

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 12

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1996

The Assembly Policy and Regulatory Oversight Committee reports favorably and with committee amendments Assembly Bill No. 12.

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

The bill repeals:

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

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

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

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

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

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

The committee amended the bill to delete the provision which would have repealed the "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et seq.) and certain related provisions of law, effective January 1, 1998. These amendments reflect the committee amendments to Assembly Bill No. 13 of 1996, which the committee

also reported on this date, providing for the continued administration of general public assistance by certain municipal welfare agencies under the Work First New Jersey program.

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

In addition, the committee amended the bill to provide the commissioner with the discretion to waive certain program requirements for victims of domestic violence.

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

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

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

The committee amendments also add a definition for "alternative work experience" and revise the definition for "community work experience," to clarify that participants in these work activities are not assigned to work for a private, for profit employer. The definition for "work activity" was amended to remove the reference to "work experience" in that definition. These definitions are identical to these terms as amended in Assembly Bill No. 14 of 1996.

Further, the amendments add a definition of eligible alien, which includes a qualified alien or the qualified alien's child who has been

battered or subjected to extreme cruelty, subject to conditions specified in federal law (section 431 of Title IV of Pub.L.104-193 as that law was amended by the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996").

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

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

The amendments also stipulate that:

-- participation in community work experience or alternative work experience provided by the State, or by a county or municipality, or a board, commission or agency thereof, or by a private nonprofit or private charitable employer pursuant to this act shall not be considered employment for any purpose;

-- the Work First New Jersey program, within the limits of available appropriations, shall provide compensation for an injury which results in the total permanent disability or death of a recipient participating in community work experience or alternative work experience, on such terms and subject to such conditions as the commissioner deems appropriate;

-- a sponsor of a recipient participating in community work experience or alternative work experience shall not be liable for an injury arising out of, or in connection with, an act or omission of the recipient or the sponsor in connection with the recipient's community work experience or alternative work experience participation, except that the immunity provided to the sponsor shall not extend to an act or omission of the sponsor which constitutes a crime, actual fraud, actual malice or willful misconduct;

-- the sole recourse of a person, other than a recipient or a sponsor, who is injured as a result of an act or omission of a recipient in connection with the recipient's community work experience or alternative work experience participation shall be to file an action against the program in the Superior Court;

-- the Work First New Jersey program shall reimburse the fund established pursuant to N.J.S.59:12-1 for all costs incurred by the fund in connection with a recipient's participation in community work experience or alternative work experience; and

-- no personal injury or death by accident arising out of and in the course of employment provided by a private nonprofit or private

charitable employer shall be compensable under R.S.34:15-1 et seq.

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

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