

44:10-55 to 44:10-70

LEGISLATIVE HISTORY CHECKLIST
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("Work First New Jersey Act")

NJSA: 44:10-55 to 44:10-70

LAWS OF: 1997 CHAPTER: 38

BILL NO: S36

SPONSOR(S): Bryant and others

DATE INTRODUCED: October 24, 1996

COMMITTEE: ASSEMBLY: Policy & Regulatory oversight

SENATE: Budget Appropriations; Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Third reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: February 20, 1997

SENATE: December 16, 1996

DATE OF APPROVAL: March 24, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statements,
adopted 12-16-96 (2)

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes 11-18-96 (2)

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See attached clippings--attached:

"Welfare reform takes hold in NJ, "3-25-97, The Record.

"Whitman finalizes welfare reform law," 3-25-97, Inquirer.

"Whitman hails NJ welfare reforms, : 3-25-97, Asbury Park Press.

KBP:pp

[Third Reprint]
SENATE, No. 36

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators BRYANT, BASSANO, Zane, Casey, Girgenti,
O'Connor, Kosco, Codey, Adler, Lipman, Connors, Bubba,
Littell, Haines, Ewing, Lesniak, Kyrillos, Bennett, Kenny,
Scott, Inverso, Matheussen, Ciesla, MacInnes, Lynch,
Cardinale, Palaia, Sinagra, Gormley and Baer

1 AN ACT establishing the Work First New Jersey program ²[,
2 supplementing Title 44 of the Revised Statutes and repealing] and
3 revising² parts of the statutory law.

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

7
8 1. This act shall be known and may be cited as the "Work First
9 New Jersey Act."

10

11 2. The Legislature finds and declares that:

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

17 b. Work and the earning of income promote the best interests of
18 families and children;

19 c. Working individuals and families needing temporary assistance
20 should have the transitional support necessary to obtain and keep a
21 job in order to be able to avoid cycling back onto public assistance;

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

23 e. Successful welfare reform requires the active involvement of the
24 private sector as well as all departments of State government;

25 f. Personal and family security and stability, including the
26 protection of children and vulnerable adults, are important to the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted November 18, 1996.

² Senate floor amendments adopted December 16, 1996.

³ Assembly APR committee amendments adopted February 10, 1997.

1 establishment and maintenance of successful family life and childhood
2 development ² and a family's inability or failure to qualify for benefits
3 under the Work First New Jersey program established pursuant to this
4 act shall not in and of itself be the basis for the separation of a
5 dependent child from his family or the justification for the foster care
6 placement of a dependent child² ;

7 g. Children and teenagers need the benefits of the support and
8 guidance which a family structure provides; the welfare system has
9 provided a vehicle for breaking up families by giving teenage mothers
10 the means to shift their financial dependence from their parents to the
11 State; in the process, these youths deprive themselves of the education
12 and family structure necessary to support themselves and their babies;
13 and the support and structure provided by families are important to the
14 development of a child's maximum potential; and

15 h. The Work First New Jersey program established pursuant to this
16 act incorporates and builds upon the fundamental concepts of the
17 Family Development Initiative established pursuant to P.L.1991, c.523
18 (C.44:10-19 et seq.) in a manner that is consistent with the federal
19 program of temporary assistance for needy families, by establishing
20 requirements for: time limits on cash assistance; the participation of
21 recipients in work activities; enhanced efforts to establish paternity and
22 establish and enforce child support obligations; sanctions for failure to
23 comply with program requirements; a cap on the use of funds for
24 administrative costs; the maintenance of State and county financial
25 support of the program; teenage parent recipients to live at home and
26 finish high school; and restrictions on eligibility for benefits for
27 ¹ **[legal]**¹ aliens.

28
29 3. As used in this act:

30 ² "Alternative work experience" means unpaid work and training
31 only with a public, private nonprofit or private charitable employer
32 that provides a recipient with the experience necessary to adjust to,
33 and learn how to function in, an employment setting and the
34 opportunity to combine that experience with education and job
35 training. An alternative work experience participant shall not be
36 assigned to work for a private, for profit employer. ²

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

39 "Assistance unit" means: a single person without dependent
40 children; a couple without dependent children; dependent children
41 only; or a person ¹ or couple¹ with one or more dependent children
42 who are legally or blood-related, or who is their legal guardian, and
43 who live together as a household unit.

44 "Benefits" means any assistance provided to needy persons and
45 their dependent children and ¹ needy¹ single persons ¹ and couples
46 without dependent children¹ under the Work First New Jersey

1 program.

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

5 "Commissioner" means the Commissioner of Human Services.

6 "Community work experience" means unpaid work ¹[experience]¹
7 and training ²only² with a public, private ¹[non-profit]nonprofit¹ or
8 private charitable employer provided to a recipient when, and to the
9 extent, that such experience is necessary to enable the recipient to
10 adjust to, and learn how to function in, an employment setting. ²A
11 community work experience participant shall not be assigned to work
12 for a private, for profit employer. ²

13 "County agency" means ¹[the] ²[a public¹] the county² agency
14 ²[, including, but not limited to, a county planning council, designated
15 by a county and approved by the commissioner to]that was
16 administering the aid to families with dependent children program at
17 the time the federal "Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996," Pub.L.104-193, was enacted and which,
19 upon the enactment of P.L. , c. (C.)(pending before the
20 Legislature as this bill) shall also² administer the Work First New
21 Jersey program in that county ²[¹for assistance units with dependent
22 children¹]².

23 "Dependent child" means a child:

24 a. under the age of 18;

25 b. under the age of 19 and a full-time student in a secondary school
26 or an equivalent level of vocational or technical training, if, before the
27 student attains age 19, the student may reasonably be expected to
28 complete the student's program of secondary school or training; or

29 c. under the age of 21 and enrolled in a special education program,
30 who is living in New Jersey with the child's natural or adoptive parent
31 or legal guardian, or with a relative designated by the commissioner in
32 a place of residence maintained by the relative as the relative's home.

33 ¹ "Eligible alien" means one of the following:

34 a. a qualified alien admitted to the United States prior to August
35 22, 1996, who is eligible for means-tested, federally funded public
36 benefits pursuant to federal law;

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

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

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

45 e. a legal permanent resident alien who has worked 40 qualifying
46 quarters of coverage as defined under Title II of the federal Social

1 Security Act; except that, for any period after December 31, 1996, a
2 quarter during which an individual received means-tested, federally
3 funded public benefits shall not count toward the total number of
4 quarters; ²[or]²

5 f. a qualified alien admitted to the United States on or after August
6 22, 1996, who has lived in the United States for at least five years and
7 is eligible for means-tested, federally funded public benefits pursuant
8 to federal law¹ ²; or

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

25 For the purposes of this section, "qualified alien" is defined
26 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
27 193².

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

30 ¹ "Income" means, but is not limited to, commissions, salaries, self-
31 employed earnings, child support and alimony payments, interest and
32 dividend earnings, wages, receipts, unemployment compensation, any
33 legal or equitable interest or entitlement owed that was acquired by a
34 cause of action, suit, claim or counterclaim, insurance benefits,
35 temporary disability claims, estate income, trusts, federal income tax
36 refunds, State income tax refunds, homestead rebates, lottery prizes,
37 casino and racetrack winnings, annuities, retirement benefits, veterans'
38 benefits, union benefits, or other sources that may be defined as
39 income by the commissioner; except that in the event that individual
40 development accounts for recipients are established by regulation of
41 the commissioner, any interest or dividend earnings from such an
42 account shall not be considered income.

43 "Legal guardian" means a person who exercises continuing control
44 over the person or property, or both, of a child, including any specific
45 right of control over an aspect of the child's upbringing, pursuant to
46 a court order.¹

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

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

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

11 ¹"Title IV-D" means the provisions of Title IV-D of the federal
12 Social Security Act governing paternity establishment and child
13 support enforcement activities and requirements.¹

14 "Work activity" includes, but is not limited to, the following, as
15 defined by regulation of the commissioner: employment ²**[**,work
16 experience**]**²; on-the-job training; job search and job readiness
17 assistance; vocational educational training; job skills training related
18 directly to employment; community work experience; alternative work
19 experience; supportive work; community service programs, including
20 the provision of child care as a community service project; in the case
21 of a teenage parent or a recipient under the age of 19 who is expected
22 to graduate or complete their course of study by their 19th birthday,
23 satisfactory attendance at a secondary school or in a course of study
24 leading to a certificate of general equivalence; and education that is
25 necessary for employment in the case of a person who has not received
26 a high school diploma or a certificate of high school equivalency, a
27 course of study leading to a certificate of general equivalence, or post-
28 secondary education, when combined with community work
29 experience participation or another work activity approved by the
30 commissioner, including employment.

31
32 4. a. The Work First New Jersey program is established in the
33 Department of Human Services. The commissioner shall take such
34 actions as are necessary to implement and operate the program in
35 accordance with the provisions of the federal "Personal Responsibility
36 and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193.
37 ²The commissioner may delegate to the Commissioner of Labor, by
38 agreement, any responsibility to assist a person in the transition to a
39 work activity.²

40 b. The program shall ¹**[**provide benefits to recipients which were
41 provided,**]** replace programs which were in effect¹ prior to the
42 enactment of this act, ¹**[**under the following programs**]**including¹ : aid
43 to families with dependent children (AFDC) pursuant to P.L.1959,
44 c.86 (C.44:10-1 et seq.) and emergency assistance for AFDC recipient
45 families; general public assistance (GA) pursuant to P.L.1947, c.156
46 (C.44:8-107 et seq.), emergency assistance for GA recipients, and the

1 GA employability program; and the Family Development Initiative
2 established pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

3 ²1c. Notwithstanding the provisions of this act or any other law
4 to the contrary, a legal alien who is otherwise ineligible for benefits
5 under the program who is a victim of domestic violence as defined
6 pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.), shall be eligible for
7 benefits under the program if the victim is no longer residing in the
8 same household as the perpetrator of the domestic violence.¹²

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

18 b. Benefits shall be temporary and serve the primary goal of
19 fostering self-sufficiency. Failure to cooperate with any of the
20 program eligibility requirements without good cause, as determined by
21 the commissioner, ¹~~may~~ ¹shall result in ineligibility for benefits for
22 ¹some or ¹all assistance unit members.

23 c. If the county agency ¹or municipal welfare agency, as
24 ¹appropriate, determines, based upon an applicant's written statement
25 signed under oath, that the applicant is in immediate need of benefits
26 because the applicant's available resources are insufficient ¹, as
27 ¹determined by the commissioner, to meet the minimal current living
28 expenses ¹ pursuant to regulations adopted by the commissioner, ¹of
29 the applicant's assistance unit, the county agency ¹or municipal welfare
30 ¹agency shall issue cash assistance benefits to the applicant on the date
31 of application, subject to the applicant meeting all other program
32 eligibility requirements.

33 ¹d. The commissioner shall establish by regulation, standards and
34 procedures to screen and identify recipients with a history of being
35 subjected to domestic violence and refer these recipients to counseling
36 and supportive services. The commissioner may waive program
37 requirements, including, but not limited to, the time limit on benefits
38 pursuant to section 2 of P.L. , c. (C.)(pending before the
39 Legislature as Senate Bill No. 35 of 1996), residency requirements
40 pursuant to section 6 of P.L. , c. (C.)(pending before the
41 Legislature as this bill), child support cooperation requirements
42 pursuant to subsection b. of section 2 of P.L. , c. (C.)(pending
43 before the Legislature as Senate Bill No. 38 of 1996) and the
44 limitation on increase of cash assistance benefits as a result of the birth
45 of a child pursuant to section 7 of P.L. , c. (C.)(pending before the
46 Legislature as this bill), in cases where compliance with such

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

5 e. The commissioner shall establish regulations determining
6 eligibility and other requirements of the Work First New Jersey
7 program. Regulations shall include provisions for the deeming of
8 income, when appropriate, which include situations involving the
9 sponsor of an eligible alien in accordance with federal law, and legally
10 responsible relatives of assistance unit members.¹

11

12 6. a. If an applicant or recipient is less than 18 years of age, has
13 never married, and is pregnant or is caring for a dependent child, the
14 applicant or recipient shall be required, as a condition of eligibility for
15 benefits for the applicant or recipient and the applicant's or recipient's
16 dependent child to:

17 (1) reside in a home maintained by, and have the benefits paid to,
18 the applicant's or recipient's parent, legal guardian, or other adult
19 relative; and

20 (2) regularly attend a high school or equivalency program of study;
21 or

22 (3) engage in a work activity if the applicant or recipient has
23 completed secondary education.

24 b. The commissioner shall exempt from the provisions of paragraph
25 (1) of subsection a. of this section an applicant or recipient who, as
26 determined by the commissioner during the application or eligibility
27 redetermination process, as appropriate, presents evidence that the
28 parent, legal guardian or other adult relative with whom the applicant
29 or recipient would otherwise be required to reside in order to be
30 eligible for benefits:

31 (1) refuses or is unable to allow the applicant or recipient, or that
32 person's dependent child, to reside in that adult's home;

33 (2) poses a threat to the emotional health or physical safety of the
34 applicant or recipient;

35 (3) has physically or sexually abused the applicant or recipient, or
36 the applicant's or recipient's dependent child, or poses a risk of doing
37 so; or

38 (4) has exhibited neglect with respect to the needs of the applicant
39 or recipient and the applicant's or recipient's dependent child.

40 ²In making the determination to exempt an applicant or recipient
41 who is under 18 years of age pursuant to this subsection, the
42 commissioner shall obtain information directly from that applicant or
43 recipient when there has been any known circumstance or incident of
44 physical or sexual abuse, or upon the request of that applicant or
45 recipient.²

46 c. In the case of an applicant or recipient and the applicant's or

1 recipient's dependent child who are exempted from the requirements
2 of paragraph (1) of subsection a. of this section, in accordance with
3 subsection b. of this section, the county agency ¹, pursuant to
4 guidelines established by the commissioner.¹ shall make a
5 determination as to the most appropriate living arrangement that
6 would be in the best interest of the applicant or recipient and the
7 applicant's or recipient's dependent child.

8 d. The commissioner shall exempt from the provisions of paragraph
9 (2) of subsection a. of this section an applicant or recipient whom the
10 commissioner determines, based upon an assessment of the person's
11 ability and aptitude, lacks a reasonable prospect of being able to
12 successfully complete the academic requirements of a high school or
13 equivalency program of study.

14 e. The commissioner may also exempt an applicant or recipient
15 from the provisions of subsection a. of this section, if the
16 commissioner otherwise determines that the exemption would be in the
17 best interest of that applicant or recipient and the applicant's or
18 recipient's dependent child.

19 f. The commissioner shall provide an appropriate appeal
20 mechanism for an applicant or recipient to present evidence that would
21 provide the basis for an exemption pursuant to this section.

22
23 7. a. The level of cash assistance benefits payable to an assistance
24 unit ¹with dependent children¹ shall not increase as a result of the birth
25 of a child during the period in which the assistance unit is eligible for
26 benefits, or during a temporary period in which the assistance unit is
27 ineligible for benefits pursuant to a penalty imposed by the
28 commissioner for failure to comply with benefit eligibility
29 requirements, subsequent to which the assistance unit is again eligible
30 for benefits.

31 b. The provisions of subsection a. of this section shall not apply to
32 medical assistance, pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
33 or food stamp benefits, pursuant to the federal "Food Stamp Act of
34 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.), provided to an
35 assistance unit.

36 c. In the case of an assistance unit ¹with dependent children¹ in
37 which the adult ¹or minor parent¹ recipient gives birth to an additional
38 child during the period in which the assistance unit is eligible for
39 benefits, or during a temporary penalty period of ineligibility for
40 benefits subsequent to which the assistance unit again becomes eligible
41 for benefits, the commissioner shall provide that in computing the
42 amount of cash assistance benefits to be granted to the assistance unit,
43 the following shall be deducted from the monthly earned income of
44 each employed person in the assistance unit:

45 ¹**[(1)]**¹ those earned income disregards provided for under section
46 4 of P.L. , c. (C.)(pending before the Legislature as Senate

1 Bill No. 137¹ of 1996); and

2 ¹[(2) an additional amount earned by each employed person
3 which, at a maximum, is equal to the difference between the amount
4 of the grant determined pursuant to subsection a. of this section and
5 50% of the monthly payment of cash assistance benefits, adjusted for
6 family size] after application of the earned income disregards, the
7 total countable income shall be compared for eligibility purposes and
8 subtracted for cash assistance benefit calculation purposes from the
9 eligibility standard for the assistance unit size, adjusted to include any
10 person for whom cash assistance has not been received due to the
11 application of the provisions of subsection a. of this section¹ .

12 d. Notwithstanding the provisions of subsection a. of this section to
13 the contrary, a person receiving AFDC benefits on the effective date
14 of this act whose AFDC benefits were limited pursuant to P.L.1991,
15 c.526 (C.44:10-3.5 et seq.) shall continue to be subject to the same
16 limitation as a recipient of Work First New Jersey benefits, in
17 accordance with regulations adopted by the commissioner.

18 e. The provisions of this section shall not apply to an ¹[adult
19 recipient who has received benefits for at least one month during a
20 period of 10 consecutive months immediately preceding the birth of a
21 child, including any period in which the recipient is ineligible for
22 benefits or the recipient's case is closed by action of the recipient or
23 the county agency, as determined by regulation of the commissioner]
24 individual in an assistance unit with dependent children who gives birth
25 to a child fewer than 10 months after applying for and receiving cash
26 assistance benefits¹ .

27 ¹f. The provisions of this section shall not apply to the birth of a
28 child that occurs as a result of rape or incest.¹

29

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

33 ¹[If that employment is not secured, a] Δ¹ recipient may be assigned
34 to a work activity as determined by the commissioner. The recipient
35 shall sign an individual responsibility plan, as provided in subsection
36 f. of this section, in order to be able to participate in the program,
37 which shall indicate the terms of the work activity requirements that
38 the recipient must fulfill in order to continue to receive benefits.

39 b. In accordance with Pub.L.104-193, a recipient in an assistance
40 unit with dependent children shall commence participation in a work
41 activity, self-directed job search or other activities as determined by
42 the commissioner at some time prior to having received 24 months of
43 benefits; except that if the recipient is a full-time post-secondary
44 student in a course of study related to employment as defined by
45 regulation of the commissioner, the recipient shall be required to
46 engage in another work activity for no more than 15 hours a week,

1 subject to the recipient making satisfactory progress toward the
2 completion of the post-secondary course of study as determined by
3 the commissioner.

4 c. A recipient shall comply with work activity participation
5 requirements as a condition of remaining eligible for benefits. In
6 accordance with the requirements of Pub.L.104-193, a minimum
7 'participation rate' of 25% '[of all assistance units of persons with
8 dependent children receiving benefits shall participate in work
9 activities in] shall be realized in' federal fiscal year 1997. The
10 participation rate shall increase by 5% in each federal fiscal year to a
11 level of 50% in federal fiscal year 2002 and thereafter. For two-
12 parent assistance units with dependent children receiving benefits, the
13 participation rate shall be 75% for federal fiscal years 1997 and 1998
14 and 90% in federal fiscal year 1999 and thereafter. The participation
15 rate shall be calculated in accordance with federal requirements. A
16 recipient may be required to participate in one or more work activities
17 for a maximum aggregate hourly total of 40 hours per week.

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

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

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

25 (2) a person certified by an examining physician to be unable, by
26 reason of a physical or mental defect, disease or impairment, to engage
27 in any gainful occupation for any period less than 12 months; or

28 (3) the parent or relative of a child under the age of 12 weeks who
29 is providing care for that child ' , except that, the deferral may be
30 extended for an appropriate period of time if determined to be
31 medically necessary for the parent or child'.

32 f. Upon a determination of eligibility for benefits, each adult
33 recipient not otherwise deferred or exempted under this act shall be
34 given an assessment of that person's potential and readiness for work,
35 including, but not limited to, skills, education, past work experience
36 and any barriers to securing employment, including a screening and
37 assessment for substance abuse, as appropriate. For all recipients not
38 deferred or exempt, an annual individual responsibility plan shall be
39 developed jointly by the county agency 'or municipal welfare agency,
40 as appropriate.' and recipient specifying the steps that will be taken by
41 each to assist the recipient to secure employment. The individual
42 responsibility plan shall include specific goals for each adult member
43 '[of] or minor parent in' the assistance unit ' and may include
44 specific goals for a dependent child member of the assistance unit.
45 The goals, as determined by regulation of the commissioner, shall
46 include, but not be limited to, requirements for parental participation

1 in a dependent child's primary school program, immunizations for a
2 dependent child, and regular school attendance by a dependent child.
3 Recipients who are job ready shall be placed immediately in a self-
4 directed job search. Within the amount of funds allocated by the
5 commissioner for this purpose, other recipients shall be placed in an
6 appropriate work activity as indicated by their individual assessments.

7 g. The county agency ¹or municipal welfare agency, as
8 appropriate.¹ shall ensure the provision of necessary case management
9 for recipients, as appropriate to their degree of job readiness, pursuant
10 to regulations adopted by the commissioner. The most intensive case
11 management shall be directed to those recipients facing the most
12 serious barriers to employment.

13 h. ¹[An adult recipient engaged in a work activity shall not be
14 hired or assigned to fill a position when the position is vacant as a
15 result of another person being laid off or terminated without good
16 cause.] ²[An employer shall not hire a recipient to fill a position or
17 perform similar work if an employee is on layoff from the same or a
18 similar position; there is an ongoing strike, lockout or labor dispute
19 involving the employer; or the vacancy was created by termination of
20 an employee without good cause. An adult recipient engaged in a paid
21 work activity shall earn the minimum wage as established by State or
22 federal law, whichever is higher.]¹ The commissioner, in consultation
23 with the Commissioner of Labor, shall establish a procedure for the
24 resolution of complaints of alleged violations of the provisions of this
25 subsection.]

26 (1) A recipient shall not be placed or utilized in a position at a
27 particular workplace:

28 (a) that was previously filled by a regular employee if that position,
29 or a substantially similar position at that workplace, has been made
30 vacant through a demotion, substantial reduction of hours or a layoff
31 of a regular employee in the previous 12 months, or has been
32 eliminated by the employer at any time during the previous 12 months;

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

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

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

40 (e) by or through an employment agency or temporary help service
41 firm as a community work experience or alternative work experience
42 worker;

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

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

46 (2) A person who believes that he has been adversely affected by a

1 violation of this subsection, or the organization that is duly authorized
2 to represent the collective bargaining unit to which that person
3 belongs, shall be afforded an opportunity to meet with a designee of
4 the Commissioner of Labor or the Governor's Office of Employee
5 Relations, as appropriate. The designee shall attempt to resolve the
6 complaint of the alleged violation within 30 days of the date of the
7 request for the meeting. The Commissioner of Labor, in consultation
8 with the Governor's Office of Employee Relations, shall adopt
9 regulations to effectuate the provisions of this subsection. In the event
10 that the complaint is not resolved within the 30-day period, the
11 complainant may appeal to the New Jersey State Board of Mediation
12 in the Department of Labor for expedited binding arbitration in
13 accordance with the rules of the board. If the arbitrator determines
14 that a violation has occurred, he shall provide an appropriate remedy.
15 The cost of the arbitration shall be borne equally by both parties to the
16 dispute.

17 (3) Nothing in this subsection shall be construed to prevent a
18 collective bargaining agreement from containing additional protections
19 for a regular employee.²

20 i. The commissioner, acting in conjunction with the Commissioners
21 of Banking and Insurance, Commerce and Economic Development,
22 Community Affairs, Education, Health and Senior Services, Labor and
23 Transportation, shall implement all elements of the program and
24 establish initiatives to assist in moving recipients towards self-
25 sufficiency.

26 j. The commissioner shall take such actions as are necessary to
27 ensure that the program meets the requirements to qualify for the
28 maximum amount of federal funds due the State under Pub.L.104-193.

29 k. The commissioner is authorized to seek such waivers from the
30 federal government as are necessary to accomplish the goals of the
31 program.

32

33 9. The failure of a recipient to actively cooperate with the program
34 or participate in work activities without good cause as determined by
35 the commissioner shall result in a loss of cash assistance benefits in
36 accordance with the provisions of this section.

37 a. (1) In an assistance unit with a single adult or couple without
38 dependent children or a single adult with dependent children, the
39 person in noncompliance ²[¹and spouse in a couple without
40 dependent children¹]² shall be subject to a loss of cash assistance
41 benefits for a minimum of one month for a first offense. If an intent
42 to comply by the person in noncompliance, as defined by regulation of
43 the commissioner, is not evidenced by the end of the one-month
44 period, continued suspension of cash assistance benefits for the person
45 shall remain in effect for up to two more months. If an intent to
46 comply by the person in noncompliance is not evidenced by the end of

1 the third month, the assistance unit's case shall be closed for cash
2 assistance benefits, and a reapplication shall be required by the
3 assistance unit in order to receive cash assistance benefits.

4 (2) In a two-parent assistance unit with dependent children, if one
5 parent is in noncompliance for a first offense, the needs of ²[both
6 adults] the parent in noncompliance² shall be deleted from the cash
7 assistance benefits provided to the assistance unit for a minimum of
8 one month when the other parent is not otherwise participating in a
9 work activity, or is ¹not¹ otherwise exempt as determined by the
10 commissioner. If an intent to comply by the ²[person] parent² in
11 noncompliance, as defined by regulation of the commissioner, is not
12 evidenced by the end of the one-month period, continued suspension
13 of cash assistance benefits for ²[both parents] the parent² shall remain
14 in effect for up to two more months. If an intent to comply by the
15 ²[person] parent² in noncompliance is not evidenced by the end of the
16 third month, the assistance unit's case shall be closed for cash
17 assistance benefits, and a reapplication shall be required by the
18 assistance unit in order to receive cash assistance benefits.

19 (3) If the noncompliance for a first offense is due to the inaction of
20 a minor parent in the assistance unit, the needs of the minor parent and
21 the minor parent's spouse, if any, in the assistance unit shall be deleted
22 from the cash assistance benefits provided to the assistance unit for a
23 minimum of one month. If an intent to comply by the minor parent in
24 noncompliance is not evidenced by the end of the first-month period,
25 suspension of the cash assistance benefits shall remain in effect for up
26 to two additional months. If an intent to comply by the minor parent
27 in noncompliance is not evidenced by the end of the third month, the
28 minor parent and the minor parent's spouse, if any, in the assistance
29 unit, as well as the dependent child of the minor parent in the
30 assistance unit, shall be excluded from the assistance unit for cash
31 assistance benefits.

32 (4) A dependent child ¹16 years of age or older¹ who fails to
33 comply with the requirement for school attendance or other work
34 activity participation pursuant to this act for a first offense shall be
35 subject to a loss of cash assistance benefits for one month. If an
36 intent to comply by the dependent child is not evidenced by the end of
37 the one-month period, cash assistance benefits shall be suspended for
38 that person for up to two additional months. If an intent to comply by
39 the dependent child is not evidenced by the end of the third month, the
40 dependent child shall be excluded from the assistance unit for cash
41 assistance benefits.

42 b. (1) In an assistance unit with a single adult or couple without
43 dependent children or a single adult with dependent children, the
44 person in noncompliance shall be subject to a loss of cash assistance
45 benefits for a minimum of one month for a second offense. If an intent
46 to comply by the person in noncompliance, as defined by regulation of

1 the commissioner, is evidenced by the end of the one-month period,
2 only that person's needs shall be deleted from the cash assistance
3 benefits provided to the assistance unit for the following month. If an
4 intent to comply by the person in noncompliance is not evidenced by
5 the end of the one-month period, the entire assistance unit shall be
6 subject to a loss of cash assistance benefits for the following month.
7 If an intent to comply by the person in noncompliance is not
8 evidenced by the end of the second month, the assistance unit's case
9 shall be closed for cash assistance benefits, and a reapplication shall be
10 required by the assistance unit in order to receive cash assistance
11 benefits.

12 (2) In a two-parent assistance unit with dependent children, if one
13 parent is in noncompliance for a second offense, the needs of ²~~both~~
14 ~~adults~~ the parent in noncompliance² shall be deleted from the cash
15 assistance benefits provided to the assistance unit for a period of one
16 month when the other parent is not otherwise participating in a work
17 activity, or is otherwise exempt as determined by the commissioner.
18 If an intent to comply by the ²~~person~~ parent² in noncompliance, as
19 defined by regulation of the commissioner, is not evidenced by the end
20 of the one-month period, the entire assistance unit shall be subject to
21 a loss of cash assistance benefits for the following month. If an intent
22 to comply by the person in noncompliance is not evidenced by the end
23 of the second month, the assistance unit's case shall be closed for cash
24 assistance benefits, and a reapplication shall be required by the
25 assistance unit in order to receive cash assistance benefits.

26 (3) If the noncompliance for a second offense is due to the inaction
27 of a minor parent in the assistance unit, the needs of the minor parent
28 and the minor parent's spouse, if any, in the assistance unit shall be
29 deleted from the cash assistance benefits provided to the assistance
30 unit for a minimum of one month. If an intent to comply by the minor
31 parent in noncompliance is not evidenced by the end of the one-month
32 period, the minor parent and the minor parent's spouse, if any, in the
33 assistance unit, as well as the dependent child of the minor parent in
34 the assistance unit, shall be subject to a loss of cash assistance benefits
35 for the following month. If an intent to comply by the minor parent in
36 noncompliance is not evidenced by the end of the second month, the
37 minor parent and the minor parent's spouse in the assistance unit, as
38 well as the dependent child of the minor parent in the assistance unit,
39 shall be excluded from the assistance unit for cash assistance benefits.

40 (4) A dependent child ¹16 years of age or older who is in
41 noncompliance with the requirement for school attendance or other
42 work activity participation pursuant to this act for a second offense
43 shall be subject to a loss of cash assistance benefits for a minimum of
44 two months. If an intent to comply by the dependent child is not
45 evidenced by the end of the two-month period, the dependent child
46 shall be excluded from the assistance unit for cash assistance benefits.

1 (5) A person sanctioned for a second offense pursuant to this
2 subsection shall be counseled by a county agency 'or municipal
3 welfare agency' employee¹, as appropriate,¹ prior to the reinstatement
4 of eligibility for cash assistance benefits.

5 c. (1) The person in noncompliance and all other members of the
6 person's assistance unit shall be subject to a loss of cash assistance
7 benefits for a minimum of three months for a third and subsequent
8 offense. If an intent to comply by the person in noncompliance is not
9 evidenced by the end of the three-month period, the assistance unit's
10 case shall be closed for cash assistance benefits, and a reapplication
11 shall be required by the assistance unit in order to receive cash
12 assistance benefits.

13 (2) A dependent child '16 years of age or older'¹ who is in
14 noncompliance with the requirement for school attendance or other
15 work activity participation pursuant to this act for a third or
16 subsequent offense shall be subject to a loss of cash assistance benefits
17 for a minimum of three months. If an intent to comply by the
18 dependent child is not evidenced by the end of the three-month period,
19 the dependent child shall be excluded from the assistance unit for cash
20 assistance benefits.

21 d. The county agency 'or municipal welfare agency, as
22 appropriate,¹ shall maintain a record of the number of sanctions which
23 have accrued to an assistance unit. The number of sanctions accruing
24 to an assistance unit shall be reduced by one for each continuous 12-
25 month period in which no sanction has been imposed on a member of
26 that assistance unit.

27 e. ~~'[A]~~An adult¹ recipient who voluntarily quits a job without
28 good cause, as defined by regulation of the commissioner, shall render
29 the entire assistance unit ineligible for cash assistance benefits for a
30 period of two months from the date 'the county agency or municipal
31 welfare agency, as appropriate, makes the determination that'¹ the
32 recipient quit the job ~~'[~~; except that, if the recipient is a dependent
33 child engaged in a work activity, only the needs of that dependent
34 child shall be deleted from the cash assistance benefit provided to the
35 assistance unit for the two-month period~~']~~¹.

36
37 10. a. A person shall be required to satisfy any sanction or
38 repayment obligation incurred pursuant to any federal or State law
39 governing public assistance, including any act repealed by this act, as
40 a condition of eligibility for benefits.

41 b. (1) Whenever a parent or relative with whom a dependent child
42 is living applies for or is receiving benefits for that child, and it appears
43 that there is pending entitlement to a payment to the child or to either
44 or both of his parents of funds arising from a claim or interest legally
45 or equitably owned by the child or by either or both of his parents,
46 other than that portion of a personal injury award which a court

1 specifically awards to a child to make him whole as a result of an
2 injury, the county agency may, as a condition of eligibility or
3 continuation of eligibility for benefits, require either or both parents,
4 or relative, to execute a written promise to repay, from the funds
5 anticipated, the amount of benefits to be granted from the date of
6 entitlement to that payment. Upon any refusal to make repayment,
7 including refusal by any person acting for or on behalf of either or both
8 parents, or relative, in accordance with the written promise, the county
9 agency may take all necessary and proper action under State law to
10 enforce that promise, and the granting or continuing of benefits, as
11 the case may be, shall be deemed due consideration therefor. Any
12 payments from the settlement of the claim or interest legally or
13 equitably owned by the child or by either or both of his parents made
14 by any person acting for or on behalf of either or both parents, or
15 relative, subsequent to notice of claim of the county agency and prior
16 to express written approval by the county agency shall cause that
17 person to be liable to the county agency in the amount of the payment.

18 (2) Whenever any child with respect to whom benefits have been
19 paid pursuant to this act or assistance paid pursuant to any act
20 repealed by this act, shall die prior to the attainment of his 21st
21 birthday, and shall leave an estate, the total amount of benefits paid
22 with respect to that child pursuant to this act and the total amount of
23 assistance paid pursuant to any act repealed by this act, shall be a valid
24 and enforceable claim against that estate, with priority over all other
25 unsecured claims except reasonable funeral expenses and terminal
26 medical and hospital expenses, and the county agency shall take all
27 necessary and proper action under State law to enforce that claim.

28 (3) The county agency may, with the consent and approval of the
29 Division of Family Development in the Department of Human
30 Services, compromise and settle any claim for repayment of benefits
31 paid pursuant to this act or assistance paid pursuant to any act
32 repealed by this act.

33 (4) The Division of Family Development shall determine and cause
34 to be made such financial adjustments as are necessary to maintain a
35 correct proportional participation in any repayment among the
36 counties ¹ [,] ¹ and ¹ State ¹ [and federal government, and shall pay to
37 the Treasurer of the United States the determined federal portion]¹.

38
39 ² 11. Participation ³ by a recipient³ in a community work experience
40 or alternative work experience provided by ³ [the State, or by a county
41 or municipality, or a board, commission or agency thereof, or by a
42 private nonprofit or private charitable employer] a sponsor³ pursuant
43 to this act shall not be considered employment for any purpose, except
44 that:

45 a. It shall be regarded as employment for the purposes of the "Law
46 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), and the

1 sponsor, not the program, shall be deemed the employer for purposes
 2 of any action brought under that act: ³[and]³

3 b. ³It shall be regarded as employment for the purposes of the
 4 "New Jersey Public Employees' Occupational Safety and Health Act,"
 5 P.L.1983, c.516 (C.34:6A-25 et seq.) if the sponsor is a public
 6 employer subject to that act:

7 c. It shall be regarded as employment for the purposes of the
 8 "Conscientious Employee Protection Act," P.L.1986, c.105 (C.34:19-1
 9 et seq.), and the "Worker and Community Right to Know Act,"
 10 P.L.1983, c.315 (C.34:5A-1 et seq.):

11 d. ³ It shall be regarded as employment for the purposes of chapter
 12 15 of Title 34 of the Revised Statutes, subject to the provisions of
 13 section 12 of this act ³; and

14 e. The recipient shall be entitled, to the same degree as any
 15 similarly-situated employee of the sponsor, to family leave pursuant to
 16 the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and
 17 family and medical leave pursuant to federal law^{3 2}.

18
 19 ²12. For the purposes of chapter 15 of Title 34 of the Revised
 20 Statutes, a recipient who participates in a community work experience
 21 or alternative work experience shall be regarded as an employee of the
 22 State and ³the sponsor. The recipient and the dependents of the
 23 recipient³ shall be provided by the State with ³[the] all³ compensation
 24 required ³, and defenses and remedies available,³ pursuant to that
 25 chapter, except for ³: (1) compensation provided for³ temporary
 26 disability ³[provided]³ pursuant to subsection a. of R.S.34:15-12 ³;
 27 and (2) medical and hospital services provided pursuant to R.S.34:15-
 28 15 unless the recipient becomes ineligible for medical assistance under
 29 the "New Jersey Medical Assistance and Health Services Act,"
 30 P.L.1968, c.413 (C.30:4D-1 et seq.)³ . In the event that it is
 31 determined that the recipient has been subject to an injury or illness
 32 producing a temporary disability, the program shall not provide
 33 compensation pursuant to subsection a. of R.S.34:15-12, but the
 34 recipient shall receive cash benefits from the program and shall be
 35 deferred from the work activity requirements as provided in subsection
 36 e. of section 8 of P.L. _____, c. _____ (C. _____) (pending before the
 37 Legislature as this bill). Notwithstanding any other provision of law,
 38 the recipient shall be exempted from the 60-month time limit provided
 39 pursuant to section 2 of P.L. _____, c. _____ (C. _____)(pending before the
 40 Legislature ³[of] as³ Senate Bill No. 35 of 1996) ³[for a period of
 41 not more than] during the first³ 90 days ³[for] of³ each period of
 42 temporary disability subject to the provisions of this section. When
 43 determining the amount of any compensation provided pursuant to
 44 chapter 15 of Title 34 of the Revised Statutes other than
 45 ³compensation for³ temporary disability, the amount of compensation
 46 shall be ³[based on the average weekly wage paid in the county for the

1 class of work done by the recipient, as determined by the
 2 Commissioner of Labor] calculated as if the recipient's weekly wage
 3 was 60% of the statewide average weekly wages earned by all
 4 employees covered by the Unemployment Compensation Law
 5 (R.S.43:21-1 et seq.)³. The program may provide this [benefit]
 6 compensation³ by ³appropriate means, including³ purchasing and
 7 selling as the master policyholder for any insurance, ³[by]³ self-
 8 insurance, or ³[by]³ an administrative services contract.
 9 Compensation received by a recipient pursuant to chapter 15 of Title
 10 34 of the Revised Statutes ³for a disability which is caused by an injury
 11 or illness which arises out of and in the course of the community work
 12 experience or alternative work experience and which is permanent in
 13 quality and partial or total in character³ shall not be ³[deemed income
 14 within the meaning of that term as defined in section 3 of this act]
 15 regarded as earned income for the purposes of section 4 of P.L. , c.
 16 (C.)(now pending before the Legislature as Senate Bill No. 37 of
 17 1996) and there shall not be a disregard for that amount in computing
 18 the cash assistance benefit provided to the recipient. Compensation
 19 received by a dependent of a recipient pursuant to chapter 15 of Title
 20 34 of the Revised Statutes for the death of the recipient which is
 21 caused by an injury or illness which arises out of and in the course of
 22 the community work experience or alternative work experience shall
 23 not be regarded as earned income for the purposes of section 4 of
 24 P.L. , c. (C.)(now pending before the Legislature as Senate Bill
 25 No. 37 of 1996) and there shall not be a disregard for that amount in
 26 computing the cash assistance benefit provided to the dependent³ .²
 27

28 ²13. ³[If a] Any³ recipient participating in community work
 29 experience or alternative work experience ³or dependent of the
 30 recipient who³ is provided compensation ³, benefits, or both³ by the
 31 State ³in the manner required³ pursuant to section 12 of (P.L. , c.
 32 (C.)) (pending before the Legislature as this bill) ³[:

33 a. The recipient] for an injury, illness or death arising out of and
 34 in the course of the community work experience or alternative work
 35 experience ³ shall surrender any other method, form or amount of
 36 compensation ³or benefits from the sponsor or the State for that
 37 injury, illness or death³ ; and ³[b. The] the³ sponsor of the recipient
 38 ³[and] , the State and the employees of the sponsor³ shall not be liable
 39 for ³[an] the³ injury, illness or death for which the recipient ³or
 40 dependent of the recipient³ is provided the compensation ³, benefits or
 41 both, except for an intentional wrong³ .

42 As used in ³section 11 and 14 of this act and in³ this section,
 43 "sponsor" means a private nonprofit ³[or] employer,³ private
 44 charitable employer, ³[and any] or³ public employer ³[other than the
 45 State] that provides a community work experience or alternative work

1 experience to a recipient³ .²

2

3 ²14. The sole recourse of a person, other than a recipient or a
 4 sponsor, who is injured as a result of an act or omission of a recipient
 5 in connection with the recipient's community work experience or
 6 alternative work experience participation shall be to file an action
 7 against the program in ³[the Superior Court]a court of competent
 8 jurisdiction³. The program shall have available all of the notice
 9 requirements and the defenses available to the State under the "New
 10 Jersey Tort Claims Act," N.J.S.59:1-1 et seq. except that the program
 11 shall not have available to it the defense that the recipient is not a
 12 public employee.

13 ³[As used in this section, "sponsor" means a private nonprofit or
 14 private charitable employer, and any public employer.²]³

15

16 ²15. The program shall reimburse the fund established pursuant to
 17 N.J.S.59:12-1 for all costs incurred by the fund in connection with a
 18 recipient's participation in community work experience or alternative
 19 work experience.²

20

21 ²[11.] 16.² The commissioner, pursuant to the "Administrative
 22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
 23 rules and regulations to effectuate the purposes of this act and to
 24 comply with the requirements of Pub.L.104-193 ²; except that,
 25 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.)
 26 to the contrary, the commissioner may adopt, immediately upon filing
 27 with the Office of Administrative Law, such regulations as the
 28 commissioner deems necessary to implement the provisions of this act,
 29 which shall be effective for a period not to exceed six months and may
 30 thereafter be amended, adopted or re-adopted by the commissioner in
 31 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
 32 seq.). The Commissioner of Labor, pursuant to the "Administrative
 33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
 34 regulations with respect to those responsibilities delegated to him
 35 under sections 4 and 8 of P.L. , c. (C.)(pending before the
 36 Legislature as this bill)².

37

38 ²[12.] 17.² The following are repealed:

39 ²R.S.34:15-43.1;²

40 Section 1 of P.L.1987, c.283 (C.30:4D-6b);

41 P.L.1941, c.34 (C.44:8-104);

42 P.L.1959, c.86 (C.44:10-1 et seq.);

43 P.L.1983, c.85 (C.44:10-3.1 et seq.);

44 P.L.1985, c.501 (C.44:10-5.1 et seq.);

45 P.L.1991, c.523 (C.44:10-19 through 44:10-33);

46 P.L.1991, c.525 (C.44:10-3.3 et seq.);

1 P.L.1991, c.526 (C.44:10-3.5 et seq.); and

2 P.L.1991, c.527 (C.44:10-3.7 et seq.).

3

4 ²~~13.~~ 18.² The following are repealed:

5 ¹~~P.L.1947, c.156 (C.44:8-107 et seq.);~~¹

6 P.L.1950, c.303 (C.44:8-146 et seq.);

7 P.L.1988, c.79 (C.44:8-153 et seq.); ¹and¹

8 Section 27 of P.L.1994, c.182 (C.44:8-158)¹;

9 P.L.1993, c.305 (C.44:8-117.1); and

10 Sections 28 through 32 of P.L.1995, c.259 (C.44:8-145.1 et seq.)¹.

11

12 ²~~14.~~ 19.² This act shall take effect immediatly, except that

13 section ²~~13~~ 18² shall take effect on January 1, 1998.

14

15

16

17

18 _____
Designated the "Work First New Jersey Act."

STATEMENT

1

2

3 This bill establishes the "Work First New Jersey" program in the
4 Department of Human Services (DHS) as the State's consolidated
5 public assistance program, replacing the current programs of aid to
6 families with dependent children (AFDC), AFDC emergency
7 assistance, general assistance (GA), GA emergency assistance, the GA
8 employability program, and the Family Development Initiative.

9 The bill repeals:

- 10 • P.L.1959, c.86 (C.44:10-1 et seq.), the statute which established
11 the AFDC program as the basic cash assistance program for
12 custodial parents and their dependent children, and replaces AFDC
13 with the Work First New Jersey program, which is time-limited and
14 work-oriented in nature;
- 15 • the "Family Development Act," P.L.1991, c.523 (C.44:10-19
16 through 44:10-33), which established the Family Development
17 Initiative that will also be replaced by the Work First New Jersey
18 program, since the provisions of that statute are obviated by this
19 bill;
- 20 • effective January 1, 1998, the "General Public Assistance Law,"
21 P.L.1947, c.156 (C.44:8-107 et seq.), since the GA program is to
22 be folded into the Work First New Jersey program; and
- 23 • ancillary statutes pertaining to the AFDC and GA programs.

24 The bill provides that, with respect to the Work First New Jersey
25 program:

- 26 • A recipient is not entitled to receive an increase in cash assistance
27 provided by the program solely as a result of parenting an
28 additional child during the period that the recipient is eligible for
29 benefits.
- 30 • A recipient is required to engage in one or more of the following
31 work activities, as defined by regulation of the Commissioner of
32 Human Services (unless exempted or deferred under this bill):
33 employment; work experience; on-the-job training; job search and
34 job readiness assistance; vocational educational training; job skills
35 training directly related to employment; community work
36 experience; alternative work experience; supportive work;
37 community service; high school or an equivalency program of study
38 (mandatory for teenage recipients); and education that is necessary
39 for employment in the case of a person who has not received a high
40 school diploma or a certificate of high school equivalency, a course
41 of study leading to a certificate of general equivalence, or post-
42 secondary education, when combined with community work
43 experience participation or another work activity approved by the
44 commissioner, including employment.
- 45 • The program shall meet federal requirements for the participation

1 of recipients in work activities established pursuant to Pub.L.104-
2 193.

- 3 • A teenage parent shall be required to live with a parent or guardian,
4 or in an adult supervised setting, and to complete a high school or
5 equivalency program of study, as a condition of eligibility for the
6 program.
- 7 • A recipient who fails to actively cooperate with the program or
8 participate in required work activities is subject to a loss of cash
9 assistance.

10 Many of the provisions of this bill, including the requirements for
11 participation in work activities under the Work First New Jersey
12 program, are intended to implement requirements which the State must
13 adopt under the recently enacted federal welfare reform law,
14 Pub.L.104-193, the "Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996." The new federal law eliminates the open-
16 ended entitlement program of aid to families with dependent children
17 and creates a temporary assistance for needy families (TANF) block
18 grant for states to provide time-limited cash assistance. The Work
19 First New Jersey program will serve as the TANF program for New
20 Jersey pursuant to Pub.L.104-193.

21
22
23
24

25 Designated the "Work First New Jersey Act."

STATEMENT TO

[First Reprint]

SENATE, No. 36

with Senate Floor Amendments
(Proposed By Senator BRYANT)

ADOPTED: DECEMBER 16, 1996

These amendments provide additional protections to current workers by providing that a recipient of benefits under the Work First New Jersey program shall not displace a regular employee by:

- filling a position that was made vacant through a demotion, reduction of hours or layoff of a regular employee in the previous 12 months, or if the position was eliminated by the employer during the previous 12 months;
- infringing upon a wage rate or contractual overtime provision;
- violating an existing collective bargaining agreement;
- supplanting or duplicating a position in an apprenticeship program;
- being hired through an employment or temporary firm as a community work experience or alternative work experience worker;
- filling a position if there is a contractual or statutory recall right to the position; or
- filling a position if there is an ongoing strike or lockout.

In addition, the amendments provide a complaint resolution procedure by allowing an opportunity for the person or the organization that represents the collective bargaining unit to meet with a designee of the Commissioner of Labor or the Governor's Office of Employee Relations. Within 30 days of the request for the hearing, the designee shall attempt to resolve the complaint, after which the complainant may appeal to the New Jersey State Board of Mediation in the Department of Labor for expedited binding arbitration. The cost of the arbitration shall be borne equally by both parties.

The amendments also add a definition for "alternative work experience" and revise the definition for "community work experience," to clarify that these participants in these work experiences are not assigned to work for a private, for profit employer. The definition for "work activity" is amended to remove the reference to "work experience" in that definition. These definitions are identical to these terms as amended in Senate Bill No. 37 of 1996. In addition, the committee amended the bill to clarify the definition of "county agency" as a public agency that was administering the aid to families with dependent children program at the time Pub.L.104-193 was enacted and which, upon the enactment of this bill, shall also administer the Work First New Jersey program in that county. This definition is

identical to this term as amended in Senate Bill No. 35 and Senate Bill No. 38.

Amendments also add to the definition of eligible alien, a qualified alien or the alien's child who has been battered or subjected to extreme cruelty, subject to conditions specified in federal law (section 431 of Pub.L.104-193 as that law was amended by the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996"). The inclusion of this definition replaces subsection c. of section 4 (which is deleted) concerning eligibility for program benefits of certain aliens who are victims of domestic violence.

Amendments also direct the Commissioner of Human Services, when making a determination to exempt a teenage parent from the requirement to reside with her parent or another adult, to obtain information directly from the teenage parent when there has been any known circumstance or incident of physical or sexual abuse, or upon the request of that applicant or recipient.

With respect to sanctions for noncompliance with the program or participation in work activities, amendments delete the requirement that the needs of both parents in a two-parent household with dependent children shall be deleted from the cash assistance benefits provided to the assistance unit for a first or second offense, and provide instead that only the needs of the parent in noncompliance shall be deleted from the cash assistance benefits. Similarly, amendments provide that in the case of a couple without dependent children, only the spouse in noncompliance shall be subject to a loss of cash assistance benefits.

The amendments also provide that recipients who are injured or die in connection with community work experience or alternative work experience are provided compensation under the workers compensation system, except for income replacement for temporary disability. The amount of compensation is based on what the Commissioner of Labor determines is prevailing wage for the work performed by the recipient.

Finally, the amendments authorize the Commissioner of Human Services to adopt immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this bill, which shall be effective for a period not to exceed six months and may thereafter be amended, adopted or re-adopted by the commissioner in accordance with the requirements of the Administrative Procedure Act.

Other amendments are technical in nature and intended to clarify certain provisions of the bill.

STATEMENT TO

[First Reprint]

SENATE, No. 36

with Senate Floor Amendments
(Proposed By Senator LaROSSA)

ADOPTED: DECEMBER 16, 1996

These amendments clarify that a family's inability or failure to qualify for benefits under the Work First New Jersey program shall not in and of itself be the basis for the separation of a dependent child from his family, or the justification for the foster care placement of a dependent child.

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 36

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Assembly Policy and Regulatory Oversight Committee reports favorably Senate Bill No. 36 (2R).

This bill establishes the "Work First New Jersey" program in the Department of Human Services (DHS) as the State's consolidated public assistance program, replacing the current programs of aid to families with dependent children (AFDC), AFDC emergency assistance, general assistance (GA), GA emergency assistance, the GA employability program, and the Family Development Initiative.

As received by the committee, the bill repeals:

- P.L.1959, c.86 (C.44:10-1 et seq.), the statute which established the AFDC program as the basic cash assistance program for custodial parents and their dependent children, and replaces AFDC with the Work First New Jersey program, which is time-limited and work-oriented in nature;
- the "Family Development Act," P.L.1991, c.523 (C.44:10-19 through 44:10-33), which established the Family Development Initiative that will also be replaced by the Work First New Jersey program, since the provisions of that statute are obviated by this bill; and
- certain ancillary statutes pertaining to the AFDC and GA programs.

As received by the committee, the bill provides that:

- A family's inability or failure to qualify for benefits under the Work First New Jersey program shall not in and of itself be the basis for the separation of a dependent child from his family, or the justification for the foster care placement of a dependent child.
- A recipient is not entitled to receive an increase in cash assistance provided by the program solely as a result of parenting an additional child during the period that the recipient is eligible for benefits, except that this provision will not apply if the birth of the child occurs as a result of rape or incest.
- A recipient is required to engage in one or more of the following work activities, as defined by regulation of the Commissioner of

Human Services (unless exempted or deferred under this bill): employment; work experience; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training directly related to employment; community work experience; alternative work experience; supportive work; community service; high school or an equivalency program of study (mandatory for teenage recipients); and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalence, or post-secondary education, when combined with community work experience participation or another work activity approved by the commissioner, including employment.

- The program shall meet federal requirements for the participation of recipients in work activities established pursuant to Pub.L.104-193.
- A teenage parent shall be required to live with a parent or guardian, or in an adult supervised setting, and to complete a high school or equivalency program of study, as a condition of eligibility for the program.
- A recipient who fails to actively cooperate with the program or participate in required work activities is subject to a loss of cash assistance.
- The commissioner shall establish and enforce through regulation, the standards and procedures to screen and identify recipients with a history of domestic violence and refer these persons to counseling and supportive services and may waive program requirements for victims, including but not limited to, time limits; residency requirements to live with a parent, guardian or adult relative; child support cooperation requirements; and the "family cap."
- A parent or relative of a child under the age of 12 weeks who is providing care for that child and is temporarily deferred from the work requirements, may receive an extension of that deferral for an appropriate period of time if such a deferral is medically necessary for the parent or child.

The bill deletes the provision which would have repealed the "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et seq.) and certain related provisions of law, effective January 1, 1998. The bill provides for the continued administration of general public assistance by municipal welfare agencies under the Work First New Jersey program.

The bill also exempts a child born as a result of rape or incest from the "family cap" provisions of section 7 with respect to eligibility for cash assistance benefits. The bill also extended the 12-week deferral from the work requirement for the parent who is caring for an infant, to an appropriate period of time if medically necessary for the parent or child.

The bill also provides additional protections to current workers by providing that a recipient of benefits under the Work First New Jersey program shall not displace a regular employee by:

- filling a position that was made vacant through a demotion, reduction of hours or layoff of a regular employee in the previous 12 months, or if the position was eliminated by the employer during the previous 12 months;
- infringing upon a wage rate or contractual overtime provision;
- violating an existing collective bargaining agreement;
- supplanting or duplicating a position in an apprenticeship program;
- being hired through an employment or temporary firm as a community work experience or alternative work experience worker;
- filling a position if there is a contractual or statutory recall right to the position; or
- filling a position if there is an ongoing strike or lockout.

In addition, the bill provides a complaint resolution procedure by allowing an opportunity for the person or the organization that represents the collective bargaining unit to meet with a designee of the Commissioner of Labor or the Governor's Office of Employee Relations. Within 30 days of the request for the hearing, the designee shall attempt to resolve the complaint, after which the complainant may appeal to the New Jersey State Board of Mediation in the Department of Labor for expedited binding arbitration. The cost of the arbitration shall be borne equally by both parties.

The bill also has a definition for "alternative work experience" and revises the definition for "community work experience," to clarify that these participants in these work experiences are not assigned to work for a private, for profit employer. The definition for "work activity" is amended to remove the reference to "work experience" in that definition. These definitions are identical to these terms as amended in Senate Bill No. 37 of 1996.

In addition, the bill clarifies the definition of "county agency" as a public agency that was administering the aid to families with dependent children program at the time Pub.L.104-193 was enacted and which, upon the enactment of this bill, shall also administer the Work First New Jersey program in that county. This definition is identical to this term as amended in Senate Bill No. 35 and Senate Bill No. 38.

The bill also adds to the definition of eligible alien, a qualified alien or the alien's child who has been battered or subjected to extreme cruelty, subject to conditions specified in federal law (section 431 of Pub.L.104-193 as that law was amended by the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996").

The bill also directs the Commissioner of Human Services, when making a determination to exempt a teenage parent from the requirement to reside with her parent or another adult, to obtain information directly from the teenage parent when there has been any

known circumstance or incident of physical or sexual abuse, or upon the request of that applicant or recipient.

With respect to sanctions for noncompliance with the program or participation in work activities, the bill deletes the requirement that the needs of both parents in a two-parent household with dependent children be deleted from the cash assistance benefits provided to the assistance unit for a first or second offense, and provides instead that only the needs of the parent in noncompliance shall be deleted from the cash assistance benefits.

The bill also stipulates that:

- participation in community work experience or alternative work experience provided by the State, or by a county or municipality, or a board, commission or agency thereof, or by a private nonprofit or private charitable employer pursuant to this act shall not be considered employment, except the sponsor shall be deemed an employer for purposes of any action brought under the "Law Against Discrimination" by a recipient participating in community or alternative work experience;
 - the Work First New Jersey program, within the limits of available appropriations, shall provide compensation for an injury which results in the total permanent disability or death of a recipient participating in community work experience or alternative work experience, on such terms and subject to such conditions as the commissioner deems appropriate;
 - a sponsor of a recipient participating in community work experience or alternative work experience shall not be liable for an injury arising out of, or in connection with, an act or omission of the recipient or the sponsor in connection with the recipient's community work experience or alternative work experience participation, except that the immunity provided to the sponsor shall not extend to an act or omission of the sponsor which constitutes a crime, actual fraud, actual malice or willful misconduct;
 - the sole recourse of a person, other than a recipient, other employee or a sponsor, who is injured as a result of an act or omission of a recipient, in connection with the recipient's community work experience or alternative work experience participation shall be to file an action against the program in the Superior Court. Except in the case of an intentional wrong, if an injury or death is compensable under section 12 of the bill, a recipient shall not be liable to anyone at common law or otherwise on account of such injury or death for any act or omission occurring while the recipient was participating in community work experience or alternative work experience;
- the Work First New Jersey program shall reimburse the fund established pursuant to N.J.S.59:12-1 for all costs incurred by the fund in connection with a recipient's participation in community work experience or alternative work experience; and

- no personal injury or death by accident arising out of and in the course of employment provided by a private nonprofit or private charitable employer shall be compensable under R.S.34:15-1 et seq.

Further, section 13 of the bill was clarified, which outlines the sponsor's limited liability and the bar to suit by coparticipants and employees of the sponsor. Participation in community work experience or alternative work experience shall be a surrender of the participant's rights to any method or amount of compensation other than that provided for in section 12 of the bill (provides the method of compensation for injury). In case of death, this provision also binds the recipients' spouse and next of kin, as well as the sponsor and those conducting business during bankruptcy or insolvency. The definition of "sponsor" was revised to include department or agency of the State as a sponsor. This would limit the State's liability to the provisions of section 12, 13, and 14 of the bill.

Many of the provisions of this bill, including the requirements for participation in work activities under the Work First New Jersey program, are intended to implement requirements which the State must adopt under the recently enacted federal welfare reform law, Pub.L.104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996." The new federal law eliminates the open-ended entitlement program of aid to families with dependent children and creates a temporary assistance for needy families (TANF) block grant for states to provide time-limited cash assistance. The Work First New Jersey program will serve as the TANF program for New Jersey pursuant to Pub.L.104-193.

Finally, the bill authorizes the Commissioner of Human Services to adopt immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this bill, which shall be effective for a period not to exceed six months and may thereafter be amended, adopted or re-adopted by the commissioner in accordance with the requirements of the Administrative Procedure Act.

COMMITTEE AMENDMENTS

These amendments provide that any work performed by welfare recipients under a community work experience or alternative work experience is regarded as employment for the purposes of the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.), the "Conscientious Employee Protection Act," P.L.1986, c.105 (C.34:19-1 et seq.), and the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), and that the recipient is entitled, to the same degree as any similarly-situated employee of the employer, to family leave pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) and

family and medical leave pursuant to federal law.

The amendments provide that if a recipient suffers an injury, illness or death arising out of and in the course of a community or alternative work experience, the recipient and his dependents shall be provided workers' compensation, except that the recipient will not receive workers' compensation for any medical or hospital services provided by Medicaid and will not receive temporary disability from workers' compensation but will instead be paid welfare benefits. The welfare benefits provided during the first 90 days of each period of temporary disability from a workplace illness or injury are not counted against the maximum 60 months of benefits provided under the Work First New Jersey program.

The amendments also provide that when determining the amount of any workers' compensation provided to the recipient other than temporary disability, the amount of compensation shall be calculated as if the recipient's weekly wage was 60% of the statewide average weekly wage earned by all workers covered by unemployment insurance.

The amendments also provide that if a recipient or dependent is awarded workers' compensation for a permanent partial disability, permanent total disability or death of the recipient in connection with a work experience, subsequent cash assistance to the recipient or dependent will be reduced by the amount of the workers' compensation payments.

Finally, the amendments also provide that a suit may be filed in any court of competent jurisdiction, including the Superior Court, against the program by a person who is not a recipient but is injured as a result of an act or omission of a participant in community or alternative work experience.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 36

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 36 (1R) of 1996.

Senate Bill No. 36 (1R) establishes the "Work First New Jersey" program in the Department of Human Services as the State's consolidated public assistance program, replacing the current programs of aid to families with dependent children (AFDC), AFDC emergency assistance, general assistance (GA), GA emergency assistance, the GA employability program, and the Family Development Initiative. This bill is part of a legislative package of bills along with Senate Bills 35 (1R), 37 (1R) and 38 (1R). For a more comprehensive discussion of the contents of this bill, the Senate Human Services Committee statement of November 18, 1996 for this bill should be consulted.

This bill: repeals certain provisions of existing law; provides limitations on program benefits for recipients parenting additional children while in the program, with certain exceptions; requires recipients to engage in certain work or educational activities; seeks to meet federal requirements for the participation of recipients in work activities; requires teenage parents to live with parents or guardians, or in adult supervised settings, and to complete high school or equivalency program of study for program benefits; and penalizes the failure to actively cooperate with the program or participate in required work activities.

Many of the provisions of this bill are intended to implement requirements which the State must adopt under the recently enacted federal welfare reform law, Pub.L.104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996." The new federal law eliminates the open-ended entitlement program of aid to families with dependent children and creates a temporary assistance for needy families (TANF) block grant for states to provide time-limited cash assistance. The "Work First New Jersey" program will serve as the TANF program for New Jersey pursuant to Pub.L.104-193.

FISCAL IMPACT

The overall costs of the legislative package cannot be determined at this time because the impact of many of the provisions will not be known until the program is implemented.

In a statement presented on November 14, 1996 to this committee and the Senate Human Services Committee by the Commissioner of Human Services during a public hearing on Senate Bills 35, 36, 37, and 38, the commissioner stated that the overall gross cost of the programs under "Work First New Jersey Program" is now approximately \$1.3 billion and it is the intention of the department to maintain at that level for several fiscal years. Submission of a State plan to the federal government (which has been done) followed by enactment of the "Work First New Jersey" program to comply with the new federal mandates qualifies the State for the federal Temporary Assistance to Needy Families Block Grant in the amount of \$404 million annually, approximately \$50 to \$60 million more than the State recently received under existing programs.

The commissioner stated that he would present to the committee in conjunction with the legislative package, a revised summary budget for Fiscal Year 1997 for the programs being consolidated, reflecting the changes in revenues, costs and requirements necessitated by the new federal law and the proposed bills. He also indicated he would present a proposed budget for Fiscal Year 1998 for the committee's review. As of the date of this statement, the committee had not yet received this information.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 36

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Human Services Committee reports favorably and with committee amendments Senate Bill No. 36.

As amended by the committee, this bill establishes the "Work First New Jersey" program in the Department of Human Services (DHS) as the State's consolidated public assistance program, replacing the current programs of aid to families with dependent children (AFDC), AFDC emergency assistance, general assistance (GA), GA emergency assistance, the GA employability program, and the Family Development Initiative.

The bill repeals:

- P.L.1959, c.86 (C.44:10-1 et seq.), the statute which established the AFDC program as the basic cash assistance program for custodial parents and their dependent children, and replaces AFDC with the Work First New Jersey program, which is time-limited and work-oriented in nature;
- the "Family Development Act," P.L.1991, c.523 (C.44:10-19 through 44:10-33), which established the Family Development Initiative that will also be replaced by the Work First New Jersey program, since the provisions of that statute are obviated by this bill; and
- certain ancillary statutes pertaining to the AFDC and GA programs.

The bill provides that, with respect to the Work First New Jersey program:

- A recipient is not entitled to receive an increase in cash assistance provided by the program solely as a result of parenting an additional child during the period that the recipient is eligible for benefits, except that this provision will not apply if the birth of the child occurs as a result of rape or incest.
- A recipient is required to engage in one or more of the following work activities, as defined by regulation of the Commissioner of Human Services (unless exempted or deferred under this bill): employment; work experience; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training directly related to employment; community work

experience; alternative work experience; supportive work; community service; high school or an equivalency program of study (mandatory for teenage recipients); and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalence, or post-secondary education, when combined with community work experience participation or another work activity approved by the commissioner, including employment.

- The program shall meet federal requirements for the participation of recipients in work activities established pursuant to Pub.L.104-193.
- A teenage parent shall be required to live with a parent or guardian, or in an adult supervised setting, and to complete a high school or equivalency program of study, as a condition of eligibility for the program.
- A recipient who fails to actively cooperate with the program or participate in required work activities is subject to a loss of cash assistance.
- The commissioner shall establish and enforce through regulation, the standards and procedures to screen and identify recipients with a history of domestic violence and refer these persons to counseling and supportive services and may waive program requirements, including but not limited to, time limits; residency requirements to live with a parent, guardian or adult relative; child support cooperation requirements; and the "family cap."
- A legal alien who is otherwise ineligible for benefits under the program who is a victim of domestic violence, shall be eligible for benefits under the program if the legal alien is no longer residing in the same household as the perpetrator of the domestic violence.
- An employer shall not hire a recipient to fill a position if an employee is on layoff from the same or similar position, there is an ongoing strike, lockout or labor dispute involving the employer, or the vacancy occurred by termination of the employee.
- A parent or relative of a child under the age of 12 weeks who is providing care for that child and is temporarily deferred from the work requirements, may receive an extension of that deferral for an appropriate period of time if such a deferral is medically necessary for the parent or child.

Many of the provisions of this bill, including the requirements for participation in work activities under the Work First New Jersey program, are intended to implement requirements which the State must adopt under the recently enacted federal welfare reform law, Pub.L.104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996." The new federal law eliminates the open-ended entitlement program of aid to families with dependent children and creates a temporary assistance for needy families (TANF) block grant for states to provide time-limited cash assistance. The Work

First New Jersey program will serve as the TANF program for New Jersey pursuant to Pub.L.104-193.

The committee amended the bill to delete the provision which would have repealed the "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et seq.) and certain related provisions of law, effective January 1, 1998. These amendments reflect the committee amendments to Senate Bill No. 35, which the committee also reported on this date, providing for the continued administration of general public assistance by municipal welfare agencies under the Work First New Jersey program.

The committee also amended the bill to exempt a child born as a result of rape or incest from the "family cap" provisions of section 7 with respect to eligibility for cash assistance benefits. The committee also extended the 12-week deferral from the work requirement for the parent who is caring for an infant, to an appropriate period of time if medically necessary for the parent or child. Committee amendments also extend program eligibility to a legal alien who is a victim of domestic violence and not otherwise eligible for the program, if the legal alien is no longer residing in the same household as the perpetrator of the domestic violence.

In addition, the committee amended the bill to provide:

- the commissioner with the discretion to waive certain program requirements for victims of domestic violence;
- that an employer shall not hire a recipient to fill a position if an employee is on layoff, there is a strike, or the vacancy was created by termination of the employee; and
- that an adult recipient engaged in a paid work activity shall earn the minimum wage.

Other committee amendments are technical in nature and intended to clarify certain provisions of the bill.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]
SENATE, No. 36

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1996

Bill Summary:

Senate Bill No. 36 (1R) of 1996 is part of a package of bills that establishes "Work First New Jersey" (WFNJ) as the consolidated public assistance program replacing the current programs of Aid to Families With Dependent Children (AFDC), AFDC Emergency Assistance (EA), General Assistance (GA), GA Emergency Assistance (GAEA), the GA employability program and the Family Development Initiative. Specific provisions of the legislation include the following:

- WFNJ continues the "family cap" provision under the State's AFDC program that a recipient is not entitled to receive an increase in cash assistance solely as a result of parenting an additional child during the period that the recipient is eligible for benefits, but exempts children born as a result of rape or incest.
- A recipient is required to engage in one or more of the following work activities, unless exempted or deferred from participation: employment; work experience; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training directly related to employment; community work experience; alternative work experience; supportive work; community service; high school or an equivalency program of study (mandatory for teenagers); and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalence, or post-secondary education, when combined with community work experience participation or another work activity approved by the Commissioner of Human Services, including employment.
- The program would meet federal participation requirements for recipients in work activities established in Pub.L.104-193: FFY 1997 - 25%; FFY 1998 - 30%; FFY 1999 - 35%; FFY 2000 - 40%; FFY 2001 - 45%; FFY 2002 and beyond - 50%.
- An employer could not hire a WFNJ recipient to fill a position if an employee is on layoff, or on strike, or the vacancy was created by termination of an employee without good cause.
- An adult recipient engaged in a paid work activity must earn the minimum wage.
- A teenage parent would be required to live with a parent or guardian or in an adult supervised setting, and to complete a high school or

equivalency program of study, as a condition of eligibility for the program.

- A recipient who fails to actively cooperate with the program or participate in required work activities would be subject to a loss of cash assistance.
- The commissioner shall establish regulations to screen and identify recipients with a history of victimization by domestic violence and refer such persons to counseling and supportive services. Program requirements for such recipients may be waived. Legal aliens who are victims of domestic violence would be eligible for WFNJ under certain situations.

Agency Comments:

The Department of Human Services (DHS) and the Office of Management and Budget have not provided any fiscal information on the legislation.

Office of Legislative Services Comments:

The Office of Legislative Services is not able to estimate the overall cost of the legislation as the impact of many of the provisions will not be known until the program is implemented, however, below is discussion of certain provisions of the legislation.

Program eligibility. At least for the near future, WFNJ is likely to serve approximately the same number of people as the AFDC and GA programs currently serve. Nearly 116,000 cases, equal to about 299,100 persons, received AFDC benefits (including EA) during July 1996 and nearly 31,500 persons received GA benefits (including GAEA) during June 1996.

Under WFNJ there may be changes as to the amount of income (as described in Senate Bill No. 37 (1R)) and assets persons may have in order to receive assistance and remain eligible for assistance. This may increase the number of cases eligible for assistance and cases could remain eligible for assistance for a longer period of time. Whether financial incentives to be less dependent on public assistance results in a reduction in public assistance roles is uncertain at this time.

Work requirements and exemptions. At present, based on DHS data on the JOBS/FDI program, the State would meet the 25% participation rate requirement established in federal law for FFY 1997. However, about 45% of the State's current AFDC caseload -- approximately 51,800 cases -- is exempt from participation in the State's current AFDC work programs.

During FY 1996, the JOBS/FDI program incurred the following estimated gross costs related to the program's work requirements:

Case Management - \$26.6 million.

Employability/Education Services (including JTPA costs) - \$22.3 million.

Participant Allowances - \$8.9 million.

Child Care - \$42.8 million.

The number of cases that would be exempt from work requirements

under the criteria specified in the bill will not be known until WFNJ is implemented. In all probability, fewer cases will be exempted. As more cases will be required to work, additional costs will be incurred for "case management," "employability/education services," "participant allowances" and "child care". Such additional costs cannot be forecast, but are likely to increase total program expenditures significantly.

Though the GA program is not part of the new federal welfare reform law and, thus, the GA program does not have to meet the specific work participation requirements established in federal law, the GA program may also be affected by the legislation's work requirements. At present, about 10,600 GA recipients are considered "unemployable." Under the new requirements, some of the 10,600 "unemployable" recipients may no longer be considered "unemployable" and may have to participate in the legislation's work requirement. In addition, GA recipients participating in various work requirements may receive more services than they currently receive under the GA employability program.

Requirements affecting a parent who is a minor. Approximately 6% of female AFDC payees are under the age of 20. (Data are not readily available as to the number under the age of 18.) Thus, about 6,800 households may be affected by the legislation. However, until the program is implemented, various factors affecting costs cannot be determined such as:

- (a) The number of minors who will be exempted;
- (b) The most appropriate living arrangement for minors who are exempted.

There may be some savings to the State by requiring the minor to reside with a parent, legal guardian, or other adult relative, but such savings cannot be quantified as the household size of the parent, legal guardian, or other adult relative is not known. Thus, the amount of assistance the household would receive cannot be determined.

The requirement that a county agency is to determine the most appropriate living arrangement for the minor who cannot reside with a parent, legal guardian, or other adult relative may involve additional costs, as placement in a group home or residential facility may be required.

Provisions regarding the birth of a child while receiving assistance.

The current State policy of denying additional assistance due to the birth of a child while a family is receiving assistance would be continued. Approximately 400 to 500 cases monthly are affected by this provision, though the amount of assistance saved is not readily known.

The number of new births resulting from rape or incest which would be exempt from the "family cap" provisions is not known.

Provisions regarding domestic violence. Standards and procedures to screen and identify recipients with a history of victimization by domestic violence and refer such persons to counseling and supportive services may involve additional costs. Legal aliens who are not otherwise eligible for WFNJ may be eligible for the program if they are victims of domestic violence and no longer reside in the same household as the perpetrator.

Additional costs associated with screening and identifying recipients with a history of victimization by domestic violence and referring such persons to counseling and supportive services cannot be determined as the number of WFNJ cases in which domestic violence is an issue is not known. Similarly, the number of legal aliens that may be eligible for WFNJ due to domestic violence is not known.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-004

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TRENTON, NJ 08625

**RELEASE: Monday
March 24, 1997**

Gov. Christie Whitman today signed legislation creating the Work First New Jersey welfare program that offers opportunity to thousands of people now on public assistance by requiring work and encouraging personal responsibility.

The bills, the final two pieces of the bipartisan Work First NJ package, were signed at separate ceremonies at Newark International Airport and the Governor's office in Trenton.

"This package gives us the tools we need to end a cycle of dependency, promote personal responsibility, and open to businesses a qualified pool of workers," Gov. Whitman said. "It's right for people, and its right for New Jersey."

At Newark Airport, Gov. Whitman was joined with representatives and employees of Host Marriott to illustrate the new welfare program's focus on work. Host Marriott has shown a strong commitment to hiring qualified welfare recipients. In Trenton, the Governor met with workers and representatives from Monmouth Medical Center, which has hired workers from its community work experience program.

"These are employers that know that receiving welfare is a sign that someone needs a job, not that they are unable work," said Gov. Whitman. "They know that when offered an opportunity, welfare recipients can become valued employees, and that this makes sense for business."

The signing of the bills marks the beginning of the Work First NJ program. The five-year clock to receive assistance starts for clients in April. Gov. Whitman

In January, Gov. Whitman signed the two other bills that are part of the Work First NJ package. A14/S37 established the support services to recipients, including transportation assistance, extensions of Medicaid benefits and child care. A15/S38 established eligibility for the Work First NJ program.

Now, about 30 percent of welfare recipients receive assistance for more than five years. On average, people stay on welfare for slightly more than two years.

“For too long, welfare recipients have complained of the limits welfare has placed on their lives, and how by its nature it encourages people to remain on public assistance,” said Human Services Commissioner William Waldman. “Now, we have a program that offers hope and a clear path to a better life without assistance. It’s about work because welfare recipients want to work. It says, ‘Welfare is temporary, and work is the permanent solution.’ ”

The Department of Human Services will have primary responsibility for operating Work First NJ but other departments will contribute programs and expertise. Those programs will include substance abuse treatment, innovative transit programs, housing assistance, preschool programs in urban areas, and programs that develop jobs and job placement strategies with the help of business.

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