

By: Senator(s) Dawkins

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2316

1 AN ACT TO AUTHORIZE AND DIRECT THE DEPARTMENT OF HUMAN
 2 SERVICES TO ESTABLISH THE "MISSISSIPPI WORK PAYS" PROGRAM TO
 3 PROVIDE POST-EMPLOYMENT TRANSITIONAL ASSISTANCE TO TANF RECIPIENTS
 4 WHO ARE MAKING THE TRANSITION FROM WELFARE TO EMPLOYMENT; TO
 5 SPECIFY THE AUTHORIZED ASSISTANCE TO THESE TANF RECIPIENTS TO
 6 INCLUDE CASH PAYMENTS, JOB RETENTION BONUSES, CHILD CARE,
 7 TRANSPORTATION AND CAREER COUNSELING; TO AUTHORIZE THE DEPARTMENT
 8 OF HUMAN SERVICES TO CONTRACT WITH THE GOVERNOR'S OFFICE OF
 9 EMPLOYMENT SECURITY TO ADMINISTER THE MISSISSIPPI WORK PAYS
 10 PROGRAM; TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO CONTRACT
 11 WITH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY-OFFICE OF
 12 THE GOVERNOR, THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE
 13 BOARD FOR COMMUNITY AND JUNIOR COLLEGES AND THE BOARD OF TRUSTEES
 14 OF STATE INSTITUTIONS OF HIGHER LEARNING TO ESTABLISH A HIGH-WAGE
 15 EDUCATION AND TRAINING INITIATIVE AND A COMMUNITY INVESTMENT
 16 INITIATIVE; TO CREATE A COMMUNITY INVESTMENT INITIATIVE FUND; TO
 17 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
 18 MISSISSIPPI WORK PAYS PROGRAM UNDER THE TANF STATUTES AND TO
 19 SPECIFICALLY PROVIDE THAT TANF PAYMENTS AND SUPPORT BENEFITS ARE
 20 AVAILABLE TO ANY PERSON ENROLLED IN A TWO- OR FOUR-YEAR UNIVERSITY
 21 OR COLLEGE PROGRAM WHO OTHERWISE MEETS ELIGIBILITY REQUIREMENTS;
 22 AND FOR RELATED PURPOSES.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

24 **SECTION 1.** (1) There is created the Mississippi Work Pays
 25 Program to provide additional transitional services and financial
 26 assistance to TANF recipients who are leaving welfare and making
 27 the transition to employment. The Mississippi Work Pays Program
 28 shall be administered by the Mississippi Department of Human
 29 Services which may enter into necessary contracts or memorandum
 30 with the Mississippi Department of Employment Security-Office of
 31 the Governor.

32 (2) Eligible applicants to the program shall receive one or
33 more of the following:

- 34 (a) Cash assistance;
- 35 (b) Support services;
- 36 (c) Medical assistance; and
- 37 (d) Employment assistance.

38 (2) Eligibility for assistance under the Mississippi Work
39 Pays Program is limited to applicants or participants who:
40 (a) Have care and custody of a related minor child;
41 (b) Reside in the State of Mississippi at the time of
42 application for assistance and during the period of assistance;
43 (c) Apply for program assistance within six (6) months
44 of leaving the Transitional Employment Assistance Program after at
45 least three (3) months of Transitional Employment Assistance
46 Program assistance;
47 (d) Have not received more than twenty-four (24) months
48 of Mississippi Work Pays Program benefits;
49 (e) Were engaged:
50 (i) In paid work activities for a minimum of
51 twenty-four (24) hours per week and met the federal work
52 participation requirement for the past month; or
53 (ii) In the case of continuing eligibility, in
54 paid work activities for a minimum of twenty-four (24) hours per
55 week and met the federal work participation requirement for one
56 (1) of the past three (3) months and for at least three (3) of the
57 past six (6) months;
58 (f) Are:
59 (i) Citizens of the United States;
60 (ii) Qualified aliens lawfully present in the
61 United States before August 22, 1996;
62 (iii) Qualified aliens who physically entered the
63 United States on or after August 22, 1996, and have been in
64 qualified immigrant status for at least five (5) years; or
65 (iv) Aliens to whom benefits under Temporary
66 Assistance for Needy Families must be provided under federal law;
67 (g) Have income below the federal poverty level; and
68 (h) Sign and comply with a personal responsibility
69 agreement.

70 (3) Families participating in the Mississippi Work Pays
71 Program shall receive monthly cash assistance equal to the
72 maximum, monthly transitional benefit for a family of three (3)
73 with no earned income.

74 (4) Families participating in the Mississippi Work Pays
75 Program shall be eligible for the same support services and
76 assistance as families enrolled in the Transitional Employment
77 Assistance Program.

78 (5) The Department of Human Services shall contract with the
79 Mississippi Department of Employment Security-Office of the
80 Governor, to administer a work incentive program that includes
81 cash bonuses and other financial incentives to encourage:

82 (a) Transitional Employment Assistance Program
83 recipients to leave the Transitional Employment Assistance Program
84 and move into the Mississippi Work Pays Program;

85 (b) Mississippi Work Pays Program participants to stay
86 employed for at least twenty-four (24) hours a week; and

87 (c) Mississippi Work Pays Program participants to leave
88 the Mississippi Work Pays Program and continue employment for at
89 least twenty-four (24) hours per week.

90 (6) (a) The Mississippi Department of Employment Security
91 shall work with local workforce offices to develop and administer
92 services to Mississippi Work Pays Program participants designed to
93 help them move into higher-paying jobs available in their regions.

94 (b) These services may include:

95 (i) Employment exchanges;

96 (ii) Education and training;

97 (iii) Work supports; and

98 (iv) Other services designed to help Mississippi

99 Work Pays Program participants increase their earnings and develop
100 careers.

101 (c) The Mississippi Department of Employment Security
102 may make these services available to low-income workers who are
103 not participating in the Mississippi Work Pays Program.

104 (7) The Mississippi Department of Employment Security may
105 contract with the Department of Human Services for administrative
106 services related to eligibility and payments. The Mississippi
107 Department of Employment Security shall make arrangements with the
108 Department of Human Services to facilitate participants'
109 enrollment in the Mississippi Work Pays Program after they leave
110 the Transitional Employment Assistance Program.

111 (8) The Department of Human Services and the Mississippi
112 Department of Employment Security shall jointly promulgate
113 regulations establishing the Mississippi Work Pays Program by July
114 1, 2008.

115 **SECTION 2.** (1) The Department of Human Services and the
116 Mississippi Department of Employment Security shall work jointly
117 with the Mississippi Development Authority, the State Board for
118 Community and Junior Colleges and the Board of Trustees of State
119 Institutions of Higher Learning to develop the High-Wage Education
120 and Training Initiative. Under the High Wage Education and
121 Training Initiative, the Mississippi Department of Employment
122 Security shall contract to provide education and training
123 resulting in job training certificates or higher education degrees
124 for Transitional Employment Assistant Program participants and
125 other low-income adults with:

- 126 (a) State agencies;
- 127 (b) Two-year technical institutions;
- 128 (c) Local governments; or
- 129 (d) Private or community organizations.

130 (2) The initiative may use available Temporary Assistance
131 for Needy Families funds for participants who have custody or
132 legal responsibility for a child under twenty-one (21) years of

133 age and whose family income is less than two hundred fifty percent
134 (250%) of the federal poverty level.

135 (3) The job training certificate and degree programs shall
136 provide short-term training designed to prepare low-income parents
137 and others for jobs that:

138 (a) Pay significantly more than minimum wage; and

139 (b) Are available in the area.

140 (4) The projects shall be designed in consultation with
141 local employers and workforce investment boards to identify
142 appropriate job opportunities and needed skills and training.

143 (5) Contracts shall include performance-based payments keyed
144 to enrollments, completion, job placement and job retention.

145 (6) Temporary Assistance for Needy Families may be combined
146 with other state and federal funds in ways consistent with federal
147 laws and rules.

148 **SECTION 3.** (1) There is created the Community Investment
149 Initiative. The Mississippi Department of Human Services and the
150 Mississippi Department of Employment Security shall jointly
151 develop the Community Investment Initiative.

152 (2) The Community Investment Initiative shall contract with
153 private or community organizations, including faith-based
154 organizations, to offer services and support to parents, children
155 and youth in their communities.

156 (3) The Community Investment Initiative may fund programs
157 for the following purposes:

158 (a) Improving outcomes for youth, including, but not
159 limited to:

160 (i) Academic achievement;

161 (ii) Job skills;

162 (iii) Civic participation and community
163 involvement; and

164 (iv) Reducing risky behaviors such as sexual
165 activities, drug use and criminal behavior;

166 (b) Improving parenting and family functioning through
167 services and support to parents, children and to families;

168 (c) Improving marriage and relationship skills among
169 youth and engaged and married couples;

170 (d) Improving the financial and emotional connections
171 of noncustodial parents to their children through fatherhood
172 programs;

173 (e) Improving the employment skills and family
174 connections of parents who leave state jails and prisons; and

175 (f) Other purposes allowable under the federal
176 Temporary Assistance for Needy Families Program.

177 (4) The Mississippi Department of Employment Security-Office
178 of the Governor, shall contract with state agencies or community
179 organizations to provide training and capacity building services
180 to organizations eligible to apply for Community Investment
181 Initiative funds. Contracts may be let for the following
182 purposes:

183 (a) Assisting in the development of proposals to the
184 Community Investment Initiative Fund;

185 (b) Preparing organizations for the fiscal
186 responsibilities involved in receiving and spending state and
187 federal funds;

188 (c) Improving the provision of services by contractors
189 receiving funds from the Community Investment Initiative Fund; and

190 (d) Use of Temporary Assistance for Needy Families
191 funds for the Community Investment Initiative as appropriated by
192 the Legislature.

193 (5) Awards under the Community Investment Initiative shall
194 be made competitively.

195 (6) Contracts shall include performance-based payments keyed
196 to participation in services and specified outcomes.

197 (7) Temporary Assistance for Needy Families may be combined
198 with other state, federal and other funds in ways consistent with
199 federal laws and rules.

200 (8) There is created a special fund to be known as the
201 "Community Investment Initiative Fund." All monies collected
202 under the Community Investment Initiative Fund shall be deposited
203 into the State Treasury to the credit of the fund as special
204 revenues. The fund shall be used by the Community Investment
205 Initiative for the purposes set out in this section.

206 **SECTION *.** Section 43-17-5, Mississippi Code of 1972, is
207 amended as follows:

208 43-17-5. (1) The amount of Temporary Assistance for Needy
209 Families (TANF) benefits which may be granted for any dependent
210 child and a needy caretaker relative shall be determined by the
211 county department with due regard to the resources and necessary
212 expenditures of the family and the conditions existing in each
213 case, and in accordance with the rules and regulations made by the
214 Department of Human Services which shall not be less than the
215 Standard of Need in effect for 1988, and shall be sufficient when
216 added to all other income (except that any income specified in the
217 federal Social Security Act, as amended, may be disregarded) and
218 support available to the child to provide such child with a
219 reasonable subsistence compatible with decency and health. The
220 first family member in the dependent child's budget may receive an
221 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
222 the second family member in the dependent child's budget may
223 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
224 month; and each additional family member in the dependent child's
225 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
226 month. The maximum for any individual family member in the
227 dependent child's budget may be exceeded for foster or medical
228 care or in cases of mentally retarded or physically handicapped
229 children. TANF benefits granted shall be specifically limited

230 only (a) to children existing or conceived at the time the
231 caretaker relative initially applies and qualifies for such
232 assistance, unless this limitation is specifically waived by the
233 department, or (b) to a child born following a twelve (12)
234 consecutive month period of discontinued benefits by the caretaker
235 relative.

236 (2) TANF cash benefits in Mississippi shall be provided by
237 monthly checks mailed to the recipient family until such time as
238 an on-line electronic benefits transfer system for TANF benefit
239 payments is implemented pursuant to Section 43-1-28.

240 (3) The Department of Human Services shall deny TANF
241 benefits to the following categories of individuals, except for
242 individuals and families specifically exempt or excluded for good
243 cause as allowed by federal statute or regulation:

244 (a) Families without a minor child residing with the
245 custodial parent or other adult caretaker relative of the child;

246 (b) Families which include an adult who has received
247 TANF assistance for sixty (60) months after the commencement of
248 the Mississippi TANF program, whether or not such period of time
249 is consecutive;

250 (c) Families not assigning to the state any rights a
251 family member may have, on behalf of the family member or of any
252 other person for whom the family member has applied for or is
253 receiving such assistance, to support from any other person, as
254 required by law;

255 (d) Families who fail to cooperate in establishing
256 paternity or obtaining child support, as required by law;

257 (e) Any individual who has not attained eighteen (18)
258 years of age, is not married to the head of household, has a minor
259 child at least twelve (12) weeks of age in his or her care, and
260 has not successfully completed a high school education or its
261 equivalent, if such individual does not participate in educational
262 activities directed toward the attainment of a high school diploma

263 or its equivalent, or an alternative educational or training
264 program approved by the department;

265 (f) Any individual who has not attained eighteen (18)
266 years of age, is not married, has a minor child in his or her
267 care, and does not reside in a place or residence maintained by a
268 parent, legal guardian or other adult relative or the individual
269 as such parent's, guardian's or adult relative's own home;

270 (g) Any minor child who has been, or is expected by a
271 parent or other caretaker relative of the child to be, absent from
272 the home for a period of more than thirty (30) days;

273 (h) Any individual who is a parent or other caretaker
274 relative of a minor child who fails to notify the department of
275 the absence of the minor child from the home for the thirty-day
276 period specified in paragraph (g), by the end of the five-day
277 period that begins with the date that it becomes clear to the
278 individual that the minor child will be absent for the thirty-day
279 period;

280 (i) Any individual who fails to comply with the
281 provisions of the Employability Development Plan signed by the
282 individual which prescribe those activities designed to help the
283 individual become and remain employed, or to participate
284 satisfactorily in the assigned work activity, as authorized under
285 subsection (6)(c) and (d), or who does not engage in an applicant
286 job search within the thirty-day period for TANF application
287 approval after receiving the advice and consultation of
288 eligibility workers and/or caseworkers of the department providing
289 a detailed description of available job search venues in the
290 individual's county of residence or the surrounding counties;

291 (j) A parent or caretaker relative who has not engaged
292 in an allowable work activity once the department determines the
293 parent or caretaker relative is ready to engage in work, or once
294 the parent or caretaker relative has received TANF assistance

295 under the program for twenty-four (24) months, whether or not
296 consecutive, whichever is earlier;

297 (k) Any individual who is fleeing to avoid prosecution,
298 or custody or confinement after conviction, under the laws of the
299 jurisdiction from which the individual flees, for a crime, or an
300 attempt to commit a crime, which is a felony under the laws of the
301 place from which the individual flees, or who is violating a
302 condition of probation or parole imposed under federal or state
303 law;

304 (l) Aliens who are not qualified under federal law;

305 (m) For a period of ten (10) years following
306 conviction, individuals convicted in federal or state court of
307 having made a fraudulent statement or representation with respect
308 to the individual's place of residence in order to receive TANF,
309 food stamps or Supplemental Security Income (SSI) assistance under
310 Title XVI or Title XIX simultaneously from two (2) or more states;
311 and

312 (n) Individuals who are recipients of federal
313 Supplemental Security Income (SSI) assistance.

314 (4) (a) Any person who is otherwise eligible for TANF
315 benefits, including custodial and noncustodial parents, shall be
316 required to attend school and meet the monthly attendance
317 requirement as provided in this subsection if all of the following
318 apply:

319 (i) The person is under age twenty (20);

320 (ii) The person has not graduated from a public or
321 private high school or obtained a GED equivalent;

322 (iii) The person is physically able to attend
323 school and is not excused from attending school; and

324 (iv) If the person is a parent or caretaker
325 relative with whom a dependent child is living, child care is
326 available for the child.

327 The monthly attendance requirement under this subsection
328 shall be attendance at the school in which the person is enrolled
329 for each day during a month that the school conducts classes in
330 which the person is enrolled, with not more than two (2) absences
331 during the month for reasons other than the reasons listed in
332 paragraph (e)(iv) of this subsection. Persons who fail to meet
333 participation requirements in this subsection shall be subject to
334 sanctions as provided in paragraph (f) of this subsection.

335 (b) As used in this subsection, "school" means any one
336 (1) of the following:

337 (i) A school as defined in Section 37-13-91(2);

338 (ii) A vocational, technical and adult education
339 program; or

340 (iii) A course of study meeting the standards
341 established by the State Department of Education for the granting
342 of a declaration of equivalency of high school graduation.

343 (c) If any compulsory-school-age child, as defined in
344 Section 37-13-91(2), to which TANF eligibility requirements apply
345 is not in compliance with the compulsory school attendance
346 requirements of Section 37-13-91(6), the superintendent of schools
347 of the school district in which the child is enrolled or eligible
348 to attend shall notify the county department of human services of
349 the child's noncompliance. The Department of Human Services shall
350 review school attendance information as provided under this
351 paragraph at all initial eligibility determinations and upon
352 subsequent report of unsatisfactory attendance.

353 (d) The signature of a person on an application for
354 TANF benefits constitutes permission for the release of school
355 attendance records for that person or for any child residing with
356 that person. The department shall request information from the
357 child's school district about the child's attendance in the school
358 district's most recently completed semester of attendance. If
359 information about the child's previous school attendance is not

360 available or cannot be verified, the department shall require the
361 child to meet the monthly attendance requirement for one (1)
362 semester or until the information is obtained. The department
363 shall use the attendance information provided by a school district
364 to verify attendance for a child. The department shall review
365 with the parent or caretaker relative a child's claim that he or
366 she has a good cause for not attending school.

367 A school district shall provide information to the department
368 about the attendance of a child who is enrolled in a public school
369 in the district within five (5) working days of the receipt of a
370 written request for such information from the department. The
371 school district shall define how many hours of attendance count as
372 a full day and shall provide that information, upon request, to
373 the department. In reporting attendance, the school district may
374 add partial days' absence together to constitute a full day's
375 absence.

376 (e) A child who is required to attend school to meet
377 the requirements under this subsection shall comply except when
378 there is good cause, which shall be demonstrated by any of the
379 following circumstances:

380 (i) The minor parent is the caretaker of a child
381 less than twelve (12) weeks old; or

382 (ii) The department determines that child care
383 services are necessary for the minor parent to attend school and
384 there is no child care available; or

385 (iii) The child is prohibited by the school
386 district from attending school and an expulsion is pending. This
387 exemption no longer applies once the teenager has been expelled;
388 however, a teenager who has been expelled and is making
389 satisfactory progress towards obtaining a GED equivalent shall be
390 eligible for TANF benefits; or

391 (iv) The child failed to attend school for one or
392 more of the following reasons:

- 393 1. Illness, injury or incapacity of the child
394 or the minor parent's child;
395 2. Court-required appearances or temporary
396 incarceration;
397 3. Medical or dental appointments for the
398 child or minor parent's child;
399 4. Death of a close relative;
400 5. Observance of a religious holiday;
401 6. Family emergency;
402 7. Breakdown in transportation;
403 8. Suspension; or
404 9. Any other circumstance beyond the control
405 of the child, as defined in regulations of the department.

406 (f) Upon determination that a child has failed without
407 good cause to attend school as required, the department shall
408 provide written notice to the parent or caretaker relative
409 (whoever is the primary recipient of the TANF benefits) that
410 specifies:

411 (i) That the family will be sanctioned in the next
412 possible payment month because the child who is required to attend
413 school has failed to meet the attendance requirement of this
414 subsection;

415 (ii) The beginning date of the sanction, and the
416 child to whom the sanction applies;

417 (iii) The right of the child's parents or
418 caretaker relative (whoever is the primary recipient of the TANF
419 benefits) to request a fair hearing under this subsection.

420 The child's parent or caretaker relative (whoever is the
421 primary recipient of the TANF benefits) may request a fair hearing
422 on the department's determination that the child has not been
423 attending school. If the child's parents or caretaker relative
424 does not request a fair hearing under this subsection, or if,
425 after a fair hearing has been held, the hearing officer finds that

426 the child without good cause has failed to meet the monthly
427 attendance requirement, the department shall discontinue or deny
428 TANF benefits to the child thirteen (13) years old, or older, in
429 the next possible payment month. The department shall discontinue
430 or deny twenty-five percent (25%) of the family grant when a child
431 six (6) through twelve (12) years of age without good cause has
432 failed to meet the monthly attendance requirement. Both the child
433 and family sanction may apply when children in both age groups
434 fail to meet the attendance requirement without good cause. A
435 sanction applied under this subsection shall be effective for one
436 (1) month for each month that the child failed to meet the monthly
437 attendance requirement. In the case of a dropout, the sanction
438 shall remain in force until the parent or caretaker relative
439 provides written proof from the school district that the child has
440 reenrolled and met the monthly attendance requirement for one (1)
441 calendar month. Any month in which school is in session for at
442 least ten (10) days during the month may be used to meet the
443 attendance requirement under this subsection. This includes
444 attendance at summer school. The sanction shall be removed the
445 next possible payment month.

446 (5) All parents or caretaker relatives shall have their
447 dependent children receive vaccinations and booster vaccinations
448 against those diseases specified by the State Health Officer
449 pursuant to Section 41-23-37 in accordance with the vaccination
450 and booster vaccination schedule prescribed by the State Health
451 Officer for children of that age, in order for the parents or
452 caretaker relatives to be eligible or remain eligible to receive
453 TANF benefits. Proof of having received such vaccinations and
454 booster vaccinations shall be given by presenting the certificates
455 of vaccination issued by any health care provider licensed to
456 administer vaccinations, and submitted on forms specified by the
457 State Board of Health. If the parents without good cause do not
458 have their dependent children receive the vaccinations and booster

459 vaccinations as required by this subsection and they fail to
460 comply after thirty (30) days' notice, the department shall
461 sanction the family's TANF benefits by twenty-five percent (25%)
462 for the next payment month and each subsequent payment month until
463 the requirements of this subsection are met.

464 (6) (a) If the parent or caretaker relative applying for
465 TANF assistance is an employable person, as determined by the
466 Department of Human Services, the person shall be required to
467 engage in an allowable work activity once the department
468 determines the parent or caretaker relative is ready to engage in
469 work, or once the parent or caretaker relative has received TANF
470 assistance under the program for twenty-four (24) months, whether
471 or not consecutive, whichever is earlier. No TANF benefits shall
472 be given to any person to whom this section applies who fails
473 without good cause to comply with the Employability Development
474 Plan prepared by the department for the person, or who has refused
475 to accept a referral or offer of employment, training or education
476 in which he or she is able to engage, subject to the penalties
477 prescribed in subsection (6)(e). A person shall be deemed to have
478 refused to accept a referral or offer of employment, training or
479 education if he or she:

480 (i) Willfully fails to report for an interview
481 with respect to employment when requested to do so by the
482 department; or

483 (ii) Willfully fails to report to the department
484 the result of a referral to employment; or

485 (iii) Willfully fails to report for allowable work
486 activities as prescribed in subsection (6)(c) and (d).

487 (b) The Department of Human Services shall operate a
488 statewide work program for TANF recipients to provide work
489 activities and supportive services to enable families to become
490 self-sufficient and improve their competitive position in the work
491 force in accordance with the requirements of the federal Personal

492 Responsibility and Work Opportunity Reconciliation Act of 1996
493 (Public Law 104-193), as amended, and the regulations promulgated
494 thereunder. Within sixty (60) days after the initial application
495 for TANF benefits, the TANF recipient must participate in a job
496 search skills training workshop or a job readiness program, which
497 shall include résumé writing, job search skills, employability
498 skills and, if available at no charge, the General Aptitude Test
499 Battery or its equivalent. All adults who are not specifically
500 exempt shall be referred by the department for allowable work
501 activities. An adult may be exempt from the mandatory work
502 activity requirement for the following reasons:

503 (i) Incapacity;

504 (ii) Temporary illness or injury, verified by
505 physician's certificate;

506 (iii) Is in the third trimester of pregnancy,
507 verified by physician's certificate;

508 (iv) Caretaker of a child under twelve (12)
509 months, for not more than twelve (12) months of the sixty-month
510 maximum benefit period;

511 (v) Caretaker of an ill or incapacitated person,
512 as verified by physician's certificate;

513 (vi) Age, if over sixty (60) or under eighteen
514 (18) years of age;

515 (vii) Receiving treatment for substance abuse, if
516 the person is in compliance with the substance abuse treatment
517 plan;

518 (viii) In a two-parent family, the caretaker of a
519 severely disabled child, as verified by a physician's certificate;

520 or

521 (ix) History of having been a victim of domestic
522 violence, which has been reported as required by state law and is
523 substantiated by police reports or court records, and being at
524 risk of further domestic violence, shall be exempt for a period as

525 deemed necessary by the department but not to exceed a total of
526 twelve (12) months, which need not be consecutive, in the
527 sixty-month maximum benefit period. For the purposes of this
528 subparagraph (ix), "domestic violence" means that an individual
529 has been subjected to:

- 530 1. Physical acts that resulted in, or
531 threatened to result in, physical injury to the individual;
- 532 2. Sexual abuse;
- 533 3. Sexual activity involving a dependent
534 child;
- 535 4. Being forced as the caretaker relative of
536 a dependent child to engage in nonconsensual sexual acts or
537 activities;
- 538 5. Threats of, or attempts at, physical or
539 sexual abuse;
- 540 6. Mental abuse; or
- 541 7. Neglect or deprivation of medical care.

542 (c) For all families, all adults who are not
543 specifically exempt shall be required to participate in work
544 activities for at least the minimum average number of hours per
545 week specified by federal law or regulation, not fewer than twenty
546 (20) hours per week (thirty-five (35) hours per week for
547 two-parent families) of which are attributable to the following
548 allowable work activities:

- 549 (i) Unsubsidized employment;
- 550 (ii) Subsidized private employment;
- 551 (iii) Subsidized public employment;
- 552 (iv) Work experience (including work associated
553 with the refurbishing of publicly assisted housing), if sufficient
554 private employment is not available;
- 555 (v) On-the-job training;
- 556 (vi) Job search and job readiness assistance
557 consistent with federal TANF regulations;

- 558 (vii) Community service programs;
- 559 (viii) Vocational educational training (not to
560 exceed twelve (12) months with respect to any individual);
- 561 (ix) The provision of child care services to an
562 individual who is participating in a community service program;
- 563 (x) Satisfactory attendance at high school or in a
564 course of study leading to a high school equivalency certificate,
565 for heads of household under age twenty (20) who have not
566 completed high school or received such certificate;
- 567 (xi) Education directly related to employment, for
568 heads of household under age twenty (20) who have not completed
569 high school or received such equivalency certificate.

570 (d) The following are allowable work activities which
571 may be attributable to hours in excess of the minimum specified in
572 subsection (6)(c):

- 573 (i) Job skills training directly related to
574 employment;
- 575 (ii) Education directly related to employment for
576 individuals who have not completed high school or received a high
577 school equivalency certificate;
- 578 (iii) Satisfactory attendance at high school or in
579 a course of study leading to a high school equivalency, for
580 individuals who have not completed high school or received such
581 equivalency certificate;
- 582 (iv) Job search and job readiness assistance
583 consistent with federal TANF regulations.

584 (e) If any adult or caretaker relative refuses to
585 participate in allowable work activity as required under this
586 subsection (6), the following full family TANF benefit penalty
587 will apply, subject to due process to include notification,
588 conciliation and a hearing if requested by the recipient:

- 589 (i) For the first violation, the department shall
590 terminate the TANF assistance otherwise payable to the family for

591 a two-month period or until the person has complied with the
592 required work activity, whichever is longer;

593 (ii) For the second violation, the department
594 shall terminate the TANF assistance otherwise payable to the
595 family for a six-month period or until the person has complied
596 with the required work activity, whichever is longer;

597 (iii) For the third violation, the department
598 shall terminate the TANF assistance otherwise payable to the
599 family for a twelve-month period or until the person has complied
600 with the required work activity, whichever is longer;

601 (iv) For the fourth violation, the person shall be
602 permanently disqualified.

603 For a two-parent family, unless prohibited by state or
604 federal law, Medicaid assistance shall be terminated only for the
605 person whose failure to participate in allowable work activity
606 caused the family's TANF assistance to be sanctioned under this
607 subsection (6)(e), unless an individual is pregnant, but shall not
608 be terminated for any other person in the family who is meeting
609 that person's applicable work requirement or who is not required
610 to work. Minor children shall continue to be eligible for
611 Medicaid benefits regardless of the disqualification of their
612 parent or caretaker relative for TANF assistance under this
613 subsection (6), unless prohibited by state or federal law.

614 (f) Any person enrolled in a two-year or four-year
615 university or college program who meets the eligibility
616 requirements to receive TANF benefits, and who is meeting the
617 applicable work requirements and all other applicable requirements
618 of the TANF program, shall continue to be eligible for TANF
619 benefits while enrolled in the college program for as long as the
620 person meets the requirements of the TANF program, unless
621 prohibited by federal law. From and after July 1, 2007, TANF
622 assistance benefits, which shall include child care and
623 transportation subsidies, shall be available to any eligible

624 person enrolled in a two-year or four-year university or college
625 program, and who is meeting the applicable minimum work
626 requirements of twenty (20) hours per week in an allowable work
627 activity.

628 (g) No adult in a work activity required under this
629 subsection (6) shall be employed or assigned (i) when any other
630 individual is on layoff from the same or any substantially
631 equivalent job within six (6) months before the date of the TANF
632 recipient's employment or assignment; or (ii) if the employer has
633 terminated the employment of any regular employee or otherwise
634 caused an involuntary reduction of its work force in order to fill
635 the vacancy so created with an adult receiving TANF assistance.
636 The Mississippi Department of Employment Security, established
637 under Section 71-5-101, shall appoint one or more impartial
638 hearing officers to hear and decide claims by employees of
639 violations of this paragraph (g). The hearing officer shall hear
640 all the evidence with respect to any claim made hereunder and such
641 additional evidence as he may require and shall make a
642 determination and the reason therefor. The claimant shall be
643 promptly notified of the decision of the hearing officer and the
644 reason therefor. Within ten (10) days after the decision of the
645 hearing officer has become final, any party aggrieved thereby may
646 secure judicial review thereof by commencing an action, in the
647 circuit court of the county in which the claimant resides, against
648 the department for the review of such decision, in which action
649 any other party to the proceeding before the hearing officer shall
650 be made a defendant. Any such appeal shall be on the record which
651 shall be certified to the court by the department in the manner
652 provided in Section 71-5-531, and the jurisdiction of the court
653 shall be confined to questions of law which shall render its
654 decision as provided in that section.

655 (7) The Department of Human Services may provide child care
656 for eligible participants who require such care so that they may

657 accept employment or remain employed. The department may also
658 provide child care for those participating in the TANF program
659 when it is determined that they are satisfactorily involved in
660 education, training or other allowable work activities. The
661 department may contract with Head Start agencies to provide child
662 care services to TANF recipients. The department may also arrange
663 for child care by use of contract or vouchers, provide vouchers in
664 advance to a caretaker relative, reimburse a child care provider,
665 or use any other arrangement deemed appropriate by the department,
666 and may establish different reimbursement rates for child care
667 services depending on the category of the facility or home. Any
668 center-based or group home child care facility under this
669 subsection shall be licensed by the State Department of Health
670 pursuant to law. When child care is being provided in the child's
671 own home, in the home of a relative of the child, or in any other
672 unlicensed setting, the provision of such child care may be
673 monitored on a random basis by the Department of Human Services or
674 the State Department of Health. Transitional child care
675 assistance may be continued if it is necessary for parents to
676 maintain employment once support has ended, unless prohibited
677 under state or federal law. Transitional child care assistance
678 may be provided for up to twenty-four (24) months after the last
679 month during which the family was eligible for TANF assistance, if
680 federal funds are available for such child care assistance.

681 (8) The Department of Human Services may provide
682 transportation or provide reasonable reimbursement for
683 transportation expenses that are necessary for individuals to be
684 able to participate in allowable work activity under the TANF
685 program.

686 (9) Medicaid assistance shall be provided to a family of
687 TANF program participants for up to twenty-four (24) consecutive
688 calendar months following the month in which the participating
689 family would be ineligible for TANF benefits because of increased

690 income, expiration of earned income disregards, or increased hours
691 of employment of the caretaker relative; however, Medicaid
692 assistance for more than twelve (12) months may be provided only
693 if a federal waiver is obtained to provide such assistance for
694 more than twelve (12) months and federal and state funds are
695 available to provide such assistance.

696 (10) The department shall require applicants for and
697 recipients of public assistance from the department to sign a
698 personal responsibility contract that will require the applicant
699 or recipient to acknowledge his or her responsibilities to the
700 state.

701 (11) The department shall enter into an agreement with the
702 State Personnel Board and other state agencies that will allow
703 those TANF participants who qualify for vacant jobs within state
704 agencies to be placed in state jobs. State agencies participating
705 in the TANF work program shall receive any and all benefits
706 received by employers in the private sector for hiring TANF
707 recipients. This subsection (11) shall be effective only if the
708 state obtains any necessary federal waiver or approval and if
709 federal funds are available therefor.

710 (12) The department shall enter into agreements as necessary
711 with the Mississippi Department of Employment Security-Office of
712 the Governor, the Mississippi Development Authority, the State
713 Board for Community and Junior Colleges and the Board of Trustees
714 of State Institutions of Higher Learning to establish and
715 implement the Mississippi Work Pays Program, the High Wage
716 Education and Training Initiative and the Community Investment
717 Initiative, to provide additional transitional services and
718 financial assistance for TANF recipients who have gained
719 employment.

720 (13) No new TANF program requirement or restriction
721 affecting a person's eligibility for TANF assistance, or allowable
722 work activity, which is not mandated by federal law or regulation

723 may be implemented by the Department of Human Services after July
724 1, 2004, unless such is specifically authorized by an amendment to
725 this section by the Legislature.

726 **SECTION 5.** This act shall take effect and be in force from
727 and after July 1, 2007.