

[First Reprint]

ASSEMBLY, No. 3905

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

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District 34 (Essex and Passaic)

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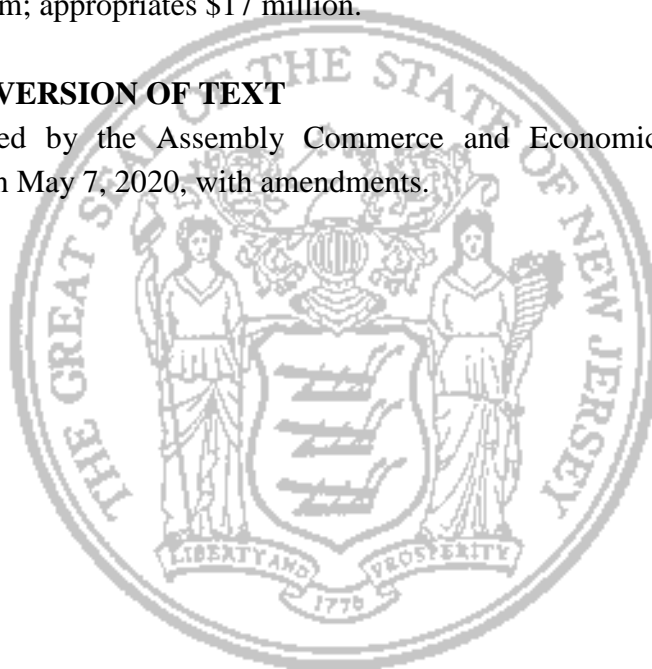
**Assemblywomen Reynolds-Jackson, McKnight, Assemblyman
Chiaravalloti, Assemblywomen Speight and Tucker**

SYNOPSIS

Revises requirements for cash assistance benefits under Work First New Jersey program; appropriates \$17 million.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee on May 7, 2020, with amendments.



(Sponsorship Updated As Of: 5/14/2020)

A3905 [1R] TIMBERLAKE, VAINIERI HUTTLE

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
9 read 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
20 ineligible for public assistance solely on the basis that the person is
21 enrolled in 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
24 the 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,
33 shall be subject to the provisions of section 9 of P.L.1997, c.38
34 (C.44:10-63).

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACE committee amendments adopted May 7, 2020.

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
8 who are legally or blood-related, or who is their legal guardian, and
9 who 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 **],**
26 if, 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
32 parent or legal guardian, or with a relative designated by the
33 commissioner in a place of residence maintained by the relative as
34 the relative's home.

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

1 interest or dividend earnings from such an account shall not be
2 considered 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
8 control over the person or property, or both, of a child, including
9 any specific right of control over an aspect of the child's
10 upbringing, pursuant to 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
18 not provided in the form of cash assistance.

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

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

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

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

1 certificate of general equivalence, or post-secondary education,
2 when combined with community work experience participation or
3 other approved work activities, including employment.

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

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

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

14 a. In the case of ~~【a recipient who is employed an average of 20~~
15 ~~hours or more a week】~~ all recipients who are employed:

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

19 (2) 75% of the earned income shall be disregarded for six
20 ~~【consecutive】~~ cumulative months of employment thereafter; and

21 (3) 50% of the earned income shall be disregarded for each
22 ~~【continuous】~~ month of employment thereafter.

23 b. ~~【In the case of a recipient who is employed for an average of~~
24 ~~less than 20 hours a week:~~

25 (1) 100% of the earned income shall be disregarded for the first
26 full month in which the earned income would be counted; and

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

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

41 ¹d. In computing the cash assistance benefit for recipients who
42 lose employment and subsequently become reemployed, the 100
43 percent disregard described in paragraph (1) of subsection a. of this
44 section and the 75 percent disregard described in paragraph (2) of
45 subsection a. of this subsection may be applied again only once
46 every 12 months; otherwise, the 50 percent disregard shall be

1 applied for each continuous month of employment.¹

2 (cf: P.L.2007, c.97, s.1)

3

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

6 5. a. The program shall provide supportive services to a
7 recipient **【**as a last resort when no other source of support is
8 available**】** in appropriate circumstances, as determined by the
9 commissioner, except that the recipient shall be required to
10 continuously seek other sources of support. The commissioner
11 shall determine the amounts and extent of the support. The
12 supportive services shall include, but not be limited to, one or more
13 of the following:

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

19 An adult recipient who continues to be eligible to receive child
20 care services following ineligibility for benefits, and an adult
21 recipient who is employed but continues to receive benefits, shall
22 pay a copay for child care services in accordance with a sliding fee
23 scale established by the commissioner, which shall be no greater
24 than the child care co-payment schedule established pursuant to
25 **【**N.J.A.C.10:81-14.18A**】** regulations promulgated by the
26 Department of Human Services;

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

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

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

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

43 (2) an assistance unit with dependent children which, using the
44 limits and methodologies contained in Title IV-A, would not be
45 eligible for cash assistance under Title IV-A as a result of the
46 collection of child or spousal support under Title IV-D of the
47 federal Social Security Act (42 U.S.C.651 et seq.), shall receive an
48 additional four consecutive months of medical assistance beginning

1 with the first month of ineligibility under the provisions of Title IV-
2 A.

3 c. Each recipient who receives parenting support services
4 through the program shall be provided with educational materials,
5 referrals, and support in identifying, accessing, and enrolling
6 dependent children in quality child care services.

7 d. At such time as any recipient reaches a cumulative total of
8 24 months of enrollment in the program, the county agency or
9 municipal welfare agency, as appropriate, shall offer additional case
10 management and supportive services to the recipient, based on an
11 assessment of the recipient's barriers to securing employment.

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

13

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

16 8. a. The commissioner, in cooperation with other affected
17 agencies of State government, shall report biennially to the
18 Governor and the Legislature on the Work First New Jersey
19 program, and shall include in that report any recommendations for
20 changes in the law or regulations governing the program that the
21 commissioner deems necessary to further the goals of the program.
22 The commissioner shall determine the manner and terms of the
23 reporting in accordance with the requirements of federal law.

24 b. The commissioner shall issue a public report on at least a
25 quarterly basis concerning the number of recipients in the program,
26 the number of recipients classified as exempt from time limits or
27 deferred from work requirements, the number of recipients
28 classified as to the degree of employability as defined by the
29 commissioner, the number of recipients who have obtained
30 employment, the number of recipients terminated from the program
31 and the reasons for the terminations, the average wages and benefits
32 earned by recipients, the types of employment obtained by
33 recipients and whether the employment is in the public or private
34 sector, the average length of stay in their jobs by recipients who
35 reapply for benefits, and the number of former recipients who have
36 re-entered the program after being terminated.

37 c. To the extent not otherwise provided pursuant to subsection
38 a. or b. of this section, the commissioner shall conduct such
39 research as he deems appropriate to evaluate the outcomes for
40 recipients, and the benefits, costs and other effects of the program,
41 and shall submit any report resulting from that research to the
42 Governor and the Legislature and otherwise make copies available
43 to the public.

44 In addition, the commissioner shall initiate a study of the
45 Michigan Civilian Conservation Corps program as a means of
46 offering employment to economically disadvantaged youth that
47 provides constructive work experience and training to increase their
48 ability to secure unsubsidized employment. The commissioner

1 shall study the effectiveness of the Michigan Civilian Conservation
2 Corps program and the possibility of establishing such a program in
3 this State. The commissioner shall submit a written report of his
4 findings and recommendations to the Governor and the Legislature
5 by January 1, 1998.

6 d. Notwithstanding the report required pursuant to subsection
7 a. of this section, the commissioner, in conjunction with the
8 Commissioner of Labor and Workforce Development, shall submit
9 an annual report to the Governor and, pursuant to section 2 of
10 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, concerning:
11 program caseloads; the nature and type of work activities engaged
12 in by program recipients, along with the total number of hours
13 attributed to each type of work activity; the nature, type, and total
14 amounts of support services provided under the program; the total
15 number of beneficiaries who have left the program because the
16 beneficiary's annual average wages exceed a given percentage of
17 the federal poverty level, including specific numbers for those
18 whose income exceeds 100 percent of the federal poverty level, 150
19 percent of the federal poverty level, 200 percent of the federal
20 poverty level, 250 percent of the federal poverty level, and 300
21 percent of the federal poverty level, which data shall be updated
22 annually to determine the extent to which the program is meeting
23 the goal of lifting families out of poverty; the number of sanctions
24 imposed on program recipients pursuant to section 2 of P.L.2007,
25 c.97 (C.44:10-63.1), including the reasons for the sanction and the
26 duration of the sanction; the number of cases closed; the number of
27 applications denied and the reasons for the denials, including the
28 specific reasons for denials based on non-financial factors; and any
29 other data deemed appropriate by the commissioners; along with
30 recommendations for executive, legislative, administrative, or other
31 actions as the commissioners deem necessary and appropriate to
32 improve employment outcomes under the program and reduce deep
33 poverty rates in the State. The data reported pursuant to this
34 subsection shall include Statewide data as well as specific data for
35 each county. Based on the data collected and reported pursuant to
36 this subsection, the Commissioner of Human Services shall make
37 such changes to policies and programs implemented under the
38 Department of Human Services as may be necessary to improve the
39 performance of the Work First New Jersey program and further the
40 goals of the program.

41 (cf: P.L.1997, c.13, s.8)

42

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

45 1. As used in this act:

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

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

6 "Benefits" means any assistance provided to needy persons and
7 their dependent children and needy single persons and couples
8 without dependent children under the Work First New Jersey
9 program.

10 "Commissioner" means the Commissioner of Human Services.

11 "County agency" means the county agency that was
12 administering the aid to families with dependent children program
13 at the time the federal "Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
15 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
16 44 et al.) shall also administer the Work First New Jersey program
17 in that county.

18 "Dependent child" means a child:

19 a. under the age of 18;

20 b. under the age of 19 and a full-time student in a secondary
21 school or an equivalent level of vocational or technical training [,
22 if, before the student attains age 19, the student may reasonably be
23 expected to complete the student's program of secondary school or
24 training]; or

25 c. under the age of 21 and enrolled in a special education
26 program,

27 who is living in New Jersey with the child's natural or adoptive
28 parent or legal guardian, or with a relative designated by the
29 commissioner in a place of residence maintained by the relative as
30 the relative's home.

31 "Eligible [alien] immigrant" means [one of the following:

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

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

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

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

44 e. a legal permanent resident alien who has worked 40
45 qualifying quarters of coverage as defined under Title II of the
46 federal Social Security Act; except that, for any period after
47 December 31, 1996, a quarter during which an individual received

1 means-tested, federally funded public benefits shall not count
2 toward the total number of quarters;

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

7 g. a qualified alien who has been battered or subjected to
8 extreme cruelty in the United States by a spouse, parent or a
9 member of the spouse or parent's family residing in the same
10 household as the alien, or a qualified alien whose child has been
11 battered or subjected to extreme cruelty in the United States by a
12 spouse or parent of the alien, without the active participation of the
13 alien, or by a member of the spouse or parent's family residing in
14 the same household as the alien. In either case, the spouse or parent
15 shall have consented or acquiesced to the battery or cruelty and
16 there shall be a substantial connection between the battery or
17 cruelty and the need for benefits to be provided. The provisions of
18 this subsection shall not apply to an alien during any period in
19 which the individual responsible for the battery or cruelty resides in
20 the same household or assistance unit as the individual subjected to
21 the battery or cruelty. Benefits shall be provided to the extent and
22 for the period of time that the alien or alien's child is eligible for the
23 program.

24 For the purposes of this section, "qualified alien" is defined
25 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
26 193] an individual who meets program requirements and is lawfully
27 present in the United States, regardless of the individual's date of
28 entry into the United States. The term "eligible immigrant" shall
29 include: any individual who is a "qualified alien," as that term is
30 defined in 8 U.S.C. s.1641; any individual who is "lawfully
31 present" in the United States, as that term is defined in 45 CFR
32 s.152.2; any individual granted relief from federal immigration laws
33 under the federal Deferred Action for Childhood Arrivals program;
34 and any other individual who is not a citizen or national of the
35 United States and is authorized to live in the United States.

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

1 recipients are established by regulation of the commissioner, any
2 interest or dividend earnings from such an account shall not be
3 considered income.

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

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

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

17 "Recipient" means a recipient of benefits under the Work First
18 New Jersey program.

19 "Resources" means all real and personal property as defined by
20 the commissioner; except that in the event that individual
21 development accounts for recipients are established by regulation of
22 the commissioner, all funds in such an account, up to the limit
23 determined by the commissioner, including any interest or dividend
24 earnings from such an account, shall not be considered to be a
25 resource.

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

28 "Title IV-D" means the provisions of Title IV-D of the federal
29 Social Security Act governing paternity establishment and child
30 support enforcement activities and requirements.

31 "Work First New Jersey program" or "program" means the
32 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
33 seq.).

34 (cf: P.L.2007, c.97, s.3)

35

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

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

42 ¹For the period commencing July 1, 2020 and continuing
43 through July 1, 2022, the temporary assistance for needy families
44 benefit level in effect as of the effective date of P.L. , c. (pending
45 before the Legislature as this bill) shall be annually increased by any
46 increase in the consumer price index for all urban wage earners and
47 clerical workers (CPI-W) as calculated by the federal government for
48 the 12 months prior to the March 31 preceding that July 1, plus an

1 additional amount equal to 33.3 percent of the difference between the
2 benefit level in effect as of the effective date of P.L. , c. (pending
3 before the Legislature as this bill) and 50 percent of the federal poverty
4 level in effect as of the effective date of P.L. , c. (pending before
5 the Legislature as this bill. Commencing July 1, 2023, the temporary
6 assistance for needy families benefit level shall be annually increased
7 by any amount as shall be necessary to make the benefit level
8 equivalent to at least 50 percent of the federal poverty level in effect
9 on that July 1.

10 For the period commencing July 1, 2020 and continuing through
11 July 1, 2022, the general assistance benefit level in effect as of the
12 effective date of P.L. , c. (pending before the Legislature as this
13 bill) shall be annually increased by a percentage amount equal to the
14 percentage of the increase in the temporary assistance for needy
15 families benefit in that year. Commencing July 1, 2023, the general
16 assistance benefit shall be annually increased by any increase in the
17 CPI-W as calculated by the federal government for the 12 months
18 prior to the March 31 preceding that July 1.

19 Commencing July 1, 2023, and annually thereafter, the
20 commissioner shall assess the real cost of living and actual deprivation
21 as reflected in the current standard of need established pursuant to
22 section 9 of P.L.1997, c.13 (C.44:10-42), which assessment shall be
23 transmitted to the Legislature by the commissioner for consideration
24 when deciding on appropriations to fund cash assistance benefits to
25 recipients】¹.

26 These standards shall take into account, for the determination of
27 eligibility and the provision of benefits, all income and resources of all
28 persons in the assistance unit of which the applicant or recipient is a
29 member, except as provided by law governing the Work First New
30 Jersey program and as prescribed by the commissioner. The benefits
31 to be granted shall be governed by standards established by regulation
32 of the commissioner. The commissioner may set income and resource
33 eligibility and benefits standards that differ with respect to types of
34 assistance units.

35 b. A recipient, as a condition of eligibility for benefits, shall,
36 subject to good cause exceptions **【as defined by the commissioner】**
37 that shall be considered broadly in consideration of the recipient's
38 health, safety, family needs, financial considerations, and other factors
39 as determined by the commissioner, be required to: do all acts stated
40 herein necessary to establish the paternity of a child born out-of-
41 wedlock, and to establish and participate in the enforcement of child
42 support obligations; cooperate with work requirements established by
43 the commissioner; make application for any other assistance for which
44 members of the assistance unit may be eligible; be income and
45 resource eligible as defined by the commissioner, including the
46 deeming of income and resources as appropriate; provide all necessary
47 documentation which shall include the federal Social Security number
48 for all assistance unit members, except for an eligible **【alien】**

1 immigrant who cannot be assigned a Social Security number due to his
2 status, or make application for same; sign an agreement to repay
3 benefits in the event of receipt of income or resources; and comply
4 with personal identification requirements as a condition of receiving
5 benefits, which may employ the use of high technology processes for
6 the detection of fraud.

7 c. Notwithstanding any other provision of law or regulation to the
8 contrary, an applicant shall not be eligible for benefits when the
9 applicant's eligibility is the result of a voluntary cessation of
10 employment without good cause, as determined by the commissioner,
11 within 90 days prior to the date of application for benefits, provided
12 that good cause shall be considered broadly in consideration of the
13 recipient's health, safety, family needs, financial considerations, and
14 other factors as determined by the commissioner.

15 d. A voluntary assignment or transfer of income or resources
16 within one year prior to the time of application for benefits for the
17 purpose of qualifying therefor shall render the applicant and the
18 applicant's assistance unit members ineligible for benefits for a period
19 of time determined by regulation of the commissioner.

20 e. Any income or resources that are exempted by federal law for
21 purposes of eligibility for benefits shall not reduce the amount of
22 benefits received by a recipient and shall not be subject to a lien or be
23 available for repayment to the State or county agency for benefits
24 received by the individual.

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

26

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

29 6. a. The signing of an application for benefits under the Work
30 First New Jersey Program shall constitute an assignment of any
31 child support rights pursuant to Title IV-D on behalf of individual
32 assistance unit members to the county agency. The assignment
33 shall terminate with respect to current support rights when a
34 determination is made by the county agency that the person in the
35 assistance unit is no longer eligible for benefits. The determination
36 of the amount of repayment to the county agency and distribution of
37 any unpaid support obligations that have accrued during the period
38 of receipt of benefits shall be determined by regulation of the
39 commissioner in accordance with federal law.

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

43 c. An assistance unit eligible for benefits and in receipt of child
44 support shall receive, in addition to its regular grant of cash
45 assistance benefits, a monthly amount of child support that is equal
46 to the maximum benefit amount for which the federal
47 reimbursement share is waived, based on the current child support

1 received for the month **【**, as determined by regulations adopted by
2 the commissioner, and in accordance with federal law**】**.
3 (cf: P.L.2008, c.101, s.2)

4
5 9. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
6 as follows:

7 2. The Legislature finds and declares that:

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

13 b. Work and the earning of income promote the best interests
14 of families and children;

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

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

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

26 f. Personal and family security and stability, including the
27 protection of children and vulnerable adults, are important to the
28 establishment and maintenance of successful family life and
29 childhood development and a family's inability or failure to qualify
30 for benefits under the Work First New Jersey program established
31 pursuant to this act shall not in and of itself be the basis for the
32 separation of a dependent child from his family or the justification
33 for the resource family care placement of a dependent child;

34 g. Children and teenagers need the benefits of the support and
35 guidance which a family structure provides **【**; the welfare system
36 has provided a vehicle for breaking up families by giving teenage
37 mothers the means to shift their financial dependence from their
38 parents to the State; in the process, these youths deprive themselves
39 of the education and family structure necessary to support
40 themselves and their babies; and the **】**, which support and structure
41 **【**provided by families are**】** is important to the development of a
42 child's maximum potential; **【**and**】**

43 h. The Work First New Jersey program established pursuant to
44 this act incorporates and builds upon the fundamental concepts of
45 the Family Development Initiative established pursuant to
46 P.L.1991, c.523 (C.44:10-19 et seq.) in a manner that is consistent
47 with the federal program of temporary assistance for needy families

1 **[**, by establishing requirements for: time limits on cash assistance;
2 the participation of recipients in work activities; enhanced efforts to
3 establish paternity and establish and enforce child support
4 obligations; sanctions for failure to comply with program
5 requirements; a cap on the use of funds for administrative costs; the
6 maintenance of State and county financial support of the program;
7 teenage parent recipients to live at home and finish high school; and
8 restrictions on eligibility for benefits for aliens **]** ; and

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

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

15

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

18 3. As used in this act:

19 "Alternative work experience" means unpaid work and training
20 **[only]** with a public **[**, private nonprofit **]** or private **[charitable]**
21 employer that provides a recipient with the experience necessary to
22 adjust to, and learn how to function in, an employment setting and
23 the opportunity to combine that experience with education and job
24 training. An alternative work experience participant shall not be
25 assigned to work for a private, for profit employer unless the
26 assignment is for a period of no more than six months and the
27 assignment is likely to lead to full-time employment with the
28 employer.

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

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

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

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

43 "Commissioner" means the Commissioner of Human Services.

44 "Community work experience" means unpaid work and training
45 only with a public, private nonprofit or private charitable employer
46 provided to a recipient when, and to the extent, that such experience
47 is necessary to enable the recipient to adjust to, and learn how to
48 function in, an employment setting. A community work experience

1 participant shall not be assigned to work for a private, for profit
2 employer.

3 "County agency" means the county agency that was
4 administering the aid to families with dependent children program
5 at the time the federal "Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
7 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
8 55 et seq.) shall also administer the Work First New Jersey program
9 in that county.

10 "Dependent child" means a child:

11 a. under the age of 18;

12 b. under the age of 19 and a full-time student in a secondary
13 school or an equivalent level of vocational or technical training [,
14 if, before the student attains age 19, the student may reasonably be
15 expected to complete the student's program of secondary school or
16 training]; or

17 c. under the age of 21 and enrolled in a special education
18 program,

19 who is living in New Jersey with the child's natural or adoptive
20 parent or legal guardian, or with a relative designated by the
21 commissioner in a place of residence maintained by the relative as
22 the relative's home.

23 "Eligible [alien] immigrant" means [one of the following:

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

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

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

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

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

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

46 g. a qualified alien who has been battered or subjected to
47 extreme cruelty in the United States by a spouse, parent or a
48 member of the spouse or parent's family residing in the same

1 household as the alien, or a qualified alien whose child has been
2 battered or subjected to extreme cruelty in the United States by a
3 spouse or parent of the alien, without the active participation of the
4 alien, or by a member of the spouse or parent's family residing in
5 the same household as the alien. In either case, the spouse or parent
6 shall have consented or acquiesced to the battery or cruelty and
7 there shall be a substantial connection between the battery or
8 cruelty and the need for benefits to be provided. The provisions of
9 this subsection shall not apply to an alien during any period in
10 which the individual responsible for the battery or cruelty resides in
11 the same household or assistance unit as the individual subjected to
12 the battery or cruelty. Benefits shall be provided to the extent and
13 for the period of time that the alien or alien's child is eligible for the
14 program.

15 For the purposes of this section, "qualified alien" is defined
16 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
17 193] an individual who meets program requirements and is lawfully
18 present in the United States, regardless of the individual's date of
19 entry into the United States. The term "eligible immigrant" shall
20 include: any individual who is a "qualified alien," as that term is
21 defined in 8 U.S.C. s.1641; any individual who is "lawfully
22 present" in the United States, as that term is defined in 45 CFR
23 s.152.2; any individual granted relief from federal immigration laws
24 under the federal Deferred Action for Childhood Arrivals program;
25 and any other individual who is not a citizen or national of the
26 United States and is authorized to live in the United States.

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

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

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

1 "Program" means the Work First New Jersey program
2 established pursuant to this act.

3 "Recipient" means a recipient of benefits under the Work First
4 New Jersey program.

5 "Resources" means all real and personal property as defined by
6 the commissioner; except that in the event that individual
7 development accounts for recipients are established by regulation of
8 the commissioner, all funds in such an account, up to the limit
9 determined by the commissioner, including any interest or dividend
10 earnings from such an account, shall not be considered to be a
11 resource.

12 "Title IV-D" means the provisions of Title IV-D of the federal
13 Social Security Act governing paternity establishment and child
14 support enforcement activities and requirements.

15 "Work activity" includes, but is not limited to, the following, as
16 defined by regulation of the commissioner: employment; on-the-job
17 training; job search and job readiness assistance; vocational
18 educational training; job skills training related directly to
19 employment; community work experience; alternative work
20 experience; supportive work; community service programs,
21 including the provision of child care as a community service
22 project; in the case of teenage parents or recipients under the age of
23 19 **who are expected to graduate or complete their course of study**
24 **by their 19th birthday**], satisfactory attendance at a secondary
25 school or in a course of study leading to a certificate of general
26 equivalence; and education that is necessary for employment in the
27 case of a person who has not received a high school diploma or a
28 certificate of high school equivalency, a course of study leading to a
29 certificate of general equivalence, or post-secondary education,
30 when combined with community work experience participation or
31 another work activity approved by the commissioner, including
32 employment.

33 (cf: P.L.1997, c.38, s.3)

34

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

37 5. a. All adult persons, except as otherwise provided by law
38 governing the Work First New Jersey program, are charged with the
39 primary responsibility of supporting and maintaining themselves
40 and their dependents; the primary responsibility for the support and
41 maintenance of minor children is that of the parents and family of
42 those children **;** and benefits shall be provided only when other
43 means of support and maintenance are not present to support the
44 assistance unit**].**

45 b. Benefits shall be temporary and serve the primary goal of
46 **["fostering self-sufficiency"]** reducing poverty. Failure to cooperate
47 with any of the program eligibility requirements without good

1 cause, as determined by the commissioner, shall result in
2 ineligibility for benefits for some or all assistance unit members,
3 provided that good cause shall be considered broadly in
4 consideration of the recipient's health, safety, family needs,
5 financial considerations, and other factors as determined by the
6 commissioner.

7 c. If the county agency or municipal welfare agency, as
8 appropriate, determines, based upon an applicant's written statement
9 signed under oath, that the applicant is in immediate need of
10 benefits because the applicant's available resources are insufficient,
11 as determined by the commissioner, to meet the minimal current
12 living expenses pursuant to regulations adopted by the
13 commissioner, of the applicant's assistance unit, the county agency
14 or municipal welfare agency shall issue cash assistance benefits to
15 the applicant on the date of application, subject to the applicant
16 meeting all other program eligibility requirements.

17 d. The commissioner shall establish by regulation, standards
18 and procedures to screen and identify recipients with a history of
19 being subjected to domestic violence and refer these recipients to
20 counseling and supportive services. The commissioner may waive
21 program requirements, including, but not limited to, the time limit
22 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
23 residency requirements pursuant to section 6 of P.L.1997, c.38
24 (C.44:10-60), child support cooperation requirements pursuant to
25 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
26 limitation on increase of cash assistance benefits as a result of the
27 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
28 61), in cases where compliance with such requirements would make
29 it more difficult for a recipient to escape domestic violence or
30 unfairly penalize the recipient who is or has been victimized by
31 such violence, or who is at risk of further domestic violence.

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

39
40 12. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
41 as follows:

42 8. a. As defined by the commissioner, each adult recipient
43 shall **[continuously and actively seek employment in an effort to**
44 **remove the assistance unit of which the recipient is a member from**
45 **the program]** engage in educational, training, work-study,
46 internship, or other opportunities, as permitted within the definition
47 of "work activity" as provided in subsection (d) of 42 U.S.C. s.607
48 and section 1 of P.L.1997, c.13 (C.44:10-34), for the purpose of

1 enhancing the recipient's ability to find employment that will lead
2 to the assistance unit's removal from, and sustainable avoidance of,
3 poverty. A recipient shall be permitted to forgo employment
4 opportunities for good cause or to pursue other opportunities,
5 including, but not limited to, other employment that the recipient
6 believes would better enhance the recipient's ability to find
7 employment that will lead to the assistance unit's removal from,
8 and sustainable avoidance of, poverty. Good cause shall be
9 considered broadly in consideration of the recipient's health, safety,
10 family needs, financial considerations, and other factors as
11 determined by the commissioner.

12 A recipient may be assigned to a work activity or to an
13 educational, training, work-study, internship, or other opportunity,
14 as determined by the commissioner, that will enhance the
15 recipient's ability to find employment that will lead to the
16 assistance unit's removal from, and sustainable avoidance of,
17 poverty. The recipient shall sign an individual responsibility plan,
18 as provided in subsection f. of this section, in order to be able to
19 participate in the program, which shall indicate the terms of the
20 **【work activity】** requirements for the work activity or other
21 opportunity that the recipient must fulfill in order to continue to
22 receive benefits. In no case shall a recipient's work activity
23 requirements include more than six months of community work
24 experience within any 12-month period.

25 b. In accordance with Pub.L.104-193 (42 U.S.C. s. 601 et seq.),
26 a recipient in an assistance unit with dependent children shall
27 commence participation in a work activity, self-directed job search
28 or other activities as determined by the commissioner at some time
29 prior to having received 24 months of benefits; except that if the
30 recipient is a full-time post-secondary student in a course of study
31 related to employment as defined by regulation of the
32 commissioner, the recipient shall be required to engage in another
33 work activity for no more than 15 hours a week, subject to the
34 recipient making satisfactory progress toward the completion of the
35 post-secondary course of study as determined by the commissioner.

36 c. A recipient shall comply with work activity participation
37 requirements as a condition of remaining eligible for benefits. In
38 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
39 601 et seq.), a minimum participation rate of 25% shall be realized
40 in federal fiscal year 1997. The participation rate shall increase by
41 5% in each federal fiscal year to a level of 50% in federal fiscal
42 year 2002 and thereafter. For two-parent assistance units with
43 dependent children receiving benefits, the participation rate shall be
44 75% for federal fiscal years 1997 and 1998 and 90% in federal
45 fiscal year 1999 and thereafter. The participation rate shall be
46 calculated in accordance with federal requirements. A recipient
47 may be required to participate in one or more work activities for a
48 maximum aggregate hourly total of **【40】** 30 hours per week, except

1 that, if a child in the assistance unit is under six years of age, the
2 maximum aggregate hourly total of work activities required for the
3 recipient shall be 20 hours per week.

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

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

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

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

17 (3) the parent or relative of a child under **【the】** one year of age
18 **【of 12 weeks】** who is providing care for that child, except that, the
19 deferral may be extended for an appropriate period of time if
20 determined to be medically necessary for the parent or child.

21 f. Upon a determination of eligibility for benefits, each adult
22 recipient not otherwise deferred or exempted under this act shall be
23 given an assessment of that person's potential and readiness for
24 work, including, but not limited to, skills, education, past work
25 experience and any barriers to securing employment, including a
26 screening and assessment for substance abuse, as appropriate. For
27 all recipients not deferred or exempt, an annual individual
28 responsibility plan shall be developed jointly by the county agency
29 or municipal welfare agency, as appropriate, and the recipient
30 specifying the steps that will be taken by each to assist the recipient
31 to secure employment. The individual responsibility plan shall
32 include specific goals for each adult member or minor parent in the
33 assistance unit, and may include specific goals for a dependent
34 child member of the assistance unit. The goals, as determined by
35 regulation of the commissioner, shall include, but not be limited to,
36 requirements for parental participation in a dependent child's
37 primary school program, immunizations for a dependent child, and
38 regular school attendance by a dependent child. Recipients who are
39 job ready shall be placed immediately in a self-directed job search.
40 Within the amount of funds allocated by the commissioner for this
41 purpose, other recipients shall be placed in an appropriate work
42 activity as indicated by their individual assessments.

43 g. The county agency or municipal welfare agency, as
44 appropriate, shall ensure the provision of necessary case
45 management for recipients, as appropriate to their degree of job
46 readiness, pursuant to regulations adopted by the commissioner.
47 The most intensive case management shall be directed to those
48 recipients facing the most serious barriers to employment.

- 1 h. (1) A recipient shall not be placed or utilized in a position at
2 a particular workplace:
- 3 (a) that was previously filled by a regular employee if that
4 position, or a substantially similar position at that workplace, has
5 been made vacant through a demotion, substantial reduction of
6 hours or a layoff of a regular employee in the previous 12 months,
7 or has been eliminated by the employer at any time during the
8 previous 12 months;
- 9 (b) in a manner that infringes upon a wage rate or an
10 employment benefit, or violates the contractual overtime provisions
11 of a regular employee at that workplace;
- 12 (c) in a manner that violates an existing collective bargaining
13 agreement or a statutory provision that applies to that workplace;
- 14 (d) in a manner that supplants or duplicates a position in an
15 existing, approved apprenticeship program;
- 16 (e) by or through an employment agency or temporary help
17 service firm as a community work experience or alternative work
18 experience worker;
- 19 (f) if there is a contractual or statutory recall right to that
20 position at that workplace; or
- 21 (g) if there is an ongoing strike or lockout at that workplace.
- 22 (2) A person who believes that he has been adversely affected
23 by a violation of this subsection, or the organization that is duly
24 authorized to represent the collective bargaining unit to which that
25 person belongs, shall be afforded an opportunity to meet with a
26 designee of the Commissioner of Labor and Workforce
27 Development or the Governor's Office of Employee Relations, as
28 appropriate. The designee shall attempt to resolve the complaint of
29 the alleged violation within 30 days of the date of the request for
30 the meeting. The Commissioner of Labor and Workforce
31 Development, in consultation with the Governor's Office of
32 Employee Relations, shall adopt regulations to effectuate the
33 provisions of this subsection. In the event that the complaint is not
34 resolved within the 30-day period, the complainant may appeal to
35 the New Jersey State Board of Mediation in the Department of
36 Labor and Workforce Development for expedited binding
37 arbitration in accordance with the rules of the board. If the
38 arbitrator determines that a violation has occurred, he shall provide
39 an appropriate remedy. The cost of the arbitration shall be borne
40 equally by both parties to the dispute.
- 41 (3) Nothing in this subsection shall be construed to prevent a
42 collective bargaining agreement from containing additional
43 protections for a regular employee.
- 44 i. The commissioner, acting in conjunction with the
45 Commissioners of Banking and Insurance, Community Affairs,
46 Education, Health **and Senior Services**, Labor and Workforce
47 Development, and Transportation, shall implement all elements of

1 the program and establish initiatives to assist in moving recipients
2 towards self-sufficiency.

3 j. The commissioner shall take such actions as are necessary to
4 ensure that the program meets the requirements to qualify for the
5 maximum amount of federal funds due the State under Pub.L.104-
6 193 (42 U.S.C. s. 601 et seq.).

7 k. The commissioner is authorized to seek such waivers from
8 the federal government as are necessary to accomplish the goals of
9 the program.
10 (cf: P.L.2009, c.114, s.3)

11
12 13. Section 2 of P.L.2007, c.97 (C.44:10-63.1) is amended to read
13 as follows:

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

21 Prior to the imposition of a sanction, the county or municipal
22 welfare agency shall determine whether good cause for noncompliance
23 exists. Good cause shall include, but is not limited to, disability or
24 other circumstances, as defined by the commissioner, which
25 effectively impair a recipient's ability to actively cooperate with the
26 Work First New Jersey program or participate in work activities under
27 the program. Good cause shall be considered broadly in consideration
28 of the recipient's health, safety, family needs, financial considerations,
29 and other factors as determined by the commissioner.

30 ¹A reduction in the cash assistance benefit of a non-compliant
31 adult member of an assistance unit imposed pursuant to this section
32 shall not apply to any other adult or dependent child member of the
33 assistance unit who is in compliance with program requirements,
34 which compliant member shall continue to receive the member's full
35 pro-rata share of cash assistance benefits. If the cash assistance
36 benefits for all adult members of the assistance unit are closed, the
37 dependent child members of the assistance unit shall continue to
38 receive their pro rata share of the cash assistance benefits for the
39 assistance unit as a dependent child-only assistance unit.¹

40 a. Prior to the imposition of a sanction, the county or municipal
41 welfare agency shall ensure that, in consultation with the recipient, an
42 assessment has been given in accordance with subsection f. of section
43 8 of P.L.1997, c.38 (C.44:10-62), and a determination has been made
44 that barriers do not exist which are likely to prevent the recipient from
45 complying with the work requirements or other activities specified in
46 the individual responsibility plan; provided that, this prerequisite to the
47 imposition of a sanction shall not apply if the recipient, without good
48 cause, has refused to cooperate with the conduct of the assessment.

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

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

6 (2) outreaching to the recipient, to attempt, in consultation with the
7 recipient, to determine the reason for noncompliance and whether it
8 constitutes good cause.

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

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

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

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

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

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

33 c. In an assistance unit with two adults, if one adult fails to
34 actively cooperate with the program or participate in work activities
35 without good cause, the cash assistance benefit provided to the
36 assistance unit shall be reduced by the pro-rata share of the
37 noncompliant adult for one month. If the adult fails to comply by the
38 end of the sanction month, the pro-rata reduction shall continue until
39 the recipient demonstrates an intent to comply.

40 If both adults fail to actively cooperate with the program or
41 participate in work activities without good cause, the cash assistance
42 benefit provided to the assistance unit shall be reduced by the pro-rata
43 share of the noncompliant adults for one month. If both adults fail to
44 actively cooperate with the program or participate in work activities by
45 the end of the sanction month, without good cause, the assistance unit's
46 cash assistance case shall be closed for a minimum one-month period,
47 and the assistance unit shall be required to reapply in order to receive
48 further cash assistance benefits.

1 d. If a dependent child 16 years of age or older fails to comply
2 with the requirement for school attendance or other work activity
3 participation, without good cause, the dependent child shall be subject
4 to a pro-rata reduction of cash assistance benefits for one month. If the
5 dependent child fails to comply by the end of the sanction month, the
6 pro-rata reduction shall continue until the dependent child
7 demonstrates an intent to comply.

8 e. If a cash assistance case is closed due to a sanction, and the
9 recipient is receiving emergency assistance benefits, then the
10 household shall continue to receive emergency assistance benefits for
11 one month immediately following the case closure.

12 If the recipient comes into compliance and reapplies for cash
13 assistance benefits, the emergency assistance benefits shall be
14 reinstated if the emergency still exists.

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

20 g. An adult recipient who voluntarily quits a job without good
21 cause, as defined by regulation of the commissioner, shall render the
22 entire assistance unit ineligible for cash assistance benefits for a period
23 of two months from the date the county agency or municipal welfare
24 agency, as appropriate, makes the determination that the recipient quit
25 the job.

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

27
28 14. Section 2 of P.L.1997, c.37 (C.44:10-72) is amended to read
29 as follows:

30 2. a. Effective no later than the 30th day after the date of
31 enactment of **【this act】** P.L.1997, c.37 (C.44:10-71 et al.), a
32 recipient's eligibility for benefits shall be limited to a total of 60
33 cumulative months, except as otherwise provided in **【this act】**
34 P.L.1997, c.37 (C.44:10-71 et al.), regardless of whether the
35 recipient meets more than one assistance unit criteria during that
36 60-month period. Receipt of assistance from federal block grant
37 funds for temporary assistance for needy families provided by
38 another state or territory pursuant to the federal "Personal
39 Responsibility and Work Opportunity Reconciliation Act of 1996,"
40 Pub.L.104-193, shall count towards the 60-month time limit.
41 Receipt of benefits **【as a dependent child or minor parent】** by an
42 individual who is younger than 18 years of age shall not count
43 towards the 60-month time limit **【in the event that the dependent**
44 **child or minor parent becomes a head of household in the child's or**
45 **parent's own right for the purposes of receiving benefits】** . In the
46 event that one or more adult recipients in an assistance unit
47 becomes ineligible for benefits on the grounds that the recipient has

1 reached the 60-month cumulative limit on benefits, the adult
2 recipient's ineligibility for benefits shall in no way affect the
3 eligibility for benefits of any other member of the assistance unit,
4 including, but not limited to, a dependent child.

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

8 (1) over 60 years of age;

9 (2) the parent or other relative of a disabled child or other
10 disabled dependent who must provide full-time care for the disabled
11 child or other disabled dependent;

12 (3) permanently disabled, including, but not limited to, a person
13 eligible for disability insurance benefits under Title II of the federal
14 Social Security Act (42 U.S.C.s.401 et seq.), as defined by
15 regulation of the commissioner; **[or]**

16 (4) chronically unemployable as defined by regulation of the
17 commissioner; or

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

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

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

31 (2) the recipient is **[engaged in full-time employment]**
32 employed but remains eligible for benefits due to earned income
33 disregards provided for under section 4 of P.L.1997, c.13 (C.44:10-
34 37);

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

41 (4) the recipient was **[engaged in full-time employment]**
42 employed and was income-ineligible for benefits but was
43 terminated from the employment through no fault of the recipient.

44 d. The provisions of this section shall apply to a person who
45 receives general public assistance pursuant to P.L.1947, c.156
46 (C.44:8-107 et seq.) after the effective date of **[this act]** P.L.1997,

1 c.37 (C.44:10-71 et al.) and is subsequently transferred directly into
2 the Work First New Jersey program.

3 (cf: P.L.1997, c.37, s.2)

4
5 ¹15. (New section) For the period commencing September 1,
6 2020 and continuing through July 1, 2022, the temporary assistance
7 for needy families benefit level in effect as of the effective date of
8 P.L. , c. (pending before the Legislature as this bill) shall be
9 increased on September 1, 2020, and thereafter on July 1 of each
10 year, by any increase in the consumer price index for all urban wage
11 earners and clerical workers (CPI-W) as calculated by the federal
12 government for the 12 months prior to the March 31 preceding the
13 date of the increase, plus an additional amount equal to 33.3 percent
14 of the difference between the benefit level in effect as of the
15 effective date of P.L. , c. (pending before the Legislature as this
16 bill) and 50 percent of the federal poverty level in effect as of the
17 effective date of P.L. , c. (pending before the Legislature as this
18 bill. Commencing July 1, 2023, the temporary assistance for needy
19 families benefit level shall be annually increased by any amount as
20 shall be necessary to make the benefit level equivalent to at least 50
21 percent of the federal poverty level in effect on that July 1.

22 For the period commencing September 1, 2020 and continuing
23 through July 1, 2022, the general assistance benefit level in effect as
24 of the effective date of P.L. , c. (pending before the Legislature
25 as this bill) shall be increased on September 1, 2020, and thereafter
26 on July 1 of each year, by a percentage amount equal to the
27 percentage of the increase in the temporary assistance for needy
28 families benefit in that year. Commencing July 1, 2023, the general
29 assistance benefit shall be annually increased by any increase in the
30 CPI-W as calculated by the federal government for the 12 months
31 prior to the March 31 preceding that July 1.

32 Commencing July 1, 2023, and annually thereafter, the
33 commissioner shall assess the real cost of living and actual
34 deprivation as reflected in the current standard of need established
35 pursuant to section 9 of P.L.1997, c.13 (C.44:10-42), which
36 assessment shall be transmitted to the Legislature by the
37 commissioner for consideration when deciding on appropriations to
38 fund cash assistance benefits to recipients.¹

39
40 ¹[15.]¹16. (New section) Any organization that receives a State
41 or local economic incentive shall partner with one or more local
42 community organizations that provide support and services to Work
43 First New Jersey program recipients to provide work activity
44 opportunities and other appropriate services to program recipients,
45 which activities and services may include, but shall not be limited
46 to: work-study programs, internships, sector-based contextualized
47 literacy training, skills-based training in growth industries in New
48 Jersey, and job retention and advancement services.

1 As used in this section:

2 "Business" means any non-governmental person, association,
3 for-profit or non-profit corporation, joint venture, limited liability
4 company, partnership, sole proprietorship, or other form of business
5 organization or entity.

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

8 "State or local economic incentive" means a financial incentive,
9 awarded by a governmental entity to a business, or agreed to
10 between a governmental entity and a business, for the purpose of
11 stimulating economic development or redevelopment in New
12 Jersey, including, but not limited to, a bond, grant, loan, loan
13 guarantee, matching fund, tax credit, or other tax expenditure.

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

17

18 ¹~~16.~~^{17.} (New section) a. For the duration of the state of
19 emergency or public health emergency declared in response to the
20 coronavirus disease 2019 (COVID-19) pandemic, whichever is
21 longer, an applicant who appears to be eligible for benefits under
22 the Work First New Jersey program based on the applicant's
23 certification of income, resources, and family composition, and
24 based on other information immediately available to the agency at
25 the time of application, shall be deemed presumptively eligible for
26 Work First New Jersey assistance and immediate need assistance.

27 b. To the extent that a recipient is unable to comply with work
28 activity requirements during the public health emergency or state of
29 emergency declared in response to COVID-19, any month during
30 which the recipient is unable to comply with work activity
31 requirements shall not count towards the 60-month time limit on
32 benefits provided under section 2 of P.L.1997, c.37 (C.44:10-72).

33

34 ¹~~17.~~ ^{18.} There is appropriated from the General Fund to the
35 Division of Family Development in the Department of Human
36 Services the sum of ¹~~25~~ ¹⁷ million for the purposes of
37 effectuating the provisions of this act.

38

39 ¹~~18.~~^{19.} Section 3 of P.L.1997, c.14 (C.44:10-46) is repealed.

40

41 ¹~~19.~~ ^{20.} This act shall take effect ¹~~immediately~~ July 1,
42 2020, except that sections 1 through 14 and section 16 of this act
43 shall remain inoperative until January 1, 2021, and section 17 of
44 this act shall take effect immediately ¹ .