

44: 8-114

LEGISLATIVE HISTORY CHECKLIST

NJSA 44:8-114 ("Workfare"--Public works jobs for employable welfare recipients)

LAWS OF 1979 CHAPTER 267

Bill No. S1501

Sponsor(s) Merlino

Date Introduced Dec. 4, 1978

Committee: Assembly Institutions, Health and Welfare

Senate County and Municipal Government

Amended during passage Yes ~~no~~ Amendments denoted by asterisks

according to Governor's recommendations Re-enacted Nov. 26, 1979

Date of Passage: Assembly April 26, 1979
Senate Jan. 25, 1979 Re-enacted Aug. 6, 1979

Date of approval Jan. 3, 1980

Following statements are attached if available:

Sponsor statement Yes ~~no~~

Committee Statement: Assembly Yes ~~no~~

Senate Yes ~~no~~

Fiscal Note ~~yes~~ No

Veto message Yes ~~no~~

Message on signing ~~yes~~ No

Following were printed:

Reports ~~yes~~ No

Hearings Yes ~~no~~

974.90 N.J. Legislature. Assembly. Institutions, Health and Welfare Committee.
S678 Public hearing, held March 29, 1979. Trenton, 1979.
1979b

BJ/1/73

267 279
1-3-80

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1501

STATE OF NEW JERSEY

INTRODUCED DECEMBER 4, 1978

By Senator MERLINO

Referred to Committee on County and Municipal Government

AN ACT to amend *and supplement* the "General Public Assistance Law," approved May 13, 1947 (P. L. 1947, c. 156).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 8. Every municipality shall provide public assistance to the
4 persons eligible thereto, residing therein or otherwise when so
5 provided by law, which shall be administered by a local assistance
6 board according to law and in accordance with this act and with
7 such rules and regulations as may be promulgated by the com-
8 missioner.

9 As hereinafter provided, employable persons receiving public
10 assistance shall be required, except when good cause exists*,* to
11 perform such public work as shall be assigned to them by the New
12 Jersey Employment Service *or, in the manner described herein,*
13 *by the director of welfare of the municipality providing public*
14 *assistance.*

15 The New Jersey Employment Service shall provide for the es-
16 tablishment of public work programs for the assignment of em-
17 ployable persons in receipt of public assistance ***[to perform work**
18 **[for]** *in the municipality providing public assistance]**. Public
19 work **[projects]** may include **the performance of work for the*
20 *municipality providing public assistance, or** the performance of
21 work in the operation of or in an activity of a nonprofit agency or
22 institution pursuant to a contract with the municipality. Public
23 work projects *to which employable persons are assigned by the*
24 *New Jersey Employment Service may include work for other levels*
25 *of government besides the municipality, and shall be approved by*

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

26 the ****[Commisisoner]**** ****Commissioner**** of the Department of
 27 Labor and Industry. ****[No municipality or nonprofit agency or**
 28 institution which has contracted with a municipality pursuant to
 29 this section shall be liable, except for gross negligence, for any
 30 injury received by a recipient while performing work required by
 31 this act, provided that such work is supervised by a State repre-
 32 sentative*, *or by the director of welfare in the municipality pending*
 32A *approval of the employment assignment, or further assignment or*
 32B *reassignment, by the New Jersey Employment Service**. Such
 32C liability shall be assumed by the State pursuant to the “New Jersey
 32D Tort Claims Act” (P. L. 1972, c. 45). ****If a recipient is injured**
 32E *while performing work assigned by the New Jersey Employment*
 32F *Service or a municipal welfare director pursuant to this act, liability*
 32G *for such injury shall be assumed by the State, pursuant to the*
 32H *Workers’ Compensation Act, R. S. 34:15-1 et seq. No State agency,*
 32I *municipality or any governmental or nonprofit agency or institu-*
 32J *tion which has contracted with the New Jersey Employment Ser-*
 32K *vice or a municipality pursuant to this act, or its employees, shall*
 32L *be liable in a civil suit for damages for any injury sustained by a*
 32M *recipient while performing work required by this act.***

33 The director of welfare in the municipality shall notify the New
 34 Jersey Employment Service of ****[such employable]**** persons in
 35 receipt of public assistance who, *in his judgment, and in accordance*
 36 with the regulations established by the ****[commissioner]**** ****Commis-**
 37 **sioner of [Labor and Indusirny]**** ****Human Services****, are able
 38 to perform **[the]** work **[required in a public work project]**. *From*
 39 *the time that he has so notified the New Jersey Employment Service*
 40 *until such time as the New Jersey Employment Service shall assign*
 41 *such persons to a public work project, the director of welfare shall*
 42 *assign such employable persons to perform public work [for the*
 43 *municipality, but the]** if such work is available, and shall notify*
 44 *the New Jersey Employment Service. The* New Jersey Employ-*
 45 *ment Service may approve any such employment assigned by the*
 46 *director of welfare without further need for assignment or*
 46A *reassignment **or may make another assignment**.* ****[The**
 47 **New Jersey Employment Service, after receipt of such notifica-**
 48 **tion from the director of welfare, shall assign such employable**
 49 **persons to perform work in a public work project provided that**
 50 **such work is available]** [, and provided further that it is].** *In*
 51 *assigning public work, the director of welfare or the New Jersey*
 52 *Employment Service, as the case may be, shall be satisfied that*
 53 *such employable persons will not be used to replace[, or to perform*
 53A *any work ordinarily and actually performed by] any regular em-*
 53B *ployees of any department or unit of such municipality.*

54 In assigning persons to public work [projects operated by] in
 55 a nonprofit agency or institution, the New Jersey Employment
 56 Service *or the director of welfare, as the case may be*, shall also be
 57 satisfied that such assignment will not result in the displacement
 58 of regular employees of the agency or institution [or in the per-
 59 formance of work that is ordinarily and actually performed by such
 60 regular employees].

61 **[Persons shall be assigned to perform only such work as they
 62 are able to perform, in accordance with regulations established by
 63 the Commissioner of Labor and Industry]** ****The Commissioner
 64 of Labor and Industry shall establish regulations concerning the
 65 appropriateness of worksite assignments**.*

65A Persons performing such work assigned by the New Jersey Em-
 65B ployment Service **or the director of welfare** shall work only the
 66 number of hours equal to the amount of their grant divided by an
 67 hourly wage rate commensurate with [other] *beginning regular*
 68 employees similarly employed. Performance of such work shall
 69 result in payment to the person of his public assistance grant.

70 Any person who refuses without good cause to report for or to
 71 perform work to which he has been assigned by *the director of*
 72 *welfare or the New Jersey Employment Service*, shall thereupon
 73 become ineligible for public assistance until he reports for and
 74 performs work to which he has been assigned or shows his willing-
 75 ness to do so according to regulations established by the Commis-
 76 sioner of Human Services in consultation with the Commissioner
 77 of Labor and Industry.

78 Good cause for refusal to report for or to perform work shall
 79 include, but shall not be limited to: working conditions which are a
 80 substantial risk to health and safety; physical inability to engage
 81 in a particular type of work; or lack of a reasonable means of
 82 transportation.

1 ***[**2. The Department of Human Services and the Department
 2 of Labor and Industry shall transmit copies of all rules and regula-
 3 tions proposed to implement the provisions of this amendatory and
 4 supplementary act to the Senate and General Assembly on a day
 5 on which both Houses shall be meeting in the course of a regular
 6 or special session, and, on the same day, to the County and Muni-
 7 cipal Government Committee and the Institutions, Health and Wel-
 8 fare Committee, both of the Senate, and the Municipal Government
 9 Committee and the Institutions, Health and Welfare Committee,
 10 both of the General Assembly, or such committees' respective
 11 successors as designated from time to time by the President of the*

12 *Senate and the Speaker of the General Assembly. The provisions*
13 *of the "Administrative Procedure Act," P. L. 1968, c. 410 (C.*
14 *52:14B-1 et seq.), or any other law to the contrary notwithstanding,*
15 *no such rule or regulation shall take effect if, within 60 days of the*
16 *date of its transmittal to the Senate and General Assembly, the*
17 *Legislature shall pass a concurrent resolution stating in substance*
18 *that the Legislature does not favor such rule or regulation.*]***

1 ***[2.]*** ****[3.]**** **2.** This act shall take effect on the
2 first day of the fourth month following enactment.

70 Any person who refuses without good cause to report for or to
 71 perform work to which he has been assigned by *the director of*
 72 *welfare* or the New Jersey Employment Service, shall thereupon
 73 become ineligible for public assistance until he reports for and
 74 performs work to which he has been assigned or shows his willing-
 75 ness to do so according to regulations established by the Commis-
 76 sioner of Human Services in consultation with the Commissioner
 77 of Labor and Industry.

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 79 include, but shall not be limited to: working conditions which are a
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 81 in a particular type of work; or lack of a reasonable means of
 82 transportation.

1 2. This act shall take effect on the first day of the fourth month
 2 following enactment.

STATEMENT

This bill amends the recently enacted "workfare" provisions of the General Public Assistance Law to provide that local welfare directors assign employable persons to public work for the municipality until such time as the New Jersey Employment Service can find work for them. It also broadens the kind of public work projects that the Employment Service may assign from only municipal projects to public service for any level of government.

The State's workfare program, while not much publicized, has been very successful in ultimately placing its recipients into permanent jobs in the private sector. It is still not equipped to find work experiences for all applicants, however, and for this reason the present bill directs local welfare directors to assume that responsibility in the interim.

S. 1501 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1501

[OFFICIAL COPY REPRINT]

with Senate committee amendments and
Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 4, 1979

Senate Bill No. 1501 (Official Copy Reprint) amends the "General Public Assistance Law" (C. 44:8-114) to require municipal welfare directors to assign employable persons receiving public assistance to perform work during the period between the time a director notifies the New Jersey Employment Service and the time the Employment Service assigns such persons to a public work project.

In addition to certain technical amendments, the Assembly Institutions, Health and Welfare Committee amended the bill to provide that the State shall assume liability, pursuant to the Workers' Compensation Act, (R. S. 34:15-1 et seq.), for any injuries received by a recipient while performing work assigned by the New Jersey Employment Service or a municipal welfare director. Formerly the State assumed such liability under the "New Jersey Tort Claims Act," (P. L. 1972, c. 45).

The Assembly committee also amended the bill to permit the Commissioner of Human Services to issue regulations concerning whether certain welfare recipients are able to perform work. The Commissioner of Labor and Industry is required to establish regulations concerning the appropriateness of worksite assignments.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1501

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 1979

Senate Bill No. 1501 would amend section 8 of the "General Public Assistance Law" (C. 44:8-114), which currently provides that employable persons receiving public assistance shall be required to perform public work assigned to them by the New Jersey Employment Service as a condition for receipt of public assistance. Under the current law, the New Jersey Employment Service is required to establish public work programs; and, upon notification by the municipal director of welfare in accordance with regulations established by the Commissioner of Human Services that such employable persons are in receipt of public assistance in the municipality, to assign such persons to perform public work, if such work is available.

Senate Bill No. 1501 would alter this procedure to require that the municipal director of welfare shall assign such employable persons to perform public work during that period between the time the director notifies the New Jersey Employment Service and the time the New Jersey Employment Service shall assign such person to a public work project. The bill provides that the New Jersey Employment Service may approve the employment assignment of the municipal director without need for further assignment or reassignment.

The bill would also:

1. Broaden the present public work programs to which the Employment Service may assign employable persons to include other levels of government besides the municipal;
2. Remove the restriction that such assigned persons not be used to perform work ordinarily and actually performed by regular municipal employees, or regular employees of a contracting nonprofit agency or institution; but retain the restriction that such persons not be used to replace such regular employees; and,
3. Specify that the required work times of such assigned persons shall be based upon the hourly wage rate of beginning regular employees similarly employed.

The Senate committee amendments were suggested by the New Jersey Conference of Mayors and by representatives of the State Department of Human Services and State Department of Labor and Industry. The amendments would:

1. Clarify that the activities of the assigned persons in performing such public work shall not be restricted to the boundaries of the municipality where he receives public assistance;

2. Provide that the State shall assume liability under the "New Jersey Tort Claims Act" for injuries received by a recipient while performing work assigned by a municipal welfare director, pending approval of the assignment, or further assignment or reassignment, by the Employment Service; and,

3. Provide that the municipal director of welfare shall be required to assign employable persons to public work only if such work is available, in the same manner as is currently provided in the case of assignments by the Employment Service.

The Senate committee also amended the bill to require that all rules and regulations proposed by State departments to implement the act be filed with the Senate and General Assembly and the appropriate committees thereof, and that no such rule or regulation shall take effect if, within 60 days thereafter, the Legislature shall pass a concurrent resolution stating that it does not favor such rule or regulation.
