

**REPORT OF THE
DEPARTMENT OF SOCIAL SERVICES ON**

**Economic and Employment
Improvement Program for
Disadvantaged Persons**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 4

**COMMONWEALTH OF VIRGINIA
RICHMOND
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

June 17, 2002

To: The Honorable Mark R. Warner

and

The General Assembly of Virginia

The report contained herein is pursuant to § 63.1-133.58 (B) of the *Code of Virginia*, which requires the Department of Social Services (Department) to file annual reports with the Governor and the General Assembly beginning July 1, 2001, on the Implementation of the Economic and Employment Improvement Program for Disadvantaged Persons (program).

The program was established by Senate Bill 699, as passed by the 1998 General Assembly, to improve the employability of disadvantaged persons through education and training. Senate Bill 699 established the criteria for awarding of grants and specified the composition of the Grant Awards Committee. Senate Bill 628, as passed by the 2000 General Assembly, further defined the target population for the program, expanded the Grant Awards Committee, and transferred the administration of the program from the Governor's Employment and Training Department to the Department.

This is the second report submitted by the Department on the program. This report cost the Commonwealth \$887 to complete. Approximately 20 man-hours were spent on completing the report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ray C. Goodwin".

Ray C. Goodwin
Acting Commissioner

Report On The Economic and Employment Improvement Program for Disadvantaged Persons

PREFACE

The Economic and Employment Improvement Program for Disadvantaged Persons (program) was transferred by the 2000 General Assembly from the Governor's Employment and Training Department to the Department of Social Services (Department) effective July 1, 2000. The program was established by Senate Bill 699, as passed by the 1998 General Assembly, to improve the employability of disadvantaged persons through education and training. Senate Bill 699 established the criteria for awarding of grants and specified the composition of the Grant Awards Committee. The initial appropriation for the program was \$150,000.

Senate Bill 628, as passed by the 2000 General Assembly, expanded the Grant Awards Committee to include federal and state welfare reform laws, and individuals with expertise in the delivery of adult programs, job skills training and apprenticeships. Temporary Assistance for Needy Families (TANF) was identified as the program's funding source, and the General Assembly appropriated \$400,000 for the 2001 through 2002 biennium.

Designating TANF as the program's funding source necessitated changing the eligibility requirements to include:

- certain custodial and non-custodial parents who are eligible to participate in vocational educational and job skills training programs and/or are ineligible to continue to receive assistance under federal and state welfare reform laws; and,
- parents returning to the community from federal and state correctional facilities.

The 2002 General Assembly did not change the design of the program nor the Grant Awards Committee, and appropriated \$400,000 to continue the program during the 2003 through 2004 biennium.

**Report On
The Economic and Employment Improvement Program
for Disadvantaged Persons**

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Report On The Economic and Employment Improvement Program for Disadvantaged Persons

EXECUTIVE SUMMARY

The Economic and Employment Improvement Program for Disadvantaged Persons (program) was established by Senate Bill 699, as passed by the 1998 General Assembly, to improve the employability of disadvantaged persons through education and training.

Senate Bill 628, as passed by the 2000 General Assembly, amended the program. Senate Bill 628 transferred the administrative responsibility for the program from the Governor's Employment and Training Department to the Department of Social Services (Department). Senate Bill 628 changed the statutory provisions of the program to extend educational and job training services to the following individuals:

- those who are eligible to participate in vocational education and job skills training programs under federal and state welfare reform laws;
- those who are ineligible to continue to receive assistance under federal and state welfare reform laws; and,
- those who are returning to the community from federal and state correctional facilities.

Educational and job skills programs under this initiative are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence. The Grant Awards Committee (Committee) was expanded to include federal and state welfare reform laws and individuals with expertise in the delivery of adult literacy programs, job skills training and apprenticeships. Temporary Assistance for Needy Families (TANF) funds were designated to fund the program, and TANF eligibility restrictions were added to the program.

The TANF eligibility restrictions require the program to concentrate on one, or more, of the four goals of TANF. The Department chose the TANF goal "to end dependence of needy parents by promoting job preparation, work and marriage." Participants in the program must earn below 200 percent of the current federal poverty level and must be either a custodial or non-custodial parent.

The Department established the Committee as required by § 63.1-133.58 (A) of the *Code of Virginia*. The Committee includes representation from the following entities:

- State Board for Community Colleges;
- Department of Education;
- Virginia Employment Commission;

- Department of Labor and Industry;
- Department of Social Services;
- a local social services department;
- Department of Corrections;
- a local workforce investment board member designated by the Commissioner of the Virginia Employment Commission; and,
- a representative of four-year institutions of higher education whose service areas and student populations are comprised of disproportionately high percentages of disadvantaged persons, designated by the Chairman of the State Council of Higher Education.

The Department awarded grants on March 15, 2001. As required by § 63.1-133.58 (C) of the *Code of Virginia*, priority for the grant awards was given to projects designed to serve persons who are:

- historically underrepresented in Virginia institutions of higher education and in management and at administrative levels in the business community;
- residing in counties, cities, and towns with high local stress indicators and in economically depressed regions of the Commonwealth;
- disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills;
- ineligible to continue to receive welfare assistance under federal and state welfare reform laws;
- eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program and especially those eligible to participate in job skills training programs;
- returning to the community from federal and state correctional institutions;
- chronically unemployed or hard-to-employ;
- displaced by technological advances in industry; or,
- subject to any combination of the above.

The following are the active program grantees:

- Capital Area Workforce Investment Board located in Henrico County;
- Culpeper County Department of Social Services;
- Office of Human Affairs located in Newport News;
- Greater Peninsula Workforce Development Consortium located in Norfolk;
- Fifth District Employment and Training Consortium located in Roanoke;
- Danville Community College; and,
- Pittsylvania County Community Action, Inc. located in Chatham.

Report On The Economic and Employment Improvement Program for Disadvantaged Persons

STUDY MANDATE

Senate Bill 628 (see Appendix I), as passed by the 2000 General Assembly, requires the Department to report annually, beginning July 1, 2001, the results of its evaluation of the effectiveness of the educational and skills training services delivered by the Economic and Employment Improvement Program for Disadvantaged Persons (program). The reporting requirement directs:

“Upon the appropriation of funds for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received by the Department of Social Services on behalf of the Program, the Committee shall issue a request for proposals for grant projects designed to improve the employability of and provide assistance to disadvantaged persons through education and skills training. The Committee shall review each grant application, make grant awards in accordance with the eligibility criteria established in this section, and evaluate the effectiveness of the educational and skills training services delivered by the funded projects. The Committee shall report the results of its evaluation annually, beginning July 1, 2001, to the governing boards of agencies represented on the Committee, to the Governor, and to the General Assembly.”

INTRODUCTION

The Economic and Employment Improvement Program for Disadvantaged Persons was established by Senate Bill 699 (see Appendix II), as passed by the 1998 General Assembly, to improve the employability of disadvantaged persons through education and training.

Senate Bill 628 (see Appendix I), as passed by the 2000 General Assembly, transferred the administrative responsibility for the program from the Governor's Employment and Training Department to the Department of Social Services (Department). Senate Bill 628 changed the statutory provisions of the program to extend educational and job training services to the following individuals:

- those who are eligible to participate in vocational education and job skills training programs under federal and state welfare reform laws;
- those who are ineligible to continue to receive assistance under federal and state welfare reform laws; and,
- those who are returning to the community from federal and state correctional facilities.

Educational and job skills programs under this initiative are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence. Senate Bill 628 expanded the Grant Awards Committee (Committee) to include federal and state welfare reform laws and persons with expertise in the delivery of adult literacy programs, job skills training and apprenticeships. Temporary Assistance for Needy Families (TANF) funds were designated to fund the program, and TANF eligibility restrictions were added to the program.

The TANF eligibility restrictions require the program to concentrate on one, or more, of the four goals of TANF. The Department chose the TANF goal "to end dependence of needy parents by promoting job preparation, work and marriage." To be eligible for services in this program, an individual must be either a custodial or non-custodial parent and have an annual income below 200 percent of the current federal poverty level.

As required by Senate Bill 628 (see Appendix I), the Department established the Committee and designed the program to meet the legislative requirements. The Committee currently includes representation from the following entities:

- State Board for Community Colleges;
- Department of Education;
- Virginia Employment Commission;
- Department of Labor and Industry;
- Department of Social Services;
- a local social services department;
- Department of Corrections;
- a local workforce investment board member designated by the Commissioner of the Virginia Employment Commission; and,
- a representative of four-year institutions of higher education whose service areas and student populations are comprised of disproportionately high percentages of disadvantaged persons, designated by the Chairman of the State Council of Higher Education.

PROGRAM IMPLEMENTATION

On March 15, 2001, the Department awarded its initial grant funds for the program to eight entities (grantees):

- Pittsylvania County Community Action, Incorporated;
- Greater Peninsula Workforce Development Consortium;
- Central Virginia Food Bank;
- Culpeper Department of Social Services;
- Fifth District Employment and Training Consortium;
- Capital Area Workforce Investment Board; and,
- Danville Community College; and, the Office of Human Affairs.

Each grantee designed its program to serve persons who are specifically:

- historically underrepresented in Virginia institutions of higher education, and in management and at administrative levels in the business community;
- residing in counties, cities, and towns with high local stress indicators and in economically depressed regions of the Commonwealth;
- disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills;
- ineligible to continue to receive welfare assistance under federal and state welfare reform laws;
- eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program and especially those eligible to participate in job skills training programs;
- returning to the community from state and federal correctional institutions;
- chronically unemployed or hard-to-employ;
- displaced by technological advances in industry; or,
- subject to any combination of the above.

In addition, all participants served through the program are either custodial or non-custodial parents who possess other characteristics that define them eligible to receive services with TANF funds.

All grants were initially awarded for the period March 15, 2001 through June 30, 2002. On August 15, 2001, the Central Virginia Food Bank determined that it did not have the staff capacity to operate the program and cancelled its contract. No funds had been spent at the time of cancellation, and the remaining grantees were polled to identify those in need of additional funding. Danville Community College and Pittsylvania County Community Action, Incorporated indicated the need for increased funding to serve additional participants. On April 23, 2002, as the result of a renewal clause contained in the original grant awards, the seven remaining grantees received an increase of \$25,000 each, and their grants were extended to operate through June 30, 2003.

All grantees have been provided with formal instructions concerning program implementation requirements and, in addition, guidance language is included in the signed grants they received in March 2001. The formal regulations that will govern the program have been written, and on March 19, 2002, the Governor granted formal permission to publish the Notice of Intended Regulatory Action (NOIRA). The NOIRA was published for comments from April 22, 2002 through May 22, 2002, and the Department is now in the process of submitting the regulations to the State Board of Social Services for approval. It is anticipated that the entire regulatory process will be completed by late fall of 2002.

The program performance data presented in the following section, Program Activities Report, covers the performance of the seven active grantees from March 15,

2001 through March 30, 2002. During fiscal year 2002, the Department monitored both the program and financial activities of the grant recipients and no significant findings were observed.

PROGRAM ACTIVITIES REPORT

Below is a chart which summarizes the performance of the seven grantees from March 15, 2001 through March 31, 2002.

March 15, 2001 – March 31, 2002 Program Performance	
Item	Number
Total Enrollment	135
Male Enrollment	62
Female Enrollment	73
Males Placed into Unsubsidized Employment	45
Females Placed into Unsubsidized Employment	41
Females Placed into Nontraditional Occupations	3
Average Monthly Wage Rate in Unsubsidized Employment	\$977.00
Received Benefits at Unsubsidized Placement	62
Participant Retained 90 Days after Unsubsidized Employment	62
Entered Unsubsidized Employment and Worked 1 Year	NA
Monthly Wage Rate at Enrollment Time	\$682.70
Monthly Wage Rate 1 Year after Entered Unsubsidized Employment	NA
Married at Enrollment Time	12
Married at Program Termination	8
Received Supportive Services	94
Entered Academic Training	23
General Educational Development (GED) Received	4
Placed in Occupational Skill Training	15
Entered College at Program Termination	11

Capital Area Workforce Investment Board: The Capital Area Workforce Investment Board uses program funds to provide training and access to employment for males in need of income to pay child support and an income that permits the child/children and father a more economically stable future. The young fathers are assessed to identify their respective attitudes, interests and skills. A work/career goal is established for each father that includes a job type with particular emphasis on immediate and long-term earnings. Each father is assigned a mentor and receives bi-weekly counseling targeted to family and responsibility development. The father is assigned to work a minimum of 30 hours a week in a selected occupation in either on-the-job training or work experience. Classroom training is provided, as necessary, for credentialing and enhanced long term earning potential. The program serves individuals from the counties of Charles City; Chesterfield; Goochland; Hanover; Henrico; New Kent; and, Powhatan.

Culpeper County Department of Social Services: The Culpeper County Department of Social Services (LDSS) created the Culpeper Career Resource Center (CCRC) five years ago to assist clients in obtaining and retaining jobs. CCRC has access to regional education and apprenticeship programs and developed many successful partnerships for the delivery of employment services. CCRC provides training and related instruction to certain custodial and non-custodial parents in the following occupational fields: plumbing, electricity, and heating and air conditioning. The LDSS also targets non-traditional opportunities for female clients. This program serves its home county.

Office of Human Affairs: The Office of Human Affairs (OHA) is a private nonprofit community action agency that was established in 1965. OHA mobilizes resources, using innovative approaches involving the client population in program development and implementation and strengthening service delivery mechanisms to improve the quality of life for the economically disadvantaged in the areas it serves. Occupational skill training in computer cabling, computer assembly and maintenance and computer technology are provided. For teenage mothers, the importance of staying in school, delaying additional pregnancies and developing parenting skills is stressed. Intensive training and job placement services are included in the program and participants are given strategies and ideas on how to maintain employment. OHA's program serves certain custodial and non-custodial parents who are hard to employ citizens of the Hampton and Newport News areas.

Greater Peninsula Workforce Development Consortium: The Greater Peninsula Workforce Development Consortium (Greater Peninsula), with this grant, provides employability-training, skills training and fatherhood/parenting/marriage training for 20 non-custodial parents who meet the eligibility requirements. The Greater Peninsula's target population consists of non-custodial parents who face many barriers to employment such as, but not limited to, the following: economically disadvantaged; no marketable job skills; no transportation; substance abuse; limited or no parenting skills; and/or the stigma of being an ex-offender. Greater Peninsula offers services to employers, disadvantaged persons, dislocated workers and youth in the cities of Newport News, Hampton, Williamsburg, and Poquoson, and the counties of Gloucester, York and James City.

Fifth District Employment and Training Consortium: The Fifth District Employment and Training Consortium (FDETC) provides a full range of workforce development and employment training services to employers and job seekers. The FDETC program undertakes the following work activities: work experience, apprenticeships, and on-the-job training. Vocational and/or post-secondary educational training activities are encouraged for eligible custodial and non-custodial parents in conjunction with employment placement and on-the-job training. The FDETC program works with a number of employers ranging from manufacturing to service industries, and from small to large-size companies. The FDETC program serves individuals from the counties of Allegany, Botetourt, Craig, Franklin and Roanoke and the cities of Clifton Forge, Covington, Roanoke and Salem.

Danville Community College: Danville Community College (DCC) is a two-year institution of higher learning that is operated by the Virginia Community College System. DCC's program recruits certain custodial and non-custodial parents who are underemployed or unemployed and in need of training. The goals of DCC's program are as follows: assist in providing for the needs of the participants; develop individual vocational plans to provide basic education and general education development training; provide building trades training; and provide general maintenance tech training for participants, as appropriate. The DCC program service area includes the City of Danville and the Counties of Pittsylvania and Halifax.

Pittsylvania County Community Action, Incorporated: Pittsylvania County Community Action, Incorporated (PCCA) is a nonprofit organization established under the Economic Opportunity Act of 1964 to fight poverty in America. Priority service is targeted to out-of-school custodial and non-custodial parents who have not fared well in traditional programs, and who face multiple barriers to employment. Facilities used to provide participants with occupational skill training include local educational agencies, Danville Community College and Patrick Henry Community College. When appropriate, childcare, transportation and training supplies are provided. Program participation results in highly motivated young adults who are willing to adopt good work habits. This program serves the geographic area of Pittsylvania County.

FUTURE ACTIVITIES

Program Monitoring

The Department will monitor current grants during fiscal year 2003, and review any recommended corrective actions cited from its last visits. Department monitors use the visits to provide technical assistance as well as to review performance.

Grant Awards

During fiscal year 2003, the Department will conduct a second round of requests for proposals. By March 31, 2003, new grants totaling \$225,000 will be awarded, and a grants administration training session will be provided on April 30, 2003, for all grantees that will operate programs beginning July 1, 2003.

Appendix I

CHAPTER 491

An Act to amend and reenact §§ 2.1-707, 2.1-708, and 63.1-133.49 of the Code of Virginia, to amend the Code of Virginia by adding in Title 63.1 a chapter numbered 6.6, consisting of sections numbered 63.1-133.56, 63.1-133.57, and 63.1-133.58, and to repeal §§ 2.1-710.1, 2.1-710.2, and 2.1-710.3, relating to the Economic and Employment Improvement Program for Disadvantaged Persons.

[S 628]

Approved April 5, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-707, 2.1-708, and 63.1-133.49 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 63.1 a chapter numbered 6.6, consisting of sections numbered 63.1-133.56, 63.1-133.57, and 63.1-133.58, as follows:

§ 2.1-707. Duties of Department.

The Department shall perform the following duties under the direction and control of its Executive Director:

1. Provide such technical assistance as may at the discretion of the Executive Director be requisite for the proper implementation and maintenance of programs afforded under the Act.
2. Monitor performance of those entities which by the terms of the agreement specified in Section 103 (b) (1) of the Act were or may hereafter be selected to administer the job training plans developed and approved by the Governor in accordance with the Act and monitor or require monitoring of contractors including those of the said entities. As used herein, the term "entities" means any private industry council or other entity or entities performing the functions of administrative entity and grant recipient, either or both, as these terms are used in the Act.
3. Audit or cause audits to be made of the entities specified in subdivision 2 of this section and require auditing of their contractors in accordance with the requirements of the Act and applicable regulations and as sound administration may require at the discretion of the Department.
4. Develop and implement such systems or procedures as may be required or permitted by the Act or such as otherwise may be desirable or convenient for the efficient, fiscally sound and successful administration of the Act in the Commonwealth, including, without limitation, performance standards and reporting.

~~5. Develop and implement, in coordination with the State Board for Community Colleges, the state funded Economic and Employment Improvement Program for Disadvantaged Persons.~~

6-5. Perform such other or further duties as the Governor may prescribe to assist him in carrying out his duties as prescribed by the Act.

§ 2.1-708. Powers of Department.

The Department shall have the following powers to be exercised under the direction and control of the Executive Director:

1. Accept funds from the United States government allocated to the Commonwealth pursuant to the Act. The Department is empowered to comply with such conditions and execute such agreements as may be necessary or appropriate in connection with the acceptance of such funds.

2. Allocate funds received from the United States government to carry out the various programs authorized by the Act in accordance with the requirements of the Act, applicable regulations of the United States Department of Labor and the policy of the Department.

3. Adopt and enforce by appropriate action such policies and regulations having the force of law consistent with the Act as may be necessary or appropriate to carry out the purposes of this chapter and the duties imposed upon the Governor by the Act to the end that job training programs afforded by the Act be carried out efficiently in conformity with the requirements of the Act and that program abuse and misexpenditure of funds received from the United States be prevented.

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties under this chapter, including, but not limited to, contracts with the United States, agencies and governmental subdivisions of the Commonwealth and agencies of adjoining states and the District of Columbia which perform duties similar to the Department.

5. Employ such personnel as may be necessary to carry out the purposes of this chapter.

6. Provide such review at state level of grievances, audit related issues, and such other matters delegated to the Department by the Governor as may be required by the Act and applicable regulations of the United States Department of Labor. Such review shall be conducted solely in accordance with the requirements of the Act, the applicable regulations and such internal procedures as may be adopted by the Department. Decisions of the Department pursuant hereto shall be reviewable solely in accordance with the terms of the Act and the regulations. The provisions of Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act shall have no application to such decisions.

~~7. Promulgate regulations for the implementation of the state-funded Economic and Employment Improvement Program for Disadvantaged Persons, and the awarding of state grants for funding approved projects.~~

~~8. Receive such gifts, donations, grants, bequests, and other funds on behalf of and for use by the Economic and Employment Improvement Program for Disadvantaged Persons.~~

~~9-7. Do all acts necessary or appropriate to carry out the purposes of this chapter.~~

§ 63.1-133.49. Virginia Initiative for Employment Not Welfare (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare (VIEW) to reduce long-term dependence on welfare, to emphasize personal responsibility and to enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption and who are not employed within ninety days of receipt of TANF benefits to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment and enter into an agreement of personal responsibility. If recipients cannot be placed in an unsubsidized or subsidized job, they shall be required to participate in a six-month community work experience placement. Upon completion of the initial six-month work requirement, participants may receive education and training in conjunction with continued work experience to make them more employable.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following employment categories in priority order not less than ninety days after TANF eligibility determination:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

(a) The Department shall conduct a program in accordance with this section and any applicable federal waivers that shall be known as the Full Employment Program (FEP). FEP replaces TANF and food stamp benefits with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for both TANF and food stamp benefits shall participate in FEP unless exempted by this chapter. FEP will assign participants to and subsidize wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the work force.

(b) The Department shall administer a wage fund which shall be used exclusively to meet the necessary expenditures of FEP. Funds to operate FEP, drawn from funds appropriated for expenditure by or apportioned to Virginia for operation of the TANF and food stamp programs, shall be deposited in this pool. All payments by the Department to participating employers for FEP participants shall be made from the pool.

(c) Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. For each participant hour worked, the Department shall reimburse the employer the amount of the federal or state minimum wage and costs up to the available amount of the participant's combined value of TANF and food stamps. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF and food stamps received prior to the work placement.

(d) Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304 (a) (5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

(e) FEP employers shall:

(i) Endeavor to make FEP placements positive learning and training experiences;

(ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;

(iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;

(iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;

(v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;

(vi) Provide workers' compensation coverage for participants;

(vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and

(viii) Sign an agreement with the local department outlining the employer requirements to participate in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates Program rules.

(f) As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability;

3. Part-time or temporary employment; or

4. Community work experience, as follows:

(a) The Department and local departments shall expand the community work experience program authorized under the Job Opportunity and Basic Skills Training Program (JOBS) to include job placement in community work experience programs which serve a useful public purpose as provided in § 482 (f) of the Social Security Act.

(b) The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements. Placements shall be selected to provide skills and serve a public function. Program participants shall not displace regular workers.

(c) The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work week of thirty-two hours, of which up to eight hours of employment-related education and training may substitute for work experience employment.

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may, with the participant's consent, exempt the participant from job search requirements and place the participant in a vocational educational program targeted to skills required for particular employment opportunities in the locality if the participant meets two or more of the criteria specified in this

subsection. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The vocational educational program shall be for a minimum of thirty hours per week. Prior to placing the VIEW participant in the vocational educational program, the local department shall have a memorandum of understanding with an employer that such participant will be placed, if qualified and the employer has an opening, in a job with the employer at the conclusion of the program. The VIEW participant shall be required to work an average of eight hours per week during the vocational educational program in part-time or temporary employment or community work experience. The VIEW participant may continue in the vocational educational program for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Notwithstanding the provisions of subsections A and D, persons eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and those persons eligible to participate in job skills training programs, pursuant to subsection E of this section, shall also be eligible to participate in approved projects established through the Economic and Employment Improvement Program for Disadvantaged Persons of Chapter 6.6 (§ 63.1-133.56 et seq.) of this title.

~~F. G.~~ Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training and/or education to further his employability.

~~G. H.~~ Local departments shall be authorized to sanction participants up to the full amount of the TANF grant and food stamps allotment for noncompliance.

~~H. I.~~ VIEW participants shall not be assigned to projects which require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant by accident arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for thirty days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The State Board shall promulgate regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

CHAPTER 6.6.
ECONOMIC AND EMPLOYMENT IMPROVEMENT PROGRAM FOR
DISADVANTAGED PERSONS.

§ 63.1-133.56. *Economic and Employment Improvement Program for Disadvantaged Persons transferred and reestablished; program administered by the Department of Social Services.*

A. *With such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf by the Department of Social Services, to facilitate the continuation of existing projects funded pursuant to the provisions of this chapter, to improve the employability of and provide assistance to disadvantaged persons through education and skills training, and to extend the eligibility for education and job training services under the Economic and Employment Improvement Program for Disadvantaged Persons (the Program) to certain hard-to-employ persons, the Program is hereby transferred from the Governor's Employment and Training Department and reestablished under the Department of Social Services. The Governor's Employment and Training Department shall assist the Department of Social Services as may be necessary to provide for the smooth transition of Program responsibilities between the agencies.*

B. *The Program shall be administered by the Department of Social Services. The Program shall comply with state and federal laws and regulations governing workforce training, welfare reform, adult literacy and education, and vocational and technical education programs and shall be consistent with existing state apprenticeship programs.*

§ 63.1-133.57. *Program awards administered by Department; promulgation of regulations.*

The Department shall promulgate regulations for the implementation of the Program. Such regulations shall provide for (i) the continuation and enforcement of regulations in effect on July 1, 1999, under which eligible projects were approved for grant awards by the Governor's Employment and Training Department; (ii) the designation of projects to receive grants awards in accordance with the recommendations of the Grant Awards Committee, pursuant to § 63.1-133.58; and (iii) additional provisions establishing eligibility criteria for projects designed to serve certain hard-to-employ persons as provided in clauses (iv) through (vii) of subsection C of § 63.1-133.58.

§ 63.1-133.58. *Grant Awards Committee reestablished; eligible projects; criteria for award of grants.*

A. There is hereby reestablished the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, which shall be composed of nine members designated by the relevant agency heads as follows: (i) one representative of the State Board for Community Colleges who shall have expertise in grant writing and review; (ii) one representative of the Department of Education, who shall have expertise in the administration and delivery of vocational and technical education programs and services administered by and through the public schools, and the delivery of adult literacy and education services; (iii) one representative of the Virginia Employment Commission, who shall have expertise in the administration and evaluation of workforce training programs; (iv) one representative of the Department of Labor and Industry who shall have expertise in labor and employment law; (v) one representative of the Department of Social Services who shall be knowledgeable of the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P. L. 104-193), as amended, and the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title; (vi) one representative of local social services or welfare departments who shall have expertise and experience in assisting chronically unemployed and hard-to-employ persons, designated by the Commissioner of Social Services; (vii) one representative of the Department of Corrections, who shall have expertise in the education and job training programs offered to incarcerated persons, and the Department's transition and job placement programs that are available to persons leaving the correctional system; (viii) one representative of a local workforce investment board, designated by the Commissioner of the Virginia Employment Commission; and (ix) one representative of four-year institutions of higher education whose service areas and student populations are comprised of disproportionately high percentages of disadvantaged persons, designated by the Chairman of the State Council of Higher Education.

The Commissioner of Social Services shall provide written notification to the respective agency heads of the reestablishment of the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, and shall request that the respective agency head designate the appropriate persons to represent the agency on the Awards Committee.

B. Upon the appropriation of funds for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received by the Department of Social Services on behalf of the Program, the Committee shall issue a request for proposals for grant projects designed to improve the employability of and provide assistance to disadvantaged persons through education and skills training. The Committee shall review each grant application, make grant awards in accordance with the eligibility criteria established in this section, and evaluate the effectiveness of the educational and skills training services delivered by the funded projects. The Committee shall report the results of its evaluation annually, beginning July 1, 2001, to the governing boards of agencies represented on the Committee, to the Governor, and to the General Assembly.

C. On and after July 1, 2000, the Program shall consist of no more than ten grant projects, including projects awarded grants by the Governor's Employment and Training Department and in existence on July 1, 1999, located in regions throughout the Commonwealth to provide equal geographical distribution of such projects. Priority for awarding such grants shall be given to projects designed to serve persons who are (i) historically underrepresented in Virginia institutions of higher education, and in management and at administrative levels in the business community; (ii) residing in counties, cities, and towns with high local stress indicators and in economically depressed regions of the Commonwealth; (iii) disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills; (iv) ineligible to continue to receive welfare assistance under state and federal welfare reform laws; (v) eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, as defined in Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and especially those eligible to participate in job skills training programs, pursuant to subsection E of § 63.1-133.49; (vi) returning to the community from state and federal correctional institutions; (vii) chronically unemployed or hard-to-employ; (viii) displaced by technological advances in industry; or (ix) subject to any combination thereof. Education and job training programs shall be designed to enable individuals to move from minimum wage jobs to higher-salaried occupations and employment opportunities and to pursue careers and professions. Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals.

Eligible projects awarded grants on May 1, 1999, and in existence on July 1, 1999, shall be eligible for grant renewal upon the satisfactory evaluation of the project by the Committee. The renewal of such grants shall be awarded by September 1, 2000. Awards to eligible projects designed to serve certain hard-to-employ persons as provided in clauses (iv) through (vii) of subsection C of § 63.1-133.58 shall be awarded by December 1, 2000.

D. Eligible projects shall (i) satisfy the criteria for receiving awards, pursuant to subsection C of this section; (ii) provide educational programs, job training opportunities, or other support services to improve the employability of persons ineligible to continue to receive welfare assistance, or who are eligible to participate in the programs included in the From Welfare to Work: The Virginia Independence Program, Chapter 6.5 (§ 63.1-133.41 et seq.) of this title, and especially those eligible to participate in job skills training programs, pursuant to subsection E of § 63.1-133.49, or populations experiencing high rates of unemployment or underemployment; (iii) provide training and education reflective of current and projected workforce needs in the Commonwealth that will enable persons to move from minimum wage jobs to higher-salaried occupations, careers, and professions; (iv) provide coordinated delivery of services, such as community-business partnerships and community outreach programs through the schools or departments of business at two-year and four-year public and private institutions of higher education; (v) include a component to evaluate the effectiveness of the delivery of educational and job skills training services; and (vi) encourage mentoring through partnerships between institutions of higher education,

corporations, and small businesses. Grant recipients may work collaboratively, upon request, to provide approved service delivery. Participants in the Economic and Employment Improvement Program for Disadvantaged Persons that are not participating in the Virginia Initiative for Employment Not Welfare Program shall be required to work a minimum of eight hours per week in paid employment during the Program.

2. That §§ 2.1-710.1, 2.1-710.2, and 2.1-710.3 of the Code of Virginia are repealed

Appendix II

CHAPTER 808

An Act to amend and reenact §§ 2.1-707 and 2.1-708 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.1-710.1, 2.1-710.2 and 2.1-710.3, relating to creation of the Economic and Employment Improvement Program for Disadvantaged Persons.

[S 699]

Approved April 22, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-707 and 2.1-708 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.1-710.1, 2.1-710.2 and 2.1-710.3 as follows:

§ 2.1-707. Duties of Department.

The Department shall perform the following duties under the direction and control of its Executive Director:

1. Provide such technical assistance as may at the discretion of the Executive Director be requisite for the proper implementation and maintenance of programs afforded under the Act.
2. Monitor performance of those entities which by the terms of the agreement specified in Section 103 (b) (1) of the Act were or may hereafter be selected to administer the job training plans developed and approved by the Governor in accordance with the Act and monitor or require monitoring of contractors including those of the said entities. As used herein, the term "entities" means any private industry council or other entity or entities performing the functions of administrative entity and grant recipient, either or both, as these terms are used in the Act.
3. Audit or cause audits to be made of the entities specified in subdivision 2 of this section and require auditing of their contractors in accordance with the requirements of the Act and applicable regulations and as sound administration may require at the discretion of the Department.
4. Develop and implement such systems or procedures as may be required or permitted by the Act or such as otherwise may be desirable or convenient for the efficient, fiscally sound and successful administration of the Act in the Commonwealth, including, without limitation, performance standards and reporting.
5. *Develop and implement, in coordination with the State Board for Community Colleges, the state-funded Economic and Employment Improvement Program for Disadvantaged Persons.*

~~5.~~ 6. Perform such other or further duties as the Governor may prescribe to assist him in carrying out his duties as prescribed by the Act.

§ 2.1-708. Powers of Department.

The Department shall have the following powers to be exercised under the direction and control of the Executive Director:

1. Accept funds from the United States government allocated to the Commonwealth pursuant to the Act. The Department is empowered to comply with such conditions and execute such agreements as may be necessary or appropriate in connection with the acceptance of such funds.

2. Allocate funds received from the United States government to carry out the various programs authorized by the Act in accordance with the requirements of the Act, applicable regulations of the United States Department of Labor and the policy of the Department.

3. Adopt and enforce by appropriate action such policies and regulations having the force of law consistent with the Act as may be necessary or appropriate to carry out the purposes of this chapter and the duties imposed upon the Governor by the Act to the end that job training programs afforded by the Act be carried out efficiently in conformity with the requirements of the Act and that program abuse and misexpenditure of funds received from the United States be prevented.

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties under this chapter, including, but not limited to, contracts with the United States, agencies and governmental subdivisions of the Commonwealth and agencies of adjoining states and the District of Columbia which perform duties similar to the Department.

5. Employ such personnel as may be necessary to carry out the purposes of this chapter.

6. Provide such review at state level of grievances, audit related issues, and such other matters delegated to the Department by the Governor as may be required by the Act and applicable regulations of the United States Department of Labor. Such review shall be conducted solely in accordance with the requirements of the Act, the applicable regulations and such internal procedures as may be adopted by the Department. Decisions of the Department pursuant hereto shall be reviewable solely in accordance with the terms of the Act and the regulations. The provisions of Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act shall have no application to such decisions.

7. Promulgate regulations for the implementation of the state-funded Economic and Employment Improvement Program for Disadvantaged Persons, and the awarding of state grants for funding approved projects.

8. Receive such gifts, donations, grants, bequests, and other funds on behalf of and for use by the Economic and Employment Improvement Program for Disadvantaged Persons.

7- 9. Do all acts necessary or appropriate to carry out the purposes of this chapter.

§ 2.1-710.1. Economic and Employment Improvement Program for Disadvantaged Persons created; program developed by Department in coordination with the State Board for Community Colleges.

A. With such funds as may be appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created the Economic and Employment Improvement Program for Disadvantaged Persons to improve the employability of and provide assistance to disadvantaged persons through education and skills training.

B. The Program shall be developed by the Department in coordination with the State Board for Community Colleges. The Program shall comply with state laws and regulations governing adult education and vocational and technical education programs, and be consistent with existing state apprenticeships and workforce training programs.

§ 2.1-710.2. Economic and Employment Improvement Program for Disadvantaged Persons awards administered by Department; promulgation of regulations.

The Department shall promulgate regulations for the implementation of the program and, in accordance with the recommendations of the Grant Awards Committee, designate projects to receive grants awarded pursuant to § 2.1-710.3.

§ 2.1-710.3. Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee established; eligible projects; criteria for award of grants.

A. There is hereby established the Economic and Employment Improvement Program for Disadvantaged Persons Grant Awards Committee, which shall be composed of fifteen members designated by the relevant state agency heads as follows: three persons of the Governor's Employment and Training Department ("GETD"); two staff persons of the State Board for Community Colleges, of whom one shall have expertise in grant writing, review, and awards, and one shall have expertise in the administration and delivery of vocational and technical education programs and services in the Commonwealth; two representatives of the Private Industry Councils ("PICs"), of whom one shall represent small businesses; two staff persons of the Virginia Employment Commission ("VEC"), of whom one shall have expertise in economic trends and analysis, and one shall have expertise in employment statistics, needs, and projections; two staff persons of the Department of Education, who shall have expertise in adult education, and vocational and technical education programs administered by and offered through the public schools; two staff persons of the Department of Labor and

Industry, who shall have expertise in apprenticeship programs and labor force needs and training; and two representatives of four-year institutions of higher education, of whom one shall have expertise in successfully delivering education and training programs and services to persons who are disproportionately represented in minimum wage jobs and occupations requiring minimum education, training, and skills, and who have been traditionally underrepresented in higher education.

Upon the appropriation of funds for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received by the Department on behalf of the Program, the Committee shall issue a request for proposals for grant projects designed to improve the employability of and provide assistance to disadvantaged persons through education and skills training. The Committee shall review each grant application, make grant awards in accordance with the eligibility criteria established in this section, and evaluate the effectiveness of the educational and skills training services delivered by funded projects. The Committee shall report the results of its evaluation, annually beginning July 1, 2000, to the governing boards of agencies represented on the Committee, the Governor and the General Assembly.

B. On and after July 1, 1998, the Program shall consist of no more than ten grant projects located in regions throughout the Commonwealth to provide equal geographical distribution of such projects. Priority for awarding such grants shall be given to projects designed to serve persons (i) historically underrepresented in Virginia institutions of higher education, and in management and administrative levels in the business community; (ii) located in counties, cities and towns with high local stress indicators and in economically depressed regions of the Commonwealth; (iii) disproportionately represented in the workforce in minimum wage jobs and occupations requiring minimum education, training, and skills; or (iv) displaced by technological advances in industry; or (v) any combination thereof. Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals. The first grants shall be awarded by May 1, 1999.

C. Eligible projects shall (i) satisfy the criteria for receiving awards pursuant to subsection B of this section; (ii) through education and skills training, provide assistance to and improve the employability of populations experiencing high rates of unemployment or underemployment; (iii) provide training and education reflective of current and projected workforce needs in the Commonwealth; (iv) coordinate and provide delivery of services, such as community-business outreach programs through the schools or departments of business, or community outreach programs at two-year and four-year public and private institutions of higher education; (v) include a component to evaluate the effectiveness of the delivery of educational and skills training services; and (vi) encourage mentoring partnerships between corporations and financially stressed businesses. Grant recipients may work collaboratively, upon request, to provide approved service delivery.