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2 Councilmember David Grosso

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Councilmember Elissa Silverman

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7 Councilmember Jack Evans

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Councilmember Brianne K. Nadeau

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12 Councilmember Vincent C. Gray

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Councilmember Robert C. White, Jr.

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17 Councilmember Anita Bonds

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Councilmember Mary M. Cheh

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22 Councilmember Charles Allen

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Councilmember Trayon White, Sr.

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25 A BILL

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29 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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31  
32 To amend the Youth Employment Act of 1979 to provide a streamlined certification process,  
33 age-appropriate program placements, additional program management, soft skills training  
34 for all participants, and comprehensive reporting requirements.

35  
36 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
37 act may be cited as the “Marion S. Barry Summer Youth Employment Program Enhancement  
38 Amendment Act of 2017.”

39  
40 Sec. 2. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46;

41 D.C. Official Code § 32-241 *et seq.*), is amended as follows:

42 (a) Section 2 (D.C. Official Code § 32-241), 2a (D.C. Official Code § 32-242), 2b (D.C.  
43 Official Code § 32-243), and 2c (D.C. Official Code § 32-244) are redesignated as sections 2a,  
44 2b, 2c, and 2d, respectively.

45 (b) A new section 2 is added to read as follows:

46 “Sec. 2. Definitions.

47 “For the purposes of this act, the term:

48 “(1) “Date of enrollment” means the date on which a participant enrolls in the  
49 MBSYEP.

50 “(2) “District of Columbia-funded education program” includes District of  
51 Columbia Public Schools, District of Columbia public charter schools, the University of the  
52 District of Columbia Community College, and the University of the District of Columbia.

53 “(3) “DOES” means the Department of Employment Services.

54 “(4) “Employer type” includes the following categories of employers: District  
55 agencies, federal agencies, non-profit organizations, private sector organizations, private schools,  
56 public schools, charter schools, and unknown.

57 “(5) “Expectations for the first day” includes dress code, schedule of hours, and a  
58 clear explanation of the participant’s duties and responsibilities.

59 “(6) “Final finding of unsuitable” means a designation given to a host site by  
60 DOES that failed to correct issues identified by DOES in its preliminary unsuitability finding  
61 that results in the closure of the host site.

62 “(7) “Host employer” means a public or private employer that employs an  
63 MBSYEP participant.

64                   “(8) “Host site” means the physical location, controlled by a host employer, at  
65 which MBSYEP participants perform work for the host employer.

66                   “(9) “MBSYEP” means the Mayor Marion S. Barry Summer Youth Employment  
67 Program established pursuant to section 2a(a)(1).

68                   “(10) “Opportunity Youth” means out-of-school individuals, 16 to 24 years of age  
69 at the date of enrollment, not regularly employed, whose level of educational attainment is less  
70 than an associate’s degree.

71                   “(11) “Out-of-school” shall have the same meaning provided in section 2(46) of  
72 the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1429; 29  
73 U.S.C. § 3102(46)).

74                   “(12) “Physically compatible host site” means a host site that is able to  
75 accommodate a participant’s physical disabilities.

76                   “(13) “Public school” means a District of Columbia Public Schools system school  
77 or a District of Columbia public charter school.

78                   “(14) “Soft skills training” means age-appropriate, non-technical skills training  
79 that helps individuals succeed in the workplace and includes communication, time management,  
80 appropriate work attire, conflict resolution, and education on employers’ right to conduct drug  
81 tests.

82                   “(15) “Supportive services” shall have the same meaning provided in section  
83 2(59) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1429;  
84 29 U.S.C. § 3102(59))

85                   “(16) “Work experience” means hands-on experience in a traditional work  
86 environment and does not include arts, camps, or academic programs.

87                   “(17) “Work training/readiness” means basic skills training and enrichment in a  
88 non-traditional work environment.”.

89                   (b) Newly designated section 2a is amended as follows:

90                   (1) Subsection (a)(1) is amended by striking the phrase “Summer youth jobs.” and  
91 inserting the phrase “Mayor Marion S. Barry Summer Youth Employment Program.” in its place.

92                   (2) Subsection (g) is repealed.

93                   (c) New sections 2c-1 through 2c-4 are added to read as follows:

94                   “Sec. 2c-1. Certification for MBSYEP.

95                   “(a) In order to receive a placement in MBSYEP, applicants must be certified by DOES.

96                   “(b) DOES shall certify MBSYEP applicants whose age and District residency it has  
97 verified and for whom it has received any other information it requires.

98                   “(c)(1) DOES shall utilize administrative records or other information from District  
99 agencies, where available, to certify applicants to ensure that as few applicants as possible have  
100 to attend in-person certification events.

101                   “(2) Beginning in program year 2019, DOES shall use school records to  
102 automatically certify the age and residency of all eligible applicants that are enrolled in a public  
103 school at the time of application.

104                   “(d) When DOES successfully certifies an applicant, the Department shall notify the  
105 individual.

106                   “(e) If DOES extends the application deadline, it shall extend the certification deadline by  
107 the same amount of time.

108                   “(f) Beginning in program year 2019, as a condition of certification, DOES shall require  
109 all Opportunity Youth, who are 22-24 years of age and that re-enroll in school or become

110 employed prior to the placement deadline described in Sec. 2c-2(a)(2), to attest that they will  
111 inform DOES of their re-enrollment or employment.”.

112 “Sec. 2c-2. Placements in and Program Management of MBSYEP.

113 “(a)(1) DOES shall finalize all host employers and host sites before May 15 of each year.

114 “(2) DOES shall notify all participants and host employers of their placements at  
115 least 4 weeks before the start of the program.

116 “(3) DOES shall ensure that host employers utilize the 4 weeks between notice of  
117 placement and the start of the program to contact their participants and introduce the participants  
118 to the host site and supervisor and provide participants with the host employer’s expectations for  
119 the first day.

120 “(b) DOES shall prioritize its host employer recruitment and retention efforts on  
121 employers that the Workforce Investment Council determines are from in-demand industry  
122 sectors, as defined by section 2(23) of the Workforce Innovation and Opportunity Act, approved  
123 July 22, 2014 (128 Stat. 1429; 29 U.S.C. § 3102(23)).

124 “(c) DOES shall provide additional support for applicants and participants with  
125 disabilities. It shall:

126 “(1) Require host employers to designate whether or not their worksite is Metro  
127 accessible and ADA compliant on the host employer application;

128 “(2) Beginning in program year 2019, place certified applicants only at a  
129 physically compatible host sites; and

130 “(3) Include on the parental consent form for applicants under the age of 18 an  
131 option for parents or guardians to opt-in to receive copies of electronic communications that are  
132 sent to the participant.

133           “(d) Beginning in program year 2019, host employers that previously had a final finding  
134 of unsuitable under the DOES host site monitoring process shall not be permitted to participate  
135 as a host employer until:

136                   “(1) The host employer receives technical assistance from DOES aimed at helping  
137 to resolve the issues giving rise to the finding of unsuitability; and

138                   “(2) DOES certifies that the issues giving rise to the finding of unsuitability have  
139 been corrected.

140           “(e) Beginning in program year 2019, DOES shall classify host employers’ available  
141 positions as work experience or work training/readiness according to the predominant daily  
142 duties or responsibilities of the position.

143           “(f)(1) Beginning in program year 2019:

144                   “(A) No participants 16 years or older at the date of enrollment shall be placed in  
145 work training/readiness positions.

146                   “(B) A participant who has served 3 or more consecutive summers with the same  
147 host employer shall not be placed with that host employer.

148           “(2) Paragraph (1) of this subsection shall not apply to individuals participating in a year-  
149 round youth, Summer Bridge, special needs, or Upward Bound programs.

150           “(g) Beginning in program year 2019, DOES shall take the following actions with regard  
151 to participants ages 22-24 at the date of enrollment:

152                   “(1) Half of all slots shall be filled with 22-24 year-old Opportunity Youth.

153                   “(2) If there are an insufficient number of slots for all certified applicants ages 22-  
154 24 at the date of enrollment, DOES shall fill the other half of slots in the following order of  
155 priority:

156 “(I) Certified applicants who are Opportunity Youth;  
157 “(II) Certified applicants not enrolled in school that have less than an  
158 associate’s degree;  
159 “(III) Certified applicants enrolled in a District of Columbia-funded  
160 education program;  
161 “(IV) Certified applicants enrolled in non-District of Columbia-funded  
162 education program;  
163 “(V) Certified applicants who do not meet the criteria set forth in  
164 subparagraphs (I) through (IV).

165 “(h) Beginning in program year 2019, DOES shall:

166 “(1) Assess all Opportunity Youth for education, training, and supportive services  
167 needs and use the assessment to refer Opportunity Youth to these services.

168 “(2) Inform host employers of their participants’ SYEP-related events and  
169 requirements;

170 “(3) Record participant absences from host sites and when a participant reaches 3  
171 consecutive absences, attempt to contact the participant at least three times to reengage them in  
172 the program.”.

173 “Sec. 2c-3. Soft skills training requirement for MBSYEP.

174 Beginning in program year 2019, DOES shall:

175 “(1)(A) Establish a process for all participants to be assessed for soft skills, which  
176 shall be conducted by the host employer during the first week of the program and again during  
177 the last week of the program;

178                               “(B) If a participant transfers to another host employer, ensure that the  
179 first assessment is sent to the new supervisor;

180                               “(2) Arrange for all participants to receive soft skills training, which may include  
181 modules of District of Columbia Public Schools’ *Tenacity* curriculum;

182                               “(3) Objectively compare the first and second assessments to determine skills  
183 gains and report the comparison findings pursuant to Sec. 2c-4(b)(7)”.

184                               “Sec. 2c-4. Reporting requirements for the MBSYEP.

185                               “(a) By December 1 of each year, DOES shall publish on its website and transmit to the  
186 Council a report containing information on the previous summer’s MBSYEP participants, which  
187 shall include information on:

188                                       “(1) The demographics of participants;

189                                       “(2) Participants’ activities in the program; and

190                                       “(3) Participants’ employment following the end of the program.

191                               “(b) Beginning in program year 2018, the report required by subsection (a) of this section  
192 shall include:

193                                       (1) Disaggregated by age and whether a participant is an Opportunity Youth, the  
194 number of:

195   “(A) Applicants;

196   “(B) Applicants determined to be eligible;

197   “(C) Total certified applicants;

198   “(D) Applicants certified in person;

199   “(E) Applicants certified by automatic certification per Sec. 2c-1(c)(2);



200                                   “(F) Applicants certified by other methods DOES uses for certification,  
201   disaggregated by other method; and  
202                                   “(G) Participants:  
203                                   “(i) Given a worksite assignment less than 4 weeks before the start  
204   of the program;  
205                                   “(ii) Who started working;  
206                                   “(iii) Paid week one;  
207                                   “(iv) Paid week two;  
208                                   “(v) Paid week three;  
209                                   “(vi) Paid week four;  
210                                   “(vii) Paid week five;  
211                                   “(viii) Paid week six;  
212                                   “(ix) Referred to other programs or supportive services (such as  
213   child care) at DOES or other agencies;  
214                                   “(x) With three consecutive unexcused absences, and, of these, the  
215   number that:  
216                                   “(I) Returned to their original host employer;  
217                                   “(II) Were transferred to another host employer;  
218                                   “(III) DOES was unable to make contact with after three  
219   attempts; and  
220                                   “(IV) Did not return to the program.  
221                                   “(xi) Extended beyond 6weeks, including cost, the source of funds,  
222   and how many were enrolled in a year-round youth program as a result (and which program);

223                                   “(xii) Who are parents as well as any other demographic  
224 information the Department of Employment Services tracks, including violent crime victims,  
225 TANF-eligible, and those placed via other District agencies such as the Department of  
226 Disabilities Services/Rehabilitative Services Agency;

227                                   “(xiii) Who received soft skills training during the program;

228                                   “(xiv) Who completed soft skills training during the program; and

229                                   “(xv) Provided with individual case management during the  
230 program.

231                                   “(2) Employers that provided unsubsidized placements, by company;

232                                   “(3) Pre-program site visits completed, including how many sites were ready to  
233 host and how many were not;

234                                   “(4) In-program site visits completed, including the number of sites:

235                                   “(A) Deemed unsuitable; and

236                                   “(B) With a final finding of unsuitable, delineated by host employer;

237                                   “(5) SmarTrip cards distributed;

238                                   “(6) A list of:

239                                   “(A) Participating employers (disaggregated by employer type), which  
240 shall indicate whether a host employer was a first-time host employer in a particular program  
241 year, whether a host employer employed any participants after the program, and if so, how many;

242                                   “(B) Soft skills training providers; and

243                                   “(C) All spending by MBSYEP on grants, contracts, and Memoranda of  
244 Understanding, which shall include cost and recipient of each.

245                                   “(7) Outcomes of the soft skills training provided;

246 “(8) Any evaluations performed by DOES, including of grants issued for the  
247 program; and

248 “(9) For each participant referred to other programs or supportive services (such  
249 as child care) at DOES or other agencies, specific information about the program, program  
250 provider, and source of funding.

251 “(c) Beginning in program year 2019, the report required by subsection (a) of this section  
252 shall include:

253 “(1) Disaggregated by age and whether a participant is an Opportunity Youth, the  
254 number of participants:

255 “(A) By type of job, as defined in Sec. 2(16-17);

256 “(B) Who are 22-24 years of age at the date of enrollment, disaggregated  
257 by the categories listed in Sec. 2c-2(g); and

258 “(C) Who received beginning and end soft skills assessments during the  
259 program.

260 “(2) An update on efforts to implement the requirement that all participants  
261 receive soft skills training.”.

262 “(d) It is the sense of the Council that DOES shall consult with the Council on revising  
263 existing evaluation requirements for the MBSYEP to focus on program outcomes and program  
264 effectiveness.”.

265 (d) Newly designated section 2d (D.C. Official Code § 32-244) is amended as follows:

266 (a) Subsection (a) is amended by striking the date “June 1, 2011” and inserting the date  
267 “April 1, 2018” in its place.

268 (b) Paragraph (b)(1) is amended by striking the phrase “employers” and inserting the  
269 phrase “employers, including of employer liaisons” in its place.

270 Sec. 3. Section 2082 of the Department of Employment Services Local Job Training  
271 Quarterly Outcome Report Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C.  
272 Official Code § 32-771), is amended by adding a new subsection (d) to read as follows:

273 “(d)(1) Beginning in October 2018, the report shall also include follow-up information on  
274 participants in the Marion S. Barry Summer Youth Employment Program (“program”),  
275 established pursuant to section 2a(a)(1)(A) of the Youth Employment Act of 1979, effective  
276 January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)(A)), for the three quarters  
277 following a participant’s completion of the program. The information shall include:

278 “(A) The number of participants:

279 “(i) In unsubsidized employment;

280 “(ii) In a subsidized employment program, delineated by program or  
281 subprogram;

282 “(iii) In year-round youth programming, not covered in sub-subparagraphs  
283 (i) and (ii) of this subsection, delineated by program; and

284 “(B) The number of participants not included in the reporting requirements in sub-  
285 subparagraphs (i) through (iii) of subparagraph (A) of this paragraph, and shall provide an  
286 explanation of the barriers that prevented the Department from connecting those youth to  
287 programming.

288 “(2) The information shall be disaggregated by age and Opportunity Youth, which  
289 shall have the same meaning provided in section 2(h) of the Youth Employment Act of 1979,  
290 effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(h)).”.

291           Sec. 4. Fiscal impact statement.

292           The Council adopts the fiscal impact statement in the committee report as the fiscal  
293 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
294 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

295           Sec. 5. Effective date.

296           This act shall take effect following approval by the Mayor (or in the event of a veto by  
297 the Mayor, action by Council to override the veto), a 30-day period of congressional review as  
298 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
299 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
300 Columbia Register.