

[First Reprint]

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)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Senators Turner, Sacco, 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)

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 as
10 follows:

11 4. In computing the cash assistance benefit provided to recipients,
12 the following disregards shall be applied to the earned income of each
13 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 income
18 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 amendment,
29 P.L. , c.) (pending before the Legislature as this bill)

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

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

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

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

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

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

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

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

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

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

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

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

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

5 d. At such time as any recipient reaches a cumulative total of
6 24 months of enrollment in the program, the county agency or
7 municipal welfare agency, as appropriate, shall offer additional case
8 management and supportive services to the recipient, based on an
9 assessment of the recipient's barriers to securing employment.

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

11
12 5. Section 8 of P.L.1997, c.13 (C.44:10-41) is amended to read
13 as follows:

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

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

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

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

1 this State. The commissioner shall submit a written report of his
2 findings and recommendations to the Governor and the Legislature
3 by January 1, 1998.

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

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

40
41 6. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
42 as follows:

43 1. As used in this act:

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

46 "Assistance unit" means: a single person without dependent
47 children; a couple without dependent children; dependent children
48 only; or a person or couple with one or more dependent children

1 who are legally or blood-related, or who is their legal guardian, and
2 who live together as a household unit.

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

7 "Commissioner" means the Commissioner of Human Services.

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

15 "Dependent child" means a child:

16 a. under the age of 18;

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

22 c. under the age of 21 and enrolled in a special education
23 program,
24 who is living in New Jersey with the child's natural or adoptive
25 parent or legal guardian, or with a relative designated by the
26 commissioner in a place of residence maintained by the relative as
27 the relative's home.

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

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

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

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

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

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

47 f. a qualified alien admitted to the United States on or after
48 August 22, 1996, who has lived in the United States for at least five

1 years and is eligible for means-tested, federally funded public
2 benefits pursuant to federal law; or

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

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

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

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

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

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

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

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

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

25 "Title IV-D" means the provisions of Title IV-D of the federal
26 Social Security Act governing paternity establishment and child
27 support enforcement activities and requirements.

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

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

32

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

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

39 ¹For the period commencing July 1, 2020 and continuing
40 through July 1, 2022, the temporary assistance for needy families
41 benefit level in effect as of the effective date of P.L. , c. (pending
42 before the Legislature as this bill) shall be annually increased by any
43 increase in the consumer price index for all urban wage earners and
44 clerical workers (CPI-W) as calculated by the federal government for
45 the 12 months prior to the March 31 preceding that July 1, plus an
46 additional amount equal to 33.3 percent of the difference between the
47 benefit level in effect as of the effective date of P.L. , c. (pending
48 before the Legislature as this bill) and 50 percent of the federal poverty

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

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

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

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

32 b. A recipient, as a condition of eligibility for benefits, shall,
33 subject to good cause exceptions **[as defined by the commissioner]**
34 that shall be considered broadly in consideration of the recipient's
35 health, safety, family needs, financial considerations, and other factors
36 as determined by the commissioner, be required to: do all acts stated
37 herein necessary to establish the paternity of a child born out-of-
38 wedlock, and to establish and participate in the enforcement of child
39 support obligations; cooperate with work requirements established by
40 the commissioner; make application for any other assistance for which
41 members of the assistance unit may be eligible; be income and
42 resource eligible as defined by the commissioner, including the
43 deeming of income and resources as appropriate; provide all necessary
44 documentation which shall include the federal Social Security number
45 for all assistance unit members, except for an eligible **[alien]**
46 immigrant who cannot be assigned a Social Security number due to his
47 status, or make application for same; sign an agreement to repay
48 benefits in the event of receipt of income or resources; and comply

1 with personal identification requirements as a condition of receiving
2 benefits, which may employ the use of high technology processes for
3 the detection of fraud.

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

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

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

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

23
24 8. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
25 as follows:

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

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

40 c. An assistance unit eligible for benefits and in receipt of child
41 support shall receive, in addition to its regular grant of cash
42 assistance benefits, a monthly amount of child support that is equal
43 to the maximum benefit amount for which the federal
44 reimbursement share is waived, based on the current child support
45 received for the month **【**, as determined by regulations adopted by
46 the commissioner, and in accordance with federal law**】**.

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

- 1 9. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
2 as follows:
- 3 2. The Legislature finds and declares that:
- 4 a. The federal "Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996," Pub.L.104-193, establishes the federal
6 block grant for temporary assistance for needy families and
7 provides the opportunity for a state to establish and design its own
8 welfare program;
- 9 b. Work and the earning of income promote the best interests
10 of families and children;
- 11 c. Working individuals and families needing temporary
12 assistance should have the transitional support necessary to obtain
13 and keep a job in order to be able to avoid cycling back **【**onto
14 public assistance**】** into financial hardship, as well as the opportunity
15 to acquire new skills and training and access job opportunities that
16 will allow them to lift themselves out of poverty;
- 17 d. Teenage pregnancy is counter to the best interests of
18 children;
- 19 e. Successful welfare reform **【requires】** is furthered by the
20 active involvement of the private sector as well as all departments
21 of State government;
- 22 f. Personal and family security and stability, including the
23 protection of children and vulnerable adults, are important to the
24 establishment and maintenance of successful family life and
25 childhood development and a family's inability or failure to qualify
26 for benefits under the Work First New Jersey program established
27 pursuant to this act shall not in and of itself be the basis for the
28 separation of a dependent child from his family or the justification
29 for the resource family care placement of a dependent child;
- 30 g. Children and teenagers need the benefits of the support and
31 guidance which a family structure provides **【**; the welfare system
32 has provided a vehicle for breaking up families by giving teenage
33 mothers the means to shift their financial dependence from their
34 parents to the State; in the process, these youths deprive themselves
35 of the education and family structure necessary to support
36 themselves and their babies; and the**】** , which support and structure
37 **【provided by families are】** is important to the development of a
38 child's maximum potential; **【and】**
- 39 h. The Work First New Jersey program established pursuant to
40 this act incorporates and builds upon the fundamental concepts of
41 the Family Development Initiative established pursuant to
42 P.L.1991, c.523 (C.44:10-19 et seq.) in a manner that is consistent
43 with the federal program of temporary assistance for needy families
44 **【**, by establishing requirements for: time limits on cash assistance;
45 the participation of recipients in work activities; enhanced efforts to
46 establish paternity and establish and enforce child support
47 obligations; sanctions for failure to comply with program

1 requirements; a cap on the use of funds for administrative costs; the
2 maintenance of State and county financial support of the program;
3 teenage parent recipients to live at home and finish high school; and
4 restrictions on eligibility for benefits for aliens **】**; and

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

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

11
12 10. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
13 as follows:

14 3. As used in this act:

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

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

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

32 "Benefits" means any assistance provided to needy persons and
33 their dependent children and needy single persons and couples
34 without dependent children under the Work First New Jersey
35 program.

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

39 "Commissioner" means the Commissioner of Human Services.

40 "Community work experience" means unpaid work and training
41 only with a public, private nonprofit or private charitable employer
42 provided to a recipient when, and to the extent, that such experience
43 is necessary to enable the recipient to adjust to, and learn how to
44 function in, an employment setting. A community work experience
45 participant shall not be assigned to work for a private, for profit
46 employer.

47 "County agency" means the county agency that was
48 administering the aid to families with dependent children program

1 at the time the federal "Personal Responsibility and Work
2 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
3 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
4 55 et seq.) shall also administer the Work First New Jersey program
5 in that county.

6 "Dependent child" means a child:

7 a. under the age of 18;

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

13 c. under the age of 21 and enrolled in a special education
14 program,

15 who is living in New Jersey with the child's natural or adoptive
16 parent or legal guardian, or with a relative designated by the
17 commissioner in a place of residence maintained by the relative as
18 the relative's home.

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

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

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

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

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

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

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

42 g. a qualified alien who has been battered or subjected to
43 extreme cruelty in the United States by a spouse, parent or a
44 member of the spouse or parent's family residing in the same
45 household as the alien, or a qualified alien whose child has been
46 battered or subjected to extreme cruelty in the United States by a
47 spouse or parent of the alien, without the active participation of the
48 alien, or by a member of the spouse or parent's family residing in

1 the same household as the alien. In either case, the spouse or parent
2 shall have consented or acquiesced to the battery or cruelty and
3 there shall be a substantial connection between the battery or
4 cruelty and the need for benefits to be provided. The provisions of
5 this subsection shall not apply to an alien during any period in
6 which the individual responsible for the battery or cruelty resides in
7 the same household or assistance unit as the individual subjected to
8 the battery or cruelty. Benefits shall be provided to the extent and
9 for the period of time that the alien or alien's child is eligible for the
10 program.

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

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

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

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

45 "Program" means the Work First New Jersey program
46 established pursuant to this act.

47 "Recipient" means a recipient of benefits under the Work First
48 New Jersey program.

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

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

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

30
31 11. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
32 as follows:

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

41 b. Benefits shall be temporary and serve the primary goal of
42 **【fostering self-sufficiency】** reducing poverty. Failure to cooperate
43 with any of the program eligibility requirements without good
44 cause, as determined by the commissioner, shall result in
45 ineligibility for benefits for some or all assistance unit members,
46 provided that good cause shall be considered broadly in
47 consideration of the recipient's health, safety, family needs,

1 financial considerations, and other factors as determined by the
2 commissioner.

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

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

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

35
36 12. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
37 as follows:

38 8. a. As defined by the commissioner, each adult recipient
39 shall **continuously and actively seek employment in an effort to**
40 **remove the assistance unit of which the recipient is a member from**
41 **the program** engage in educational, training, work-study,
42 internship, or other opportunities, as permitted within the definition
43 of "work activity" as provided in subsection (d) of 42 U.S.C. s.607
44 and section 1 of P.L.1997, c.13 (C.44:10-34), for the purpose of
45 enhancing the recipient's ability to find employment that will lead
46 to the assistance unit's removal from, and sustainable avoidance of,
47 poverty. A recipient shall be permitted to forgo employment
48 opportunities for good cause or to pursue other opportunities,

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

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

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

32 c. A recipient shall comply with work activity participation
33 requirements as a condition of remaining eligible for benefits. In
34 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
35 601 et seq.), a minimum participation rate of 25% shall be realized
36 in federal fiscal year 1997. The participation rate shall increase by
37 5% in each federal fiscal year to a level of 50% in federal fiscal
38 year 2002 and thereafter. For two-parent assistance units with
39 dependent children receiving benefits, the participation rate shall be
40 75% for federal fiscal years 1997 and 1998 and 90% in federal
41 fiscal year 1999 and thereafter. The participation rate shall be
42 calculated in accordance with federal requirements. A recipient
43 may be required to participate in one or more work activities for a
44 maximum aggregate hourly total of **【40】** 30 hours per week, except
45 that, if a child in the assistance unit is under six years of age, the
46 maximum aggregate hourly total of work activities required for the
47 recipient shall be 20 hours per week.

- 1 d. A recipient shall not be required to engage in a work activity
2 if child care, including the unavailability of after-school child care
3 for children over six years of age, is unavailable for the recipient's
4 dependent child, as determined by regulation of the commissioner.
- 5 e. A recipient may temporarily be deferred from work activity
6 requirements as provided for by the commissioner if the recipient
7 is:
- 8 (1) a woman in the third trimester of pregnancy;
- 9 (2) a person certified by an examining legally licensed physician
10 or legally licensed certified nurse midwife, acting within the scope
11 of the practitioner's profession, to be unable, by reason of a physical
12 or mental defect, disease or impairment, to engage in any gainful
13 occupation for any period less than 12 months; or
- 14 (3) the parent or relative of a child under **the** one year of age
15 **of 12 weeks** who is providing care for that child, except that, the
16 deferral may be extended for an appropriate period of time if
17 determined to be medically necessary for the parent or child.
- 18 f. Upon a determination of eligibility for benefits, each adult
19 recipient not otherwise deferred or exempted under this act shall be
20 given an assessment of that person's potential and readiness for
21 work, including, but not limited to, skills, education, past work
22 experience and any barriers to securing employment, including a
23 screening and assessment for substance abuse, as appropriate. For
24 all recipients not deferred or exempt, an annual individual
25 responsibility plan shall be developed jointly by the county agency
26 or municipal welfare agency, as appropriate, and the recipient
27 specifying the steps that will be taken by each to assist the recipient
28 to secure employment. The individual responsibility plan shall
29 include specific goals for each adult member or minor parent in the
30 assistance unit, and may include specific goals for a dependent
31 child member of the assistance unit. The goals, as determined by
32 regulation of the commissioner, shall include, but not be limited to,
33 requirements for parental participation in a dependent child's
34 primary school program, immunizations for a dependent child, and
35 regular school attendance by a dependent child. Recipients who are
36 job ready shall be placed immediately in a self-directed job search.
37 Within the amount of funds allocated by the commissioner for this
38 purpose, other recipients shall be placed in an appropriate work
39 activity as indicated by their individual assessments.
- 40 g. The county agency or municipal welfare agency, as
41 appropriate, shall ensure the provision of necessary case
42 management for recipients, as appropriate to their degree of job
43 readiness, pursuant to regulations adopted by the commissioner.
44 The most intensive case management shall be directed to those
45 recipients facing the most serious barriers to employment.
- 46 h. (1) A recipient shall not be placed or utilized in a position
47 at a particular workplace:

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

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

5 k. The commissioner is authorized to seek such waivers from
6 the federal government as are necessary to accomplish the goals of
7 the program.

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

9
10 13. Section 2 of P.L.2007, c.97 (C.44:10-63.1) is amended to read
11 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 d. If a dependent child 16 years of age or older fails to comply
48 with the requirement for school attendance or other work activity

1 participation, without good cause, the dependent child shall be subject
2 to a pro-rata reduction of cash assistance benefits for one month. If the
3 dependent child fails to comply by the end of the sanction month, the
4 pro-rata reduction shall continue until the dependent child
5 demonstrates an intent to comply.

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

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

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

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

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

25

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

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

1 eligibility for benefits of any other member of the assistance unit,
2 including, but not limited to, a dependent child.

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

6 (1) over 60 years of age;

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

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

14 (4) chronically unemployable as defined by regulation of the
15 commissioner; or

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

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

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

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

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

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

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

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

1 ¹15. (New section) For the period commencing September 1,
2 2020 and continuing through July 1, 2022, the temporary assistance for
3 needy families benefit level in effect as of the effective date of P.L. __,
4 c. (pending before the Legislature as this bill) shall be increased on
5 September 1, 2020, and thereafter on July 1 of each year, by any
6 increase in the consumer price index for all urban wage earners and
7 clerical workers (CPI-W) as calculated by the federal government for
8 the 12 months prior to the March 31 preceding the date of the increase,
9 plus an additional amount equal to 33.3 percent of the difference
10 between the benefit level in effect as of the effective date of P.L. __, c.
11 (pending before the Legislature as this bill) and 50 percent of the
12 federal poverty level in effect as of the effective date of P.L. __, c.
13 (pending before the Legislature as this bill. Commencing July 1, 2023,
14 the temporary assistance for needy families benefit level shall be
15 annually increased by any amount as shall be necessary to make the
16 benefit level equivalent to at least 50 percent of the federal poverty
17 level in effect on that July 1.

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

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

36 ¹【15.】 16.¹ (New section) Any organization that receives a
37 State or local economic incentive shall partner with one or more
38 local community organizations that provide support and services to
39 Work First New Jersey program recipients to provide work activity
40 opportunities and other appropriate services to program recipients,
41 which activities and services may include, but shall not be limited
42 to: work-study programs, internships, sector-based contextualized
43 literacy training, skills-based training in growth industries in New
44 Jersey, and job retention and advancement services.

45 As used in this section:

46 "Business" means any non-governmental person, association,
47 for-profit or non-profit corporation, joint venture, limited liability

1 company, partnership, sole proprietorship, or other form of business
2 organization or entity.

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

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

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

14

15 ¹**16.** 17.¹ (New section) a. For the duration of the state of
16 emergency or public health emergency declared in response to the
17 coronavirus disease 2019 (COVID-19) pandemic, whichever is
18 longer, an applicant who appears to be eligible for benefits under
19 the Work First New Jersey program based on the applicant's
20 certification of income, resources, and family composition, and
21 based on other information immediately available to the agency at
22 the time of application, shall be deemed presumptively eligible for
23 Work First New Jersey assistance and immediate need assistance.

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

30

31 ¹**17.** 18.¹ There is appropriated from the General Fund to the
32 Division of Family Development in the Department of Human
33 Services the sum of ¹**25** \$17¹ million for the purposes of
34 effectuating the provisions of this act.

35

36 ¹**18.** 19.¹ Section 3 of P.L.1997, c.14 (C.44:10-46) is
37 repealed.

38

39 ¹**19.** 20.¹ This act shall take effect ¹**immediately** July 1,
40 2020, except that sections 1 through 14 and section 16 of this act shall
41 remain inoperative until January 1, 2021, and section 17 of this act
42 shall take effect immediately¹.