

STATEMENT TO

[First Reprint]

SENATE, No. 36

with Senate Floor Amendments
(Proposed By Senator BRYANT)

ADOPTED: DECEMBER 16, 1996

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

- C filling a position that was made vacant through a demotion, reduction of hours or layoff of a regular employee in the previous 12 months, or if the position was eliminated by the employer during the previous 12 months;
- 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 or temporary 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. Within 30 days of the request for the hearing, the designee shall attempt to resolve the complaint, after which the complainant may appeal to the New Jersey State Board of Mediation in the Department of Labor for expedited binding arbitration. The cost of the arbitration shall be borne equally by both parties.

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

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

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

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

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

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

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

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