

§§ 1 - 16
C. 44:10-55
To
44:10-70
§ 17
Repealer
§ 18
Repealer
§ 19
Note To § 18

P.L. 1997, CHAPTER 38, *approved March 24, 1997*
Senate, No. 36 (*Third Reprint*)

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

4

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

7

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

10

11 2. The Legislature finds and declares that:

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

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted November 18, 1996.

² Senate floor amendments adopted December 16, 1996.

³ Assembly APR committee amendments adopted February 10, 1997.

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

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

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

28
29 3. As used in this act:

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

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

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

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

1 program.

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

5 "Commissioner" means the Commissioner of Human Services.

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

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

22 "Dependent child" means a child:

23 a. under the age of 18;

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

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

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

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

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

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

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

44 e. a legal permanent resident alien who has worked 40 qualifying
45 quarters of coverage as defined under Title II of the federal Social
46 Security Act; except that, for any period after December 31, 1996, a

1 quarter during which an individual received means-tested, federally
2 funded public benefits shall not count toward the total number of
3 quarters;² [or]²

4 f. a qualified alien admitted to the United States on or after August
5 22, 1996, who has lived in the United States for at least five years and
6 is eligible for means-tested, federally funded public benefits pursuant
7 to federal law^{1 2}; or

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

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

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

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

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

46 "Program" means the Work First New Jersey program established

1 pursuant to this act.

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

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

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

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

30

31 4. a. The Work First New Jersey program is established in the
32 Department of Human Services. The commissioner shall take such
33 actions as are necessary to implement and operate the program in
34 accordance with the provisions of the federal "Personal Responsibility
35 and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193.

36 ²The commissioner may delegate to the Commissioner of Labor, by
37 agreement, any responsibility to assist a person in the transition to a
38 work activity.²

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

1 established pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

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

8

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

17 b. Benefits shall be temporary and serve the primary goal of
18 fostering self-sufficiency. Failure to cooperate with any of the
19 program eligibility requirements without good cause, as determined by
20 the commissioner, ¹[may] shall¹ result in ineligibility for benefits for
21 some or¹ all assistance unit members.

22 c. If the county agency ¹or municipal welfare agency, as
23 appropriate,¹ determines, based upon an applicant's written statement
24 signed under oath, that the applicant is in immediate need of benefits
25 because the applicant's available resources are insufficient ¹, as
26 determined by the commissioner,¹ to meet the minimal current living
27 expenses ¹ pursuant to regulations adopted by the commissioner,¹ of
28 the applicant's assistance unit, the county agency ¹or municipal welfare
29 agency¹ shall issue cash assistance benefits to the applicant on the date
30 of application, subject to the applicant meeting all other program
31 eligibility requirements.

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

1 domestic violence or unfairly penalize the recipient who is or has been
2 victimized by such violence, or who is at risk of further domestic
3 violence.

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

10
11 6. a. If an applicant or recipient is less than 18 years of age, has
12 never married, and is pregnant or is caring for a dependent child, the
13 applicant or recipient shall be required, as a condition of eligibility for
14 benefits for the applicant or recipient and the applicant's or recipient's
15 dependent child to:

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

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

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

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

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

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

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

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

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

45 c. In the case of an applicant or recipient and the applicant's or
46 recipient's dependent child who are exempted from the requirements

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

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

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

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

21
22 7. a. The level of cash assistance benefits payable to an assistance
23 unit ¹with dependent children¹ shall not increase as a result of the birth
24 of a child during the period in which the assistance unit is eligible for
25 benefits, or during a temporary period in which the assistance unit is
26 ineligible for benefits pursuant to a penalty imposed by the
27 commissioner for failure to comply with benefit eligibility
28 requirements, subsequent to which the assistance unit is again eligible
29 for benefits.

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

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

44 ¹[(1)]¹ those earned income disregards provided for under section
45 4 of P.L. , c. (C.)(pending before the Legislature as Senate
46 Bill No. ¹37¹ of 1996); and

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

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

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

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

28
29 8. a. As defined by the commissioner, each adult recipient shall
30 continuously and actively seek employment in an effort to remove the
31 assistance unit of which the recipient is a member from the program.
32 ¹[If that employment is not secured, a] A¹ recipient may be assigned
33 to a work activity as determined by the commissioner. The recipient
34 shall sign an individual responsibility plan, as provided in subsection
35 f. of this section, in order to be able to participate in the program,
36 which shall indicate the terms of the work activity requirements that
37 the recipient must fulfill in order to continue to receive benefits.

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

1 completion of the post-secondary course of study as determined by
2 the commissioner.

3 c. A recipient shall comply with work activity participation
4 requirements as a condition of remaining eligible for benefits. In
5 accordance with the requirements of Pub.L.104-193, a minimum
6 participation rate¹ of 25% ¹[of all assistance units of persons with
7 dependent children receiving benefits shall participate in work
8 activities in] shall be realized in¹ federal fiscal year 1997. The
9 participation rate shall increase by 5% in each federal fiscal year to a
10 level of 50% in federal fiscal year 2002 and thereafter. For two-
11 parent assistance units with dependent children receiving benefits, the
12 participation rate shall be 75% for federal fiscal years 1997 and 1998
13 and 90% in federal fiscal year 1999 and thereafter. The participation
14 rate shall be calculated in accordance with federal requirements. A
15 recipient may be required to participate in one or more work activities
16 for a maximum aggregate hourly total of 40 hours per week.

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

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

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

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

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

31 f. Upon a determination of eligibility for benefits, each adult
32 recipient not otherwise deferred or exempted under this act shall be
33 given an assessment of that person's potential and readiness for work,
34 including, but not limited to, skills, education, past work experience
35 and any barriers to securing employment, including a screening and
36 assessment for substance abuse, as appropriate. For all recipients not
37 deferred or exempt, an annual individual responsibility plan shall be
38 developed jointly by the county agency ¹or municipal welfare agency,
39 as appropriate,¹ and recipient specifying the steps that will be taken by
40 each to assist the recipient to secure employment. The individual
41 responsibility plan shall include specific goals for each adult member
42 ¹[of] or minor parent in¹ the assistance unit ¹, ¹and may include
43 specific goals for a dependent child member of the assistance unit.
44 The goals, as determined by regulation of the commissioner, shall
45 include, but not be limited to, requirements for parental participation
46 in a dependent child's primary school program, immunizations for a

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

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

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

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

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

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

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

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

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

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

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

45 (2) A person who believes that he has been adversely affected by a
46 violation of this subsection, or the organization that is duly authorized

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

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

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

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

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

31

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

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

1 benefits, and a reapplication shall be required by the assistance unit in
2 order to receive cash assistance benefits.

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

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

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

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

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

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

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

39 (4) 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 second offense
42 shall be subject to a loss of cash assistance benefits for a minimum of
43 two months. If an intent to comply by the dependent child is not
44 evidenced by the end of the two-month period, the dependent child
45 shall be excluded from the assistance unit for cash assistance benefits.

46 (5) A person sanctioned for a second offense pursuant to this

1 subsection shall be counseled by a county agency ¹or municipal welfare
2 agency¹ employee¹, as appropriate, prior to the reinstatement of
3 eligibility for cash assistance benefits.

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

12 (2) A dependent child ¹16 years of age or older ¹who is in
13 noncompliance with the requirement for school attendance or other
14 work activity participation pursuant to this act for a third or
15 subsequent offense shall be subject to a loss of cash assistance benefits
16 for a minimum of three months. If an intent to comply by the
17 dependent child is not evidenced by the end of the three-month period,
18 the dependent child shall be excluded from the assistance unit for cash
19 assistance benefits.

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

26 e. ¹[A]An adult¹ recipient who voluntarily quits a job without good
27 cause, as defined by regulation of the commissioner, shall render the
28 entire assistance unit ineligible for cash assistance benefits for a period
29 of two months from the date ¹the county agency or municipal welfare
30 agency, as appropriate, makes the determination that¹ the recipient
31 quit the job ¹['; except that, if the recipient is a dependent child
32 engaged in a work activity, only the needs of that dependent child shall
33 be deleted from the cash assistance benefit provided to the assistance
34 unit for the two-month period]¹.

35

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

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

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

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

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

32 (4) The Division of Family Development shall determine and cause
33 to be made such financial adjustments as are necessary to maintain a
34 correct proportional participation in any repayment among the
35 counties ¹[,]and¹ State ¹[and federal government, and shall pay to the
36 Treasurer of the United States the determined federal portion]¹.

37
38 ²11. Participation ³by a recipient³ in a community work experience
39 or alternative work experience provided by ³[the State, or by a county
40 or municipality, or a board, commission or agency thereof, or by a
41 private nonprofit or private charitable employer] a sponsor³ pursuant
42 to this act shall not be considered employment for any purpose, except
43 that:

44 a. It shall be regarded as employment for the purposes of the "Law
45 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), and the
46 sponsor, not the program, shall be deemed the employer for purposes

1 of any action brought under that act: ³[and]³

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

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

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

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

17
 18 ²12. For the purposes of chapter 15 of Title 34 of the Revised
 19 Statutes, a recipient who participates in a community work experience
 20 or alternative work experience shall be regarded as an employee of the
 21 State and ³the sponsor. The recipient and the dependents of the
 22 recipient³ shall be provided by the State with ³[the] all³ compensation
 23 required ³, and defenses and remedies available,³ pursuant to that
 24 chapter, except for ³: (1) compensation provided for³ temporary
 25 disability ³[provided]³ pursuant to subsection a. of R.S.34:15-12³ ; and
 26 (2) medical and hospital services provided pursuant to R.S.34:15-15
 27 unless the recipient becomes ineligible for medical assistance under the
 28 "New Jersey Medical Assistance and Health Services Act," P.L.1968,
 29 c.413 (C.30:4D-1 et seq.)³ . In the event that it is determined that the
 30 recipient has been subject to an injury or illness producing a temporary
 31 disability, the program shall not provide compensation pursuant to
 32 subsection a. of R.S.34:15-12, but the recipient shall receive cash
 33 benefits from the program and shall be deferred from the work activity
 34 requirements as provided in subsection e. of section 8 of P.L. _____, c.
 35 _____ (C. _____) (pending before the Legislature as this bill).
 36 Notwithstanding any other provision of law, the recipient shall be
 37 exempted from the 60-month time limit provided pursuant to section
 38 2 of P.L. _____, c. _____ (C. _____)(pending before the Legislature ³[of] as³
 39 Senate Bill No. 35 of 1996) ³[for a period of not more than] during
 40 the first³ 90 days ³[for] of³ each period of temporary disability subject
 41 to the provisions of this section. When determining the amount of any
 42 compensation provided pursuant to chapter 15 of Title 34 of the
 43 Revised Statutes other than ³compensation for³ temporary disability,
 44 the amount of compensation shall be ³[based on the average weekly
 45 wage paid in the county for the class of work done by the recipient, as
 46 determined by the Commissioner of Labor] calculated as if the

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

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

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

40 As used in ³section 11 and 14 of this act and in³ this section,
 41 "sponsor" means a private nonprofit ³[or] employer,³ private charitable
 42 employer, ³[and any] or³ public employer ³[other than the State] that
 43 provides a community work experience or alternative work experience
 44 to a recipient³ .²
 45

46 ²14. The sole recourse of a person, other than a recipient or a

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

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

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

17
 18 ²[11.] 16.² The commissioner, pursuant to the "Administrative
 19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
 20 rules and regulations to effectuate the purposes of this act and to
 21 comply with the requirements of Pub.L.104-193 ²; except that,
 22 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.)
 23 to the contrary, the commissioner may adopt, immediately upon filing
 24 with the Office of Administrative Law, such regulations as the
 25 commissioner deems necessary to implement the provisions of this act,
 26 which shall be effective for a period not to exceed six months and may
 27 thereafter be amended, adopted or re-adopted by the commissioner in
 28 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et
 29 seq.). The Commissioner of Labor, pursuant to the "Administrative
 30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
 31 regulations with respect to those responsibilities delegated to him
 32 under sections 4 and 8 of P.L. , c. (C.)(pending before the
 33 Legislature as this bill)².

34
 35 ²[12.] 17.² The following are repealed:

36 ²R.S.34:15-43.1;²

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

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

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

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

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

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

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

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

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

46

1 ²[13.] 18.² The following are repealed:

2 ¹[P.L.1947, c.156 (C.44:8-107 et seq.);]¹

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

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

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

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

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

8

9 ²[14.] 19.² This act shall take effect immediatly, except that section

10 ²[13] 18² shall take effect on January 1, 1998.

11

12

13

14

15 Designated the "Work First New Jersey Act."