



PUBLIC ISSUES EDUCATION

West Virginia University Extension Service.....Spring 1997

What is the future for PIE?

What follows is the fourth issue of the Public Issues Education newsletter. It includes articles on the actions taken by the Legislature, "Welfare Reform," the School-to-Work Bill, and state grievance hearing statistics.

That is the known information. What is unknown is whether extension personnel find this newsletter useful. The Public Issues Education Newsletter grew out of requests made at the September 1995 district meetings. But to ensure the PIE newsletter is meaningful, CED will soon be surveying county offices to discover the answers to these questions:

How often should it be published? Three times a year? More often? Less? As needed? Not at all?

How should copies be made available? Paper? E-mail? World Wide Web? A combination of different methods?

How can the newsletter be made better? What articles, topics should covered? What shouldn't be?

Would you like to help with the newsletter? Write an article? Be on the editorial board?

If you have some ideas on how to make the newsletter better or strong opinions on the newsletter, please contact me. (304-293-8733 or mdoerty@wvnmms.wvnet.edu). Your input will help determine the future of this newsletter.

Michael Dougherty
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Welfare Reform Report

TANF means new rules

By Rachel Tompkins

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West Virginia and the rest of the nation are in the process of implementing The Personal Responsibility and Work Opportunity Act, otherwise known as "Welfare Reform." Last year, the Legislature passed West Virginia Works, the state version of national welfare reform. Implementation began Jan. 1, 1997, in nine pilot counties. These federal and state actions bring fundamental change to the cash assistance program for poor families -- the one we used to call Aid to Families with Dependand Children (AFDC) and now call Temporary Assistance to Needy Families (TANF).

The federal legislation also includes other provisions on such items as food stamps, Supplemental Security Income (SSI), legal immigrants, teen-age parents and drug felons, which are not essential to the reform of the cash assistance program but are likely to have immediate consequences. Together the state and federal legislation is complex and confusing.

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■ **TANF** (Continued from Page 1)

Right now, let's look at the TANF program. The focus of this new policy is on moving people from cash assistance to work as quickly as possible. The basics are:

1. Neither states nor individuals are entitled to funds for assistance. Federal funding for West Virginia will be \$110 million for each of the next six years regardless of the number of individuals to be served. If the number of households receiving assistance goes down, dollars will be sufficient. If a recession occurs and the number of people not working and not able to find jobs increases, funds are likely to be insufficient. If the caseload stays the same, inflation over six years will mean less purchasing power for each dollar. The state is required to maintain its investment at 80 percent of the 1996 level, which was \$43 million.

2. Each household is required to work at least 20 hours per week for a single-parent family and 35 hours per week for a two-parent family. In West Virginia, work includes five categories: (a) employment in private or public sector; (b) subsidized work in public or private sector; (c) the Community Work Experience Program (CWEP), where participants gain work experience without pay beyond the cash assistance; (d) the Joint Opportunities for Independence (JOIN) program, where the employer pays workers compensation costs and \$1 per hour transportation allowance in addition to the cash assistance; and (e) community service in nonprofit or public organizations.

3. All cases have a 60-month lifetime limit on the receipt of benefits. This applies across state lines. A family cannot move to a new state every five years and continue benefits. The clock runs on the limit for everything except a paid job. So people working 20 hours a week in CWEP, JOIN, community service, or subsidized employment are

using up their 60-month lifetime benefit limit.

4. At least 25 percent of the state's caseload must meet the work requirement in 1997. This increases to 50 percent by 2002. Federal funding is reduced if the state does not meet work requirements, and the state is required to replace those federal funds.

5. Teen parents must live at home or in an approved adult supervised setting, must remain in school, and take classes in parenting skills.

6. Convicted drug felons are banned from receiving assistance although members of their family may be eligible.

7. Legal immigrants will be banned from receipt of benefits for five years or until obtaining citizenship.

WV WORKS establishes state policies for implementing the federal law. The centerpiece of the state approach is a Personal Responsibility Contract negotiated between the state and the recipient of cash assistance. Each contract identifies the adult's employment plan, training needed for employment, any barriers to employment and ways to overcome them, a plan for immunizations and health exams for children, a plan for children to stay in school and succeed, plans for other counseling, mentoring or training to help the family become self supporting. These contracts are being implemented now in the nine pilot counties and will be policy statewide by Jan. 1, 1998.

Extension faculty can play a role in developing training programs necessary for the contracts. Parenting and financial planning are likely to be high priority training areas. Since welfare reform is such a far-reaching change that will affect our communities in many ways, we will provide information and professional development activities in the coming months.

Legislative wrap-up '97

Compiled from published reports

Which is the more pertinent question: What did the West Virginia Legislature do during its 1997 session? or, What did the Legislature NOT do during its session?

A lot depends on what you value as being important. The Legislature passed 235 bills during its regular session, more than half of them on the final-day session -- April 12. It then passed a budget and some conforming legislation during the ensuring special session. But the Legislature failed to enact several controversial bills that raised the ire of some legislators and citizens alike.

Among the items that passed in the Legislature and will become law if signed by Gov. Cecil Underwood were bills that would:

- * Allow state and local development officials to keep negotiations with companies secret until completed.
- * Change adoption laws by limiting challenges to six months after adoptions are final, give grandparents right of first adoption of children in state custody, and give adoptive parents a \$2,000 tax break.
- * Stop state funding for pre-kindergarten programs after one year.
- * Decriminalize juvenile offenses that would not be a crime for adults.
- * Require cellular telephone users to pay 75 cents per month as a 911 service fee.
- * Ban smoking in regional jails.
- * Make the neglect of a child that leads to a death a felony.
- * Impose mandatory sentences on arsonists and create a new felony for arson that results in injury.
- * Make it a felony for a motorist to lead police on a chase that results in a death.

- * Allow crime victims to attend parole hearings and object to an inmate's release.
- * Require audits of associations that have government officials or employees as members.
- * Allow Marshall University and the West Virginia Graduate College to merge.
- * Allow the state treasurer to develop a pre-paid college tuition investment plan.
- * Merge the West Virginia Trust Fund and the Board of Investments into a new entity that would control pension funds, workers compensation and black lung fund money.

Among the items passed in the special sessions were bills that:

- * Enact a \$2.44 billion state budget for fiscal year 1997-98. It includes a 3.25 percent increase in funding for West Virginia University.
- * Brought state laws into compliance with new rules on child support, preventing the loss of \$26 million in federal funds.

Among items that failed to win passage were bills that would have:

- * Allowed companies to investigate their own compliance with environmental laws and kept the results secret.
- * Allowed The Greenbrier resort to open a casino in the former congressional nuclear attack bunker.
- * Allowed experienced motorcyclists over 21 to ride without helmets.
- * Banned same-sex marriages and required HIV testing for marriage licenses.
- * Reestablished the death penalty.
- * Lowered the legal blood alcohol limit to 0.08 percent (from 0.10 percent).
- * Revised state open meeting laws and redefined a public meeting.
- * Made changes in state election laws.
- * Allowed child victims of certain crimes to testify live, via closed circuit television.

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Legislature (Continued from Page 3)

Established a clearinghouse for information on missing children.

Banned partial birth abortions.

Allowed two minutes of voluntary prayer in public school.

Allowed cities and counties to increase the hotel-motel occupancy tax.

Permitted colleges and universities to increase parking fines and tow violators.

Established a commission to study whether male and female employees receive equal pay for equal work.

School-to-Work: S.B. 300 revisited

By Peter Marshall

Extension Specialist

Family and 4-H Youth Development

Senate Bill 300 (S.B. 300), enacted during the 1996 Session of the West Virginia Legislative, has far-reaching implications for public education in West Virginia. Known as the **Jobs through Education Bill**, S.B. 300 was developed, in part, in response to passage of similar national legislation, the **School-to-Work Opportunity Act of 1993**, which is designed to improve students' academic and occupational skills to better prepare them for the workplace of the future. During the past year the State Board of Education has been holding hearings and developing new policies to implement S.B. 300, with changes scheduled to take place as early as this coming July.

A key and controversial provision of S.B. 300 is to replace the current "general education" track of high school studies with "career clusters" and "education majors." Each student will be required to map out a plan for four years of high school and

one year beyond, focused on improving the transition from school-to-work. Computerized portfolios will be developed for each high school student detailing their accomplishments, test scores, interests, and other relevant information. Students entering ninth grade in 1999-2000 and beyond will be required to participate in work-based learning experiences during their high school years to further expose them to the world of work.

Proponents of this plan claim that these changes will better prepare students for their future employment. The intent is to get students to think about their career interests and goals at an earlier age and to take high school courses that reflect these goals. In turn, students can see the relevance of these courses to their future goals, providing added motivation for them to succeed in school. Critics of these changes claim that this new emphasis on career preparation will compromise our long-standing commitment to providing students with a well-rounded education that will provide them with the knowledge and skills to succeed in all aspects of their future growth and development. In particular, opponents are concerned that these changes will "lock" students into a career path at an early age, thus limiting their options. Educational leaders counter that students can change their clusters whenever they want, as their interests and circumstances change.

Another controversial provision of S.B. 300 is a new Statewide Assessment Program that will test students every year to ensure that they are at grade level in their studies. Mastery of instructional grade level objectives will be required before the students can advance to the next grade level objectives. Particularly controversial is a new requirement that the reading skills of first and second graders be tested. Critics claim that such testing is both inappropriate and meaningless considering the age and developmental status of these students.

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S.B. 300

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Less controversial is a provision that computer literacy and educational technology should become an integral part of the instructional goals and objectives for every student. Under this provision all students will be provided equal access to technology, and all students will graduate from the public schools with proficiency in basic computer skills. At issue is the availability of funding to implement these new requirements. Local educational leaders are concerned that this and other state "unfunded mandates" will contribute to the financial problems of local school boards.

Additional changes that are forthcoming will place increased emphasis on the required basic skills in grades K-4; will increase the graduation requirements in mathematics, science, the arts, and career majors; and, among other changes, will require counties and individual schools to develop "unified improvement plans." While it is beyond the scope of this paper to analyze each of these changes, the public should be aware that some significant changes are forthcoming in how we educate our youth.

State Grievance Board: Report by the numbers

By Paul R. Martinelli
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The West Virginia Education and State Employees Grievance Board was created by the Legislature in 1985, with the primary duty of administering the fourth level of a grievance procedure. This law was established to provide a simple, expeditious and fair process to resolve grievances at the lowest possible administrative level.

The board covers approximately 65,000 public employees of which 44,200 are educational employees. Full-time attorneys are employed to hear and decide grievances that reach level four of the grievance procedure. These attorneys are designated as "hearing examiners" and are referred to as Administrative Law Judges (ALJs).

The number of ALJs has increased from four to the current eight and a director who also serves as an ALJ and a mediator. The eighth ALJ was employed in November 1994 to begin working on the 546 grievance filed by higher education classified staff employees that reached the fourth level.

A director, administrative officer, five ALJs and a secretary are assigned to the Charleston office, two ALJs and a secretary are in the Morgantown office, and one ALJ serves the branch offices in Beckley, Elkins and Wheeling, each of which are staffed by a secretary.

Higher education grievances at level four were the result of grievances filed during the reclassification study know as the "Mercer Study." With the exception of 1994, when higher education classified staff employees filed the 546 grievances challenging their classification or pay grade, the number of grievances reaching the fourth level has remained relatively constant since the board was created.

Mercer Study statistics reported by the State College and University Systems of West Virginia Central Office reveal the following grievant information:

Total grievants who filed grievances	545
Grievants dropped or dismissed	<u>286</u>
Current grievants on file	<u>259</u>

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■Grievances (Continued from Page 5)

Grievants who have received hearings/ awaiting decisions	51
Grievants with decisions remaining	163
Grievants left for processing	<u>45</u>
TOTAL	<u>259</u>

Total ALJ decisions	163
Decisions granted (grievant prevailed)	12
Decisions favorable to systems central office	42
Grievances on appeal to circuit court	12
Unaccountable	<u>30</u>
TOTAL	<u>259</u>

The most frequent complaint registered by grievants was ALJs being biased against employees or ruling unfairly or incorrectly in favor of employers. Some grievants expressed concern that the process is and remains unfair because management is always represented by an attorney. Employees also reported that many cannot afford counsel like employers and back pay is limited for those who prevail. Grievants represented themselves in only 15 percent of the cases, and they prevailed in only 10 percent of these cases.

The percentage of grievances granted in cases decided in calendar year 1996 was similar to prior years. The Board ruled in favor of the employee in approximately 26 percent of the grievances, compared to 24 percent in 1995 and 27 percent in 1994. A breakdown by category of employees in 1996 show:

	<u>Granted</u>	<u>Denied</u>
Boards of Education:	31%	69%
State:	18%	82%
Higher Education:	22%	78%

Throughout the grievance hearing process the grievance board is most concerned that cases are heard as effectively and efficiently as possible with the resources that are available. They stress that the grievance board's reputation as being fair, impartial and independent is most important as decisions are decided.

The **Public Issues Education Newsletter** is produced by the Division of Community and Economic Development, West Virginia University Extension Service.

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