

7TH DISTRICT
VINCENT HUGHES
SENATE BOX 203007
THE STATE CAPITOL
HARRISBURG, PA 17120-3007
717-787-7112
FAX: 717-772-0579

CENTER FOR HUMAN ADVANCEMENT
4601 MARKET STREET
PHILADELPHIA, PA 19139
215-471-0490
FAX: 215-560-3434

vhughes@dem.pasen.gov

Original: 2224



Senate of Pennsylvania

STANDING COMMITTEES

PUBLIC HEALTH & WELFARE.
DEMOCRATIC CHAIRMAN
APPROPRIATIONS
EDUCATION
MILITARY & VETERANS AFFAIRS
POLICY

APPOINTMENTS

PHILADELPHIA SENATE DEMOCRATIC DELEGATION,
CHAIRMAN
COMMUNITY SERVICE ADVISORY BOARD
HUMAN RESOURCE INVESTMENT COUNCIL
JOINT STATE GOVERNMENT COMMISSION
EXECUTIVE COMMITTEE
PA HIGHER EDUCATION ASSISTANCE AGENCY BOARD
PA LEGISLATIVE BLACK CAUCUS
PA MINORITY BUSINESS DEVELOPMENT AUTHORITY
PA TRAUMA SYSTEMS FOUNDATION
STATE SYSTEM OF HIGHER EDUCATION
BOARD OF GOVERNORS
STROKE PREVENTION TASK FORCE

July 25, 2002

Hon. Feather O. Houstoun
Secretary of Public Welfare
Room 333 Health & Welfare Building
Harrisburg, PA 17105

Re: Department of Public Welfare Final-form Regulation 14-472
Act 35/TANF Implementation

Dear Secretary Houstoun:

I submit the following comments in my capacity as Minority Chair of the Senate Public Health & Welfare Committee. Let me begin by saying that I acknowledge and appreciate the many positive changes that were made to the proposed regulations in response to my comments and the comments of many others. Nonetheless, I believe that there are some troublesome issues that need to be improved. It is my hope that a brief period of tolling will help us reach a point of consensus on going forward with this regulation.

1. "Appropriate Child Care" - The definition of this term, added at §165.2, is so limiting that it narrows options for caregivers as outlined in §165.52. The definition speaks only in terms of meeting the requirements of applicable state regulations. The existing regulations, at §165.52(a)(3)("satisfactory day care") and 165.52(a)(9)("adequate child care for children who need supervision") include some consideration of the quality of the child care and the match between the care provided and the child's unique needs. The definition of "appropriate child care" and the deletion of §165.52(a)(9) appear to remove those considerations from the decision to sanction the family. I cannot believe that DPW intended to establish as policy that a parent must accept as "appropriate" any child care service that is in compliance with regulations and has no ability to consider the match between the services provided and her child's needs.

2. Assistance with Verifying an Exemption from RESET Participation Requirements, §165.22(a)(1) - The proposed regulation read: "The CAO will assist an individual in obtaining

2002 JUL 25 PM 3:42
RECEIVED
COMMISSION

Secretary Houston
DPW Regulation #14-472
Page 2
July 25, 2002

verification when help is needed." Notwithstanding the failure to point to one comment that suggested a change, or even to give one reason for making a change, the final-form regulation reads: "The CAO ~~will~~ MAY assist an individual in obtaining verification when help is needed." Does DPW really mean that it reserves the right to refuse to offer assistance WHEN HELP IS NEEDED?

3. Special Allowances, §165.41(a) - The proposed regulation suggested no change to the current regulation, which reads: "A participant in the ETP is eligible to receive certain special allowances..." The final-form regulation changes that to: "~~A participant in the ETP~~ A CASH ASSISTANCE OR FOOD STAMP RECIPIENT ~~is eligible to~~ MAY receive certain special allowances..." It is not clear what is intended by the change to "may" receive from "is eligible to" receive. Whatever was intended, it appears problematic. DPW might do better to clarify that a recipient who meets all of the requirements of the chapter "is eligible to" receive special allowances.

4. Assessments, §§165.1 and 123.22: I repeat my comments from my letter on the proposed regulations. The [proposed] final-form regulations fail to acknowledge the necessity for employability assessments for TANF recipients. In *Thompson v. DPW*, 696 A.2d. 888 (Commonwealth Court, 1997), a pre-TANF case, the Court noted the need for comprehensive employability assessments by trained professionals. That need is not diminished by the passage of Act 35. The regulations should reflect that requirement. While it is encouraging that the definition of AMR now includes a requirement that it be "based on an assessment of an individual's skills and abilities", there is still no recognition that the assessment must be done by trained people who have experience in doing comprehensive employability assessments.


5. Education Exemptions, §165.52(c) - It is my understanding that DPW had agreed that education exemptions could be granted for additional 6-month periods after the original exemption expired. I support this flexibility and hope that the regulations can be modified to reflect that policy. Denying the ability of individuals over the age of 22 to complete secondary education appears to conflict with current DPW policy.

6. Paid Work Experience, §165.31(c)(7) - As the prime sponsor of the JOBS bill, I certainly support opportunities for paid work experience for longer than 6 months in a lifetime. We are all familiar with complaints about some programs that did not appear to provide the best work experience. I understand that DPW has agreed to allow individuals to establish good cause for seeking paid work experience in excess of the lifetime 6-month limit. If that is correct, I hope that the regulations can be modified to reflect that.

Thank you for your time and consideration.

Secretary Houston
DPW Regulation #14-472
Page 3
July 25, 2002

Sincerely yours,


Vincent Hughes
Minority Chair

Public Health & Welfare Committee

cc: John R. McGinley, Jr., Esq., Chair, Independent Regulatory Review Commission
Senator Harold F. Mowery, Jr., Chair, Public Health & Welfare Committee