STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)
Senator JOSEPH F. VITALE
District 19 (Middlesex)

Co-Sponsored by:
Senators Turner and Sacco

SYNOPSIS
Revises requirements for cash assistance benefits under Work First New Jersey program; appropriates $25 million.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the Work First New Jersey program, revising various parts of the statutory law, supplementing Title 44 of the Revised Statutes, and making an appropriation.

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

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

8. a. The State shall provide, through each municipality or county, as appropriate, public assistance to the persons eligible therefor, residing therein or otherwise when so provided by law, which assistance shall be fully funded by the State and administered by a local assistance board or the county welfare agency according to law and in accordance with P.L.1947, c.156 (C.44:8-107 et seq.) and with such rules and regulations as may be promulgated by the commissioner. Notwithstanding any other provision of law to the contrary, no person who is otherwise eligible for public assistance under P.L.1947, c.156 (C.44:8-107 et seq.) shall be deemed ineligible for public assistance solely on the basis that the person is enrolled in an institution of higher education.

8. b. An employable person who is receiving public assistance shall be required, except when good cause exists, to comply with the requirements of the Work First New Jersey program pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

8. c. The commissioner may exempt a person from the provisions of subsection b. of this section for reasons of physical or mental impairment, age, illness or injury, caretaker responsibilities, employment or unsuitability, as determined by the commissioner.

Any person who without good cause fails or refuses to comply with the requirements of the Work First New Jersey program, according to rules and regulations adopted by the commissioner, shall be subject to the provisions of section 9 of P.L.1997, c.38 (C.44:10-63).

(cf: P.L.1997, c.37, s.15)

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

1. As used in this act:

"Alternative work experience" means unpaid work and training [only] with a public [or private nonprofit] or private [charitable] employer that provides a recipient with the experience necessary to adjust to, and learn how to function in, an employment setting and the opportunity to combine that experience with education and job training. An alternative work experience participant shall not be

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

Matter underlined thus is new matter.
assigned to work for a private, for profit employer unless the
assignment is for a period of no more than six months and the
assignment is likely to lead to full-time employment with the
employer.

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

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

"Commissioner" means the Commissioner of Human Services.

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

"Dependent child" means a child:
  a. under the age of 18;
  b. under the age of 19 and a full-time student in a secondary
     school or an equivalent level of vocational or technical training [if,
     before the student attains age 19, the student may reasonably be
     expected to complete the student's program of secondary school or
     training]; or
  c. under the age of 21 and enrolled in a special education
     program,
     who is living in New Jersey with the child's natural or adoptive parent
     or legal guardian, or with a relative designated by the commissioner
     in a place of residence maintained by the relative as the relative's
     home.

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

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

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

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

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

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

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

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

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

"Work activity" includes, but is not limited to, the following, as defined by regulation of the commissioner: employment; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training related directly to employment; community work experience; alternative work experience; supportive work; community service programs, including the provision of child care as a community service project; in the case of a teenage parent or a recipient under the age of 19 who is expected to graduate or complete their course of study by their 19th birthday, satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence; 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
3. Section 4 of P.L.1997, c.13 (C.44:10-37) is amended to read as follows:

4. In computing the cash assistance benefit provided to recipients, the following disregards shall be applied to the earned income of each person in the assistance unit:

a. In the case of a recipient who is employed an average of 20 hours or more a week:

   (1) 100% of the earned income shall be disregarded for the first two months of employment in which the earned income would be counted;
   (2) 75% of the earned income shall be disregarded for six consecutive cumulative months of employment thereafter; and
   (3) 50% of the earned income shall be disregarded for each continuous month of employment thereafter.

b. In the case of a recipient who is employed for an average of less than 20 hours a week:

   (1) 100% of the earned income shall be disregarded for the first full month in which the earned income would be counted; and
   (2) 50% of the earned income shall be disregarded for each continuous month of employment thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition, the commissioner shall initiate a study of the Michigan Civilian Conservation Corps program as a means of offering employment to economically disadvantaged youth that provides constructive work experience and training to increase their ability to secure unsubsidized employment. The commissioner shall study the effectiveness of the Michigan Civilian Conservation Corps program and the possibility of establishing such a program in this State. The commissioner shall submit a written report of his findings and recommendations to the Governor and the Legislature by January 1, 1998.

d. Notwithstanding the report required pursuant to subsection a. of this section, the commissioner, in conjunction with the Commissioner of Labor and Workforce Development, shall submit an annual report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, concerning: program caseloads; the nature and type of work activities engaged in by program recipients, along with the total number of hours attributed to each type of work activity; the nature, type, and total amounts of support services provided under the program; the total number of
beneficiaries who have left the program because the beneficiary’s
annual average wages exceed a given percentage of the federal
poverty level, including specific numbers for those whose income
exceeds 100 percent of the federal poverty level, 150 percent of the
federal poverty level, 200 percent of the federal poverty level, 250
percent of the federal poverty level, and 300 percent of the federal
poverty level, which data shall be updated annually to determine the
extent to which the program is meeting the goal of lifting families
out of poverty; the number of sanctions imposed on program
recipients pursuant to section 2 of P.L. 2007, c.97 (C.44:10-63.1),
including the reasons for the sanction and the duration of the
sanction; the number of cases closed; the number of applications
denied and the reasons for the denials, including the specific reasons
for denials based on non-financial factors; and any other data deemed
appropriate by the commissioners; along with recommendations for
executive, legislative, administrative, or other actions as the
commissioners deem necessary and appropriate to improve
employment outcomes under the program and reduce deep poverty
rates in the State. The data reported pursuant to this subsection shall
include Statewide data as well as specific data for each county.
Based on the data collected and reported pursuant to this subsection,
the Commissioner of Human Services shall make such changes to
policies and programs implemented under the Department of Human
Services as may be necessary to improve the performance of the
Work First New Jersey program and further the goals of the program.
(cf: P.L.1997, c.13, s.8)

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

1. As used in this act:

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

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

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

"Commissioner" means the Commissioner of Human Services.

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

a. under the age of 18;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Work First New Jersey program" or "program" means the
program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).
(cf: P.L.2007, c.97, s.3)

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

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

For the period commencing July 1, 2020 and continuing through
July 1, 2022, the temporary assistance for needy families benefit
level in effect as of the effective date of P.L. c. (pending before
the Legislature as this bill) shall be annually increased by any
increase in the consumer price index for all urban wage earners and
clerical workers (CPI-W) as calculated by the federal government for
the 12 months prior to the March 31 preceding that July 1, plus an
additional amount equal to 3.3 percent of the difference between the
benefit level in effect as of the effective date of P.L. c. (pending
before the Legislature as this bill) and 50 percent of the federal
poverty level in effect as of the effective date of P.L. c. (pending
before the Legislature as this bill. Commencing July 1, 2023, the
temporary assistance for needy families benefit level shall be
annually increased by any amount as shall be necessary to make the
benefit level equivalent to at least 50 percent of the federal poverty
level in effect on that July 1.

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

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

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

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

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

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

e. Any income or resources that are exempted by federal law for
purposes of eligibility for benefits shall not reduce the amount of
benefits received by a recipient and shall not be subject to a lien or
be available for repayment to the State or county agency for benefits
received by the individual.
(cf: P.L.1997, c.14, s.2)

8. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
as follows:
6. a. The signing of an application for benefits under the Work
First New Jersey Program shall constitute an assignment of any child
support rights pursuant to Title IV-D on behalf of individual
assistance unit members to the county agency. The assignment shall
terminate with respect to current support rights when a determination
is made by the county agency that the person in the assistance unit is
no longer eligible for benefits. The determination of the amount of
repayment to the county agency and distribution of any unpaid
support obligations that have accrued during the period of receipt of
benefits shall be determined by regulation of the commissioner in
accordance with federal law.
b. The county agency shall pass through to the assistance unit
the full amount of the current child support collected on behalf of a
child in those circumstances defined by the commissioner.
c. An assistance unit eligible for benefits and in receipt of child
support shall receive, in addition to its regular grant of cash
assistance benefits, a monthly amount of child support that is equal
to the maximum benefit amount for which the federal reimbursement
share is waived, based on the current child support received for the
month [as determined by regulations adopted by the commissioner,
and in accordance with federal law].
(cf: P.L.2008, c.101, s.2)

9. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
as follows:
2. The Legislature finds and declares that:
a. The federal "Personal Responsibility and Work Opportunity
Reconciliation Act of 1996," Pub.L.104-193, establishes the federal
block grant for temporary assistance for needy families and provides
the opportunity for a state to establish and design its own welfare
program;
b. Work and the earning of income promote the best interests of
families and children;
c. Working individuals and families needing temporary
assistance should have the transitional support necessary to obtain
and keep a job in order to be able to avoid cycling back [onto public
assistance] into financial hardship, as well as the opportunity to
acquire new skills and training and access job opportunities that will
allow them to lift themselves out of poverty;
d. Teenage pregnancy is counter to the best interests of children;
e. Successful welfare reform requires active involvement of the private sector as well as all departments of State government;

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

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

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

i. Enhancing an individual’s overall training and skill set, and providing opportunities for progressive advancement, will help the person to exit, and sustainably avoid, poverty far more effectively than simply placing the individual in a job that presents no opportunities for development or advancement. (cf: P.L.2004, c.130, s.117)

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

3. As used in this act:

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

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

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

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

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

"Commissioner" means the Commissioner of Human Services.

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

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

"Dependent child" means a child:

a. under the age of 18;

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

c. under the age of 21 and enrolled in a special education program, who is living in New Jersey with the child's natural or adoptive parent or legal guardian, or with a relative designated by the commissioner in a place of residence maintained by the relative as the relative's home.
"Eligible [alien] immigrant" means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Work activity" includes, but is not limited to, the following, as defined by regulation of the commissioner: employment; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training related directly to employment; community work experience; alternative work experience; supportive work; community service programs, including the provision of child care as a community service project, in the case of teenage parents or recipients under the age of 19 who are expected to graduate or complete their course of study by their 19th birthday], satisfactory attendance at a secondary school or in a
course of study leading to a certificate of general equivalence; 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.
(cf: P.L.1997, c.38, s.3)

11. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
as follows:
5. a. All adult persons, except as otherwise provided by law
governing the Work First New Jersey program, are charged with the
primary responsibility of supporting and maintaining themselves and
their dependents; the primary responsibility for the support and
maintenance of minor children is that of the parents and family of
those children [: and benefits shall be provided only when other
means of support and maintenance are not present to support the
assistance unit].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Upon a determination of eligibility for benefits, each adult recipient not otherwise deferred or exempted under this act shall be given an assessment of that person's potential and readiness for work, including, but not limited to, skills, education, past work experience and any barriers to securing employment, including a screening and assessment for substance abuse, as appropriate. For all recipients not deferred or exempt, an annual individual responsibility plan shall be developed jointly by the county agency or municipal welfare agency, as appropriate, and the recipient specifying the steps that will be taken by each to assist the recipient to secure employment. The
individual responsibility plan shall include specific goals for each
adult member or minor parent in the assistance unit, and may include
specific goals for a dependent child member of the assistance unit.
The goals, as determined by regulation of the commissioner, shall
include, but not be limited to, requirements for parental participation
in a dependent child's primary school program, immunizations for a
dependent child, and regular school attendance by a dependent child.
Recipients who are job ready shall be placed immediately in a self-
directed job search. Within the amount of funds allocated by the
commissioner for this purpose, other recipients shall be placed in an
appropriate work activity as indicated by their individual
assessments.

g. The county agency or municipal welfare agency, as
appropriate, shall ensure the provision of necessary case management
for recipients, as appropriate to their degree of job readiness,
pursuant to regulations adopted by the commissioner. The most
intensive case management shall be directed to those recipients
facing the most serious barriers to employment.
h. (1) A recipient shall not be placed or utilized in a position at
a particular workplace:
   (a) that was previously filled by a regular employee if that
   position, or a substantially similar position at that workplace, has
   been made vacant through a demotion, substantial reduction of hours
   or a layoff of a regular employee in the previous 12 months, or has
   been eliminated by the employer at any time during the previous 12
   months;
   (b) in a manner that infringes upon a wage rate or an employment
   benefit, or violates the contractual overtime provisions of a regular
   employee at that workplace;
   (c) in a manner that violates an existing collective bargaining
   agreement or a statutory provision that applies to that workplace;
   (d) in a manner that supplants or duplicates a position in an
   existing, approved apprenticeship program;
   (e) by or through an employment agency or temporary help
   service firm as a community work experience or alternative work
   experience worker;
   (f) if there is a contractual or statutory recall right to that position
   at that workplace; or
   (g) if there is an ongoing strike or lockout at that workplace.
   (2) A person who believes that he has been adversely affected by
a violation of this subsection, or the organization that is duly
authorized to represent the collective bargaining unit to which that
person belongs, shall be afforded an opportunity to meet with a
designee of the Commissioner of Labor and Workforce Development
or the Governor's Office of Employee Relations, as appropriate. The
designee shall attempt to resolve the complaint of the alleged
violation within 30 days of the date of the request for the meeting.
The Commissioner of Labor and Workforce Development, in
consultation with the Governor’s Office of Employee Relations, shall adopt regulations to effectuate the provisions of this subsection. In the event that the complaint is not resolved within the 30-day period, the complainant may appeal to the New Jersey State Board of Mediation in the Department of Labor and Workforce Development for expedited binding arbitration in accordance with the rules of the board. If the arbitrator determines that a violation has occurred, he shall provide an appropriate remedy. The cost of the arbitration shall be borne equally by both parties to the dispute.

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

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

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

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

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

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

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

Prior to the imposition of a sanction, the county or municipal welfare agency shall determine whether good cause for noncompliance exists. Good cause shall include, but is not limited to, disability or other circumstances, as defined by the commissioner, which effectively impair a recipient’s ability to actively cooperate with the Work First New Jersey program or participate in work activities under the program. Good cause shall be considered broadly in consideration of the recipient’s health, safety, family needs, financial considerations, and other factors as determined by the commissioner.
a. Prior to the imposition of a sanction, the county or municipal welfare agency shall ensure that, in consultation with the recipient, an assessment has been given in accordance with subsection f. of section 8 of P.L.1997, c.38 (C.44:10-62), and a determination has been made that barriers do not exist which are likely to prevent the recipient from complying with the work requirements or other activities specified in the individual responsibility plan; provided that, this prerequisite to the imposition of a sanction shall not apply if the recipient, without good cause, has refused to cooperate with the conduct of the assessment.

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

1. reviewing the case record to determine whether a comprehensive assessment or other information in the file indicates that good cause for noncompliance exists, and
2. outreaching to the recipient, to attempt, in consultation with the recipient, to determine the reason for noncompliance and whether it constitutes good cause.

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

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

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

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

1. If the adult fails to actively cooperate with the program or participate in work activities by the end of the first-month pro-rata sanction, without good cause, the assistance unit’s cash assistance case shall be suspended for one month. If the participant complies by the end of the suspension month, the suspension shall be lifted.
2. If the adult fails to actively cooperate with the program or participate in work activities by the end of the suspension month, without good cause, the assistance unit’s cash assistance case shall be closed for a minimum one-month period, and the assistance unit shall be required to reapply in order to receive further cash assistance benefits.

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

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

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

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

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

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

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

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

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

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

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

(1) over 60 years of age;
(2) the parent or other relative of a disabled child or other disabled dependent who must provide full-time care for the disabled child or other disabled dependent;
(3) permanently disabled, including, but not limited to, a person eligible for disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C.s.401 et seq.), as defined by regulation of the commissioner; or
(4) chronically unemployable as defined by regulation of the commissioner; or
(5) the parent of a dependent child who is a member of the recipient’s household, which parent has remained in compliance with the requirements of the program for, at a minimum, the six months of enrollment immediately preceding the date the recipient reaches the 60-month time limit.

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

(1) the recipient or the recipient’s dependent child would be subject to extreme hardship or incapacity, as defined by regulation of the commissioner, in the event of a termination of benefits;
(2) the recipient is engaged in full-time employment employed but remains eligible for benefits due to earned income disregards provided for under section 4 of P.L.1997, c.13 (C.44:10-37);
(3) the recipient has not received an opportunity to engage in work activities as specified in the individual responsibility plan pursuant to subsection f. of section 8 of P.L.1997, c.38 (C.44:10-62)] that will enhance the recipient’s ability to find employment that will
lead to the assistance unit’s removal from, and sustainable avoidance
of poverty; or

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

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

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

15. (New section) Any organization that receives a State or local economic incentive shall partner with one or more local community organizations that provide support and services to Work First New Jersey program recipients to provide work activity opportunities and other appropriate services to program recipients, which activities and services may include, but shall not be limited to:

work-study programs, internships, sector-based contextualized literacy training, skills-based training in growth industries in New Jersey, and job retention and advancement services.

As used in this section:

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

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

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

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

16. (New section) a. For the duration of the state of emergency or public health emergency declared in response to the coronavirus disease 2019 (COVID-19) pandemic, whichever is longer, an applicant who appears to be eligible for benefits under the Work First New Jersey program based on the applicant’s certification of income, resources, and family composition, and based on other information immediately available to the agency at the time of application, shall be deemed presumptively eligible for Work First New Jersey assistance and immediate need assistance.
b. To the extent that a recipient is unable to comply with work activity requirements during the public health emergency or state of emergency declared in response to COVID-19, any month during which the recipient is unable to comply with work activity requirements shall not count towards the 60-month time limit on benefits provided under section 2 of P.L.1997, c.37 (C.44:10-72).

17. There is appropriated from the General Fund to the Division of Family Development in the Department of Human Services the sum of $25 million for the purposes of effectuating the provisions of this act.


19. This act shall take effect immediately.

STATEMENT

This bill would revise the requirements for cash assistance benefits under the Work First New Jersey (WFNJ) program. Specifically, the bill provides that an individual who is otherwise eligible for general assistance benefits under WFNJ will not be deemed ineligible for public assistance solely on the grounds that the individual is enrolled in an institution of higher education.

The bill will allow recipients engaging in alternative work experience to engage in unpaid work and training with either a for-profit or nonprofit employer; current law only allows placement with nonprofit and charitable employer. An assignment to a for-profit employer may not exceed six months, and will be conditioned on the assignment likely leading to full-time employment with the employer. The bill limits the amount of time a recipient may be assigned to alternative work experience with any employer to no more than six months in a 12-month period. The bill similarly limits the amount of time a recipient may be assigned to community work experience to no more than six months in a 12-month period.

The bill adds language clarifying that when determining whether good cause exists to excuse noncompliance with program requirements, good cause is to be considered broadly in consideration of the recipient’s health, safety, family needs, financial considerations, and other factors as determined by the commissioner.

The bill will expand the earned income disregard for the purposes of the program. Current law provides that, for recipients employed 20 or more hours a week, and certain recipients with a disability who are unable to work more than 20 hours per week, 100 percent of earned income is disregarded for the first month in which it would be counted as earned income; the disregard drops to 75 percent for the next six consecutive months after that, and to 50 percent for each
consecutive month of employment after that. In the case of recipients working less than 20 hours per month, the disregard is 100 percent for the first full month of employment and 50 percent for each continuous month of employment after that.

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

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

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

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

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

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

The bill requires, commencing July 1, 2020 through July 1, 2022, the temporary assistance for needy families (TANF) benefit amount to be increased by any increase in the consumer price index plus an
amount equal to 33.3 percent of the difference between the benefit
amount in effect as of the effective date of the bill and 50 percent of
the federal poverty level in effect as of the effective date of the bill.
During this period, general assistance benefits will be annually
increased by a percentage amount equal to the percentage increase in
TANF benefits for that year. Commencing July 1, 2023, the TANF
benefit amount is to be annually increased by any amount necessary
to make the benefit amount equivalent to at least 50 percent of the
federal poverty level in effect on that July 1, and the general
assistance benefit is to be increased by any increase in the consumer
price index.
In addition, commencing July 1, 2023, the commissioner is to
conduct an annual assessment of the real cost of living and actual
deprivation as reflected in the current standard of need established
pursuant to section 9 of P.L.1997, c.13 (C.44:10-42); the
commissioner will be required to transmit this assessment to the
Legislature for consideration when deciding on appropriations to
fund cash assistance benefits. In no case may benefit amounts be
reduced.
The bill provides that the full amount of child support provided to
the assistance unit for which federal reimbursement is waived is to
pass through to the unit. Child support that passes through to the unit
will not count as income.
The bill revises language setting forth the general purposes and
goals of the WFNJ program to provide that the purpose of the
program is to provide recipients with the opportunities, training, and
work skills needed to help elevate them out of poverty. The bill
removes certain language concerning how the program interacts with
young parents and how the system can be disruptive to the family
structure, as well as language stating that the program is consistent
with federal law by including a time limit on benefits, work
requirements, enhanced measures to determine paternity, enhanced
child support collection, sanctions for noncompliance with program
requirements, incentives for teenage parents to complete school, and
restrictions on eligibility for aliens. The bill additionally removes
language providing that WFNJ benefits will only be available when
other forms of support and maintenance are unavailable.
The bill expands the work requirements under the program to
promote the use of educational, training, work-study, internship, and
other opportunities that will lead to the recipient’s removal from, and
sustainable avoidance of, poverty. Recipients will be permitted to
forgo work opportunities for good cause or for other opportunities
that will better enable the recipient to emerge from, and sustainable
avoid, poverty. The bill requires that good cause be considered
broadly in consideration of the recipient’s health, safety, family
needs, financial considerations, and other factors determined by the
commissioner. The bill removes a requirement that recipients
continuously and actively seek employment.
The bill reduces the hourly requirement for work activity from 40 hours per week to 30 hours per week, and provides that the maximum aggregate requirement is 20 hours per week for assistance units with a child under six years of age. Current law provides for a deferral from the work activity requirement for parents and relatives caring for a child under 12 weeks of age; the bill extends this deferral to apply to parents and relatives caring for a child under one year of age. Ordinarily, recipients are allowed a lifetime total of 60 months of benefits; however, current law provides for an extension in certain cases, including up to 12 additional months of benefits in cases where: a recipient would be subject to extreme hardship in the absence of WFNJ assistance; the recipient is engaged in full-time employment but remains eligible for benefits based on income disregards; the recipient has not had an opportunity to engage in work activities; or the recipient was engaged in full-time employment and was income-ineligible, but the recipient was terminated from employment through no fault of the recipient. The bill revises the exceptions involving employment to provide that they will apply to any form of employment, not just full-time employment. The bill further provides that an exception will be provided for any parent of a minor child who was in compliance with program requirements for the six months of enrollment immediately preceding the date the recipient reached the 60-month limit. The bill provides that WFNJ benefits received while the individual is under 18 years of age will not count against the 60-month lifetime limit on benefits. The bill further provides that, in the event any adult in an assistance unit loses eligibility on the grounds that the individual reached the 60-month cap, that loss of eligibility will not affect the eligibility of any other recipient in the assistance unit, including, but not limited to, a minor child who is receiving assistance.

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

The bill removes outdated language in the definition of “dependent child” that required a child in school or vocational training to reasonably be expected to complete the school or training. The bill provides that, for the duration of the state of emergency or public health emergency declared in response to the coronavirus disease 2019 (COVID-19) pandemic, whichever is longer, an applicant who appears to be eligible for benefits under WFNJ based on the applicant’s certification of income, resources, and family composition, and based on other information immediately available to the agency at the time of application, will be deemed presumptively eligible for WFNJ assistance and immediate need.
assistance. Additionally, any months in which a recipient is unable
to comply with work activity requirements because of the COVID-
19 state of emergency or public health emergency will not count
against the 60-month lifetime cap on benefits.

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

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