

ASSEMBLY, No. 3905

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson

SYNOPSIS

Revises requirements for cash assistance benefits under Work First New Jersey program; appropriates \$25 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/4/2020)

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2

1 AN ACT concerning the Work First New Jersey program, revising
2 various parts of the statutory law, supplementing Title 44 of the
3 Revised Statutes, and making an appropriation.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to read
9 as follows:

10 8. a. The State shall provide, through each municipality or
11 county, as appropriate, public assistance to the persons eligible
12 therefor, residing therein or otherwise when so provided by law,
13 which assistance shall be fully funded by the State and administered
14 by a local assistance board or the county welfare agency according
15 to law and in accordance with P.L.1947, c.156 (C.44:8-107 et seq.)
16 and with such rules and regulations as may be promulgated by the
17 commissioner. Notwithstanding any other provision of law to the
18 contrary, no person who is otherwise eligible for public assistance
19 under P.L.1947, c.156 (C.44:8-107 et seq.) shall be deemed ineligible
20 for public assistance solely on the basis that the person is enrolled in
21 an institution of higher education.

22 b. An employable person who is receiving public assistance
23 shall be required, except when good cause exists, to comply with the
24 requirements of the Work First New Jersey program pursuant to
25 P.L.1997, c.38 (C.44:10-55 et seq.).

26 c. The commissioner may exempt a person from the provisions
27 of subsection b. of this section for reasons of physical or mental
28 impairment, age, illness or injury, caretaker responsibilities,
29 employment or unsuitability, as determined by the commissioner.

30 Any person who without good cause fails or refuses to comply
31 with the requirements of the Work First New Jersey program,
32 according to rules and regulations adopted by the commissioner, shall
33 be subject to the provisions of section 9 of P.L.1997, c.38 (C.44:10-
34 63).

35 (cf: P.L.1997, c.37, s.15)

36

37 2. Section 1 of P.L.1997, c.13 (C.44:10-34) is amended to read
38 as follows:

39 1. As used in this act:

40 "Alternative work experience" means unpaid work and training
41 **[only]** with a public **[**, private nonprofit**]** or private **[charitable]**
42 employer that provides a recipient with the experience necessary to
43 adjust to, and learn how to function in, an employment setting and
44 the opportunity to combine that experience with education and job
45 training. An alternative work experience participant shall not be

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 assigned to work for a private, for profit employer unless the
2 assignment is for a period of no more than six months and the
3 assignment is likely to lead to full-time employment with the
4 employer.

5 "Assistance unit" means: a single person without dependent
6 children; a couple without dependent children; dependent children
7 only; or a person or couple with one or more dependent children who
8 are legally or blood-related, or who is their legal guardian, and who
9 live together as a household unit.

10 "Benefits" means any assistance provided to needy persons and
11 their dependent children and needy single persons and couples
12 without dependent children under the Work First New Jersey
13 program.

14 "Commissioner" means the Commissioner of Human Services.

15 "Community work experience" means unpaid work and training
16 only with a public, private nonprofit or private charitable employer,
17 provided to a recipient when, and to the extent, that such experience
18 is necessary to enable the recipient to adjust to, and learn how to
19 function in, an employment setting. A community work experience
20 participant shall not be assigned to work for a private, for profit
21 employer.

22 "Dependent child" means a child:

23 a. under the age of 18;

24 b. under the age of 19 and a full-time student in a secondary
25 school or an equivalent level of vocational or technical training **],** if,
26 before the student attains age 19, the student may reasonably be
27 expected to complete the student's program of secondary school or
28 training**];** or

29 c. under the age of 21 and enrolled in a special education
30 program,

31 who is living in New Jersey with the child's natural or adoptive parent
32 or legal guardian, or with a relative designated by the commissioner
33 in a place of residence maintained by the relative as the relative's
34 home.

35 "Income" means, but is not limited to, commissions, salaries, self-
36 employed earnings, child support and alimony payments other than
37 child support payments provided to an assistance unit pursuant to
38 subsection c. of section 6 of P.L.1997, c.14 (C.44:10-49), interest
39 and dividend earnings, wages, receipts, unemployment
40 compensation, any legal or equitable interest or entitlement owed that
41 was acquired by a cause of action, suit, claim or counterclaim,
42 insurance benefits, temporary disability claims, estate income, trusts,
43 federal income tax refunds, State income tax refunds, homestead
44 rebates, lottery prizes, casino and racetrack winnings, annuities,
45 retirement benefits, veterans' benefits, union benefits, or other
46 sources that may be defined as income by the commissioner; except
47 that in the event that individual development accounts for recipients
48 are established by regulation of the commissioner, any interest or

1 dividend earnings from such an account shall not be considered
2 income.

3 "Income eligibility standard" means the income eligibility
4 threshold based on assistance unit size established by regulation of
5 the commissioner for benefits provided within the limit of funds
6 appropriated by the Legislature.

7 "Legal guardian" means a person who exercises continuing control
8 over the person or property, or both, of a child, including any specific
9 right of control over an aspect of the child's upbringing, pursuant to
10 a court order.

11 "Poverty level" means the official poverty level based on family
12 size, established and adjusted under Section 673 (2) of Subtitle B of
13 the "Community Services Block Grant Act," Pub.L.97-35 (42
14 U.S.C.s. 9902 (2)).

15 "Recipient" means a recipient of benefits under the Work First
16 New Jersey program.

17 "Services" means any Work First New Jersey benefits that are not
18 provided in the form of cash assistance.

19 "Standard of need" means the minimum amount of income and in-
20 kind benefits or services needed by families and single persons living
21 in New Jersey in order to maintain a decent and healthy standard of
22 living, as established by regulation of the commissioner, and shall
23 include necessary items such as housing, utilities, food, work-related
24 transportation, clothing and personal and household essentials.

25 "Title IV-A" means the provisions of Title IV-A of the federal
26 Social Security Act governing the program of aid to families with
27 dependent children established pursuant to P.L.1959, c.86 (C.44:10-
28 1 et seq.) and the State Plan to implement those provisions that were
29 in effect on July 16, 1996, including income methodologies for
30 determining eligibility under those provisions and plan.

31 "Title IV-D" means the provisions of Title IV-D of the federal
32 Social Security Act governing paternity establishment and child
33 support enforcement activities and requirements.

34 "Work activity" includes, but is not limited to, the following, as
35 defined by regulation of the commissioner: employment; on-the-job
36 training; job search and job readiness assistance; vocational
37 educational training; job skills training related directly to
38 employment; community work experience; alternative work
39 experience; supportive work; community service programs,
40 including the provision of child care as a community service project;
41 in the case of a teenage parent or a recipient under the age of 19 [who
42 is expected to graduate or complete their course of study by their 19th
43 birthday], satisfactory attendance at a secondary school or in a course
44 of study leading to a certificate of general equivalence; and education
45 that is necessary for employment in the case of a person who has not
46 received a high school diploma or a certificate of high school
47 equivalency, a course of study leading to a certificate of general
48 equivalence, or post-secondary education, when combined with

1 community work experience participation or other approved work
2 activities, including employment.

3 "Work First New Jersey program" or "program" means the
4 program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).
5 (cf: P.L.1997, c.13, s.1)

6
7 3. Section 4 of P.L.1997, c.13 (C.44:10-37) is amended to read
8 as follows:

9 4. In computing the cash assistance benefit provided to
10 recipients, the following disregards shall be applied to the earned
11 income of each person in the assistance unit:

12 a. In the case of **【a recipient who is employed an average of 20**
13 **hours or more a week】** all recipients who are employed:

14 (1) 100% of the earned income shall be disregarded for the first
15 full **【month】** two months of employment in which the earned income
16 would be counted;

17 (2) 75% of the earned income shall be disregarded for six
18 **【consecutive】** cumulative months of employment thereafter; and

19 (3) 50% of the earned income shall be disregarded for each
20 **【continuous】** month of employment thereafter.

21 b. **【In the case of a recipient who is employed for an average of**
22 **less than 20 hours a week:**

23 (1) 100% of the earned income shall be disregarded for the first
24 full month in which the earned income would be counted; and

25 (2) 50% of the earned income shall be disregarded for each
26 continuous month of employment thereafter.】 (deleted by
27 amendment, P.L. , c.) (pending before the Legislature as this bill)

28 c. **【If an employable recipient has a documented disability, as**
29 **defined by the commissioner by regulation, that limits the person**
30 **from accepting more than 20 hours of employment per week, the**
31 **commissioner may waive the 20 hours or more requirement in**
32 **subsection a. of this section and provide that the recipient shall be**
33 **entitled to the 75% earned income disregard for six consecutive**
34 **months of employment, and the 50% earned income disregard for**
35 **each continuous month of employment thereafter.】** (deleted by
36 amendment, P.L. , c.) (pending before the Legislature as this bill)
37 (cf: P.L.2007, c.97, s.1)

38

39 4. Section 5 of P.L.1997, c.13 (C.44:10-38) is amended to read
40 as follows:

41 5. a. The program shall provide supportive services to a
42 recipient **【as a last resort when no other source of support is**
43 **available】** in appropriate circumstances, as determined by the
44 commissioner, except that the recipient shall be required to
45 continuously seek other sources of support. The commissioner shall
46 determine the amounts and extent of the support. The supportive

1 services shall include, but not be limited to, one or more of the
2 following:

3 (1) child care services, including after-school child care in the
4 case of a child over six years of age, for eligible dependent children,
5 to be provided during the recipient's program eligibility period and
6 for 24 consecutive months following ineligibility for benefits as a
7 result of receipt of earned income.

8 An adult recipient who continues to be eligible to receive child
9 care services following ineligibility for benefits, and an adult
10 recipient who is employed but continues to receive benefits, shall pay
11 a copay for child care services in accordance with a sliding fee scale
12 established by the commissioner, which shall be no greater than the
13 child care co-payment schedule established pursuant to
14 【N.J.A.C.10:81-14.18A】 regulations promulgated by the
15 Department of Human Services;

16 (2) transportation services to be provided directly by the program
17 or through an allowance or other means of subsidy by which the
18 recipient may purchase transportation; and

19 (3) a limited allowance for each assistance unit to cover work-
20 related expenses necessary to engage in required work activities, as
21 determined by the commissioner.

22 b. Medical assistance shall be provided to an assistance unit with
23 dependent children pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
24 in accordance with the provisions of section 2 of P.L.1987, c.283
25 (C.30:4D-6c) which provides for a continuation of medical assistance
26 for a period of 24 consecutive months under certain circumstances,
27 except that:

28 (1) coverage solely of the adult head of an assistance unit by an
29 employer's health insurance plan shall not preclude other members of
30 the assistance unit from receiving the additional 24 months of
31 medical assistance; and

32 (2) an assistance unit with dependent children which, using the
33 limits and methodologies contained in Title IV-A, would not be
34 eligible for cash assistance under Title IV-A as a result of the
35 collection of child or spousal support under Title IV-D of the federal
36 Social Security Act (42 U.S.C.651 et seq.), shall receive an additional
37 four consecutive months of medical assistance beginning with the
38 first month of ineligibility under the provisions of Title IV-A.

39 c. Each recipient who receives parenting support services
40 through the program shall be provided with educational materials,
41 referrals, and support in identifying, accessing, and enrolling
42 dependent children in quality child care services.

43 d. At such time as any recipient reaches a cumulative total of 24
44 months of enrollment in the program, the county agency or municipal
45 welfare agency, as appropriate, shall offer additional case
46 management and supportive services to the recipient, based on an
47 assessment of the recipient's barriers to securing employment.

48 (cf: P.L.1997, c.13, s.5)

1 5. Section 8 of P.L.1997, c.13 (C.44:10-41) is amended to read
2 as follows:

3 8. a. The commissioner, in cooperation with other affected
4 agencies of State government, shall report biennially to the Governor
5 and the Legislature on the Work First New Jersey program, and shall
6 include in that report any recommendations for changes in the law or
7 regulations governing the program that the commissioner deems
8 necessary to further the goals of the program. The commissioner
9 shall determine the manner and terms of the reporting in accordance
10 with the requirements of federal law.

11 b. The commissioner shall issue a public report on at least a
12 quarterly basis concerning the number of recipients in the program,
13 the number of recipients classified as exempt from time limits or
14 deferred from work requirements, the number of recipients classified
15 as to the degree of employability as defined by the commissioner, the
16 number of recipients who have obtained employment, the number of
17 recipients terminated from the program and the reasons for the
18 terminations, the average wages and benefits earned by recipients,
19 the types of employment obtained by recipients and whether the
20 employment is in the public or private sector, the average length of
21 stay in their jobs by recipients who reapply for benefits, and the
22 number of former recipients who have re-entered the program after
23 being terminated.

24 c. To the extent not otherwise provided pursuant to subsection
25 a. or b. of this section, the commissioner shall conduct such research
26 as he deems appropriate to evaluate the outcomes for recipients, and
27 the benefits, costs and other effects of the program, and shall submit
28 any report resulting from that research to the Governor and the
29 Legislature and otherwise make copies available to the public.

30 In addition, the commissioner shall initiate a study of the
31 Michigan Civilian Conservation Corps program as a means of
32 offering employment to economically disadvantaged youth that
33 provides constructive work experience and training to increase their
34 ability to secure unsubsidized employment. The commissioner shall
35 study the effectiveness of the Michigan Civilian Conservation Corps
36 program and the possibility of establishing such a program in this
37 State. The commissioner shall submit a written report of his findings
38 and recommendations to the Governor and the Legislature by January
39 1, 1998.

40 d. Notwithstanding the report required pursuant to subsection a.
41 of this section, the commissioner, in conjunction with the
42 Commissioner of Labor and Workforce Development, shall submit
43 an annual report to the Governor and, pursuant to section 2 of
44 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, concerning:
45 program caseloads; the nature and type of work activities engaged in
46 by program recipients, along with the total number of hours attributed
47 to each type of work activity; the nature, type, and total amounts of
48 support services provided under the program; the total number of

1 beneficiaries who have left the program because the beneficiary's
2 annual average wages exceed a given percentage of the federal
3 poverty level, including specific numbers for those whose income
4 exceeds 100 percent of the federal poverty level, 150 percent of the
5 federal poverty level, 200 percent of the federal poverty level, 250
6 percent of the federal poverty level, and 300 percent of the federal
7 poverty level, which data shall be updated annually to determine the
8 extent to which the program is meeting the goal of lifting families
9 out of poverty; the number of sanctions imposed on program
10 recipients pursuant to section 2 of P.L.2007, c.97 (C.44:10-63.1),
11 including the reasons for the sanction and the duration of the
12 sanction; the number of cases closed; the number of applications
13 denied and the reasons for the denials, including the specific reasons
14 for denials based on non-financial factors; and any other data deemed
15 appropriate by the commissioners; along with recommendations for
16 executive, legislative, administrative, or other actions as the
17 commissioners deem necessary and appropriate to improve
18 employment outcomes under the program and reduce deep poverty
19 rates in the State. The data reported pursuant to this subsection shall
20 include Statewide data as well as specific data for each county.
21 Based on the data collected and reported pursuant to this subsection,
22 the Commissioner of Human Services shall make such changes to
23 policies and programs implemented under the Department of Human
24 Services as may be necessary to improve the performance of the
25 Work First New Jersey program and further the goals of the program.
26 (cf: P.L.1997, c.13, s.8)

27
28 6. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
29 as follows:

30 1. As used in this act:

31 "Applicant" means an applicant for benefits provided by the Work
32 First New Jersey program.

33 "Assistance unit" means: a single person without dependent
34 children; a couple without dependent children; dependent children
35 only; or a person or couple with one or more dependent children who
36 are legally or blood-related, or who is their legal guardian, and who
37 live together as a household unit.

38 "Benefits" means any assistance provided to needy persons and
39 their dependent children and needy single persons and couples
40 without dependent children under the Work First New Jersey
41 program.

42 "Commissioner" means the Commissioner of Human Services.

43 "County agency" means the county agency that was administering
44 the aid to families with dependent children program at the time the
45 federal "Personal Responsibility and Work Opportunity
46 Reconciliation Act of 1996," Pub.L.104-193, was enacted and which,
47 upon the enactment of P.L.1997, c.14 (C.44:10-44 et al.) shall also
48 administer the Work First New Jersey program in that county.

1 "Dependent child" means a child:

2 a. under the age of 18;

3 b. under the age of 19 and a full-time student in a secondary
4 school or an equivalent level of vocational or technical training **【**, if,
5 before the student attains age 19, the student may reasonably be
6 expected to complete the student's program of secondary school or
7 training**】**; or

8 c. under the age of 21 and enrolled in a special education
9 program,

10 who is living in New Jersey with the child's natural or adoptive parent
11 or legal guardian, or with a relative designated by the commissioner
12 in a place of residence maintained by the relative as the relative's
13 home.

14 "Eligible **【alien】** immigrant" means **【**one of the following:

15 a. a qualified alien admitted to the United States prior to August
16 22, 1996, who is eligible for means-tested, federally funded public
17 benefits pursuant to federal law;

18 b. a refugee, asylee, victim of human trafficking, or person
19 granted withholding of deportation under federal law for the person's
20 first five years after receiving that classification in the United States
21 pursuant to federal law;

22 c. a qualified alien who is a veteran of, or on active duty in, the
23 armed forces of the United States, or the spouse or dependent child
24 of that person pursuant to federal law;

25 d. a recipient of refugee and entrant assistance activities or a
26 Cuban or Haitian entrant pursuant to federal law;

27 e. a legal permanent resident alien who has worked 40
28 qualifying quarters of coverage as defined under Title II of the federal
29 Social Security Act; except that, for any period after December 31,
30 1996, a quarter during which an individual received means-tested,
31 federally funded public benefits shall not count toward the total
32 number of quarters;

33 f. a qualified alien admitted to the United States on or after
34 August 22, 1996, who has lived in the United States for at least five
35 years and is eligible for means-tested, federally funded public
36 benefits pursuant to federal law; or

37 g. a qualified alien who has been battered or subjected to
38 extreme cruelty in the United States by a spouse, parent or a member
39 of the spouse or parent's family residing in the same household as the
40 alien, or a qualified alien whose child has been battered or subjected
41 to extreme cruelty in the United States by a spouse or parent of the
42 alien, without the active participation of the alien, or by a member of
43 the spouse or parent's family residing in the same household as the
44 alien. In either case, the spouse or parent shall have consented or
45 acquiesced to the battery or cruelty and there shall be a substantial
46 connection between the battery or cruelty and the need for benefits
47 to be provided. The provisions of this subsection shall not apply to
48 an alien during any period in which the individual responsible for the

1 battery or cruelty resides in the same household or assistance unit as
2 the individual subjected to the battery or cruelty. Benefits shall be
3 provided to the extent and for the period of time that the alien or
4 alien's child is eligible for the program.

5 For the purposes of this section, "qualified alien" is defined
6 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
7 193] an individual who meets program requirements and is lawfully
8 present in the United States, regardless of the individual's date of
9 entry into the United States. The term "eligible immigrant" shall
10 include: any individual who is a "qualified alien," as that term is
11 defined in 8 U.S.C. s.1641; any individual who is "lawfully present"
12 in the United States, as that term is defined in 45 CFR s.152.2; any
13 individual granted relief from federal immigration laws under the
14 federal Deferred Action for Childhood Arrivals program; and any
15 other individual who is not a citizen or national of the United States
16 and is authorized to live in the United States.

17 "Income" means, but is not limited to, commissions, salaries, self-
18 employed earnings, child support and alimony payments other than
19 child support payments provided to an assistance unit pursuant to
20 subsection c. of section 6 of P.L.1997, c.14 (C.44:10-49), interest and
21 dividend earnings, wages, receipts, unemployment compensation,
22 any legal or equitable interest or entitlement owed that was acquired
23 by a cause of action, suit, claim or counterclaim, insurance benefits,
24 temporary disability claims, estate income, trusts, federal income tax
25 refunds, State income tax refunds, homestead rebates, lottery prizes,
26 casino and racetrack winnings, annuities, retirement benefits,
27 veterans' benefits, union benefits, or other sources that may be
28 defined as income by the commissioner; except that in the event that
29 individual development accounts for recipients are established by
30 regulation of the commissioner, any interest or dividend earnings
31 from such an account shall not be considered income.

32 "Income eligibility standard" means the income eligibility
33 threshold based on assistance unit size established by regulation of
34 the commissioner for benefits provided within the limit of funds
35 appropriated by the Legislature.

36 "Legal guardian" means a person who exercises continuing control
37 over the person or property, or both, of a child, including any specific
38 right of control over an aspect of the child's upbringing, pursuant to
39 a court order.

40 "Non-needy caretaker" means a relative caring for a dependent
41 child, or a legal guardian of a minor child who, in the absence of a
42 natural or adoptive parent, assumes parental responsibility and has
43 income which exceeds the income eligibility standard but is less than
44 150% of the State median income adjusted for household size.

45 "Recipient" means a recipient of benefits under the Work First
46 New Jersey program.

47 "Resources" means all real and personal property as defined by
48 the commissioner; except that in the event that individual

1 development accounts for recipients are established by regulation of
2 the commissioner, all funds in such an account, up to the limit
3 determined by the commissioner, including any interest or dividend
4 earnings from such an account, shall not be considered to be a
5 resource.

6 "Services" means any Work First New Jersey benefits that are not
7 provided in the form of cash assistance.

8 "Title IV-D" means the provisions of Title IV-D of the federal
9 Social Security Act governing paternity establishment and child
10 support enforcement activities and requirements.

11 "Work First New Jersey program" or "program" means the
12 program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).
13 (cf: P.L.2007, c.97, s.3)

14

15 7. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read
16 as follows:

17 2. a. Benefits under the Work First New Jersey program shall
18 be determined according to standards of income and resources
19 established by the commissioner, except that in no case may the
20 commissioner reduce benefit levels.

21 For the period commencing July 1, 2020 and continuing through
22 July 1, 2022, the temporary assistance for needy families benefit
23 level in effect as of the effective date of P.L. , c. (pending before
24 the Legislature as this bill) shall be annually increased by any
25 increase in the consumer price index for all urban wage earners and
26 clerical workers (CPI-W) as calculated by the federal government for
27 the 12 months prior to the March 31 preceding that July 1, plus an
28 additional amount equal to 33.3 percent of the difference between the
29 benefit level in effect as of the effective date of P.L. , c. (pending
30 before the Legislature as this bill) and 50 percent of the federal
31 poverty level in effect as of the effective date of P.L. , c. (pending
32 before the Legislature as this bill. Commencing July 1, 2023, the
33 temporary assistance for needy families benefit level shall be
34 annually increased by any amount as shall be necessary to make the
35 benefit level equivalent to at least 50 percent of the federal poverty
36 level in effect on that July 1.

37 For the period commencing July 1, 2020 and continuing through
38 July 1, 2022, the general assistance benefit level in effect as of the
39 effective date of P.L. , c. (pending before the Legislature as this
40 bill) shall be annually increased by a percentage amount equal to the
41 percentage of the increase in the temporary assistance for needy
42 families benefit in that year. Commencing July 1, 2023, the general
43 assistance benefit shall be annually increased by any increase in the
44 CPI-W as calculated by the federal government for the 12 months
45 prior to the March 31 preceding that July 1.

46 Commencing July 1, 2023, and annually thereafter, the
47 commissioner shall assess the real cost of living and actual
48 deprivation as reflected in the current standard of need established

1 pursuant to section 9 of P.L.1997, c.13 (C.44:10-42), which
2 assessment shall be transmitted to the Legislature by the
3 commissioner for consideration when deciding on appropriations to
4 fund cash assistance benefits to recipients.

5 These standards shall take into account, for the determination of
6 eligibility and the provision of benefits, all income and resources of
7 all persons in the assistance unit of which the applicant or recipient
8 is a member, except as provided by law governing the Work First
9 New Jersey program and as prescribed by the commissioner. The
10 benefits to be granted shall be governed by standards established by
11 regulation of the commissioner. The commissioner may set income
12 and resource eligibility and benefits standards that differ with respect
13 to types of assistance units.

14 b. A recipient, as a condition of eligibility for benefits, shall,
15 subject to good cause exceptions **[as defined by the commissioner]**
16 that shall be considered broadly in consideration of the recipient's
17 health, safety, family needs, financial considerations, and other
18 factors as determined by the commissioner, be required to: do all acts
19 stated herein necessary to establish the paternity of a child born out-
20 of-wedlock, and to establish and participate in the enforcement of
21 child support obligations; cooperate with work requirements
22 established by the commissioner; make application for any other
23 assistance for which members of the assistance unit may be eligible;
24 be income and resource eligible as defined by the commissioner,
25 including the deeming of income and resources as appropriate;
26 provide all necessary documentation which shall include the federal
27 Social Security number for all assistance unit members, except for an
28 eligible **[alien] immigrant** who cannot be assigned a Social Security
29 number due to his status, or make application for same; sign an
30 agreement to repay benefits in the event of receipt of income or
31 resources; and comply with personal identification requirements as a
32 condition of receiving benefits, which may employ the use of high
33 technology processes for the detection of fraud.

34 c. Notwithstanding any other provision of law or regulation to
35 the contrary, an applicant shall not be eligible for benefits when the
36 applicant's eligibility is the result of a voluntary cessation of
37 employment without good cause, as determined by the commissioner,
38 within 90 days prior to the date of application for benefits, provided
39 that good cause shall be considered broadly in consideration of the
40 recipient's health, safety, family needs, financial considerations, and
41 other factors as determined by the commissioner.

42 d. A voluntary assignment or transfer of income or resources
43 within one year prior to the time of application for benefits for the
44 purpose of qualifying therefor shall render the applicant and the
45 applicant's assistance unit members ineligible for benefits for a
46 period of time determined by regulation of the commissioner.

47 e. Any income or resources that are exempted by federal law for
48 purposes of eligibility for benefits shall not reduce the amount of

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1 benefits received by a recipient and shall not be subject to a lien or
2 be available for repayment to the State or county agency for benefits
3 received by the individual.

4 (cf: P.L.1997, c.14, s.2)

5

6 8. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
7 as follows:

8 6. a. The signing of an application for benefits under the Work
9 First New Jersey Program shall constitute an assignment of any child
10 support rights pursuant to Title IV-D on behalf of individual
11 assistance unit members to the county agency. The assignment shall
12 terminate with respect to current support rights when a determination
13 is made by the county agency that the person in the assistance unit is
14 no longer eligible for benefits. The determination of the amount of
15 repayment to the county agency and distribution of any unpaid
16 support obligations that have accrued during the period of receipt of
17 benefits shall be determined by regulation of the commissioner in
18 accordance with federal law.

19 b. The county agency shall pass through to the assistance unit
20 the full amount of the current child support collected on behalf of a
21 child in those circumstances defined by the commissioner.

22 c. An assistance unit eligible for benefits and in receipt of child
23 support shall receive, in addition to its regular grant of cash
24 assistance benefits, a monthly amount of child support that is equal
25 to the maximum benefit amount for which the federal reimbursement
26 share is waived, based on the current child support received for the
27 month **【**, as determined by regulations adopted by the commissioner,
28 and in accordance with federal law**】**.

29 (cf: P.L.2008, c.101, s.2)

30

31 9. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
32 as follows:

33 2. The Legislature finds and declares that:

34 a. The federal "Personal Responsibility and Work Opportunity
35 Reconciliation Act of 1996," Pub.L.104-193, establishes the federal
36 block grant for temporary assistance for needy families and provides
37 the opportunity for a state to establish and design its own welfare
38 program;

39 b. Work and the earning of income promote the best interests of
40 families and children;

41 c. Working individuals and families needing temporary
42 assistance should have the transitional support necessary to obtain
43 and keep a job in order to be able to avoid cycling back **【**onto public
44 assistance**】** into financial hardship, as well as the opportunity to
45 acquire new skills and training and access job opportunities that will
46 allow them to lift themselves out of poverty;

47 d. Teenage pregnancy is counter to the best interests of children;

1 e. Successful welfare reform **【requires】** is furthered by the
2 active involvement of the private sector as well as all departments of
3 State government;

4 f. Personal and family security and stability, including the
5 protection of children and vulnerable adults, are important to the
6 establishment and maintenance of successful family life and
7 childhood development and a family's inability or failure to qualify
8 for benefits under the Work First New Jersey program established
9 pursuant to this act shall not in and of itself be the basis for the
10 separation of a dependent child from his family or the justification
11 for the resource family care placement of a dependent child;

12 g. Children and teenagers need the benefits of the support and
13 guidance which a family structure provides **【**; the welfare system has
14 provided a vehicle for breaking up families by giving teenage
15 mothers the means to shift their financial dependence from their
16 parents to the State; in the process, these youths deprive themselves
17 of the education and family structure necessary to support themselves
18 and their babies; and the **【** which support and structure **【provided by**
19 families are **】** is important to the development of a child's maximum
20 potential; **【and】**

21 h. The Work First New Jersey program established pursuant to
22 this act incorporates and builds upon the fundamental concepts of the
23 Family Development Initiative established pursuant to P.L.1991,
24 c.523 (C.44:10-19 et seq.) in a manner that is consistent with the
25 federal program of temporary assistance for needy families **【**, by
26 establishing requirements for: time limits on cash assistance; the
27 participation of recipients in work activities; enhanced efforts to
28 establish paternity and establish and enforce child support
29 obligations; sanctions for failure to comply with program
30 requirements; a cap on the use of funds for administrative costs; the
31 maintenance of State and county financial support of the program;
32 teenage parent recipients to live at home and finish high school; and
33 restrictions on eligibility for benefits for aliens **】** ; and

34 i. Enhancing an individual's overall training and skill set, and
35 providing opportunities for progressive advancement, will help the
36 person to exit, and sustainably avoid, poverty far more effectively
37 than simply placing the individual in a job that presents no
38 opportunities for development or advancement.

39 (cf: P.L.2004, c.130, s.117)

40

41 10. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
42 as follows:

43 3. As used in this act:

44 "Alternative work experience" means unpaid work and training
45 **【only】** with a public **【**, private nonprofit **】** or private **【charitable】**
46 employer that provides a recipient with the experience necessary to
47 adjust to, and learn how to function in, an employment setting and

1 the opportunity to combine that experience with education and job
2 training. An alternative work experience participant shall not be
3 assigned to work for a private, for profit employer unless the
4 assignment is for a period of no more than six months and the
5 assignment is likely to lead to full-time employment with the
6 employer.

7 "Applicant" means an applicant for benefits provided by the Work
8 First New Jersey program.

9 "Assistance unit" means: a single person without dependent
10 children; a couple without dependent children; dependent children
11 only; or a person or couple with one or more dependent children who
12 are legally or blood-related, or who is their legal guardian, and who
13 live together as a household unit.

14 "Benefits" means any assistance provided to needy persons and
15 their dependent children and needy single persons and couples
16 without dependent children under the Work First New Jersey
17 program.

18 "Case management" means the provision of certain services to
19 Work First New Jersey recipients, which shall include an assessment
20 and development of an individual responsibility plan.

21 "Commissioner" means the Commissioner of Human Services.

22 "Community work experience" means unpaid work and training
23 only with a public, private nonprofit or private charitable employer
24 provided to a recipient when, and to the extent, that such experience
25 is necessary to enable the recipient to adjust to, and learn how to
26 function in, an employment setting. A community work experience
27 participant shall not be assigned to work for a private, for profit
28 employer.

29 "County agency" means the county agency that was administering
30 the aid to families with dependent children program at the time the
31 federal "Personal Responsibility and Work Opportunity
32 Reconciliation Act of 1996," Pub.L.104-193, was enacted and which,
33 upon the enactment of P.L.1997, c.38 (C.44:10-55 et seq.) shall also
34 administer the Work First New Jersey program in that county.

35 "Dependent child" means a child:

36 a. under the age of 18;

37 b. under the age of 19 and a full-time student in a secondary
38 school or an equivalent level of vocational or technical training **【**, if,
39 before the student attains age 19, the student may reasonably be
40 expected to complete the student's program of secondary school or
41 training**】**; or

42 c. under the age of 21 and enrolled in a special education
43 program,
44 who is living in New Jersey with the child's natural or adoptive parent
45 or legal guardian, or with a relative designated by the commissioner
46 in a place of residence maintained by the relative as the relative's
47 home.

48 "Eligible **【**alien**】** immigrant" means **【**one of the following:

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1 a. a qualified alien admitted to the United States prior to August
2 22, 1996, who is eligible for means-tested, federally funded public
3 benefits pursuant to federal law;

4 b. a refugee, asylee, or person granted withholding of
5 deportation under federal law for the person's first five years after
6 receiving that classification in the United States pursuant to federal
7 law;

8 c. a qualified alien who is a veteran of, or on active duty in, the
9 armed forces of the United States, or the spouse or dependent child
10 of that person pursuant to federal law;

11 d. a recipient of refugee and entrant assistance activities or a
12 Cuban or Haitian entrant pursuant to federal law;

13 e. a legal permanent resident alien who has worked 40
14 qualifying quarters of coverage as defined under Title II of the federal
15 Social Security Act; except that, for any period after December 31,
16 1996, a quarter during which an individual received means-tested,
17 federally funded public benefits shall not count toward the total
18 number of quarters;

19 f. a qualified alien admitted to the United States on or after
20 August 22, 1996, who has lived in the United States for at least five
21 years and is eligible for means-tested, federally funded public
22 benefits pursuant to federal law; or

23 g. a qualified alien who has been battered or subjected to
24 extreme cruelty in the United States by a spouse, parent or a member
25 of the spouse or parent's family residing in the same household as the
26 alien, or a qualified alien whose child has been battered or subjected
27 to extreme cruelty in the United States by a spouse or parent of the
28 alien, without the active participation of the alien, or by a member of
29 the spouse or parent's family residing in the same household as the
30 alien. In either case, the spouse or parent shall have consented or
31 acquiesced to the battery or cruelty and there shall be a substantial
32 connection between the battery or cruelty and the need for benefits
33 to be provided. The provisions of this subsection shall not apply to
34 an alien during any period in which the individual responsible for the
35 battery or cruelty resides in the same household or assistance unit as
36 the individual subjected to the battery or cruelty. Benefits shall be
37 provided to the extent and for the period of time that the alien or
38 alien's child is eligible for the program.

39 For the purposes of this section, "qualified alien" is defined
40 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
41 193] an individual who meets program requirements and is lawfully
42 present in the United States, regardless of the individual's date of
43 entry into the United States. The term "eligible immigrant" shall
44 include: any individual who is a "qualified alien," as that term is
45 defined in 8 U.S.C. s.1641; any individual who is "lawfully present"
46 in the United States, as that term is defined in 45 CFR s.152.2; any
47 individual granted relief from federal immigration laws under the
48 federal Deferred Action for Childhood Arrivals program; and any

1 other individual who is not a citizen or national of the United States
2 and is authorized to live in the United States.

3 "Full-time post-secondary student" means a student enrolled for a
4 minimum of 12 credit hours in a post-secondary school.

5 "Income" means, but is not limited to, commissions, salaries, self-
6 employed earnings, child support and alimony payments other than
7 child support payments provided to an assistance unit pursuant to
8 subsection c. of section 6 of P.L.1997, c.14 (C.44:10-49), interest and
9 dividend earnings, wages, receipts, unemployment compensation,
10 any legal or equitable interest or entitlement owed that was acquired
11 by a cause of action, suit, claim or counterclaim, insurance benefits,
12 temporary disability claims, estate income, trusts, federal income tax
13 refunds, State income tax refunds, homestead rebates, lottery prizes,
14 casino and racetrack winnings, annuities, retirement benefits,
15 veterans' benefits, union benefits, or other sources that may be
16 defined as income by the commissioner; except that in the event that
17 individual development accounts for recipients are established by
18 regulation of the commissioner, any interest or dividend earnings
19 from such an account shall not be considered income.

20 "Legal guardian" means a person who exercises continuing control
21 over the person or property, or both, of a child, including any specific
22 right of control over an aspect of the child's upbringing, pursuant to
23 a court order.

24 "Program" means the Work First New Jersey program established
25 pursuant to this act.

26 "Recipient" means a recipient of benefits under the Work First
27 New Jersey program.

28 "Resources" means all real and personal property as defined by
29 the commissioner; except that in the event that individual
30 development accounts for recipients are established by regulation of
31 the commissioner, all funds in such an account, up to the limit
32 determined by the commissioner, including any interest or dividend
33 earnings from such an account, shall not be considered to be a
34 resource.

35 "Title IV-D" means the provisions of Title IV-D of the federal
36 Social Security Act governing paternity establishment and child
37 support enforcement activities and requirements.

38 "Work activity" includes, but is not limited to, the following, as
39 defined by regulation of the commissioner: employment; on-the-job
40 training; job search and job readiness assistance; vocational
41 educational training; job skills training related directly to
42 employment; community work experience; alternative work
43 experience; supportive work; community service programs,
44 including the provision of child care as a community service project;
45 in the case of teenage parents or recipients under the age of 19 **【**who
46 are expected to graduate or complete their course of study by their
47 19th birthday**】**, satisfactory attendance at a secondary school or in a
48 course of study leading to a certificate of general equivalence; and

1 education that is necessary for employment in the case of a person
2 who has not received a high school diploma or a certificate of high
3 school equivalency, a course of study leading to a certificate of
4 general equivalence, or post-secondary education, when combined
5 with community work experience participation or another work
6 activity approved by the commissioner, including employment.
7 (cf: P.L.1997, c.38, s.3)

8
9 11. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
10 as follows:

11 5. a. All adult persons, except as otherwise provided by law
12 governing the Work First New Jersey program, are charged with the
13 primary responsibility of supporting and maintaining themselves and
14 their dependents; the primary responsibility for the support and
15 maintenance of minor children is that of the parents and family of
16 those children **【**; and benefits shall be provided only when other
17 means of support and maintenance are not present to support the
18 assistance unit**】**.

19 b. Benefits shall be temporary and serve the primary goal of
20 **【fostering self-sufficiency】** reducing poverty. Failure to cooperate
21 with any of the program eligibility requirements without good cause,
22 as determined by the commissioner, shall result in ineligibility for
23 benefits for some or all assistance unit members, provided that good
24 cause shall be considered broadly in consideration of the recipient's
25 health, safety, family needs, financial considerations, and other
26 factors as determined by the commissioner.

27 c. If the county agency or municipal welfare agency, as
28 appropriate, determines, based upon an applicant's written statement
29 signed under oath, that the applicant is in immediate need of benefits
30 because the applicant's available resources are insufficient, as
31 determined by the commissioner, to meet the minimal current living
32 expenses pursuant to regulations adopted by the commissioner, of
33 the applicant's assistance unit, the county agency or municipal
34 welfare agency shall issue cash assistance benefits to the applicant
35 on the date of application, subject to the applicant meeting all other
36 program eligibility requirements.

37 d. The commissioner shall establish by regulation, standards and
38 procedures to screen and identify recipients with a history of being
39 subjected to domestic violence and refer these recipients to
40 counseling and supportive services. The commissioner may waive
41 program requirements, including, but not limited to, the time limit
42 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
43 residency requirements pursuant to section 6 of P.L.1997, c.38
44 (C.44:10-60), child support cooperation requirements pursuant to
45 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
46 limitation on increase of cash assistance benefits as a result of the
47 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-61),
48 in cases where compliance with such requirements would make it

1 more difficult for a recipient to escape domestic violence or unfairly
2 penalize the recipient who is or has been victimized by such violence,
3 or who is at risk of further domestic violence.

4 e. The commissioner shall establish regulations determining
5 eligibility and other requirements of the Work First New Jersey
6 program. Regulations shall include provisions for the deeming of
7 income, when appropriate, which include situations involving the
8 sponsor of an eligible **alien** immigrant in accordance with federal
9 law, and legally responsible relatives of assistance unit members.
10 (cf: P.L.1997, c.38, s.5)

11

12 12. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
13 as follows:

14 8. a. As defined by the commissioner, each adult recipient shall
15 **continuously and actively seek employment in an effort to remove**
16 **the assistance unit of which the recipient is a member from the**
17 **program** engage in educational, training, work-study, internship, or
18 other opportunities, as permitted within the definition of “work
19 activity” as provided in subsection (d) of 42 U.S.C. s.607 and section
20 1 of P.L.1997, c.13 (C.44:10-34), for the purpose of enhancing the
21 recipient’s ability to find employment that will lead to the assistance
22 unit’s removal from, and sustainable avoidance of, poverty. A
23 recipient shall be permitted to forgo employment opportunities for
24 good cause or to pursue other opportunities, including, but not
25 limited to, other employment that the recipient believes would better
26 enhance the recipient’s ability to find employment that will lead to
27 the assistance unit’s removal from, and sustainable avoidance of,
28 poverty. Good cause shall be considered broadly in consideration of
29 the recipient’s health, safety, family needs, financial considerations,
30 and other factors as determined by the commissioner.

31 A recipient may be assigned to a work activity or to an
32 educational, training, work-study, internship, or other opportunity, as
33 determined by the commissioner, that will enhance the recipient’s
34 ability to find employment that will lead to the assistance unit’s
35 removal from, and sustainable avoidance of, poverty. The recipient
36 shall sign an individual responsibility plan, as provided in subsection
37 f. of this section, in order to be able to participate in the program,
38 which shall indicate the terms of the **work activity** requirements
39 for the work activity or other opportunity that the recipient must
40 fulfill in order to continue to receive benefits. In no case shall a
41 recipient’s work activity requirements include more than six months
42 of community work experience within any 12-month period.

43 b. In accordance with Pub.L.104-193 (42 U.S.C. s. 601 et seq.),
44 a recipient in an assistance unit with dependent children shall
45 commence participation in a work activity, self-directed job search
46 or other activities as determined by the commissioner at some time
47 prior to having received 24 months of benefits; except that if the
48 recipient is a full-time post-secondary student in a course of study

1 related to employment as defined by regulation of the commissioner,
2 the recipient shall be required to engage in another work activity for
3 no more than 15 hours a week, subject to the recipient making
4 satisfactory progress toward the completion of the post-secondary
5 course of study as determined by the commissioner.

6 c. A recipient shall comply with work activity participation
7 requirements as a condition of remaining eligible for benefits. In
8 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s. 601
9 et seq.), a minimum participation rate of 25% shall be realized in
10 federal fiscal year 1997. The participation rate shall increase by 5%
11 in each federal fiscal year to a level of 50% in federal fiscal year 2002
12 and thereafter. For two-parent assistance units with dependent
13 children receiving benefits, the participation rate shall be 75% for
14 federal fiscal years 1997 and 1998 and 90% in federal fiscal year
15 1999 and thereafter. The participation rate shall be calculated in
16 accordance with federal requirements. A recipient may be required
17 to participate in one or more work activities for a maximum aggregate
18 hourly total of **[40]** 30 hours per week, except that, if a child in the
19 assistance unit is under six years of age, the maximum aggregate
20 hourly total of work activities required for the recipient shall be 20
21 hours per week.

22 d. A recipient shall not be required to engage in a work activity
23 if child care, including the unavailability of after-school child care
24 for children over six years of age, is unavailable for the recipient's
25 dependent child, as determined by regulation of the commissioner.

26 e. A recipient may temporarily be deferred from work activity
27 requirements as provided for by the commissioner if the recipient is:

28 (1) a woman in the third trimester of pregnancy;

29 (2) a person certified by an examining legally licensed physician
30 or legally licensed certified nurse midwife, acting within the scope
31 of the practitioner's profession, to be unable, by reason of a physical
32 or mental defect, disease or impairment, to engage in any gainful
33 occupation for any period less than 12 months; or

34 (3) the parent or relative of a child under **[the]** one year of age
35 **[of 12 weeks]** who is providing care for that child, except that, the
36 deferral may be extended for an appropriate period of time if
37 determined to be medically necessary for the parent or child.

38 f. Upon a determination of eligibility for benefits, each adult
39 recipient not otherwise deferred or exempted under this act shall be
40 given an assessment of that person's potential and readiness for work,
41 including, but not limited to, skills, education, past work experience
42 and any barriers to securing employment, including a screening and
43 assessment for substance abuse, as appropriate. For all recipients not
44 deferred or exempt, an annual individual responsibility plan shall be
45 developed jointly by the county agency or municipal welfare agency,
46 as appropriate, and the recipient specifying the steps that will be
47 taken by each to assist the recipient to secure employment. The
48 individual responsibility plan shall include specific goals for each

1 adult member or minor parent in the assistance unit, and may include
2 specific goals for a dependent child member of the assistance unit.
3 The goals, as determined by regulation of the commissioner, shall
4 include, but not be limited to, requirements for parental participation
5 in a dependent child's primary school program, immunizations for a
6 dependent child, and regular school attendance by a dependent child.
7 Recipients who are job ready shall be placed immediately in a self-
8 directed job search. Within the amount of funds allocated by the
9 commissioner for this purpose, other recipients shall be placed in an
10 appropriate work activity as indicated by their individual
11 assessments.

12 g. The county agency or municipal welfare agency, as
13 appropriate, shall ensure the provision of necessary case management
14 for recipients, as appropriate to their degree of job readiness,
15 pursuant to regulations adopted by the commissioner. The most
16 intensive case management shall be directed to those recipients
17 facing the most serious barriers to employment.

18 h. (1) A recipient shall not be placed or utilized in a position at
19 a particular workplace:

20 (a) that was previously filled by a regular employee if that
21 position, or a substantially similar position at that workplace, has
22 been made vacant through a demotion, substantial reduction of hours
23 or a layoff of a regular employee in the previous 12 months, or has
24 been eliminated by the employer at any time during the previous 12
25 months;

26 (b) in a manner that infringes upon a wage rate or an employment
27 benefit, or violates the contractual overtime provisions of a regular
28 employee at that workplace;

29 (c) in a manner that violates an existing collective bargaining
30 agreement or a statutory provision that applies to that workplace;

31 (d) in a manner that supplants or duplicates a position in an
32 existing, approved apprenticeship program;

33 (e) by or through an employment agency or temporary help
34 service firm as a community work experience or alternative work
35 experience worker;

36 (f) if there is a contractual or statutory recall right to that position
37 at that workplace; or

38 (g) if there is an ongoing strike or lockout at that workplace.

39 (2) A person who believes that he has been adversely affected by
40 a violation of this subsection, or the organization that is duly
41 authorized to represent the collective bargaining unit to which that
42 person belongs, shall be afforded an opportunity to meet with a
43 designee of the Commissioner of Labor and Workforce Development
44 or the Governor's Office of Employee Relations, as appropriate. The
45 designee shall attempt to resolve the complaint of the alleged
46 violation within 30 days of the date of the request for the meeting.
47 The Commissioner of Labor and Workforce Development, in
48 consultation with the Governor's Office of Employee Relations, shall

1 adopt regulations to effectuate the provisions of this subsection. In
2 the event that the complaint is not resolved within the 30-day period,
3 the complainant may appeal to the New Jersey State Board of
4 Mediation in the Department of Labor and Workforce Development
5 for expedited binding arbitration in accordance with the rules of the
6 board. If the arbitrator determines that a violation has occurred, he
7 shall provide an appropriate remedy. The cost of the arbitration shall
8 be borne equally by both parties to the dispute.

9 (3) Nothing in this subsection shall be construed to prevent a
10 collective bargaining agreement from containing additional
11 protections for a regular employee.

12 i. The commissioner, acting in conjunction with the
13 Commissioners of Banking and Insurance, Community Affairs,
14 Education, Health [and Senior Services], Labor and Workforce
15 Development, and Transportation, shall implement all elements of
16 the program and establish initiatives to assist in moving recipients
17 towards self-sufficiency.

18 j. The commissioner shall take such actions as are necessary to
19 ensure that the program meets the requirements to qualify for the
20 maximum amount of federal funds due the State under Pub.L.104-
21 193 (42 U.S.C. s. 601 et seq.).

22 k. The commissioner is authorized to seek such waivers from the
23 federal government as are necessary to accomplish the goals of the
24 program.

25 (cf: P.L.2009, c.114, s.3)

26

27 13. Section 2 of P.L.2007, c.97 (C.44:10-63.1) is amended to read
28 as follows:

29 2. In an assistance unit with a single adult or couple without
30 dependent children or a single adult or couple with dependent
31 children, the failure of a recipient to actively cooperate with the Work
32 First New Jersey program, established pursuant to P.L.1997, c.38
33 (C.44:10-55 et seq.), or participate in work activities under the
34 program, without good cause as determined by the commissioner,
35 shall result in a loss of cash assistance benefits in accordance with
36 the provisions of this section.

37 Prior to the imposition of a sanction, the county or municipal
38 welfare agency shall determine whether good cause for
39 noncompliance exists. Good cause shall include, but is not limited
40 to, disability or other circumstances, as defined by the commissioner,
41 which effectively impair a recipient's ability to actively cooperate
42 with the Work First New Jersey program or participate in work
43 activities under the program. Good cause shall be considered broadly
44 in consideration of the recipient's health, safety, family needs,
45 financial considerations, and other factors as determined by the
46 commissioner.

47 a. Prior to the imposition of a sanction, the county or municipal
48 welfare agency shall ensure that, in consultation with the recipient,

1 an assessment has been given in accordance with subsection f. of
2 section 8 of P.L.1997, c.38 (C.44:10-62), and a determination has
3 been made that barriers do not exist which are likely to prevent the
4 recipient from complying with the work requirements or other
5 activities specified in the individual responsibility plan; provided
6 that, this prerequisite to the imposition of a sanction shall not apply
7 if the recipient, without good cause, has refused to cooperate with the
8 conduct of the assessment.

9 The county or municipal welfare agency shall determine if a
10 sanctionable offense has occurred and whether good cause exists by:

11 (1) reviewing the case record to determine whether a
12 comprehensive assessment or other information in the file indicates
13 that good cause for noncompliance exists, and

14 (2) outreaching to the recipient, to attempt, in consultation with
15 the recipient, to determine the reason for noncompliance and whether
16 it constitutes good cause.

17 If good cause requires that services be provided in order for the
18 recipient to comply, then services shall be provided prior to any
19 reassignment of work activities, as appropriate.

20 The recipient shall be provided with reasonable accommodations
21 in work activities for identified disabilities and, when necessary
22 given the condition, deferred from participation.

23 The recipient shall be advised of the right to contest the sanction
24 if he disagrees with the agency determination to impose the sanction.

25 b. In an assistance unit with one adult, if the adult fails to
26 actively cooperate with the program or participate in work activities
27 without good cause, the cash assistance benefit provided to the
28 assistance unit shall be reduced by the pro-rata share of the
29 noncompliant adult for one month.

30 (1) If the adult fails to actively cooperate with the program or
31 participate in work activities by the end of the first-month pro-rata
32 sanction, without good cause, the assistance unit's cash assistance
33 case shall be suspended for one month. If the participant complies
34 by the end of the suspension month, the suspension shall be lifted.

35 (2) If the adult fails to actively cooperate with the program or
36 participate in work activities by the end of the suspension month,
37 without good cause, the assistance unit's cash assistance case shall
38 be closed for a minimum one-month period, and the assistance unit
39 shall be required to reapply in order to receive further cash assistance
40 benefits.

41 c. In an assistance unit with two adults, if one adult fails to
42 actively cooperate with the program or participate in work activities
43 without good cause, the cash assistance benefit provided to the
44 assistance unit shall be reduced by the pro-rata share of the
45 noncompliant adult for one month. If the adult fails to comply by the
46 end of the sanction month, the pro-rata reduction shall continue until
47 the recipient demonstrates an intent to comply.

1 If both adults fail to actively cooperate with the program or
2 participate in work activities without good cause, the cash assistance
3 benefit provided to the assistance unit shall be reduced by the pro-
4 rata share of the noncompliant adults for one month. If both adults
5 fail to actively cooperate with the program or participate in work
6 activities by the end of the sanction month, without good cause, the
7 assistance unit's cash assistance case shall be closed for a minimum
8 one-month period, and the assistance unit shall be required to reapply
9 in order to receive further cash assistance benefits.

10 d. If a dependent child 16 years of age or older fails to comply
11 with the requirement for school attendance or other work activity
12 participation, without good cause, the dependent child shall be
13 subject to a pro-rata reduction of cash assistance benefits for one
14 month. If the dependent child fails to comply by the end of the
15 sanction month, the pro-rata reduction shall continue until the
16 dependent child demonstrates an intent to comply.

17 e. If a cash assistance case is closed due to a sanction, and the
18 recipient is receiving emergency assistance benefits, then the
19 household shall continue to receive emergency assistance benefits for
20 one month immediately following the case closure.

21 If the recipient comes into compliance and reapplies for cash
22 assistance benefits, the emergency assistance benefits shall be
23 reinstated if the emergency still exists.

24 f. If a recipient who is less than 18 years of age is living in a
25 Work First New Jersey-funded appropriate living arrangement
26 because the recipient is unable to live with a parent, guardian, or
27 other adult relative, funding for the living arrangement shall continue
28 for one month immediately following the case closure.

29 g. An adult recipient who voluntarily quits a job without good
30 cause, as defined by regulation of the commissioner, shall render the
31 entire assistance unit ineligible for cash assistance benefits for a
32 period of two months from the date the county agency or municipal
33 welfare agency, as appropriate, makes the determination that the
34 recipient quit the job.

35 (cf: P.L.2007, c.97, s.2)

36
37 14. Section 2 of P.L.1997, c.37 (C.44:10-72) is amended to read
38 as follows:

39 2. a. Effective no later than the 30th day after the date of
40 enactment of **[this act]** P.L.1997, c.37 (C.44:10-71 et al.), a
41 recipient's eligibility for benefits shall be limited to a total of 60
42 cumulative months, except as otherwise provided in **[this act]**
43 P.L.1997, c.37 (C.44:10-71 et al.), regardless of whether the recipient
44 meets more than one assistance unit criteria during that 60-month
45 period. Receipt of assistance from federal block grant funds for
46 temporary assistance for needy families provided by another state or
47 territory pursuant to the federal "Personal Responsibility and Work
48 Opportunity Reconciliation Act of 1996," Pub.L.104-193, shall count

1 towards the 60-month time limit. Receipt of benefits **【**as a dependent
2 child or minor parent**】** by an individual who is younger than 18 years
3 of age shall not count towards the 60-month time limit **【**in the event
4 that the dependent child or minor parent becomes a head of household
5 in the child's or parent's own right for the purposes of receiving
6 benefits**】** . In the event that one or more adult recipients in an
7 assistance unit becomes ineligible for benefits on the grounds that the
8 recipient has reached the 60-month cumulative limit on benefits, the
9 adult recipient's ineligibility for benefits shall in no way affect the
10 eligibility for benefits of any other member of the assistance unit,
11 including, but not limited to, a dependent child.

12 b. A recipient shall be exempted from the 60-month time limit
13 established pursuant to subsection a. of this section if the recipient
14 is:

15 (1) over 60 years of age;

16 (2) the parent or other relative of a disabled child or other
17 disabled dependent who must provide full-time care for the disabled
18 child or other disabled dependent;

19 (3) permanently disabled, including, but not limited to, a person
20 eligible for disability insurance benefits under Title II of the federal
21 Social Security Act (42 U.S.C.s.401 et seq.), as defined by regulation
22 of the commissioner; **【or】**

23 (4) chronically unemployable as defined by regulation of the
24 commissioner; or

25 (5) the parent of a dependent child who is a member of the
26 recipient's household, which parent has remained in compliance with
27 the requirements of the program for, at a minimum, the six months
28 of enrollment immediately preceding the date the recipient reaches
29 the 60-month time limit.

30 c. A recipient may receive an extension of no more than 12
31 cumulative months beyond the 60-month time limit established
32 pursuant to subsection a. of this section, to be granted in increments
33 that shall not exceed six months, if the commissioner determines that
34 the recipient meets one of the following criteria:

35 (1) the recipient or the recipient's dependent child would be
36 subject to extreme hardship or incapacity, as defined by regulation of
37 the commissioner, in the event of a termination of benefits;

38 (2) the recipient is **【engaged in full-time employment】** employed
39 but remains eligible for benefits due to earned income disregards
40 provided for under section 4 of P.L.1997, c.13 (C.44:10-37);

41 (3) the recipient has not received an opportunity to engage in
42 work activities **【**as specified in the individual responsibility plan
43 pursuant to subsection f. of section 8 of P.L.1997, c.38 (C.44:10-62)**】**
44 that will enhance the recipient's ability to find employment that will
45 lead to the assistance unit's removal from, and sustainable avoidance
46 of, poverty; or

1 (4) the recipient was **【engaged in full-time employment】**
2 employed and was income-ineligible for benefits but was terminated
3 from the employment through no fault of the recipient.

4 d. The provisions of this section shall apply to a person who
5 receives general public assistance pursuant to P.L.1947, c.156
6 (C.44:8-107 et seq.) after the effective date of **【this act】** P.L.1997,
7 c.37 (C.44:10-71 et al.) and is subsequently transferred directly into
8 the Work First New Jersey program.
9 (cf: P.L.1997, c.37, s.2)

10
11 15. (New section) Any organization that receives a State or local
12 economic incentive shall partner with one or more local community
13 organizations that provide support and services to Work First New
14 Jersey program recipients to provide work activity opportunities and
15 other appropriate services to program recipients, which activities and
16 services may include, but shall not be limited to: work-study
17 programs, internships, sector-based contextualized literacy training,
18 skills-based training in growth industries in New Jersey, and job
19 retention and advancement services.

20 As used in this section:

21 "Business" means any non-governmental person, association, for-
22 profit or non-profit corporation, joint venture, limited liability
23 company, partnership, sole proprietorship, or other form of business
24 organization or entity.

25 "Governmental entity" means the State, a local unit of
26 government, or a State or local government agency or authority.

27 "State or local economic incentive" means a financial incentive,
28 awarded by a governmental entity to a business, or agreed to between
29 a governmental entity and a business, for the purpose of stimulating
30 economic development or redevelopment in New Jersey, including,
31 but not limited to, a bond, grant, loan, loan guarantee, matching fund,
32 tax credit, or other tax expenditure.

33 "Tax expenditure" means the amount of foregone tax collections
34 due to any abatement, reduction, exemption, credit, or transfer
35 certificate against any State or local tax.

36
37 16. (New section) a. For the duration of the state of emergency
38 or public health emergency declared in response to the coronavirus
39 disease 2019 (COVID-19) pandemic, whichever is longer, an
40 applicant who appears to be eligible for benefits under the Work First
41 New Jersey program based on the applicant's certification of income,
42 resources, and family composition, and based on other information
43 immediately available to the agency at the time of application, shall
44 be deemed presumptively eligible for Work First New Jersey
45 assistance and immediate need assistance.

46 b. To the extent that a recipient is unable to comply with work
47 activity requirements during the public health emergency or state of
48 emergency declared in response to COVID-19, any month during

1 which the recipient is unable to comply with work activity
2 requirements shall not count towards the 60-month time limit on
3 benefits provided under section 2 of P.L.1997, c.37 (C.44:10-72).

4
5 17. There is appropriated from the General Fund to the Division
6 of Family Development in the Department of Human Services the
7 sum of \$25 million for the purposes of effectuating the provisions of
8 this act.

9
10 18. Section 3 of P.L.1997, c.14 (C.44:10-46) is repealed.

11
12 19. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill would revise the requirements for cash assistance
18 benefits under the Work First New Jersey (WFNJ) program.

19 Specifically, the bill provides that an individual who is otherwise
20 eligible for general assistance benefits under WFNJ will not be
21 deemed ineligible for public assistance solely on the grounds that the
22 individual is enrolled in an institution of higher education.

23 The bill will allow recipients engaging in alternative work
24 experience to engage in unpaid work and training with either a for-
25 profit or nonprofit employer; current law only allows placement with
26 nonprofit and charitable employer. An assignment to a for-profit
27 employer may not exceed six months, and will be conditioned on the
28 assignment likely leading to full-time employment with the
29 employer. The bill limits the amount of time a recipient may be
30 assigned to alternative work experience with any employer to no
31 more than six months in a 12-month period. The bill similarly limits
32 the amount of time a recipient may be assigned to community work
33 experience to no more than six months in a 12-month period.

34 The bill adds language clarifying that when determining whether
35 good cause exists to excuse noncompliance with program
36 requirements, good cause is to be considered broadly in consideration
37 of the recipient's health, safety, family needs, financial
38 considerations, and other factors as determined by the commissioner.

39 The bill will expand the earned income disregard for the purposes
40 of the program. Current law provides that, for recipients employed
41 20 or more hours a week, and certain recipients with a disability who
42 are unable to work more than 20 hours per week, 100 percent of
43 earned income is disregarded for the first month in which it would be
44 counted as earned income; the disregard drops to 75 percent for the
45 next six consecutive months after that, and to 50 percent for each
46 consecutive month of employment after that. In the case of recipients
47 working less than 20 hours per month, the disregard is 100 percent

1 for the first full month of employment and 50 percent for each
2 continuous month of employment after that.

3 The bill revises the earned income disregard to allow a 100 percent
4 disregard for the first two full months of employment in which the
5 earned income would be counted. The disregard would then drop to
6 75 percent for six cumulative months of employment, and to 50
7 percent for each month of employment thereafter.

8 The bill revises the eligibility criteria for aliens, which currently
9 makes various distinctions on who is eligible based on their date of
10 entry into the United States, their country of origin, their length of
11 time in the United States, whether they are veterans, whether they are
12 victims of domestic violence, and whether they have satisfied certain
13 work requirements, among other factors, to revise the term to refer to
14 “eligible immigrants” and provide that the term applies to all
15 immigrants who otherwise meet program requirements and are
16 lawfully present in the United States. The term will include
17 individuals who are “qualified aliens” or “lawfully present” for the
18 purposes of federal law, individual granted relief from federal
19 immigration laws under the federal Deferred Action for Childhood
20 Arrivals program, and any other non-citizen or non-national of the
21 United States who is otherwise authorized to live in the United States.

22 The bill revises the requirements to provide additional supportive
23 services to program recipients. Current law provides that assistance
24 may be provided as a last resort when no other source of support is
25 available. The bill would revise this standard to allow for the
26 provision of additional services in appropriate circumstances, as
27 determined by the commissioner.

28 Currently, additional assistance is limited to child care services,
29 transportation assistance, an allowance for work-related expenses,
30 and extended Medicaid eligibility. The bill provides that recipients
31 receiving parenting support services are to be provided with
32 educational materials, referrals, and other support to identify, access,
33 and enroll in quality child care services for their dependent children.

34 The bill requires that, when a recipient has reached 24 months of
35 benefits, welfare agencies are to offer additional case management
36 and supportive services to the recipient, based on an assessment of
37 the barriers to the recipient securing employment.

38 The bill establishes a new joint reporting requirement for the
39 Commissioner of Human Services and the Commissioner of Labor
40 and Workforce Development concerning various aspects of the
41 program. The Commissioner of Human Services will be required to
42 make changes to the program based on the data gathered in order to
43 improve the performance of the program.

44 The bill requires, commencing July 1, 2020 through July 1, 2022,
45 the temporary assistance for needy families (TANF) benefit amount
46 to be increased by any increase in the consumer price index plus an
47 amount equal to 33.3 percent of the difference between the benefit
48 amount in effect as of the effective date of the bill and 50 percent of

1 the federal poverty level in effect as of the effective date of the bill.
2 During this period, general assistance benefits will be annually
3 increased by a percentage amount equal to the percentage increase in
4 TANF benefits for that year. Commencing July 1, 2023, the TANF
5 benefit amount is to be annually increased by any amount necessary
6 to make the benefit amount equivalent to at least 50 percent of the
7 federal poverty level in effect on that July 1, and the general
8 assistance benefit is to be increased by any increase in the consumer
9 price index.

10 In addition, commencing July 1, 2023, the commissioner is to
11 conduct an annual assessment of the real cost of living and actual
12 deprivation as reflected in the current standard of need established
13 pursuant to section 9 of P.L.1997, c.13 (C.44:10-42); the
14 commissioner will be required to transmit this assessment to the
15 Legislature for consideration when deciding on appropriations to
16 fund cash assistance benefits. In no case may benefit amounts be
17 reduced.

18 The bill provides that the full amount of child support provided to
19 the assistance unit for which federal reimbursement is waived is to
20 pass through to the unit. Child support that passes through to the unit
21 will not count as income.

22 The bill revises language setting forth the general purposes and
23 goals of the WFNJ program to provide that the purpose of the
24 program is to provide recipients with the opportunities, training, and
25 work skills needed to help elevate them out of poverty. The bill
26 removes certain language concerning how the program interacts with
27 young parents and how the system can be disruptive to the family
28 structure, as well as language stating that the program is consistent
29 with federal law by including a time limit on benefits, work
30 requirements, enhanced measures to determine paternity, enhanced
31 child support collection, sanctions for noncompliance with program
32 requirements, incentives for teenage parents to complete school, and
33 restrictions on eligibility for aliens. The bill additionally removes
34 language providing that WFNJ benefits will only be available when
35 other forms of support and maintenance are unavailable.

36 The bill expands the work requirements under the program to
37 promote the use of educational, training, work-study, internship, and
38 other opportunities that will lead to the recipient's removal from, and
39 sustainable avoidance of, poverty. Recipients will be permitted to
40 forgo work opportunities for good cause or for other opportunities
41 that will better enable the recipient to emerge from, and sustainable
42 avoid, poverty. The bill requires that good cause be considered
43 broadly in consideration of the recipient's health, safety, family
44 needs, financial considerations, and other factors determined by the
45 commissioner. The bill removes a requirement that recipients
46 continuously and actively seek employment.

47 The bill reduces the hourly requirement for work activity from 40
48 hours per week to 30 hours per week, and provides that the maximum

1 aggregate requirement is 20 hours per week for assistance units with
2 a child under six years of age. Current law provides for a deferral
3 from the work activity requirement for parents and relatives caring
4 for a child under 12 weeks of age; the bill extends this deferral to
5 apply to parents and relatives caring for a child under one year of age.

6 Ordinarily, recipients are allowed a lifetime total of 60 months of
7 benefits; however, current law provides for an extension in certain
8 cases, including up to 12 additional months of benefits in cases
9 where: a recipient would be subject to extreme hardship in the
10 absence of WFNJ assistance; the recipient is engaged in full-time
11 employment but remains eligible for benefits based on income
12 disregards; the recipient has not had an opportunity to engage in work
13 activities; or the recipient was engaged in full-time employment and
14 was income-ineligible, but the recipient was terminated from
15 employment through no fault of the recipient. The bill revises the
16 exceptions involving employment to provide that they will apply to
17 any form of employment, not just full-time employment. The bill
18 further provides that an exception will be provided for any parent of
19 a minor child who was in compliance with program requirements for
20 the six months of enrollment immediately preceding the date the
21 recipient reached the 60-month limit.

22 The bill provides that WFNJ benefits received while the individual
23 is under 18 years of age will not count against the 60-month lifetime
24 limit on benefits. The bill further provides that, in the event any adult
25 in an assistance unit loses eligibility on the grounds that the
26 individual reached the 60-month cap, that loss of eligibility will not
27 affect the eligibility of any other recipient in the assistance unit,
28 including, but not limited to, a minor child who is receiving
29 assistance.

30 The bill provides that organizations that receive State or local
31 economic incentives will be required to partner with local community
32 organizations to provide work activity opportunities and other
33 appropriate services to WFNJ recipients, including training, work-
34 study opportunities, internships, and job retention and advancement
35 services.

36 The bill removes outdated language in the definition of
37 “dependent child” that required a child in school or vocational
38 training to reasonably be expected to complete the school or training.

39 The bill provides that, for the duration of the state of emergency
40 or public health emergency declared in response to the coronavirus
41 disease 2019 (COVID-19) pandemic, whichever is longer, an
42 applicant who appears to be eligible for benefits under WFNJ based
43 on the applicant’s certification of income, resources, and family
44 composition, and based on other information immediately available
45 to the agency at the time of application, will be deemed
46 presumptively eligible for WFNJ assistance and immediate need
47 assistance. Additionally, any months in which a recipient is unable
48 to comply with work activity requirements because of the COVID-

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1 19 state of emergency or public health emergency will not count
2 against the 60-month lifetime cap on benefits.

3 The bill repeals section 3 of P.L.1997, c.14 (C.44:10-46), which
4 concerned benefits for recipients in the State less than 12 months, and
5 which was invalidated by court ruling and currently has no force or
6 effect.

7 The bill appropriates \$25 million from the General fund to the
8 Division of Family Development in the Department of Human
9 Services for the purposes of implementing the provisions of the bill.