

SENATE, No. 2329

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Turner and Sacco

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: 4/13/2020)

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

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
24 P.L.1991, c.523 (C.44:10-19 et seq.) in a manner that is consistent
25 with the federal program of temporary assistance for needy families
26 **【**, by establishing requirements for: time limits on cash assistance;
27 the 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.

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

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

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

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

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

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

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

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

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

1 federal Deferred Action for Childhood Arrivals program; and any
2 other individual who is not a citizen or national of the United States
3 and is authorized to live in the United States.

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

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

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

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

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

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

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

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

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

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

9

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

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

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

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

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

1 in cases where compliance with such requirements would make it
2 more difficult for a recipient to escape domestic violence or unfairly
3 penalize the recipient who is or has been victimized by such violence,
4 or who is at risk of further domestic violence.

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

12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 j. The commissioner shall take such actions as are necessary to
20 ensure that the program meets the requirements to qualify for the
21 maximum amount of federal funds due the State under Pub.L.104-
22 193 (42 U.S.C. s. 601 et seq.).

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

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

27

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 end of the sanction month, the pro-rata reduction shall continue until
2 the recipient demonstrates an intent to comply.

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

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

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

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

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

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

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

38

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

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

1 territory pursuant to the federal "Personal Responsibility and Work
2 Opportunity Reconciliation Act of 1996," Pub.L.104-193, shall count
3 towards the 60-month time limit. Receipt of benefits **【**as a dependent
4 child or minor parent**】** by an individual who is younger than 18 years
5 of age shall not count towards the 60-month time limit **【**in the event
6 that the dependent child or minor parent becomes a head of household
7 in the child's or parent's own right for the purposes of receiving
8 benefits**】** . In the event that one or more adult recipients in an
9 assistance unit becomes ineligible for benefits on the grounds that the
10 recipient has reached the 60-month cumulative limit on benefits, the
11 adult recipient's ineligibility for benefits shall in no way affect the
12 eligibility for benefits of any other member of the assistance unit,
13 including, but not limited to, a dependent child.

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

17 (1) over 60 years of age;

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

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

25 (4) chronically unemployable as defined by regulation of the
26 commissioner; or

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

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

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

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

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

1 lead to the assistance unit's removal from, and sustainable avoidance
2 of, poverty; or

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

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

12

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

22 As used in this section:

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

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

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

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

38

39 16. (New section) a. 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 the Work First
43 New Jersey program based on the applicant's certification of income,
44 resources, and family composition, and based on other information
45 immediately available to the agency at the time of application, shall
46 be deemed presumptively eligible for Work First New Jersey
47 assistance and immediate need assistance.

1 consecutive month of employment after that. In the case of recipients
2 working less than 20 hours per month, the disregard is 100 percent
3 for the first full month of employment and 50 percent for each
4 continuous month of employment after that.

5 The bill revises the earned income disregard to allow a 100 percent
6 disregard for the first two full months of employment in which the
7 earned income would be counted. The disregard would then drop to
8 75 percent for six cumulative months of employment, and to 50
9 percent for each month of employment thereafter.

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

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

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

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

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

46 The bill requires, commencing July 1, 2020 through July 1, 2022,
47 the temporary assistance for needy families (TANF) benefit amount
48 to be increased by any increase in the consumer price index plus an

1 amount equal to 33.3 percent of the difference between the benefit
2 amount in effect as of the effective date of the bill and 50 percent of
3 the federal poverty level in effect as of the effective date of the bill.
4 During this period, general assistance benefits will be annually
5 increased by a percentage amount equal to the percentage increase in
6 TANF benefits for that year. Commencing July 1, 2023, the TANF
7 benefit amount is to be annually increased by any amount necessary
8 to make the benefit amount equivalent to at least 50 percent of the
9 federal poverty level in effect on that July 1, and the general
10 assistance benefit is to be increased by any increase in the consumer
11 price index.

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

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

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

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

1 The bill reduces the hourly requirement for work activity from 40
2 hours per week to 30 hours per week, and provides that the maximum
3 aggregate requirement is 20 hours per week for assistance units with
4 a child under six years of age. Current law provides for a deferral
5 from the work activity requirement for parents and relatives caring
6 for a child under 12 weeks of age; the bill extends this deferral to
7 apply to parents and relatives caring for a child under one year of age.

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

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

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

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

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

1 assistance. Additionally, any months in which a recipient is unable
2 to comply with work activity requirements because of the COVID-
3 19 state of emergency or public health emergency will not count
4 against the 60-month lifetime cap on benefits.

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

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