistance complete at least two hours

15 of approved self-reliance training within 90 days of receiving assistance ~~↔~~ **[as a**
16 ~~condition of receiving assistance beyond 90 days]~~ ~~↔~~ **;**

17 ▶ requires the Department of Workforce Services to seek a waiver, if federal law or
18 regulation ~~↔~~ **[does not allow] prohibits requiring** ~~↔~~ self-reliance training ~~↔~~ **[as a**

18a ~~condition of receiving public~~
19 ~~assistance]~~ ~~↔~~ **;**

- 20 ▶ describes what entities may offer approved self-reliance training; and
- 21 ▶ describes the reporting requirements of the department.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **35A-3-102**, as last amended by Laws of Utah 2015, Chapter 221

29 ENACTS:

30 **35A-3-116**, Utah Code Annotated 1953



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

33 Section 1. Section **35A-3-102** is amended to read:

34 **35A-3-102. Definitions.**

35 As used in this chapter:

36 (1) "Adjudicative proceeding" has the same meaning as defined in Section **63G-4-103**.

37 (2) "Administrative order" means an order issued by the department that addresses an
38 overpayment of public assistance.

39 (3) "Applicant" means a person who requests assistance under this chapter.

40 (4) "Approved self-reliance training" means an educational class, training session, or
41 counseling session:

42 (a) approved by the department;

43 (b) described in Section **35A-3-116**; and

44 (c) provided at no cost to a client.

45 [~~4~~] (5) "Assignment of support" means the transfer to the state of a recipient's right to
46 receive support from another person that accrues during the period the recipient receives public
47 assistance, including a right to receive support on behalf of any family member for whom the
48 recipient is applying for or receiving assistance.

49 [~~5~~] (6) "Average monthly number of families" means the average number of families
50 who received cash assistance on a monthly basis during the previous federal fiscal year.

51 [~~6~~] (7) "Cash assistance" means the monthly dollar amount a recipient is eligible to
52 receive under the Family Employment Program under Section **35A-3-302**.

53 [~~7~~] (8) "Child care services" means care of a child by a responsible person who is not
54 the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a
55 qualified setting, as defined by rules made by the department in accordance with Title 63G,
56 Chapter 3, Utah Administrative Rulemaking Act.

57 [~~8~~] (9) (a) "Civic organization" means an organization that provides services to its
58 community.

59 (b) "Civic organization" includes a community service club or organization, a
60 charitable health care or service organization, a fraternal organization, a labor union, a minority
61 or ethnic organization, a commercial or industrial organization, a commerce or business club, a
62 private nonprofit organization, a private nonprofit corporation that provides funding to a
63 community service organization, an organization that advocates or provides for the needs of
64 persons with low incomes, a religious organization, and an organization that fosters strong
65 neighborhoods and communities.

66 [~~(9)~~] (10) "Court order" means a judgment or order of a court of this state, another
67 state, or the federal government that addresses an overpayment of public assistance.

68 [~~(10)~~] (11) "Date of enrollment" means the date on which the applicant was approved
69 as eligible for cash assistance.

70 [~~(11)~~] (12) "Director" means the director of the division assigned by the department to
71 administer a program.

72 [~~(12)~~] (13) "Diversion" or "diversion payment" means a one-time cash assistance
73 payment under Section 35A-3-303 to a recipient who is eligible for cash assistance, but does
74 not require extended cash assistance under Part 3, Family Employment Program.

75 [~~(13)~~] (14) "Education or training" means:

- 76 (a) basic remedial education;
- 77 (b) adult education;
- 78 (c) high school education;
- 79 (d) education to obtain the equivalent of a high school diploma;
- 80 (e) education to learn English as a second language;
- 81 (f) applied technology training;
- 82 (g) employment skills training; or
- 83 (h) on-the-job training.

84 [~~(14)~~] (15) "Full-time education or training" means training on a full-time basis as
85 defined by the educational institution attended by the parent recipient.

86 [~~(15)~~] (16) "General assistance" means financial assistance provided to a person under
87 Part 4, General Assistance.

88 [~~(16)~~] (17) "Notice of agency action" means the notice required to commence an
89 adjudicative proceeding as described in Section 63G-4-201.

90 [~~(17)~~] (18) "Obligor" means an individual:

91 (a) who is liable to the state under Section 35A-3-603 and applicable federal statutes
92 and regulations; or

93 (b) against whom an administrative or judicial order determining overpayment has
94 been obtained.

95 [~~(18)~~] (19) (a) "Overpayment" means money, public assistance, or another item of
96 value provided under a state or federally funded benefit program to a person that is not entitled
97 to receive it or is not entitled to receive it at the level provided.

98 (b) "Overpayment" includes money paid to a provider under this title in connection
99 with public assistance or another publicly funded assistance program to the extent that the
100 provider receives payment:

101 (i) for goods or services not provided; or

102 (ii) in excess of the amount to which the provider is entitled.

103 [~~(19)~~] (20) "Parent recipient" means a person who enters into an employment plan with
104 the department to qualify for cash assistance under Part 3, Family Employment Program.

105 [~~(20)~~] (21) "Performance goals" means a target level of performance that will be
106 compared to actual performance.

107 [~~(21)~~] (22) "Performance indicators" means actual performance information regarding
108 a program or activity.

109 [~~(22)~~] (23) "Performance monitoring system" means a process to regularly collect and
110 analyze performance information, including performance indicators and performance goals.

111 [~~(23)~~] (24) "Plan" or "state plan" means the state plan submitted to the Secretary of the
112 United States Department of Health and Human Services to receive funding from the United
113 States through the Temporary Assistance for Needy Families Block Grant in accordance with
114 42 U.S.C. Sec. 602.

115 [~~(24)~~] (25) "Recipient" means a person who is qualified to receive, is receiving, or has
116 received assistance under this chapter.

117 [~~(25)~~] (26) "Single minor parent" means a person under 18 years of age who is not
118 married and has a minor child in the person's care and custody.

119 [~~(26)~~] (27) "Transitional cash assistance" means assistance provided to a recipient to
120 stabilize employment and reduce the future use of cash assistance provided under Part 3,

121 Family Employment Program.

122 Section 2. Section **35A-3-116** is enacted to read:

123 **35A-3-116. Self-reliance training.**

124 (1) If the department determines that it is not prohibited under federal law or
 125 regulation, a client ~~H→~~ **who is at least 21 years old, but who is younger than 65 years old,**
 125a **and who is** ~~←H~~ receiving public assistance under this chapter ~~H→~~ , ~~←H~~ shall complete at
 125b least two
 126 hours of approved self-reliance training within 90 days of the first day of receiving public
 127 assistance ~~H→~~ **[as a condition of continuing to receive public assistance beyond 90 days]** ~~←H~~ .

128 (2) If the department determines that federal law or regulation regarding a specific
 129 service or benefit under this chapter prohibits requiring a client to complete at least two hours
 130 of self-reliance training within 90 days of first receiving public assistance ~~H→~~ **[as a condition of**
 131 **continuing to receive the service or benefit]** ~~←H~~ , the department shall:

132 (a) seek a waiver from the appropriate federal agency to allow requiring the training;
 133 and

134 (b) inform the client about the option of completing self-reliance training.

135 (3) The department shall ensure that approved self-reliance training:

136 (a) is designed to help ~~H→~~ **[participants] clients** ~~←H~~ learn to become financially stable
 136a and less
 137 dependent on government assistance;

138 (b) teaches skills and knowledge that will assist ~~H→~~ **[a participant] clients** ~~←H~~ in
 138a becoming self-reliant;

139 (c) is available at sufficient times and places to enable clients to reasonably complete
 140 the training; ~~H→~~ **[and]** ~~←H~~

141 (d) is offered at no cost to clients ~~H→~~ [] ;

141a (e) **includes an option for online training; and**

141b (f) **is provided and taught in a manner that is sensitive to the specific needs and**
 141c **challenges of clients, including:**

141d (i) **employment situations and work schedules;**

141e (ii) **health or disability related employment issues;**

141f (iii) **family care responsibilities and schedules; and**

141g (iv) **transportation issues;** ~~←H~~

142 (4) Approved self-reliance training may be offered by the department or any of the
 143 following if approved by the department:

144 (a) a civic organization as defined in Section [35A-3-102](#);

144a ~~S→~~ (b) **a for-profit entity;** ~~←S~~

145 ~~Ŝ~~ → ~~(b)~~ (c) ← ~~Ŝ~~ an educational institution; or

146 ~~Ŝ~~ → ~~(e)~~ (d) ← ~~Ŝ~~ any state or local entity.

147 (5) The director may contract with a civic organization to provide approved
148 self-reliance training, if the director follows the procedures for contracting with a civic
149 organization for the provision of social capital as described in Section [35A-3-507](#).

150 (6) As part of the annual written report described in Section [35A-1-109](#), the department
151 shall:

- 152 (a) describe what entities are providing approved self-reliance training;
153 (b) provide the number of clients who have completed at least two hours of approved
154 self-reliance training;
155 (c) describe any services or benefits under this chapter that may not be conditioned on
156 the completion of self-reliance training because of federal law or regulation; and
157 (d) describe the response to any waiver request described in Subsection (2)(a).
157a ~~Ĥ~~→ **(7) A client's completion of the approved self-reliance training described in**
157b **Subsection (1) is not a condition of the client continuing to receive public assistance.** ←~~Ĥ~~
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Legislative Review Note
Office of Legislative Research and General Counsel