

## SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 2124

By COMMITTEE ON HUMAN SERVICES AND RURAL HEALTH POLICY

June 2

1 On page 1 of the printed A-engrossed bill, line 3, after “411.845,” insert “411.877,”.

2 On page 3, delete lines 40 through 45.

3 On page 4, delete lines 1 through 24 and insert:

4 “**SECTION 9.** ORS 411.878, as amended by section 48, chapter 21, Oregon Laws 2009 (Enrolled  
5 Senate Bill 581), is amended to read:

6 “411.878. (1) In establishing and implementing a program to be known as the JOBS Plus Pro-  
7 gram, the Legislative Assembly recognizes that early attachment to work and development of  
8 knowledge and skills are the most effective means of helping people make the transition from de-  
9 pendence on public assistance and subsidizing in poverty to regular employment and self-reliance. It  
10 is the intent of the Legislative Assembly to promote greater economic self-sufficiency among Oregon  
11 families by:

12 “(a) Increasing the employability of unemployed and underemployed Oregonians through on-the-  
13 job training;

14 “(b) Invigorating the public-private workforce partnership through development of jobs with both  
15 private for-profit and public employers;

16 “(c) Ensuring that program participants through their employment development plans have op-  
17 portunities to improve work skills, education and employability and to establish recent work histo-  
18 ries with work site training, mentoring, individual education accounts and provision of necessary  
19 support service benefits that include child care, workers’ compensation, job placement and a guar-  
20 antee that participation in the JOBS Plus Program does not result in a reduction in net income to  
21 a participant when compared with the participant’s combined income from the temporary assistance  
22 for needy families program and the [*food stamp plan*] **Supplemental Nutrition Assistance**  
23 **Program**; and

24 “(d) Expeditiously placing program participants in subsidized and unsubsidized employment.

25 “(2) The JOBS Plus Program is created as a program in which residents of the State of Oregon  
26 shall, in lieu of receiving [*food stamp*] benefits **in the Supplemental Nutrition Assistance Pro-**  
27 **gram** and payments from the temporary assistance for needy families program, be provided jobs and  
28 paid in a way that promotes self-sufficiency and encourages unemployed Oregonians to improve their  
29 positions in the workforce. The JOBS Plus Program shall be a public assistance to work strategy  
30 for the State of Oregon and operate under the job opportunities and basic skills program and rules  
31 adopted thereunder to the extent such rules are not inconsistent with ORS 411.877 to 411.896. These  
32 rules include but are not limited to rules regarding participation requirements and support services.

33 “**SECTION 9a.** ORS 411.877, as amended by section 47, chapter 21, Oregon Laws 2009 (Enrolled  
34 Senate Bill 581), is amended to read:

35 “411.877. As used in ORS 411.877 to 411.896:

1 “(1) ‘Board’ means the JOBS Plus Advisory Board established in ORS 411.886.

2 “[2] *‘Food stamp plan’ means the plan described in ORS 411.825.*]

3 “[3] (2) ‘Job opportunities and basic skills program’ means the program described in ORS  
4 412.006.

5 “[4] (3) ‘JOBS Plus’ or ‘program’ means the JOBS Plus Program established in ORS 411.878.

6 “(4) ‘**Supplemental Nutrition Assistance Program**’ has the meaning given that term in  
7 **ORS 411.806.**”.

8 Delete lines 31 through 45 and delete pages 5 through 8 and insert:

9 “**SECTION 11.** ORS 411.882, as amended by section 49, chapter 21, Oregon Laws 2009 (Enrolled  
10 Senate Bill 581), is amended to read:

11 “411.882. In administering the JOBS Plus Program and to the extent permitted by federal law,  
12 the Department of Human Services shall maximize the use of federal grants and apportionments of  
13 the temporary assistance for needy families program, the [*food stamp plan*] **Supplemental Nutrition**  
14 **Assistance Program** and employment related child care.

15 “**SECTION 12.** ORS 411.886, as amended by section 50, chapter 21, Oregon Laws 2009 (Enrolled  
16 Senate Bill 581), is amended to read:

17 “411.886. (1) The JOBS Plus Advisory Board is established. The board shall advise the Depart-  
18 ment of Human Services in the direction and administration of the JOBS Plus Program established  
19 in ORS 411.878. The board shall have seven members, consisting of six representatives of the busi-  
20 ness community and one employed former recipient of temporary assistance for needy families or the  
21 [*food stamp plan*] **Supplemental Nutrition Assistance Program.**

22 “(2) The Governor shall appoint new members from nominees recommended by the board.

23 “(3) Members appointed to the board shall serve terms of three years.

24 “**SECTION 13.** ORS 411.890, as amended by section 53, chapter 21, Oregon Laws 2009 (Enrolled  
25 Senate Bill 581), is amended to read:

26 “411.890. A JOBS Plus Implementation Council shall be established in service areas to be de-  
27 termined by the Director of Human Services to assist the JOBS Plus Advisory Board and the De-  
28 partment of Human Services in the administration of the JOBS Plus Program and to allow local  
29 flexibility in dealing with the particular needs of each county. Each council shall be primarily re-  
30 sponsible for recruiting and encouraging participation of employment providers in the county. Each  
31 council shall be composed of seven members who shall be appointed by the county commissioners  
32 in each county in the district. Council members shall be residents of the district in which they are  
33 appointed and shall serve four-year terms. Six members of the council shall be from the local busi-  
34 ness community. At least one member shall be a current or former recipient of the temporary as-  
35 sistance for needy families program or the [*food stamp plan*] **Supplemental Nutrition Assistance**  
36 **Program.**

37 “**SECTION 14.** ORS 411.892, as amended by section 54, chapter 21, Oregon Laws 2009 (Enrolled  
38 Senate Bill 581), is amended to read:

39 “411.892. (1)(a) All employers, including public and private sector employers within the State of  
40 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services  
41 shall adopt by rule a method to disqualify employers from participating in the program. No employer  
42 is required to participate in the JOBS Plus Program. In the event that there are unassigned partic-  
43 ipants whom no employer desires to utilize, the participants may be assigned to work for a public  
44 agency.

45 “(b) The maximum number of program participants that any employer is authorized to receive

1 at any one time may not exceed 10 percent of the total number of the employer's employees. How-  
2 ever, each employer may receive one participant. The Director of Human Services may waive the  
3 limit in special circumstances.

4 "(c) The Department of Human Services by rule shall establish criteria for excluding employers  
5 from participation for failure to abide by program requirements, showing a pattern of terminating  
6 participants prior to the completion of training or other demonstrated unwillingness to comply with  
7 the stated intent of the program.

8 "(2) The Department of Human Services shall ensure that jobs made available to program par-  
9 ticipants:

10 "(a) Do not require work in excess of 40 hours per week;

11 "(b) Are not used to displace regular employees or to fill unfilled positions previously estab-  
12 lished; and

13 "(c) Do not pay a wage that is substantially less than the wage paid for similar jobs in the local  
14 economy with appropriate adjustments for experience and training.

15 "(3)(a) Eligibility for the program shall be limited to residents who are:

16 "(A) Adults and caretaker relatives who are receiving temporary assistance for needy families  
17 benefits;

18 "(B) Adult *[food stamp]* **Supplemental Nutrition Assistance Program** recipients except as de-  
19 scribed in subsection (5)(b) of this section; and

20 "(C) Unemployed noncaretaker parents of children who are receiving temporary assistance for  
21 needy families benefits.

22 "(b) In addition to those residents eligible for the program under paragraph (a) of this sub-  
23 section, additional residents who are seeking employment may be eligible for the program if there  
24 are legislatively allocated funds available in the temporary assistance for needy families budget of  
25 the Department of Human Services.

26 "(4)(a) Individuals desiring work through the program shall contact the nearest Department of  
27 Human Services office serving the county in which they reside if they are temporary assistance for  
28 needy families program or *[food stamp plan]* **Supplemental Nutrition Assistance Program** appli-  
29 cants or recipients or noncustodial parents of individuals receiving temporary assistance for needy  
30 families.

31 "(b) With the assistance of the local JOBS Plus Implementation Councils and the JOBS Plus  
32 Advisory Board, the Department of Human Services shall develop a job inventory of sufficient size  
33 to accommodate all of the participants who desire to work in the program. In consultation with the  
34 participant, the department shall try to match the profile of each participant with the needs of an  
35 employer when assigning a participant to work with the employer.

36 "(c) Either the employer or the participant may terminate the assignment by contacting the  
37 appropriate Department of Human Services office. In such event, the Department of Human Services  
38 shall reassess the needs of the participant and assign the participant to another JOBS Plus Program  
39 placement or another job opportunity and basic skills program component and, at the employer's  
40 request, provide the employer with another participant.

41 "(d)(A) If after four months in a placement, a participant has not been hired for an unsubsidized  
42 position, the employer shall allow the worker to undertake eight hours of job search per week.  
43 Participating employers shall consider such time as hours worked for the purposes of paying wages.

44 "(B) If after six months in a placement, a participant has not been hired for an unsubsidized  
45 position, the placement shall be terminated, and the caseworker shall reassess the participant's

1 employment development plan.

2 “(e) The Department of Human Services may pay placement and barrier removal payments to  
3 temporary assistance for needy families program and [food stamp plan] **Supplemental Nutrition**  
4 **Assistance Program** participants as necessary to enable participation in the JOBS Plus Program.

5 “(f) The Department of Human Services shall accept eligible volunteers into the program prior  
6 to mandating program participation by eligible persons.

7 “(5)(a) Assignment of participants to available jobs shall be based on a preference schedule de-  
8 veloped by the Department of Human Services. Any temporary assistance for needy families recipi-  
9 ent or [food stamp] **supplemental nutrition assistance** recipient may volunteer for the program.

10 “(b) The following individuals may not be required to participate in the program:

11 “(A) Recipients under the temporary assistance for needy families program and the [food stamp  
12 plan] **Supplemental Nutrition Assistance Program** who are eligible for Supplemental Security  
13 Income benefits or other ongoing state or federal maintenance benefits based on age or disability.

14 “(B) [Food stamp] **Supplemental nutrition assistance** applicants or recipients who are em-  
15 ployed full-time or are college students eligible for [food stamps] **supplemental nutrition assist-**  
16 **ance** and enrolled full-time in a community college or an institution of higher education, or enrolled  
17 half-time in a community college or an institution of higher education and working at least 20 hours  
18 per week.

19 “(C) Teenage parents who remain in high school if progressing toward a diploma. Teenage par-  
20 ents not in school are eligible for the JOBS Plus Program.

21 “(c) The Department of Human Services shall provide life skills classes and opportunities to  
22 achieve General Educational Development (GED) certificates to appropriate participants in con-  
23 junction with working in the JOBS Plus Program.

24 “(d) Subject to subsection (7) of this section, temporary assistance for needy families and [food  
25 stamp benefits] **supplemental nutrition assistance** shall be suspended at the end of the calendar  
26 month in which an employer makes the first wage payment to a participant who is a custodial par-  
27 ent in a family that receives temporary assistance for needy families or to any adult member of a  
28 household receiving [food stamp benefits] **supplemental nutrition assistance**. Failure of the par-  
29 ticipant to cooperate with the requirements of the JOBS Plus Program may result in the partic-  
30 ipant’s removal, in accordance with rules adopted by the Department of Human Services, from the  
31 JOBS Plus Program and suspension of the participant’s temporary assistance for needy families  
32 grant and [food stamp benefits] **supplemental nutrition assistance**. A temporary assistance for  
33 needy families and [food stamp benefits] **supplemental nutrition assistance** recipient who has been  
34 removed from the program for failing to cooperate shall be eligible to reapply to participate in the  
35 program and shall have eligibility for program services determined without regard to the length of  
36 time the person was not participating following removal.

37 “(6)(a) Employers shall pay all participating individuals at least the hourly rate of the Oregon  
38 minimum wage.

39 “(b) Sick leave, holiday and vacation absences shall conform to the individual employer’s rules  
40 for temporary employees.

41 “(c) Group health insurance benefits shall be provided by the employer to program participants  
42 if, and to the extent that, state or federal law requires the employer to provide such benefits.

43 “(d) All persons participating in the JOBS Plus Program shall be considered to be temporary  
44 employees of the individual employer providing the work and shall be entitled only to benefits re-  
45 quired by state or federal law.

1 “(e) Employers shall provide workers’ compensation coverage for each JOBS Plus Program par-  
2 ticipant.

3 “(7) In the event that the net monthly full-time wage paid to a participant would be less than  
4 the level of income from the temporary assistance for needy families program and the [*food stamp*  
5 *benefit*] **supplemental nutrition assistance** amount equivalent that the participant would otherwise  
6 receive, the Department of Human Services shall determine and pay a supplemental payment as  
7 necessary to provide the participant with that level of net income. The department shall determine  
8 and pay in advance supplemental payments to participants on a monthly basis as necessary to en-  
9 sure equivalent net program wages. Participants shall be compensated only for time worked.

10 “(8) In addition to and not in lieu of the payments provided for under subsections (6) and (7) of  
11 this section, participants shall be entitled to retain the full child support payments collected by the  
12 Department of Justice.

13 “(9) Program participants who are eligible for federally and state funded medical assistance at  
14 the time they enter the program shall remain eligible as long as they continue to participate in the  
15 program. In conformity with existing state day care program regulations, child day care shall be  
16 provided for all program participants who require it.

17 “(10) JOBS Plus Program employers shall:

18 “(a) Endeavor to make JOBS Plus Program placements positive learning and training experi-  
19 ences;

20 “(b) Maintain health, safety and working conditions at or above levels generally acceptable in  
21 the industry and no less than that of comparable jobs of the employer;

22 “(c) Provide on-the-job training to the degree necessary for the participants to perform their  
23 duties;

24 “(d) Recruit volunteer mentors from among their regular employees to assist the participants in  
25 becoming oriented to work and the workplace; and

26 “(e) Sign an agreement to abide by all requirements of the program, including the requirement  
27 that the program not supplant existing jobs. All agreements shall include provisions noting the em-  
28 ployer’s responsibility to repay reimbursements in the event the employer violates program rules.  
29 When a professional placement service, professional employment organization or temporary employ-  
30 ment agency is acting as an employer pursuant to subsection (13) of this section, agreements under  
31 this paragraph shall require a three-party agreement between the professional placement service,  
32 professional employment organization or temporary employment agency, the organization where the  
33 participant has been placed to perform services and the State of Oregon. The three-party agreement  
34 shall include provisions requiring that all JOBS Plus reimbursements received by the professional  
35 placement service, professional employment organization or temporary employment agency be cred-  
36 ited to the organization where the participant has been placed to perform services.

37 “(11) Program participant wages shall be subject to federal and state income taxes, Social Se-  
38 curity taxes and unemployment insurance tax or reimbursement as applicable under ORS chapter  
39 657, which shall be withheld and paid in accordance with state and federal law. Supplemental pay-  
40 ments made pursuant to subsection (7) of this section shall not be subject to state income taxes  
41 under ORS chapter 316 and, to the extent allowed by federal law, shall not be subject to federal  
42 income taxes and Social Security taxes.

43 “(12)(a) The Department of Human Services shall reimburse employers for the employers’ share  
44 of Social Security, unemployment insurance and workers’ compensation premiums paid on behalf of  
45 program participants referred to the employer by the Department of Human Services, as well as the

1 minimum wage earnings paid by the employer to program participants referred to the employer by  
2 the Department of Human Services.

3 “(b) If the Department of Human Services finds that an employer has violated any of the rules  
4 of the JOBS Plus Program, the department:

5 “(A) Shall withhold any amounts due to employers under paragraph (a) of this subsection.

6 “(B) May seek repayment of any amounts paid to employers under paragraph (a) of this sub-  
7 section.

8 “(13) For purposes of this section, ‘employer’ shall include professional placement services, pro-  
9 fessional employment organizations and temporary employment agencies.”.

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