

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3141

Chapter 273, Laws of 2010

(partial veto)

61st Legislature
2010 Regular Session

TEMPORARY ASSISTANCE TO NEEDY FAMILIES--WORKFIRST PROGRAM

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 57 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2010
Yeas 27 Nays 20

BRAD OWEN

President of the Senate

Approved April 1, 2010, 2:32 p.m., with
the exception of Sections 1, 3, and 4
which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 3141 as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 2, 2010

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3141

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Kagi, Pettigrew, Seaquist, Kenney, and Ormsby)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to redesigning the delivery of temporary assistance
2 for needy families; amending RCW 74.08A.285 and 74.08A.320; adding new
3 sections to chapter 74.08A RCW; adding a new section to chapter 43.215
4 RCW; creating a new section; and repealing RCW 74.08A.200.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 ****NEW SECTION. Sec. 1. A new section is added to chapter 74.08A RCW***
7 ***to read as follows:***

8 ***(1) The legislature finds that the goal of the Washington WorkFirst***
9 ***program is economic self-sufficiency for families through unsubsidized***
10 ***work. The legislature also finds that matching available resources***
11 ***with families' needs and developing a comprehensive plan assists***
12 ***families in attaining lasting self-sufficiency through work.***

13 ***(2) The legislature also finds that the primary purposes of the***
14 ***temporary assistance for needy families program are: (a) To help job***
15 ***ready participants secure gainful employment; (b) to assist parents to***
16 ***prepare for and obtain sustainable employment that will lift the family***
17 ***out of poverty and lead to economic self-sufficiency; and (c) to***
18 ***provide basic income assistance and support to parents who are disabled***
19 ***or otherwise exempt from work activity requirements under federal law.***

1 (3) The legislature further finds that parents who have adequate
2 job skills and experiences should be referred to job search activities
3 that will lead to employment.

4 (4) The legislature also finds that completion of appropriate
5 educational and training programs is necessary for some families to
6 achieve economic self-sufficiency through work because research
7 demonstrates that without adequate levels of education or training, job
8 search activities alone have no measurable impact on a family's ability
9 to obtain and maintain paid work.

10 (5) The legislature further finds that while many families have
11 been successful in permanently leaving the program of temporary
12 assistance for needy families, statistics indicate that families
13 continue to return to the program in the absence of adequate education
14 and training.

15 (6) In order to provide work opportunities for parents with
16 significant barriers to employment, the legislature intends to build
17 upon the successes of the community jobs program and to provide
18 subsidized work opportunities to parents who are unable to find
19 employment after earnest efforts at job search or education and
20 training activities.

21 (7) The legislature intends to reform components of Washington's
22 subsidized childcare program by redesigning the eligibility
23 determination process to promote: (a) Stability for children and (b)
24 predictability for parents who are either working or preparing and
25 searching for work and the childcare providers who are serving low-
26 income families.

*Sec. 1 was vetoed. See message at end of chapter.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW
28 to read as follows:

29 (1) The department shall establish and implement policies in the
30 working connections child care program to promote stability and quality
31 of care for children from low-income households. Policies for the
32 expenditure of funds constituting the working connections child care
33 program must be consistent with the outcome measures defined in RCW
34 74.08A.410 and the standards established in this section intended to
35 promote continuity of care for children.

36 (2) Beginning in fiscal year 2011, for families with children
37 enrolled in an early childhood education and assistance program, a head

1 start program, or an early head start program, authorizations for the
2 working connections child care subsidy shall be effective for twelve
3 months unless a change in circumstances necessitates reauthorization
4 sooner than twelve months.

5 (3) The department, in consultation with the department of social
6 and health services, shall report to the legislature by September 1,
7 2011, with:

8 (a) An analysis of the impact of the twelve-month authorization
9 period on the stability of child care, program costs, and
10 administrative savings; and

11 (b) Recommendations for expanding the application of the twelve-
12 month authorization period to additional populations of children in
13 care.

14 ****NEW SECTION. Sec. 3. A new section is added to chapter 74.08A RCW
15 to read as follows:***

16 ***The Washington WorkFirst subcabinet, in consultation with the
17 governor, shall:***

18 ***(1) Reevaluate the structure and policies of the WorkFirst program
19 in the context of legislative intent expressed in section 1 of this
20 act, and in consideration of the relevant research relating to family
21 economic self-sufficiency and the completion of training and education
22 programs shown to be correlated with increased earnings and career
23 growth;***

24 ***(2) Develop a proposal for redesigning the state's use of temporary
25 assistance for needy families funds in a manner that makes optimum use
26 of all funds available in the state to promote more families moving out
27 of poverty to sustainable self-sufficiency. The subcabinet must report
28 the proposal to the appropriate committees of the legislature by
29 December 1, 2010. The proposal must include the following elements:***

30 ***(a) A process for conducting a reassessment for persons who have
31 been unable to achieve sustainable self-sufficiency through employment
32 after receiving WorkFirst assistance for fifty-four months. The
33 reassessment must be designed to determine if referral to community
34 jobs or other services, including education and training opportunities,
35 is appropriate or necessary to assist the person in attaining self-
36 sufficiency for the family;***

1 (b) A plan for referring persons who have been unsuccessful in
2 finding sustainable employment to the community jobs program or other
3 wage-subsidized employment program established under RCW 74.08A.320.
4 Referrals should complement other activities that might be identified
5 in a reassessment under (a) of this subsection; and

6 (c) A schedule for the development and implementation of three
7 pathways to family self-sufficiency that will guide case management and
8 engage parents early in developing a comprehensive plan to achieve
9 self-sufficiency while addressing families' current basic needs. The
10 pathways must address appropriate referrals for:

11 (i) Persons who have: (A) Marketable job skills, adequate
12 education, or experience and attachment to the job force, (B)
13 transportation, (C) safe child care arrangements in place, and (D) no
14 unaddressed barriers to employment;

15 (ii) Persons who have: (A) Few or no marketable job skills, (B)
16 little experience or attachment to the job force, (C) no high school
17 diploma or equivalent, or (D) a need to complete adult basic education
18 or other activities to remove barriers to employment; and

19 (iii) Persons who are: (A) Incapacitated and unemployable, (B)
20 caring for a child with a disability, or (C) the primary caregiver for
21 a family member with a disability; and

22 (3)(a) Adopt the goal of increasing the percentage of households
23 receiving temporary assistance for needy families that move into the
24 middle-income bracket or higher, and delineate specific program
25 strategies within the proposal required in subsection (2) of this
26 section to reach that goal.

27 (b) The proposal developed under subsection (2) of this section
28 shall also include an estimate by the office of financial management,
29 in consultation with other state agencies, of the percentage of
30 Washington residents with incomes in the middle-income bracket or
31 higher, and the percentage of WorkFirst clients who have historically
32 moved into the middle-income bracket or higher. The office of
33 financial management shall continue, by December 1 of every year
34 thereafter, to estimate and report the percentage of Washington
35 residents with incomes in the middle-income bracket or higher to the
36 governor and the appropriate committees of the legislature.

37 (c) For purposes of this section, "middle-income bracket" means
38 family incomes between two hundred and five hundred percent of the 2009

1 federal poverty level, as determined by the United States department of
2 health and human services for a family of four, adjusted annually for
3 inflation.

*Sec. 3 was vetoed. See message at end of chapter.

4 *Sec. 4. RCW 74.08A.285 and 2003 c 383 s 3 are each amended to read
5 as follows:

6 The WorkFirst program operated by the department to meet the
7 federal work requirements specified in P.L. 104-193 shall contain a job
8 search component. The component shall consist of instruction on how to
9 secure a job and assisted job search activities to locate and retain
10 employment. Nonexempt recipients of temporary assistance for needy
11 families shall participate in an initial job search for no more than
12 twelve consecutive weeks, when appropriate, given the recipient's
13 marketable job skills, attachment to the labor force, and level of
14 education or training. Each recipient shall receive a work skills
15 assessment upon referral to the job search program. The work skills
16 assessment shall include but not be limited to education, employment
17 history, employment strengths, and job skills. The recipient's ability
18 to obtain employment will be reviewed periodically thereafter and, if
19 it is clear at any time that further participation in a job search will
20 not be productive, the department shall assess the recipient pursuant
21 to RCW 74.08A.260. The department shall refer recipients unable to
22 find employment through the initial job search period to ((work))
23 activities that will develop their skills or knowledge to make them
24 more employable, including additional job search and job readiness
25 assistance.

*Sec. 4 was vetoed. See message at end of chapter.

26 Sec. 5. RCW 74.08A.320 and 1997 c 58 s 325 are each amended to
27 read as follows:

28 The department shall establish a wage subsidy program to be known
29 as the community jobs program for recipients of temporary assistance
30 for needy families who have barriers to employment, lack experience and
31 attachment to the job force, or have been unsuccessful in securing
32 employment leading to family self-sufficiency. The department shall
33 give preference in job placements to private sector employers that have
34 agreed to participate in the wage subsidy program. The department
35 shall identify characteristics of employers who can meet the employment
36 goals stated in RCW 74.08A.410. The department shall use these

1 characteristics in identifying which employers may participate in the
2 program. The department shall adopt rules for the participation of
3 recipients of temporary assistance for needy families in the wage
4 subsidy program. Participants in the program established under this
5 section may not be employed if: (1) The employer has terminated the
6 employment of any current employee or otherwise caused an involuntary
7 reduction of its workforce in order to fill the vacancy so created with
8 the participant; or (2) the participant displaces or partially
9 displaces current employees. Employers providing positions created
10 under this section shall meet the requirements of chapter 49.46 RCW.
11 This section shall not diminish or result in the infringement of
12 obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and
13 the national labor relations act, 29 U.S.C. Ch. 7. The department
14 shall establish such local and statewide advisory boards, including
15 business and labor representatives, as it deems appropriate to assist
16 in the implementation of the wage subsidy program. Once the recipient
17 is hired, the wage subsidy shall be authorized for up to nine months.

18 NEW SECTION. **Sec. 6.** RCW 74.08A.200 (Intent--Washington
19 WorkFirst) and 1997 c 58 s 301 are each repealed.

20 NEW SECTION. **Sec. 7.** It is the intent of the legislature that
21 this act be implemented within the funding appropriated in the 2009-11
22 biennial budget. No additional appropriations will be provided for its
23 implementation.

Passed by the House March 6, 2010.

Passed by the Senate March 3, 2010.

Approved by the Governor April 1, 2010, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 2, 2010.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 1, 3, and 4,
Engrossed Second Substitute House Bill 3141 entitled:

"AN ACT Relating to redesigning the delivery of temporary
assistance for needy families."

This bill directs significant changes to the Temporary Assistance for
Needy Families program (TANF) known as the WorkFirst program. The
WorkFirst program is an important safety net program for many of
Washington's low-income families and children. As Washington
addresses an economic downturn, our important and vital safety net
programs must provide appropriate assistance to Washington residents.
The WorkFirst program has been in existence for almost 13 years. In
conversations with the Legislature, I expressed my support for
reevaluation of the WorkFirst program to examine how to best meet the

challenges for various Washington families to obtain work stability and family self-sufficiency.

Section 3 of the bill directs an executive cabinet level workgroup, the WorkFirst Subcabinet, to examine and report on the TANF program in the context of a reframed legislative intent set forth in Section 1. Section 4 makes a programmatic change in advance of any examination and report. The best way for an executive cabinet level workgroup to examine a broad, programmatic agenda of a \$900 million block grant program is under the direction of the Governor, without restrictions or initial assumptions.

Although I have vetoed Sections 1, 3 and 4, I am directing the WorkFirst Subcabinet to examine the best practices to meet the needs of WorkFirst families to obtain employment and achieve family self-sufficiency. The WorkFirst Subcabinet shall provide a report and plan to implement the best practices for WorkFirst families and children that are sustainable.

For these reasons, I have vetoed Sections 1, 3, and 4 of Engrossed Second Substitute House Bill 3141.

With the exception of Sections 1, 3, and 4, Engrossed Second Substitute House Bill 3141 is approved."