

[First Reprint]
ASSEMBLY, No. 12

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblyman WISNIEWSKI and Assemblywoman
VANDERVALK

1 **AN ACT** establishing the Work First New Jersey program
2 ¹[, supplementing Title 44 of the Revised Statutes and repealing]
3 and revising¹ 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. ¹(New section)¹ This act shall be known and may be cited as the
9 "Work First New Jersey Act."

10

11 2. ¹(New section)¹ 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
27 establishment and maintenance of successful family life and childhood
28 development ¹, and a family's inability or failure to qualify for benefits
29 under the Work First New Jersey program established pursuant to this
30 act should not by itself justify the foster care placement of a dependent

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 Assembly APR committee amendments adopted December 5, 1996.

1 child¹;

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

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

23

24 3. ¹(New section)¹ As used in this act:

25 ¹"Alternative work experience" means unpaid work and training
26 only with a public, private nonprofit or private charitable employer
27 that provides a recipient with the experience necessary to adjust to,
28 and learn how to function in, an employment setting and the
29 opportunity to combine that experience with education and job
30 training. An alternative work experience participant shall not be
31 assigned to work for a private, for profit employer.¹

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

34 "Assistance unit" means: a single person without dependent
35 children; a couple without dependent children; dependent children
36 only; or a person ¹or couple¹ with one or more dependent children
37 who are legally or blood-related, or who is their legal guardian, and
38 who live together as a household unit.

39 "Benefits" means any assistance provided to needy persons and
40 their dependent children and ¹needy¹ single persons ¹and couples
41 without dependent children¹ under the Work First New Jersey
42 program.

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

46 "Commissioner" means the Commissioner of Human Services.

1 "Community work experience" means unpaid work ¹[experience]¹
2 and training ¹only¹ with a public, private ¹[non-profit]nonprofit¹ or
3 private charitable employer provided to a recipient when, and to the
4 extent, that such experience is necessary to enable the recipient to
5 adjust to, and learn how to function in, an employment setting. ¹A
6 community work experience participant shall not be assigned to work
7 for a private, for profit employer.¹

8 "County agency" means the ¹county¹ agency ¹[, including, but not
9 limited to, a county planning council, designated by a county and
10 approved by the commissioner to] that was administering the aid to
11 families with dependent children program at the time the federal
12 "Personal Responsibility and Work Opportunity Reconciliation Act of
13 1996." Pub.L.104-193, was enacted and which, upon the enactment of
14 P.L. , c. (C.)(pending before the Legislature as this bill) shall
15 also¹ administer the Work First New Jersey program in that county.

16 "Dependent child" means a child:

17 a. under the age of 18;

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

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

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

27 a. a qualified alien admitted to the United States prior to August
28 22, 1996, who is eligible for means-tested, federally funded public
29 benefits pursuant to federal law;

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

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

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

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

44 f. a qualified alien admitted to the United States on or after August
45 22, 1996, who has lived in the United States for at least five years and
46 is eligible for means-tested, federally funded public benefits pursuant

1 to federal law; or

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

18 For the purposes of this section, "qualified alien" is defined
19 pursuant to the provisions of section 431 of Title IV of Pub.L. 104-
20 193.¹

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

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

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

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

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

44 "Resources" means all real and personal property as defined by the
45 commissioner; except that in the event that individual development
46 accounts for recipients are established by regulation of the

1 commissioner, all funds in such an account, up to the limit determined
2 by the commissioner, including any interest or dividend earnings from
3 such an account, shall not be considered to be a resource.

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

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

24

25 4. ¹(New section) ¹a. The Work First New Jersey program is
26 established in the Department of Human Services. The commissioner
27 shall take such actions as are necessary to implement and operate the
28 program in accordance with the provisions of the federal "Personal
29 Responsibility and Work Opportunity Reconciliation Act of 1996,"
30 Pub.L.104-193. ¹The commissioner may delegate to the
31 Commissioner of Labor, by agreement, any responsibility to assist a
32 person in the transition to a work activity.¹

33 b. The program shall ¹[provide benefits to recipients which were
34 provided,] replace programs which were in effect¹ prior to the
35 enactment of this act, ¹[under the following programs]including¹: aid
36 to families with dependent children (AFDC) pursuant to P.L.1959,
37 c.86 (C.44:10-1 et seq.) and emergency assistance for AFDC recipient
38 families; general public assistance (GA) pursuant to P.L.1947, c.156
39 (C.44:8-107 et seq.), emergency assistance for GA recipients, and the
40 GA employability program; and the Family Development Initiative
41 established pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

42

43 5. ¹(New section)¹ a. All adult persons, except as otherwise
44 provided by law governing the Work First New Jersey program, are
45 charged with the primary responsibility of supporting and maintaining
46 themselves and their dependents; the primary responsibility for the

1 support and maintenance of minor children is that of the parents and
2 family of those children; and benefits shall be provided only when
3 other means of support and maintenance are not present to support the
4 assistance unit.

5 b. Benefits shall be temporary and serve the primary goal of
6 fostering self-sufficiency. Failure to cooperate with any of the
7 program eligibility requirements without good cause, as determined by
8 the commissioner,¹~~[may]~~ shall¹ result in ineligibility for benefits for
9 'some or'¹ all assistance unit members.

10 c. If the county agency 'or municipal welfare agency, as
11 appropriate.'¹ determines, based upon an applicant's written statement
12 signed under oath, that the applicant is in immediate need of benefits
13 because the applicant's available resources are insufficient 'as
14 determined by the commissioner.'¹ to meet the minimal current living
15 expenses 'pursuant to regulations adopted by the commissioner.'¹ of
16 the applicant's assistance unit, the county agency 'or municipal welfare
17 agency'¹ shall issue cash assistance benefits to the applicant on the date
18 of application, subject to the applicant meeting all other program
19 eligibility requirements.

20 'd. The commissioner shall establish by regulation, standards and
21 procedures to screen and identify recipients with a history of being
22 subjected to domestic violence and refer these recipients to counseling
23 and supportive services. The commissioner may waive program
24 requirements, including, but not limited to, the time limit on benefits
25 pursuant to section 2 of P.L. , c. (C.)(pending before the
26 Legislature as Assembly Bill No. 13 of 1996), residency requirements
27 pursuant to section 6 of P.L. , c. (C.)(pending before the
28 Legislature as this bill), child support cooperation requirements
29 pursuant to subsection b. of section 2 of P.L. , c. (C.)(pending
30 before the Legislature as Assembly Bill No. 15 of 1996) and the
31 limitation on increase of cash assistance benefits as a result of the birth
32 of a child pursuant to section 7 of P.L. , c. (C.)(pending before the
33 Legislature as this bill), in cases where compliance with such
34 requirements would make it more difficult for a recipient to escape
35 domestic violence or unfairly penalize the recipient who is or has been
36 victimized by such violence, or who is at risk of further domestic
37 violence.

38 e. The commissioner shall establish regulations determining
39 eligibility and other requirements of the Work First New Jersey
40 program. Regulations shall include provisions for the deeming of
41 income, when appropriate, which include situations involving the
42 sponsor of an eligible alien in accordance with federal law, and legally
43 responsible relatives of assistance unit members.'¹

44

45 6. ¹(New section)¹ a. If an applicant or recipient is less than 18
46 years of age, has never married, and is pregnant or is caring for a

1 dependent child, the applicant or recipient shall be required, as a
2 condition of eligibility for benefits for the applicant or recipient and
3 the applicant's or recipient's dependent child to:

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

7 (2) regularly attend a high school or equivalency program of study;
8 or

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

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

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

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

22 (3) has physically or sexually abused the applicant or recipient, or
23 the applicant's or recipient's dependent child, or poses a risk of doing
24 so; or

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

27 1In making the determination to exempt an applicant or recipient
28 who is under 18 years of age pursuant to this subsection, the
29 commissioner shall obtain information directly from that applicant or
30 recipient when there has been any known circumstance or incident of
31 physical or sexual abuse, or upon the request of that applicant or
32 recipient.¹

33 c. In the case of an applicant or recipient and the applicant's or
34 recipient's dependent child who are exempted from the requirements
35 of paragraph (1) of subsection a. of this section, in accordance with
36 subsection b. of this section, the county agency ¹pursuant to
37 guidelines established by the commissioner.¹ shall make a
38 determination as to the most appropriate living arrangement that
39 would be in the best interest of the applicant or recipient and the
40 applicant's or recipient's dependent child.

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

1 e. The commissioner may also exempt an applicant or recipient
2 from the provisions of subsection a. of this section, if the
3 commissioner otherwise determines that the exemption would be in the
4 best interest of that applicant or recipient and the applicant's or
5 recipient's dependent child.

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

9

10 7. ¹(New section)¹ a. The level of cash assistance benefits payable
11 to an assistance unit ¹with dependent children¹ shall not increase as a
12 result of the birth of a child during the period in which the assistance
13 unit is eligible for benefits, or during a temporary period in which the
14 assistance unit is ineligible for benefits pursuant to a penalty imposed
15 by the commissioner for failure to comply with benefit eligibility
16 requirements, subsequent to which the assistance unit is again eligible
17 for benefits.

18 b. The provisions of subsection a. of this section shall not apply to
19 medical assistance, pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
20 or food stamp benefits, pursuant to the federal "Food Stamp Act of
21 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.), provided to an
22 assistance unit.

23 c. In the case of an assistance unit ¹with dependent children¹ in
24 which the adult ¹or minor parent¹ recipient gives birth to an additional
25 child during the period in which the assistance unit is eligible for
26 benefits, or during a temporary penalty period of ineligibility for
27 benefits subsequent to which the assistance unit again becomes eligible
28 for benefits, the commissioner shall provide that in computing the
29 amount of cash assistance benefits to be granted to the assistance unit,
30 the following shall be deducted from the monthly earned income of
31 each employed person in the assistance unit:

32 ¹[1]¹ those earned income disregards provided for under section
33 4 of P.L. , c. (C.)(pending before the Legislature as
34 Assembly Bill No. 14 of 1996); and

35 ¹[2] an additional amount earned by each employed person which,
36 at a maximum, is equal to the difference between the amount of the
37 grant determined pursuant to subsection a. of this section and 50% of
38 the monthly payment of cash assistance benefits, adjusted for family
39 size] after application of the earned income disregards, the total
40 countable income shall be compared for eligibility purposes and
41 subtracted for cash assistance benefit calculation purposes from the
42 eligibility standard for the assistance unit size, adjusted to include any
43 person for whom cash assistance has not been received due to the
44 application of the provisions of subsection a. of this section¹.

45 d. Notwithstanding the provisions of subsection a. of this section
46 to the contrary, a person receiving AFDC benefits on the effective date

1 of this act whose AFDC benefits were limited pursuant to P.L.1991,
2 c.526 (C.44:10-3.5 et seq.) shall continue to be subject to the same
3 limitation as a recipient of Work First New Jersey benefits, in
4 accordance with regulations adopted by the commissioner.

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

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

16

17 8. ¹(New section)¹ a. As defined by the commissioner, each adult
18 recipient shall continuously and actively seek employment in an effort
19 to remove the assistance unit of which the recipient is a member from
20 the program. ¹[If that employment is not secured, a] A¹ recipient may
21 be assigned to a work activity as determined by the commissioner.
22 The recipient shall sign an individual responsibility plan, as provided
23 in subsection f. of this section, in order to be able to participate in the
24 program, which shall indicate the terms of the work activity
25 requirements that the recipient must fulfill in order to continue to
26 receive benefits.

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

38 c. A recipient shall comply with work activity participation
39 requirements as a condition of remaining eligible for benefits. In
40 accordance with the requirements of Pub.L.104-193, a minimum
41 ¹participation rate¹ of 25% ¹[of all assistance units of persons with
42 dependent children receiving benefits shall participate in work
43 activities in] shall be realized in¹ federal fiscal year 1997. The
44 participation rate shall increase by 5% in each federal fiscal year to a
45 level of 50% in federal fiscal year 2002 and thereafter. For two-parent
46 assistance units with dependent children receiving benefits, the

1 participation rate shall be 75% for federal fiscal years 1997 and 1998
2 and 90% in federal fiscal year 1999 and thereafter. The participation
3 rate shall be calculated in accordance with federal requirements. A
4 recipient may be required to participate in one or more work activities
5 for a maximum aggregate hourly total of 40 hours per week.

6 d. A recipient shall not be required to engage in a work activity if
7 child care ¹, including the unavailability of after-school child care for
children over six years of age,¹ is unavailable for the recipient's
8 dependent child, as determined by regulation of the commissioner.

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

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

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

15 (3) the parent or relative of a child under the age of 12 weeks who
16 is providing care for that child ¹, except that, the deferral may be
extended for an appropriate period of time if determined to be
17 medically necessary for the parent or child¹.

18 f. Upon a determination of eligibility for benefits, each adult
19 recipient not otherwise deferred or exempted under this act shall be
20 given an assessment of that person's potential and readiness for work,
21 including, but not limited to, skills, education, past work experience
22 and any barriers to securing employment, including a screening and
23 assessment for substance abuse, as appropriate. For all recipients not
24 deferred or exempt, an annual individual responsibility plan shall be
25 developed jointly by the county agency ¹or municipal welfare agency,
26 as appropriate,¹ and recipient specifying the steps that will be taken by
27 each to assist the recipient to secure employment. The individual
28 responsibility plan shall include specific goals for each adult member
29 ¹[of] or minor parent in¹ the assistance unit¹,¹ and may include specific
30 goals for a dependent child member of the assistance unit. The goals,
31 as determined by regulation of the commissioner, shall include, but
32 not be limited to, requirements for parental participation in a
33 dependent child's primary school program, immunizations for a
34 dependent child, and regular school attendance by a dependent child.
35 Recipients who are job ready shall be placed immediately in a self-
36 directed job search. Within the amount of funds allocated by the
37 commissioner for this purpose, other recipients shall be placed in an
38 appropriate work activity as indicated by their individual assessments.

39 g. The county agency ¹or municipal welfare agency, as
40 appropriate,¹ shall ensure the provision of necessary case management
41 for recipients, as appropriate to their degree of job readiness, pursuant
42 to regulations adopted by the commissioner. The most intensive case
43 management shall be directed to those recipients facing the most
44 serious barriers to employment.

1 h. ¹[An adult recipient engaged in a work activity shall not be hired
2 or assigned to fill a position when the position is vacant as a result of
3 another person being laid off or terminated without good cause. The
4 commissioner, in consultation with the Commissioner of Labor, shall
5 establish a procedure for the resolution of complaints of alleged
6 violations of the provisions of this subsection.]

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

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

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

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

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

21 (e) by or through an employment agency or temporary help service
22 firm as a community work experience or alternative work experience
23 worker;

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

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

27 (2) A person who believes that he has been adversely affected by
28 a violation of this subsection, or the organization that is duly
29 authorized to represent the collective bargaining unit to which that
30 person belongs, shall be afforded an opportunity to meet with a
31 designee of the Commissioner of Labor or the Governor's Office of
32 Employee Relations, as appropriate. The designee shall attempt to
33 resolve the complaint of the alleged violation within 30 days of the
34 date of the request for the meeting. The Commissioner of Labor, in
35 consultation with the Governor's Office of Employee Relations, shall
36 adopt regulations to effectuate the provisions of this subsection. In
37 the event that the complaint is not resolved within the 30-day period,
38 the complainant may appeal to the New Jersey State Board of
39 Mediation in the Department of Labor for expedited binding
40 arbitration in accordance with the rules of the board. If the arbitrator
41 determines that a violation has occurred, he shall provide an
42 appropriate remedy. The cost of the arbitration shall be borne equally
43 by both parties to the dispute.

44 (3) Nothing in this subsection shall be construed to prevent a
45 collective bargaining agreement from containing additional protections
46 for a regular employee.¹

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

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

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

13

14 9. ¹(New section)¹ The failure of a recipient to actively cooperate
15 with the program or participate in work activities without good cause
16 as determined by the commissioner shall result in a loss of cash
17 assistance benefits in accordance with the provisions of this section.

18 a. (1) In an assistance unit with a single adult or couple without
19 dependent children or a single adult with dependent children, the
20 person in noncompliance shall be subject to a loss of cash assistance
21 benefits for a minimum of one month for a first offense. If an intent
22 to comply by the person in noncompliance, as defined by regulation of
23 the commissioner, is not evidenced by the end of the one-month
24 period, continued suspension of cash assistance benefits for the person
25 shall remain in effect for up to two more months. If an intent to
26 comply by the person in noncompliance is not evidenced by the end of
27 the third month, the assistance unit's case shall be closed for cash
28 assistance benefits, and a reapplication shall be required by the
29 assistance unit in order to receive cash assistance benefits.

30 (2) In a two-parent assistance unit with dependent children, if one
31 parent is in noncompliance for a first offense, the needs of ¹[both
32 adults] the parent in noncompliance¹ shall be deleted from the cash
33 assistance benefits provided to the assistance unit for a minimum of
34 one month when the other parent is not otherwise participating in a
35 work activity, or is ¹not¹ otherwise exempt as determined by the
36 commissioner. If an intent to comply by the ¹[person] parent¹ in
37 noncompliance, as defined by regulation of the commissioner, is not
38 evidenced by the end of the one-month period, continued suspension
39 of cash assistance benefits for ¹[both parents] the parent¹ shall remain
40 in effect for up to two more months. If an intent to comply by the
41 ¹[person] parent¹ in noncompliance is not evidenced by the end of the
42 third month, the assistance unit's case shall be closed for cash
43 assistance benefits, and a reapplication shall be required by the
44 assistance unit in order to receive cash assistance benefits.

45 (3) If the noncompliance for a first offense is due to the inaction of
46 a minor parent in the assistance unit, the needs of the minor parent and

1 the minor parent's spouse, if any, in the assistance unit shall be deleted
2 from the cash assistance benefits provided to the assistance unit for a
3 minimum of one month. If an intent to comply by the minor parent in
4 noncompliance is not evidenced by the end of the first-month period,
5 suspension of the cash assistance benefits shall remain in effect for up
6 to two additional months. If an intent to comply by the minor parent
7 in noncompliance is not evidenced by the end of the third month, the
8 minor parent and the minor parent's spouse, if any, in the assistance
9 unit, as well as the dependent child of the minor parent in the
10 assistance unit, shall be excluded from the assistance unit for cash
11 assistance benefits.

12 (4) A dependent child ¹16 years of age or older¹ who fails to
13 comply with the requirement for school attendance or other work
14 activity participation pursuant to this act for a first offense shall be
15 subject to a loss of cash assistance benefits for one month. If an
16 intent to comply by the dependent child is not evidenced by the end of
17 the one-month period, cash assistance benefits shall be suspended for
18 that person for up to two additional months. If an intent to comply by
19 the dependent child is not evidenced by the end of the third month, the
20 dependent child shall be excluded from the assistance unit for cash
21 assistance benefits.

22 b. (1) In an assistance unit with a single adult or couple without
23 dependent children or a single adult with dependent children, the
24 person in noncompliance shall be subject to a loss of cash assistance
25 benefits for a minimum of one month for a second offense. If an intent
26 to comply by the person in noncompliance, as defined by regulation of
27 the commissioner, is evidenced by the end of the one-month period,
28 only that person's needs shall be deleted from the cash assistance
29 benefits provided to the assistance unit for the following month. If an
30 intent to comply by the person in noncompliance is not evidenced by
31 the end of the one-month period, the entire assistance unit shall be
32 subject to a loss of cash assistance benefits for the following month.
33 If an intent to comply by the person in noncompliance is not evidenced
34 by the end of the second month, the assistance unit's case shall be
35 closed for cash assistance benefits, and a reapplication shall be
36 required by the assistance unit in order to receive cash assistance
37 benefits.

38 (2) In a two-parent assistance unit with dependent children, if one
39 parent is in noncompliance for a second offense, the needs of ¹[both
40 adults] the parent in noncompliance¹ shall be deleted from the cash
41 assistance benefits provided to the assistance unit for a period of one
42 month when the other parent is not otherwise participating in a work
43 activity, or is otherwise exempt as determined by the commissioner.
44 If an intent to comply by the ¹[person] parent¹ in noncompliance, as
45 defined by regulation of the commissioner, is not evidenced by the end
46 of the one-month period, the entire assistance unit shall be subject to

1 a loss of cash assistance benefits for the following month. If an intent
2 to comply by the person in noncompliance is not evidenced by the end
3 of the second month, the assistance unit's case shall be closed for cash
4 assistance benefits, and a reapplication shall be required by the
5 assistance unit in order to receive cash assistance benefits.

6 (3) If the noncompliance for a second offense is due to the inaction
7 of a minor parent in the assistance unit, the needs of the minor parent
8 and the minor parent's spouse, if any, in the assistance unit shall be
9 deleted from the cash assistance benefits provided to the assistance
10 unit for a minimum of one month. If an intent to comply by the minor
11 parent in noncompliance is not evidenced by the end of the one-month
12 period, the minor parent and the minor parent's spouse, if any, in the
13 assistance unit, as well as the dependent child of the minor parent in
14 the assistance unit, shall be subject to a loss of cash assistance benefits
15 for the following month. If an intent to comply by the minor parent in
16 noncompliance is not evidenced by the end of the second month, the
17 minor parent and the minor parent's spouse in the assistance unit, as
18 well as the dependent child of the minor parent in the assistance unit,
19 shall be excluded from the assistance unit for cash assistance benefits.

20 (4) A dependent child ¹16 years of age or older¹ who is in
21 noncompliance with the requirement for school attendance or other
22 work activity participation pursuant to this act for a second offense
23 shall be subject to a loss of cash assistance benefits for a minimum of
24 two months. If an intent to comply by the dependent child is not
25 evidenced by the end of the two-month period, the dependent child
26 shall be excluded from the assistance unit for cash assistance benefits.

27 (5) A person sanctioned for a second offense pursuant to this
28 subsection shall be counseled by a county agency ¹or municipal
29 welfare agency¹ employee ¹,as appropriate,¹ prior to the reinstatement
30 of eligibility for cash assistance benefits.

31 c. (1) The person in noncompliance and all other members of the
32 person's assistance unit shall be subject to a loss of cash assistance
33 benefits for a minimum of three months for a third and subsequent
34 offense. If an intent to comply by the person in noncompliance is not
35 evidenced by the end of the three-month period, the assistance unit's
36 case shall be closed for cash assistance benefits, and a reapplication
37 shall be required by the assistance unit in order to receive cash
38 assistance benefits.

39 (2) A dependent child ¹16 years of age or older¹ who is in
40 noncompliance with the requirement for school attendance or other
41 work activity participation pursuant to this act for a third or
42 subsequent offense shall be subject to a loss of cash assistance benefits
43 for a minimum of three months. If an intent to comply by the
44 dependent child is not evidenced by the end of the three-month period,
45 the dependent child shall be excluded from the assistance unit for cash
46 assistance benefits.

1 d. The county agency ¹or municipal welfare agency, as appropriate.¹ shall maintain a record of the number of sanctions which 2 have accrued to an assistance unit. The number of sanctions accruing 3 to an assistance unit shall be reduced by one for each continuous 12- 4 month period in which no sanction has been imposed on a member of 5 that assistance unit.

6 e. ¹[A] An adult¹ recipient who voluntarily quits a job without 7 good cause, as defined by regulation of the commissioner, shall render 8 the entire assistance unit ineligible for cash assistance benefits for a 9 period of two months from the date ¹the county agency or municipal 10 welfare agency, as appropriate, makes the determination that¹ the 11 recipient quit the job ¹[; except that, if the recipient is a dependent 12 child engaged in a work activity, only the needs of that dependent 13 child shall be deleted from the cash assistance benefit provided to the 14 assistance unit for the two-month period]¹.

15

16 10. ¹(New section)¹ a. A person shall be required to satisfy any 17 sanction or repayment obligation incurred pursuant to any federal or 18 State law governing public assistance, including any act repealed by 19 this act, as a condition of eligibility for benefits.

20 b. (1) Whenever a parent or relative with whom a dependent child 21 is living applies for or is receiving benefits for that child, and it appears 22 that there is pending entitlement to a payment to the child or to either 23 or both of his parents of funds arising from a claim or interest legally 24 or equitably owned by the child or by either or both of his parents, 25 other than that portion of a personal injury award which a court 26 specifically awards to a child to make him whole as a result of an 27 injury, the county agency may, as a condition of eligibility or 28 continuation of eligibility for benefits, require either or both parents, 29 or relative, to execute a written promise to repay, from the funds 30 anticipated, the amount of benefits to be granted from the date of 31 entitlement to that payment. Upon any refusal to make repayment, 32 including refusal by any person acting for or on behalf of either or both 33 parents, or relative, in accordance with the written promise, the county 34 agency may take all necessary and proper action under State law to 35 enforce that promise, and the granting or continuing of benefits, as 36 the case may be, shall be deemed due consideration therefor. Any 37 payments from the settlement of the claim or interest legally or 38 equitably owned by the child or by either or both of his parents made 39 by any person acting for or on behalf of either or both parents, or 40 relative, subsequent to notice of claim of the county agency and prior 41 to express written approval by the county agency shall cause that 42 person to be liable to the county agency in the amount of the payment.

43 (2) Whenever any child with respect to whom benefits have been 44 paid pursuant to this act or assistance paid pursuant to any act 45 repealed by this act, shall die prior to the attainment of his 21st

1 birthday, and shall leave an estate, the total amount of benefits paid
2 with respect to that child pursuant to this act and the total amount of
3 assistance paid pursuant to any act repealed by this act, shall be a valid
4 and enforceable claim against that estate, with priority over all other
5 unsecured claims except reasonable funeral expenses and terminal
6 medical and hospital expenses, and the county agency shall take all
7 necessary and proper action under State law to enforce that claim.

8 (3) The county agency may, with the consent and approval of the
9 Division of Family Development in the Department of Human
10 Services, compromise and settle any claim for repayment of benefits
11 paid pursuant to this act or assistance paid pursuant to any act
12 repealed by this act.

13 (4) The Division of Family Development shall determine and cause
14 to be made such financial adjustments as are necessary to maintain a
15 correct proportional participation in any repayment among the
16 counties ^{1[.]} and ¹ State ^{1[} and federal government, and shall pay to the
17 Treasurer of the United States the determined federal portion^{1]}.

18

19 ¹11. (New section) Participation in community work experience
20 or alternative work experience provided by the State, or by a county
21 or municipality, or a board, commission or agency thereof, or by a
22 private nonprofit or private charitable employer pursuant to this act
23 shall not be considered employment for any purpose.¹

24

25 ¹12. (New section) The program, within the limits of available
26 appropriations, shall provide compensation for an injury which results
27 in the total permanent disability or death of a recipient participating in
28 community work experience or alternative work experience, on such
29 terms and subject to such conditions as the commissioner deems
30 appropriate. In prescribing these terms and conditions, the
31 commissioner shall consider the schedule of compensation provided in
32 R.S.34:15-12 or R.S.34:15-13, as appropriate. Compensation shall be
33 provided in accordance with a schedule adopted by the commissioner
34 and may, at the discretion of the program, be paid in a lump sum. The
35 program may calculate compensation based on the amount of cash
36 assistance benefits received by the recipient and may limit the
37 maximum compensation. The program may provide this benefit by
38 purchasing and serving as the master policyholder for any insurance,
39 by self-insurance, or by an administrative services contract.
40 Compensation received by a recipient pursuant to this section shall not
41 be deemed income within the meaning of that term as defined in
42 section 3 of this act. The program shall not provide compensation for
43 an injury which results only in a temporary disability.¹

44

45 ¹13. (New section) A sponsor of a recipient participating in
46 community work experience or alternative work experience shall not

1 be liable for an injury arising out of, or in connection with, an act or
2 omission of the recipient or the sponsor in connection with the
3 recipient's community work experience or alternative work experience
4 participation, except that the immunity provided to the sponsor shall
5 not extend to an act or omission of the sponsor which constitutes a
6 crime, actual fraud, actual malice or willful misconduct. As used in
7 this section and in section 14 of P.L. , c. (C.)(pending before the
8 Legislature as this bill), "sponsor" means a public, private nonprofit or
9 private charitable employer, including an independent State authority
10 or other independent agency or a bi-state agency, or an employee
11 thereof, but does not include any department or agency of State
12 government.¹

13

14 ¹14. (New section) The sole recourse of a person, other than a
15 recipient or a sponsor, who is injured as a result of an act or omission
16 of a recipient in connection with the recipient's community work
17 experience or alternative work experience participation shall be to file
18 an action against the program in the Superior Court. The program
19 shall have available all of the notice requirements and the defenses
20 available to the State under the "New Jersey Tort Claims Act,"
21 P.L.1972, c.45 (C.59:1-1 et seq.), except that the program shall not
22 have available to it the defense that the recipient is not a public
23 employee.¹

24

25 ¹15. (New section) The program shall reimburse the fund
26 established pursuant to N.J.S.59:12-1 for all costs incurred by the fund
27 in connection with a recipient's participation in community work
28 experience or alternative work experience.¹

29

30 ¹16. R.S.34:15-43.1 is amended to read as follows:

31 34:15-43.1. Employment provided by this state, or by any county
32 or municipality, or by any board, commission, or agency thereof, or
33 any private nonprofit or private charitable employer pursuant to any
34 plan of relief heretofore or hereafter authorized in accordance with
35 chapter 8 of the title Poor (s. 44:8-1 et seq.) or P.L. , c.
36 (C.)(pending before the Legislature as this bill) is hereby declared
37 to be casual employment, as the term "casual employment" is used and
38 defined in chapter 15 of this title (s. 34:15-1 et seq.); and no personal
39 injury or death by accident arising out of and in the course of such
40 employment shall be deemed or held to be compensable thereunder.¹

41 (cf: R.S.34:15-43.1)

42

43 ¹[11.] 17. (New section)¹ The commissioner, pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), shall adopt rules and regulations to effectuate the purposes of
46 this act and to comply with the requirements of Pub.L.104-193¹:

1 except that, notwithstanding any provision of P.L.1968, c.410
2 (c.52:14B-1 et seq.) to the contrary, the commissioner may adopt,
3 immediately upon filing with the Office of Administrative Law, such
4 regulations as the commissioner deems necessary to implement the
5 provisions of this act, which shall be effective for a period not to
6 exceed six months and may thereafter be amended, adopted or re-
7 adopted by the commissioner in accordance with the requirements of
8 P.L.1968, c.410 (C.52:14B-1 et seq.). The Commissioner of Labor,
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), shall adopt regulations with respect to those
11 responsibilities delegated to him under sections 4 and 8 of P.L.
12 c. (C.) (pending before the Legislature as this bill)¹.

13

14 ¹[12.] 18.¹ The following are repealed:

15 Section 1 of P.L.1987, c.283 (C.30:4D-6b);
16 P.L.1941, c.34 (C.44:8-104);
17 P.L.1959, c.86 (C.44:10-1 et seq.);
18 P.L.1983, c.85 (C.44:10-3.1 et seq.);
19 P.L.1985, c.501 (C.44:10-5.1 et seq.);
20 P.L.1991, c.523 (C.44:10-19 through 44:10-33);
21 P.L.1991, c.525 (C.44:10-3.3 et seq.);
22 P.L.1991, c.526 (C.44:10-3.5 et seq.); and
23 P.L.1991, c.527 (C.44:10-3.7 et seq.).

24

25 ¹[13.] 19¹ The following are repealed:

26 ¹[P.L.1947, c.156 (C.44:8-107 et seq.);]¹
27 P.L.1950, c.303 (C.44:8-146 et seq.);
28 P.L.1988, c.79 (C.44:8-153 et seq.); ¹and¹
29 Section 27 of P.L.1994, c.182 (C.44:8-158) ¹[;
30 P.L.1993, c.305 (C.44:8-117.1); and
31 Sections 28 through 32 of P.L.1995, c.259 (C.44:8-145.1 et seq.)]¹.

32

33 ¹[14.] 20.¹ This act shall take effect immediately, except that
34 section ¹[13.] 19¹ shall take effect on January 1, 1998.

35

36

37

38

39 Designated the "Work First New Jersey Act."
