

[First Reprint]

SENATE, No. 2956

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

Revises certain requirements related to cash assistance benefits under Work First New Jersey program.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 14, 2021, with amendments.



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

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.1997, c.13 (C.44:10-34) is amended to read
9 as follows:

10 1. As used in this act:

11 "Alternative work experience" means unpaid work and training
12 only with a public, private nonprofit or private charitable employer
13 that provides a recipient with the experience necessary to adjust to,
14 and learn how to function in, an employment setting and the
15 opportunity to combine that experience with education and job
16 training. An alternative work experience participant shall not be
17 assigned to work for a private, for profit employer.

18 "Assistance unit" means: a single person without dependent
19 children; a couple without dependent children; dependent children
20 only; or a person or couple with one or more dependent children
21 who are legally or blood-related, or who is their legal guardian, and
22 who live together as a household unit.

23 "Benefits" means any assistance provided to needy persons and
24 their dependent children and needy single persons and couples
25 without dependent children under the Work First New Jersey
26 program.

27 "Commissioner" means the Commissioner of Human Services.

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

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
45 parent or legal guardian, or with a relative designated by the

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:

¹Senate SHH committee amendments adopted January 14, 2021.

1 commissioner in a place of residence maintained by the relative as
2 the relative's home.

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

17 "Income eligibility standard" means the income eligibility
18 threshold based on assistance unit size established by regulation of
19 the commissioner for benefits provided within the limit of funds
20 appropriated by the Legislature.

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

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

29 "Recipient" means a recipient of benefits under the Work First
30 New Jersey program.

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

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

40 "Title IV-A" means the provisions of Title IV-A of the federal
41 Social Security Act governing the program of aid to families with
42 dependent children established pursuant to P.L.1959, c.86 (C.44:10-
43 1 et seq.) and the State Plan to implement those provisions that
44 were in effect on July 16, 1996, including income methodologies
45 for determining eligibility under those provisions and plan.

46 "Title IV-D" means the provisions of Title IV-D of the federal
47 Social Security Act governing paternity establishment and child
48 support enforcement activities and requirements.

1 "Work activity" includes, but is not limited to, the following, as
2 defined by regulation of the commissioner: employment; on-the-job
3 training; job search and job readiness assistance; vocational
4 educational training; job skills training related directly to
5 employment; community work experience; alternative work
6 experience; supportive work; community service programs,
7 including the provision of child care as a community service
8 project; in the case of a teenage parent or a recipient under the age
9 of 19 [who is expected to graduate or complete their course of
10 study by their 19th birthday], satisfactory attendance at a secondary
11 school or in a course of study leading to a certificate of general
12 equivalence; and education that is necessary for employment in the
13 case of a person who has not received a high school diploma or a
14 certificate of high school equivalency, a course of study leading to a
15 certificate of general equivalence, or post-secondary education,
16 when combined with community work experience participation or
17 other approved work activities, including employment.

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

21 (cf: P.L.1997, c.13, s.1)

22

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

25 1. As used in this act:

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

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

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

37 "Commissioner" means the Commissioner of Human Services.

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

45 "Dependent child" means a child:

46 a. under the age of 18;

47 b. under the age of 19 and a full-time student in a secondary
48 school or an equivalent level of vocational or technical training, if,

1 before the student attains age 19, the student may reasonably be
2 expected to complete the student's program of secondary school or
3 training; or

4 c. under the age of 21 and enrolled in a special education
5 program,

6 who is living in New Jersey with the child's natural or adoptive
7 parent or legal guardian, or with a relative designated by the
8 commissioner in a place of residence maintained by the relative as
9 the relative's home.

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

11 a. a qualified **[alien]** immigrant admitted to the United States
12 prior to August 22, 1996, who is eligible for means-tested, federally
13 funded public benefits pursuant to federal law;

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

18 c. a qualified **[alien]** immigrant who is a veteran of, or on
19 active duty in, the armed forces of the United States, or the spouse
20 or dependent child of that person pursuant to federal law;

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

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

29 f. a qualified **[alien]** immigrant admitted to the United States
30 on or after August 22, 1996, who has lived in the United States for
31 at least five years and is eligible for means-tested, federally funded
32 public benefits pursuant to federal law; or

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

1 shall be provided to the extent and for the period of time that the
2 **【alien】** immigrant or **【alien’s】** immigrant’s child is eligible for the
3 program.

4 For the purposes of this section, "qualified **【alien】** immigrant"
5 means the same as “qualified alien,” as that term is defined pursuant
6 to the provisions of section 431 of Title IV of Pub.L.104-193.

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

21 "Income eligibility standard" means the income eligibility
22 threshold based on assistance unit size established by regulation of
23 the commissioner for benefits provided within the limit of funds
24 appropriated by the Legislature.

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

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

34 "Recipient" means a recipient of benefits under the Work First
35 New Jersey program.

36 "Resources" means all real and personal property as defined by
37 the commissioner; except that in the event that individual
38 development accounts for recipients are established by regulation of
39 the commissioner, all funds in such an account, up to the limit
40 determined by the commissioner, including any interest or dividend
41 earnings from such an account, shall not be considered to be a
42 resource.

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

45 "Title IV-D" means the provisions of Title IV-D of the federal
46 Social Security Act governing paternity establishment and child
47 support enforcement activities and requirements.

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

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

5
6 3. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read as
7 follows:

8 2. a. Benefits under the Work First New Jersey program shall be
9 determined according to standards of income and resources established
10 by the commissioner.

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

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

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

1 d. A voluntary assignment or transfer of income or resources
2 within one year prior to the time of application for benefits for the
3 purpose of qualifying therefor shall render the applicant and the
4 applicant's assistance unit members ineligible for benefits for a period
5 of time determined by regulation of the commissioner.

6 e. Any income or resources that are exempted by federal law for
7 purposes of eligibility for benefits shall not reduce the amount of
8 benefits received by a recipient and shall not be subject to a lien or be
9 available for repayment to the State or county agency for benefits
10 received by the individual.

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

12
13 4. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
14 as follows:

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

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

29 c. An assistance unit eligible for benefits and in receipt of child
30 support shall receive, in addition to its regular grant of cash
31 assistance benefits, a monthly amount of child support based on the
32 current child support received for the month **】, as determined by**
33 **regulations adopted by the commissioner,】** and the number of
34 children in accordance with federal law.

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

36
37 5. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
38 as follows:

39 2. The Legislature finds and declares that:

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

45 b. Work and the earning of income promote the best interests
46 of families and children;

47 c. Working individuals and families needing temporary
48 assistance should have the transitional support necessary to obtain

1 and keep a job in order to be able to avoid cycling back **【**onto
2 public assistance**】** into financial hardship, as well as the opportunity
3 to acquire new skills and training and access job opportunities that
4 will allow them to lift themselves out of poverty;

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

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

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

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

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

40 i. Enhancing an individual's overall training and skill set, and
41 providing opportunities for progressive advancement, will help the
42 person to exit, and sustainably avoid, poverty far more effectively.
43 (cf: P.L.2004, c.130, s.117)

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

47 3. As used in this act:

1 "Alternative work experience" means unpaid work and training
2 only with a public, private nonprofit or private charitable employer
3 that provides a recipient with the experience necessary to adjust to, and
4 learn how to function in, an employment setting and the opportunity to
5 combine that experience with education and job training. An
6 alternative work experience participant shall not be assigned to work
7 for a private, for profit employer.

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

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

15 "Benefits" means any assistance provided to needy persons and
16 their dependent children and needy single persons and couples without
17 dependent children under the Work First New Jersey 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 is
25 necessary to enable the recipient to adjust to, and learn how to function
26 in, an employment setting. A community work experience participant
27 shall not be assigned to work for a private, for profit employer.

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

34 "Dependent child" means a child:

- 35 a. under the age of 18;
- 36 b. under the age of 19 and a full-time student in a secondary
37 school or an equivalent level of vocational or technical training, if,
38 before the student attains age 19, the student may reasonably be
39 expected to complete the student's program of secondary school or
40 training; or
- 41 c. under the age of 21 and enrolled in a special education
42 program,
43 who is living in New Jersey with the child's natural or adoptive parent
44 or legal guardian, or with a relative designated by the commissioner in
45 a place of residence maintained by the relative as the relative's home.

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

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

4 b. a refugee, asylee, 'victim of human trafficking,'¹ or person
5 granted withholding of deportation under federal law for the person's
6 first five years after receiving that classification in the United States
7 pursuant to federal law;

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

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

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

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

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

41 For the purposes of this section, "qualified **【alien】** immigrant"
42 means the same as "qualified alien," as that term is defined pursuant to
43 the provisions of section 431 of Title IV of Pub.L.104-193.

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

46 "Income" means, but is not limited to, commissions, salaries, self-
47 employed earnings, child support and alimony payments, interest and

1 dividend earnings, wages, receipts, unemployment compensation, any
2 legal or equitable interest or entitlement owed that was acquired by a
3 cause of action, suit, claim or counterclaim, insurance benefits,
4 temporary disability claims, estate income, trusts, federal income tax
5 refunds, State income tax refunds, homestead rebates, lottery prizes,
6 casino and racetrack winnings, annuities, retirement benefits, veterans'
7 benefits, union benefits, or other sources that may be defined as
8 income by the commissioner; except that in the event that individual
9 development accounts for recipients are established by regulation of
10 the commissioner, any interest or dividend earnings from such an
11 account shall not be considered income.

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

16 "Program" means the Work First New Jersey program established
17 pursuant to this act.

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

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

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

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

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

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

3 5. a. All adult persons, except as otherwise provided by law
4 governing the Work First New Jersey program, are charged with the
5 primary responsibility of supporting and maintaining themselves
6 and their dependents; the primary responsibility for the support and
7 maintenance of minor children is that of the parents and family of
8 those children; and benefits shall be provided only when other
9 means of support and maintenance are not present to support the
10 assistance unit.

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

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

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

45 e. The commissioner shall establish regulations determining
46 eligibility and other requirements of the Work First New Jersey
47 program. Regulations shall include provisions for the deeming of
48 income, when appropriate, which include situations involving the

1 sponsor of an eligible **alien** immigrant in accordance with federal
2 law, and legally responsible relatives of assistance unit members.
3 (cf: P.L.1997, c.38, s.5)
4

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

7 8. a. As defined by the commissioner, each adult recipient
8 shall continuously and actively seek employment in an effort to
9 remove the assistance unit of which the recipient is a member from
10 the program.

11 A recipient may be assigned to a work activity as determined by
12 the commissioner. The recipient shall sign an individual
13 responsibility plan, as provided in subsection f. of this section, in
14 order to be able to participate in the program, which shall indicate
15 the terms of the work activity requirements that the recipient must
16 fulfill in order to continue to receive benefits.

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

28 c. A recipient shall comply with work activity participation
29 requirements as a condition of remaining eligible for benefits. In
30 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
31 601 et seq.), a minimum participation rate of 25% shall be realized
32 in federal fiscal year 1997. The participation rate shall increase by
33 5% in each federal fiscal year to a level of 50% in federal fiscal
34 year 2002 and thereafter. For two-parent assistance units with
35 dependent children receiving benefits, the participation rate shall be
36 75% for federal fiscal years 1997 and 1998 and 90% in federal
37 fiscal year 1999 and thereafter. The participation rate shall be
38 calculated in accordance with federal requirements. A recipient
39 may be required to participate in one or more work activities for a
40 maximum aggregate hourly total of **40** 30 hours per week, except
41 that, if a child in the assistance unit is under six years of age, the
42 maximum aggregate hourly total of work activities required for the
43 recipient shall be 20 hours per week.

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

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

- 1 or has been eliminated by the employer at any time during the
2 previous 12 months;
- 3 (b) in a manner that infringes upon a wage rate or an
4 employment benefit, or violates the contractual overtime provisions
5 of a regular employee at that workplace;
- 6 (c) in a manner that violates an existing collective bargaining
7 agreement or a statutory provision that applies to that workplace;
- 8 (d) in a manner that supplants or duplicates a position in an
9 existing, approved apprenticeship program;
- 10 (e) by or through an employment agency or temporary help
11 service firm as a community work experience or alternative work
12 experience worker;
- 13 (f) if there is a contractual or statutory recall right to that
14 position at that workplace; or
- 15 (g) if there is an ongoing strike or lockout at that workplace.
- 16 (2) A person who believes that he has been adversely affected
17 by a violation of this subsection, or the organization that is duly
18 authorized to represent the collective bargaining unit to which that
19 person belongs, shall be afforded an opportunity to meet with a
20 designee of the Commissioner of Labor and Workforce
21 Development or the Governor's Office of Employee Relations, as
22 appropriate. The designee shall attempt to resolve the complaint of
23 the alleged violation within 30 days of the date of the request for
24 the meeting. The Commissioner of Labor and Workforce
25 Development, in consultation with the Governor's Office of
26 Employee Relations, shall adopt regulations to effectuate the
27 provisions of this subsection. In the event that the complaint is not
28 resolved within the 30-day period, the complainant may appeal to
29 the New Jersey State Board of Mediation in the Department of
30 Labor and Workforce Development for expedited binding
31 arbitration in accordance with the rules of the board. If the
32 arbitrator determines that a violation has occurred, he shall provide
33 an appropriate remedy. The cost of the arbitration shall be borne
34 equally by both parties to the dispute.
- 35 (3) Nothing in this subsection shall be construed to prevent a
36 collective bargaining agreement from containing additional
37 protections for a regular employee.
- 38 i. The commissioner, acting in conjunction with the
39 Commissioners of Banking and Insurance, Community Affairs,
40 Education, Health **and Senior Services**, Labor and Workforce
41 Development, and Transportation, shall implement all elements of
42 the program and establish initiatives to assist in moving recipients
43 towards self-sufficiency.
- 44 j. The commissioner shall take such actions as are necessary to
45 ensure that the program meets the requirements to qualify for the
46 maximum amount of federal funds due the State under Pub.L.104-
47 193 (42 U.S.C. s. 601 et seq.).

1 k. The commissioner is authorized to seek such waivers from
2 the federal government as are necessary to accomplish the goals of
3 the program.

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

5
6 9. Section 2 of P.L.2007, c.97 (C.44:10-63.1) is amended to read
7 as follows:

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

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

24 a. Prior to the imposition of a sanction, the county or municipal
25 welfare agency shall ensure that, in consultation with the recipient, an
26 assessment has been given in accordance with subsection f. of section
27 8 of P.L.1997, c.38 (C.44:10-62), and a determination has been made
28 that barriers do not exist which are likely to prevent the recipient from
29 complying with the work requirements or other activities specified in
30 the individual responsibility plan; provided that, this prerequisite to the
31 imposition of a sanction shall not apply if the recipient, without good
32 cause, has refused to cooperate with the conduct of the assessment.

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

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

38 (2) outreaching to the recipient, to attempt, in consultation with the
39 recipient, to determine the reason for noncompliance and whether it
40 constitutes good cause.

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

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

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

1 b. In an assistance unit with one adult, if the adult fails to actively
2 cooperate with the program or participate in work activities without
3 good cause, the cash assistance benefit provided to the assistance unit
4 shall be reduced by the pro-rata share of the noncompliant adult for
5 one month or until such time as the adult actively cooperates or
6 participates, or demonstrates good cause, whichever is greater.

7 (1) If the adult fails to actively cooperate with the program or
8 participate in work activities by the end of the **【first-month】** sixth
9 month of the pro-rata sanction, without good cause, the assistance
10 unit's cash assistance case shall be suspended for one month. If the
11 participant complies by the end of the suspension month, the
12 suspension shall be lifted.

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

19 c. In an assistance unit with two adults, if one adult fails to
20 actively cooperate with the program or participate in work activities
21 without good cause, the cash assistance benefit provided to the
22 assistance unit shall be reduced by the pro-rata share of the
23 noncompliant adult for one month. If the adult fails to comply by the
24 end of the sanction month, the pro-rata reduction shall continue until
25 the recipient demonstrates an intent to comply.

26 If both adults fail to actively cooperate with the program or
27 participate in work activities without good cause, the cash assistance
28 benefit provided to the assistance unit shall be reduced by the pro-rata
29 share of the noncompliant adults for one month or until such time as
30 the adult actively cooperates or participates, or demonstrates good
31 cause, whichever is greater. If both adults fail to actively cooperate
32 with the program or participate in work activities by the end of the
33 sixth month of the pro-rata sanction **【month】**, without good cause,
34 the assistance unit's cash assistance case shall be closed for a minimum
35 one-month period, and the assistance unit shall be required to reapply
36 in order to receive further cash assistance benefits.

37 d. If a dependent child 16 years of age or older fails to comply
38 with the requirement for school attendance or other work activity
39 participation, without good cause, the dependent child shall be subject
40 to a pro-rata reduction of cash assistance benefits for one month. If the
41 dependent child fails to comply by the end of the sanction month, the
42 pro-rata reduction shall continue until the dependent child
43 demonstrates an intent to comply.

44 e. If a cash assistance case is closed due to a sanction, and the
45 recipient is receiving emergency assistance benefits, then the
46 household shall continue to receive emergency assistance benefits for
47 one month immediately following the case closure.

1 If the recipient comes into compliance and reapplies for cash
2 assistance benefits, the emergency assistance benefits shall be
3 reinstated if the emergency still exists.

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

9 g. An adult recipient who voluntarily quits a job without good
10 cause, as defined by regulation of the commissioner, shall render the
11 entire assistance unit ineligible for cash assistance benefits for a period
12 of two months from the date the county agency or municipal welfare
13 agency, as appropriate, makes the determination that the recipient quit
14 the job.

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

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

24
25 11. (New section) Notwithstanding the provisions of the
26 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
27 seq.) to the contrary, the Commissioner of Human Services may
28 adopt, immediately upon filing with the Office of Administrative
29 Law, regulations that the commissioner deems necessary to
30 implement the provisions of P.L. , c. (C.) (pending before
31 the Legislature as this bill), which regulations shall be effective for
32 a period of 365 days from the date of the filing. The commissioner
33 shall thereafter amend, adopt, or readopt the regulations in
34 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
35 et seq.).

36
37 12. This act shall take effect 180 days after the date of enactment.