

ASSEMBLY, No. 3324

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

**Assemblywomen Jimenez, Reynolds-Jackson, Assemblyman Mukherji,
Assemblywomen Jasey and Jaffer**

SYNOPSIS

Revises requirements for cash assistance benefits under Work First New Jersey program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2022)

1 AN ACT concerning the Work First New Jersey program, revising
2 various parts of the statutory law, and supplementing Title 44 of
3 the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to
9 read as follows:

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

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

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

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

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

36
37 2. Section 1 of P.L.1997, c.13 (C.44:10-34) is amended to read
38 as follows:

39 1. As used in this act:

40 "Alternative work experience" means unpaid work and training
41 **【only】** with a public **【,** private nonprofit**】** or private **【charitable】**
42 employer that provides a recipient with the experience necessary to
43 adjust to, and learn how to function in, an employment setting and
44 the opportunity to combine that experience with education and job
45 training. An alternative work experience participant shall not be
46 assigned to work for a private, for profit employer unless the
47 assignment is for a period of no more than six months and the

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

Matter underlined thus is new matter.

1 assignment is likely to lead to full-time employment with the
2 employer.

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

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

12 "Commissioner" means the Commissioner of Human Services.

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

20 "Dependent child" means a child:

- 21 a. under the age of 18;
22 b. under the age of 19 and a full-time student in a secondary
23 school or an equivalent level of vocational or technical training **【**,
24 if, before the student attains age 19, the student may reasonably be
25 expected to complete the student's program of secondary school or
26 training**】**; or
27 c. under the age of 21 and enrolled in a special education
28 program,
29 who is living in New Jersey with the child's natural or adoptive
30 parent or legal guardian, or with a relative designated by the
31 commissioner in a place of residence maintained by the relative as
32 the relative's home.

33 "Income" means, but is not limited to, commissions, salaries,
34 self-employed earnings, child support and alimony payments other
35 than child support payments provided to an assistance unit pursuant
36 to subsection c. of section 7 of P.L.1997, c.14 (C.44:10-49), interest
37 and dividend earnings, wages, receipts, unemployment
38 compensation, any legal or equitable interest or entitlement owed
39 that was acquired by a cause of action, suit, claim or counterclaim,
40 insurance benefits, temporary disability claims, estate income,
41 trusts, **【**federal income tax refunds, State income tax refunds,
42 homestead rebates,**】** lottery prizes, casino and racetrack winnings,
43 annuities, retirement benefits, veterans' benefits, union benefits, or
44 other sources that may be defined as income by the commissioner **【**;
45 except that in the event that individual development accounts for
46 recipients are established by regulation of the commissioner,**】** .
47 "Income" shall not include federal income tax refunds, State income
48 tax refunds, homestead rebates, child support payments provided to

1 an assistance unit pursuant to subsection c. of section 7 of P.L.1997,
2 c.14 (C.44:10-49), any interest or dividend earnings from [such] an
3 individual development account [shall not be considered income],
4 and other sources as may be excluded by regulation by the
5 Commissioner.

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

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

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

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

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

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

29 "Title IV-A" means the provisions of Title IV-A of the federal
30 Social Security Act governing the program of aid to families with
31 dependent children established pursuant to P.L.1959, c.86 (C.44:10-
32 1 et seq.) and the State Plan to implement those provisions that
33 were in effect on July 16, 1996, including income methodologies
34 for determining eligibility under those provisions and plan.

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

38 "Work activity" includes, but is not limited to, the following, as
39 defined by regulation of the commissioner: employment; on-the-job
40 training; job search and job readiness assistance; vocational
41 educational training; job skills training related directly to
42 employment; community work experience; alternative work
43 experience; supportive work; community service programs,
44 including the provision of child care as a community service
45 project; in the case of a teenage parent or a recipient under the age
46 of 19 [who is expected to graduate or complete their course of
47 study by their 19th birthday], satisfactory attendance at a secondary
48 school or in a course of study leading to a certificate of general

1 equivalence; and education that is necessary for employment in the
2 case of a person who has not received a high school diploma or a
3 certificate of high school equivalency, a course of study leading to a
4 certificate of general equivalence, or post-secondary education,
5 when combined with community work experience participation or
6 other approved work activities, including employment.

7 "Work First New Jersey program" or "program" means the
8 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
9 seq.).

10 (cf: P.L.1997, c.13, s.1)

11
12 3. Section 4 of P.L.1997, c.13 (C.44:10-37) is amended to read
13 as follows:

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

17 a. In the case of **[a recipient who is employed an average of 20**
18 **hours or more a week]** all recipients who are employed:

19 (1) 100% of the earned income shall be disregarded for the first
20 full **[month]** two months of employment in which the earned
21 income would be counted;

22 (2) 75% of the earned income shall be disregarded for six
23 **[consecutive]** cumulative months of employment thereafter; and

24 (3) 50% of the earned income shall be disregarded for each
25 **[continuous]** month of employment thereafter.

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

28 (1) 100% of the earned income shall be disregarded for the first
29 full month in which the earned income would be counted; and

30 (2) 50% of the earned income shall be disregarded for each
31 continuous month of employment thereafter. **]** (deleted by
32 amendment, P.L. , c.) (pending before the Legislature as this
33 bill)

34 c. **[If an employable recipient has a documented disability, as**
35 **defined by the commissioner by regulation, that limits the person**
36 **from accepting more than 20 hours of employment per week, the**
37 **commissioner may waive the 20 hours or more requirement in**
38 **subsection a. of this section and provide that the recipient shall be**
39 **entitled to the 75% earned income disregard for six consecutive**
40 **months of employment, and the 50% earned income disregard for**
41 **each continuous month of employment thereafter.]** (deleted by
42 amendment, P.L. , c.) (pending before the Legislature as this
43 bill)

44 d. In computing the cash assistance benefit for recipients who
45 lose employment and subsequently become reemployed, the 100
46 percent disregard described in paragraph (1) of subsection a. of this
47 section and the 75 percent disregard described in paragraph (2) of

1 subsection a. of this subsection may be applied again only once
2 every 12 months; otherwise, the 50 percent disregard described in
3 paragraph (3) of subsection a. shall be applied for each continuous
4 month of employment.

5 (cf: P.L.2007, c.97, s.1)

6
7 4. Section 5 of P.L.1997, c.13 (C.44:10-38) is amended to read
8 as follows:

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

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

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

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

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

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

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

46 (2) an assistance unit with dependent children which, using the
47 limits and methodologies contained in Title IV-A, would not be
48 eligible for cash assistance under Title IV-A as a result of the

1 collection of child or spousal support under Title IV-D of the
2 federal Social Security Act (42 U.S.C.651 et seq.), shall receive an
3 additional four consecutive months of medical assistance beginning
4 with the first month of ineligibility under the provisions of Title IV-
5 A. Families shall be screened for additional medical assistance
6 eligibility prior to termination of such four-month medical
7 assistance.

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

12 d. At such time as any recipient reaches a cumulative total of
13 24 months of enrollment in the program, the county agency or
14 municipal welfare agency, as appropriate, shall offer additional
15 voluntary case management and supportive services to the recipient,
16 based on assessment of their barriers to securing employment.

17 (cf: P.L.1997, c.13, s.5)

18
19 5. Section 8 of P.L.1997, c.13 (C.44:10-41) is amended to read
20 as follows:

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

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

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

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

11 d. Notwithstanding the report required pursuant to subsection
12 a. of this section, the commissioner, in conjunction with the
13 Commissioner of Labor and Workforce Development, shall submit
14 an annual report to the Governor and, pursuant to section 2 of
15 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, concerning:
16 program caseloads; the nature and type of work activities engaged
17 in by program recipients, along with the total number of hours
18 attributed to each type of work activity; the nature, type, and total
19 amounts of support services provided under the program; the
20 number of beneficiaries leaving the program because the
21 beneficiary's annual income on average exceeds 100 percent, 150
22 percent, 200 percent, 250 percent, and 300 percent of the federal
23 poverty level; the number of sanctions imposed on program
24 recipients pursuant to section 2 of P.L.2007, c.97 (C.44:10-63.1),
25 including the reasons for the sanction and the duration of the
26 sanction; the number of cases closed; the number of applications
27 denied and the reasons for the denials, including the specific
28 reasons for denials based on non-financial factors; and any other
29 data deemed appropriate by the commissioners; along with
30 recommendations for executive, legislative, administrative, or other
31 actions as the commissioners deem necessary and appropriate to
32 improve employment outcomes under the program and reduce deep
33 poverty rates in the State. The data reported pursuant to this
34 subsection shall include Statewide data as well as specific data for
35 each county. Based on the data collected and reported pursuant to
36 this subsection, the Commissioner of Human Services shall make
37 such changes to policies and programs implemented under the
38 Department of Human Services as may be necessary to improve the
39 performance of the Work First New Jersey program and further the
40 goals of the program.

41 (cf: P.L.1997, c.13, s.8)

42
43 6. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
44 as follows:

45 1. As used in this act:

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

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

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

10 "Commissioner" means the Commissioner of Human Services.

11 "County agency" means the county agency that was
12 administering the aid to families with dependent children program
13 at the time the federal "Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
15 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
16 44 et al.) shall also administer the Work First New Jersey program
17 in that county.

18 "Dependent child" means a child:

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

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

- 32 a. a qualified alien admitted to the United States prior to
33 August 22, 1996, who is eligible for means-tested, federally funded
34 public benefits pursuant to federal law;
35 b. a refugee, asylee, victim of human trafficking, or person
36 granted withholding of deportation under federal law for the
37 person's first five years after receiving that classification in the
38 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
41 of 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
45 qualifying quarters of coverage as defined under Title II of the
46 federal Social Security Act; except that, for any period after
47 December 31, 1996, a quarter during which an individual received

1 means-tested, federally funded public benefits shall not count
2 toward the total number of quarters;

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

7 g. a qualified alien who has been battered or subjected to
8 extreme cruelty in the United States by a spouse, parent or a
9 member of the spouse or parent's family residing in the same
10 household as the alien, or a qualified alien whose child has been
11 battered or subjected to extreme cruelty in the United States by a
12 spouse or parent of the alien, without the active participation of the
13 alien, or by a member of the spouse or parent's family residing in
14 the same household as the alien. In either case, the spouse or parent
15 shall have consented or acquiesced to the battery or cruelty and
16 there shall be a substantial connection between the battery or
17 cruelty and the need for benefits to be provided. The provisions of
18 this subsection shall not apply to an alien during any period in
19 which the individual responsible for the battery or cruelty resides in
20 the same household or assistance unit as the individual subjected to
21 the battery or cruelty. Benefits shall be provided to the extent and
22 for the period of time that the alien or alien's child is eligible for the
23 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-
26 193] an individual who meets program requirements and is lawfully
27 present in the United States, regardless of the individual's date of
28 entry into the United States. The term "eligible immigrant" shall
29 include: any individual who is a "qualified alien," as that term is
30 defined in 8 U.S.C. s.1641; any individual who is "lawfully
31 present" in the United States, as that term is defined in 45 CFR
32 s.152.2; any individual granted relief from federal immigration laws
33 under the federal Deferred Action for Childhood Arrivals program;
34 and any other individual who is not a citizen or national of the
35 United States and is authorized to live in the United States.

36 "Income" means, but is not limited to, commissions, salaries,
37 self-employed earnings, child support and alimony payments other
38 than child support payments provided to an assistance unit pursuant
39 to subsection c. of section 7 of P.L.1997, c.14 (C.44:10-49), interest
40 and dividend earnings, wages, receipts, unemployment
41 compensation, any legal or equitable interest or entitlement owed
42 that was acquired by a cause of action, suit, claim or counterclaim,
43 insurance benefits, temporary disability claims, estate income,
44 trusts, [federal income tax refunds, State income tax refunds,
45 homestead rebates,] lottery prizes, casino and racetrack winnings,
46 annuities, retirement benefits, veterans' benefits, union benefits, or
47 other sources that may be defined as income by the commissioner [;
48 except that in the event that individual development accounts for

1 recipients are established by regulation of the commissioner,】 .
2 “Income” shall not include federal income tax refunds, State income
3 tax refunds, homestead rebates, child support payments provided to
4 an assistance unit pursuant to subsection c. of section 7 of P.L.1997,
5 c.14 (C.44:10-49), any interest or dividend earnings from 【such】 an
6 individual development account 【shall not be considered income】.
7 and other sources as may be excluded by regulation by the
8 Commissioner.

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

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

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

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

24 "Resources" means all real and personal property as defined by
25 the commissioner; except that in the event that individual
26 development accounts for recipients are established by regulation of
27 the commissioner, all funds in such an account, up to the limit
28 determined by the commissioner, including any interest or dividend
29 earnings from such an account, shall not be considered to be a
30 resource. “Resources” shall not include funds in an individual
31 retirement account established under State or federal law or interest
32 or dividend earnings from such an account, for any recipient who
33 has not reached full retirement age. “Resources” shall also not
34 include any retirement accounts excluded from consideration as a
35 resource in the Supplemental Nutrition Program in the Food and
36 Nutrition Act of 2008, as amended, section 5(g)(7)(A)(i).

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

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

42 "Work First New Jersey program" or "program" means the
43 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
44 seq.).
45 (cf: P.L.2007, c.96, s.3)

46
47 7. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read
48 as follows:

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

5 These standards shall take into account, for the determination of
6 eligibility and the provision of benefits, all income and resources of
7 all persons in the assistance unit of which the applicant or recipient
8 is a member, except as provided by law governing the Work First
9 New Jersey program and as prescribed by the commissioner. The
10 benefits to be granted shall be governed by standards established by
11 regulation of the commissioner. The commissioner may set income
12 and resource eligibility and benefits standards that differ with
13 respect to types of assistance units. If an applicant or recipient
14 meets the resource eligibility standards to qualify for benefits under
15 the State Medicaid program or the NJ FamilyCare program, the
16 applicant or recipient shall be deemed to meet the resource
17 eligibility standards to qualify for benefits under the Work First
18 New Jersey program.

19 b. A recipient, as a condition of eligibility for benefits, shall,
20 subject to good cause exceptions **[as]**, which exceptions shall be
21 defined by the commissioner and shall be considered broadly in
22 consideration of the recipient's health, safety, family needs,
23 financial considerations, and other factors as determined by the
24 commissioner, be required to: do all acts stated herein necessary to
25 establish the paternity of a child born out-of-wedlock, and to
26 establish and participate in the enforcement of child support
27 obligations; cooperate with work requirements established by the
28 commissioner; make application for any other assistance for which
29 members of the assistance unit may be eligible; be income and
30 resource eligible as defined by the commissioner, including the
31 deeming of income and resources as appropriate; provide all
32 necessary documentation which shall include the federal Social
33 Security number for all assistance unit members, except for an
34 eligible **[alien]** immigrant who cannot be assigned a Social
35 Security number due to his status, or make application for same;
36 sign an agreement to repay benefits in the event of receipt of
37 income or resources, including General Assistance repayment
38 subject to a Supplemental Security Income Interim Assistance
39 Reimbursement Agreement, but excluding repayment from
40 unemployment benefits and other government benefits; and comply
41 with personal identification requirements as a condition of receiving
42 benefits, which may employ the use of high technology processes
43 for the detection of fraud.

44 c. Notwithstanding any other provision of law or regulation to
45 the contrary, an applicant shall not be **[eligible]** deemed ineligible
46 for benefits **[when]** on the grounds that the applicant's eligibility
47 for benefits is the result of a **[voluntary]** cessation of employment
48 **[without good cause, as determined by the commissioner]**, unless

1 the applicant intentionally and voluntarily left employment within
2 **【90】** 30 days prior to the date of application for benefits for the sole
3 purpose of qualifying for Work First New Jersey benefits, without
4 good cause. Good cause shall be considered broadly in
5 consideration of the recipient's health, safety, family needs,
6 financial considerations, and other factors as determined by the
7 commissioner.

8 d. A voluntary assignment or transfer of income or resources
9 within one year prior to the time of application for benefits for the
10 purpose of qualifying therefor shall render the applicant and the
11 applicant's assistance unit members ineligible for benefits for a
12 period of time determined by regulation of the commissioner, which
13 period shall not exceed the value of the income or resource divided
14 by the monthly standard of need, established pursuant to section 9 of
15 P.L.1997, c.13 (C.44:10-42), or twelve months, whichever value is
16 less.

17 e. Any income or resources that are exempted by federal law
18 for purposes of eligibility for benefits shall not reduce the amount
19 of benefits received by a recipient and shall not be subject to a lien
20 or be available for repayment to the State or county agency for
21 benefits received by the individual. Income and resources received
22 by a recipient shall not be used to prospectively disqualify a
23 recipient from assistance and shall be considered only in the month
24 received and at the time of any new application except as provided
25 in subsection d. above.

26 (cf: P.L.1997, c.14, s.2)

27
28 8. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
29 as follows:

30 5. a. Only those persons who are United States citizens or
31 eligible **【aliens】** immigrants shall be eligible for benefits under the
32 Work First New Jersey program. **【Single adults or couples without**
33 **dependent children who are legal aliens who meet federal**
34 **requirements and have applied for citizenship, shall not receive**
35 **benefits for more than six months unless (1) they attain citizenship,**
36 **or (2) they have passed the English language and civics components**
37 **for citizenship, and are awaiting final determination of citizenship**
38 **by the federal Immigration and Naturalization Service.】**

39 b. The following persons shall not be eligible for assistance and
40 shall not be considered to be members of an assistance unit:

41 (1) non-needy caretakers, except that the eligibility of a
42 dependent child shall not be affected by the income or resources of
43 a non-needy caretaker;

44 (2) Supplemental Security Income recipients, except for the
45 purposes of receiving emergency assistance benefits pursuant to
46 section 8 of P.L.1997, c.14 (C.44:10-51);

47 (3) **【illegal aliens】** undocumented immigrants;

1 (4) other **【aliens】** immigrants who are not eligible **【aliens】**
2 immigrants;

3 (5) a person absent from the home who is incarcerated in a
4 federal, State, county or local corrective facility or under the
5 custody of correctional authorities, except as provided by regulation
6 of the commissioner;

7 (6) a person who: is fleeing to avoid prosecution, custody or
8 confinement after conviction, under the laws of the jurisdiction
9 from which the person has fled, for a crime or an attempt to commit
10 a crime which is a felony or a high misdemeanor under the laws of
11 the jurisdiction from which the person has fled; or is violating a
12 condition of probation or parole imposed under federal or state law;

13 (7) **【a** person convicted on or after August 22, 1996 under
14 federal or state law of any offense which is classified as a felony or
15 crime, as appropriate, under the laws of the jurisdiction involved
16 and which has as an element the possession, use, or distribution of a
17 controlled substance as defined in section 102(6) of the federal
18 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
19 otherwise be eligible for general public assistance pursuant to
20 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
21 is convicted of any such offense which has as an element the
22 possession or use only of such a controlled substance may be
23 eligible for Work First New Jersey general public assistance
24 benefits if the person enrolls in or has completed a licensed
25 residential or outpatient drug treatment program. An otherwise
26 eligible individual who has a past drug conviction shall be eligible
27 for general public assistance without enrolling in or completing a
28 drug treatment program if either: (1) an appropriate treatment
29 program is not available; or (2) the person is excused from enrolling
30 in a treatment program for good cause pursuant to regulation.

31 Eligibility for benefits for a person entering a licensed drug
32 treatment program which does not operate in a State correctional
33 facility or county jail shall commence upon the person's enrollment
34 in the drug treatment program, and shall continue during the
35 person's active participation in, and upon completion of, the drug
36 treatment program, except that during the person's active
37 participation in a drug treatment program and the first 60 days after
38 completion of a drug treatment program, the commissioner shall
39 provide for testing of the person to determine if the person is free of
40 any controlled substance. If the person is determined to not be free
41 of any controlled substance during the 60-day period, the person's
42 eligibility for benefits pursuant to this paragraph shall be
43 terminated; except that this provision shall not apply to the use of
44 prescription drugs by a person who is actively participating in a
45 drug treatment program, as prescribed by the drug treatment
46 program. The commissioner shall adopt regulations to carry out the
47 provisions of this paragraph, which shall include the criteria for

1 determining active participation in and completion of a drug
2 treatment program.

3 Eligibility for benefits for a person who completes a licensed
4 residential drug treatment program which operates in a State
5 correctional facility or county jail, in accordance with section 1 of
6 P.L.2014, c.1 (C.26:2B-40), shall commence upon release from
7 incarceration.

8 Cash benefits, less a personal needs allowance, for a person
9 receiving general public assistance benefits under the Work First
10 New Jersey program who is enrolled in and actively participating in
11 a licensed drug treatment program shall be issued directly to the
12 drug treatment provider to offset the cost of treatment. Upon
13 completion of the drug treatment program, the cash benefits shall be
14 then issued to the person. In the case of a delay in issuing cash
15 benefits to a person receiving Work First New Jersey general public
16 assistance benefits who has completed the drug treatment program,
17 the drug treatment provider shall transmit to the person those funds
18 received on behalf of that person after completion of the drug
19 treatment program; **】** (deleted by amendment, P.L. , c.) (pending
20 before the Legislature as this bill)

21 (8) a person found to have fraudulently misrepresented his
22 residence in order to obtain means-tested, public benefits in two or
23 more states or jurisdictions, who shall be ineligible for benefits for
24 a period of 10 years from the date of conviction in a federal or state
25 court; or

26 (9) a person who intentionally makes a false or misleading
27 statement or misrepresents, conceals or withholds facts for the
28 purpose of receiving benefits, who shall be ineligible for benefits
29 for a period of six months for the first violation, 12 months for the
30 second violation, and permanently for the third violation.

31 c. A person who makes a false statement with the intent to
32 qualify for benefits and by reason thereof receives benefits for
33 which the person is not eligible is guilty of a crime of the fourth
34 degree.

35 d. Pursuant to the authorization provided to the states under 21
36 U.S.C. s.862a(d)(1), this State elects to exempt from the application
37 of 21 U.S.C. s.862a(a):

38 (1) needy persons and their dependent children domiciled in
39 New Jersey for the purposes of receiving benefits under the Work
40 First New Jersey program and food assistance under the federal
41 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
42 et seq.); and

43 (2) single persons and married couples without dependent
44 children domiciled in New Jersey for the purposes of receiving food
45 assistance under Pub.L.110-234.

46 (cf: P.L.2016, c.69, s.1)

1 9. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
2 as follows:

3 6. a. The signing of an application for benefits under the Work
4 First New Jersey Program shall constitute an assignment of any
5 child support rights pursuant to Title IV-D on behalf of individual
6 assistance unit members to the county agency. The assignment
7 shall terminate with respect to current support rights when a
8 determination is made by the county agency that the person in the
9 assistance unit is no longer eligible for benefits. The determination
10 of the amount of repayment to the county agency and distribution of
11 any unpaid support obligations that have accrued during the period
12 of receipt of benefits shall be determined by regulation of the
13 commissioner in accordance with federal law.

14 b. The county agency shall pass through to the assistance unit
15 the full amount of the current child support collected on behalf of a
16 child in those circumstances defined by the commissioner.

17 c. An assistance unit eligible for benefits and in receipt of child
18 support shall receive, in addition to its regular grant of cash
19 assistance benefits, a monthly amount of child support that is equal
20 to the maximum benefit amount for which the federal
21 reimbursement share is waived, based on the current child support
22 received for the month **【**, as determined by regulations adopted by
23 the commissioner, and in accordance with federal law**】**.

24 (cf: P.L.2008, c.101, s.2)

25

26 10. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
27 as follows:

28 2. The Legislature finds and declares that:

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

34 b. Work and the earning of income promote the best interests
35 of families and children;

36 c. Working individuals and families needing temporary
37 assistance should have the transitional support necessary to obtain
38 and keep a job in order to be able to avoid cycling back **【**onto
39 public assistance**】** into financial hardship, as well as the opportunity
40 to acquire new skills and training and access job opportunities that
41 will allow them to lift themselves out of poverty;

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

44 e. Successful welfare reform **【requires】** is furthered by the
45 active involvement of the private sector as well as all departments
46 of State government;

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

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

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

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

29 i. Enhancing an individual's overall training and skill set, and
30 providing opportunities for progressive advancement, will help the
31 person to exit, and sustainably avoid, poverty far more effectively
32 than simply placing the individual in a job that presents no
33 opportunities for development or advancement.

34 (cf: P.L.2004, c.130, s.117)

35
36 11. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
37 as follows:

38 3. As used in this act:

39 "Alternative work experience" means unpaid work and training
40 **【only】** with a public **【**, private nonprofit**】** or private **【charitable】**
41 employer that provides a recipient with the experience necessary to
42 adjust to, and learn how to function in, an employment setting and
43 the opportunity to combine that experience with education and job
44 training. An alternative work experience participant shall not be
45 assigned to work for a private, for profit employer unless the
46 assignment is for a period of no more than six months and the

1 assignment is likely to lead to full-time employment with the
2 employer.

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

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

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

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

17 "Commissioner" means the Commissioner of Human Services.

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

25 "County agency" means the county agency that was
26 administering the aid to families with dependent children program
27 at the time the federal "Personal Responsibility and Work
28 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
29 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
30 55 et seq.) shall also administer the Work First New Jersey program
31 in that county.

32 "Dependent child" means a child:

- 33 a. under the age of 18;
34 b. under the age of 19 and a full-time student in a secondary
35 school or an equivalent level of vocational or technical training **【**,
36 if, before the student attains age 19, the student may reasonably be
37 expected to complete the student's program of secondary school or
38 training**】**; or
39 c. under the age of 21 and enrolled in a special education
40 program,
41 who is living in New Jersey with the child's natural or adoptive
42 parent or legal guardian, or with a relative designated by the
43 commissioner in a place of residence maintained by the relative as
44 the relative's home.

45 "Eligible **【alien】** immigrant" means **【**one of the following:

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

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

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

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

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

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

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

37 For the purposes of this section, "qualified alien" is defined
38 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
39 193] an individual who meets program requirements and is lawfully
40 present in the United States, regardless of the individual's date of
41 entry into the United States. The term "eligible immigrant" shall
42 include: any individual who is a "qualified alien," as that term is
43 defined in 8 U.S.C. s.1641; any individual who is "lawfully
44 present" in the United States, as that term is defined in 45 CFR
45 s.152.2; any individual granted relief from federal immigration laws
46 under the federal Deferred Action for Childhood Arrivals program;
47 and any other individual who is not a citizen or national of the
48 United States and is authorized to live in the United States.

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

3 "Income" means, but is not limited to, commissions, salaries,
4 self-employed earnings, child support and alimony payments other
5 than child support payments provided to an assistance unit pursuant
6 to subsection c. of section 7 of P.L.1997, c.14 (C.44:10-49), interest
7 and dividend earnings, wages, receipts, unemployment
8 compensation, any legal or equitable interest or entitlement owed
9 that was acquired by a cause of action, suit, claim or counterclaim,
10 insurance benefits, temporary disability claims, estate income,
11 trusts, [federal income tax refunds, State income tax refunds,
12 homestead rebates,] lottery prizes, casino and racetrack winnings,
13 annuities, retirement benefits, veterans' benefits, union benefits, or
14 other sources that may be defined as income by the commissioner [;
15 except that in the event that individual development accounts for
16 recipients are established by regulation of the commissioner,] .
17 "Income" shall not include federal income tax refunds, State income
18 tax refunds, homestead rebates, child support payments provided to
19 an assistance unit pursuant to subsection c. of section 7 of P.L.1997,
20 c.14 (C.44:10-49), any interest or dividend earnings from [such] an
21 individual development account [shall not be considered income],
22 and other sources as may be excluded by regulation by the
23 Commissioner.

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

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

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

32 "Resources" means all real and personal property as defined by
33 the commissioner; except that in the event that individual
34 development accounts for recipients are established by regulation of
35 the commissioner, all funds in such an account, up to the limit
36 determined by the commissioner, including any interest or dividend
37 earnings from such an account, shall not be considered to be a
38 resource. "Resources" shall not include funds in an individual
39 retirement account established under State or federal law or interest
40 or dividend earnings from such an account, for any recipient who
41 has not reached full retirement age. "Resources" shall also not
42 include any retirement accounts excluded from consideration as a
43 resource in the Supplemental Nutrition Program in the Food and
44 Nutrition Act of 2008, as amended, section 5(g)(7)(A)(i).

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

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

19 (cf: P.L.1997, c.38, s.3)

20
21 12. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
22 as follows:

23 5. a. All adult persons, except as otherwise provided by law
24 governing the Work First New Jersey program, are charged with the
25 primary responsibility of supporting and maintaining themselves
26 and their dependents; the primary responsibility for the support and
27 maintenance of minor children is that of the parents and family of
28 those children [; and benefits shall be provided only when other
29 means of support and maintenance are not present to support the
30 assistance unit].

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

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

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

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

23

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

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

44 A recipient may be assigned to a work activity or to an
45 educational, training, work-study, internship, or other opportunity,
46 as determined by the commissioner, that will enhance the
47 recipient’s ability to find employment that will lead to the
48 assistance unit’s removal from, and sustainable avoidance of,

1 poverty. The recipient shall sign an individual responsibility plan,
2 as provided in subsection f. of this section, in order to be able to
3 participate in the program, which shall indicate the terms of the
4 **【work activity】** requirements for the work activity or other
5 opportunity that the recipient must fulfill in order to continue to
6 receive benefits. In no case shall a recipient's work activity
7 requirements include more than six months of community work
8 experience within any 12-month period.

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

20 c. A recipient shall comply with work activity participation
21 requirements as a condition of remaining eligible for benefits. In
22 accordance with the requirements of Pub.L.104-193 (42 U.S.C. s.
23 601 et seq.), a minimum participation rate of 25% shall be realized
24 in federal fiscal year 1997. The participation rate shall increase by
25 5% in each federal fiscal year to a level of 50% in federal fiscal
26 year 2002 and thereafter. For two-parent assistance units with
27 dependent children receiving benefits, the participation rate shall be
28 75% for federal fiscal years 1997 and 1998 and 90% in federal
29 fiscal year 1999 and thereafter. The participation rate shall be
30 calculated in accordance with federal requirements. A recipient
31 may be required to participate in one or more work activities for a
32 maximum aggregate hourly total of **【40】** 30 hours per week, except
33 that, if a child in the assistance unit is under six years of age, the
34 maximum aggregate hourly total of work activities required for the
35 recipient shall be 20 hours per week.

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

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

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

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

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

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

27 g. The county agency or municipal welfare agency, as
28 appropriate, shall ensure the provision of necessary case
29 management for recipients, as appropriate to their degree of job
30 readiness, pursuant to regulations adopted by the commissioner.
31 The most intensive case management shall be directed to those
32 recipients facing the most serious barriers to employment.

33 h. (1) A recipient shall not be placed or utilized in a position at
34 a particular workplace:

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

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

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

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

1 (e) by or through an employment agency or temporary help
2 service firm as a community work experience or alternative work
3 experience worker;

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

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

7 (2) A person who believes that he has been adversely affected
8 by a violation of this subsection, or the organization that is duly
9 authorized to represent the collective bargaining unit to which that
10 person belongs, shall be afforded an opportunity to meet with a
11 designee of the Commissioner of Labor and Workforce
12 Development or the Governor's Office of Employee Relations, as
13 appropriate. The designee shall attempt to resolve the complaint of
14 the alleged violation within 30 days of the date of the request for
15 the meeting. The Commissioner of Labor and Workforce
16 Development, in consultation with the Governor's Office of
17 Employee Relations, shall adopt regulations to effectuate the
18 provisions of this subsection. In the event that the complaint is not
19 resolved within the 30-day period, the complainant may appeal to
20 the New Jersey State Board of Mediation in the Department of
21 Labor and Workforce Development for expedited binding
22 arbitration in accordance with the rules of the board. If the
23 arbitrator determines that a violation has occurred, he shall provide
24 an appropriate remedy. The cost of the arbitration shall be borne
25 equally by both parties to the dispute.

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

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

35 j. The commissioner shall take such actions as are necessary to
36 ensure that the program meets the requirements to qualify for the
37 maximum amount of federal funds due the State under Pub.L.104-
38 193 (42 U.S.C. s. 601 et seq.).

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

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

43
44 14. Section 2 of P.L.2007, c.97 (C.44:10-63.1) is amended to
45 read as follows:

46 2. In an assistance unit with a single adult or couple without
47 dependent children or a single adult or couple with dependent
48 children, the failure of a recipient to actively cooperate with the

1 Work First New Jersey program, established pursuant to P.L.1997,
2 c.38 (C.44:10-55 et seq.), or participate in work activities under the
3 program, without good cause **【as determined by the commissioner】**,
4 shall result in a loss of cash assistance benefits in accordance with
5 the provisions of this section.

6 Prior to the imposition of a sanction, the county or municipal
7 welfare agency shall determine whether good cause for
8 noncompliance exists. Good cause shall include, but is not limited
9 to, disability or other circumstances, as defined by the
10 commissioner, which effectively impair a recipient's ability to
11 actively cooperate with the Work First New Jersey program or
12 participate in work activities under the program. Good cause shall
13 be considered broadly in consideration of the recipient's health,
14 safety, family needs, financial considerations, and other factors as
15 determined by the commissioner.

16 A reduction in the cash assistance benefit of a non-compliant
17 adult member of an assistance unit imposed pursuant to this section
18 shall not apply to any other adult or dependent child member of the
19 assistance unit who is in compliance with program requirements,
20 which compliant member shall continue to receive the member's
21 full pro-rata share of cash assistance benefits. If the cash assistance
22 benefits for all adult members of the assistance unit are closed, the
23 dependent child members of the assistance unit shall continue to
24 receive their pro rata share of the cash assistance benefits for the
25 assistance unit as a dependent child-only assistance unit.

26 a. Prior to the imposition of a sanction, the county or municipal
27 welfare agency shall ensure that, in consultation with the recipient,
28 an assessment has been given in accordance with subsection f. of
29 section 8 of P.L.1997, c.38 (C.44:10-62), and a determination has
30 been made that barriers do not exist which are likely to prevent the
31 recipient from complying with the work requirements or other
32 activities specified in the individual responsibility plan; provided
33 that, this prerequisite to the imposition of a sanction shall not apply
34 if the recipient, without good cause, has refused to cooperate with
35 the conduct of the assessment.

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

39 (1) reviewing the case record to determine whether a
40 comprehensive assessment or other information in the file indicates
41 that good cause for noncompliance exists, and

42 (2) outreaching to the recipient, to attempt, in consultation with
43 the recipient, to determine the reason for noncompliance and
44 whether it constitutes good cause.

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

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

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

7 b. **【In an assistance unit with one adult, if the】** If an adult
8 receiving cash assistance fails to actively cooperate with the
9 program or participate in work activities without good cause, the
10 cash assistance benefit provided to the **【assistance unit】** non-
11 compliant adult shall be reduced by the pro-rata share of the
12 noncompliant adult for one month. If the adult fails to come into
13 compliance by the end of the sanction month, the adult's pro-rata
14 share shall continue to be suspended until the adult demonstrates an
15 intent to comply. A reduction in the cash assistance benefit of a
16 non-compliant adult member of an assistance unit pursuant to this
17 subsection shall not apply to any other adult or dependent child
18 member of the assistance unit who is in compliance with program
19 requirements, which compliant member shall continue to receive
20 the member's full pro-rata share of cash assistance benefits.

21 (1) **【If the adult fails to actively cooperate with the program or**
22 participate in work activities by the end of the first-month pro-rata
23 sanction, without good cause, the assistance unit's cash assistance
24 case shall be suspended for one month. If the participant complies
25 by the end of the suspension month, the suspension shall be lifted.**】**
26 (deleted by amendment, P.L. , c.) (pending before the
27 Legislature as this bill)

28 (2) **【If the adult fails to actively cooperate with the program or**
29 participate in work activities by the end of the suspension month,
30 without good cause, the assistance unit's cash assistance case shall
31 be closed for a minimum one-month period, and the assistance unit
32 shall be required to reapply in order to receive further cash
33 assistance benefits.**】** (deleted by amendment, P.L. , c.) (pending
34 before the Legislature as this bill)

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

42 If both adults fail to actively cooperate with the program or
43 participate in work activities without good cause, the cash
44 assistance benefit provided to the assistance unit shall be reduced
45 by the pro-rata share of the noncompliant adults for one month. If
46 both adults fail to actively cooperate with the program or participate
47 in work activities by the end of the sanction month, without good

1 cause, the assistance unit's cash assistance case shall be closed for a
2 minimum one-month period, and the assistance unit shall be
3 required to reapply in order to receive further cash assistance
4 benefits.】 (deleted by amendment, P.L. , c.) (pending before
5 the Legislature as this bill)

6 d. If a dependent child **【16】** 19 years of age or older fails to
7 comply with the requirement for school attendance or other work
8 activity participation, without good cause, the dependent child shall
9 be subject to a **【pro-rata】** 50 percent reduction in the dependent
10 child's pro-rata share of cash assistance benefits for one month. If
11 the dependent child fails to comply by the end of the sanction
12 month, the pro-rata reduction shall continue until the dependent
13 child demonstrates an intent to comply.

14 e. If a cash assistance case is suspended or closed due to a
15 sanction, and the recipient is receiving emergency assistance
16 benefits, then the household shall continue to receive emergency
17 assistance benefits for one month immediately following the case
18 closure or suspension.

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

22 f. **【If a recipient who is less than 18 years of age is living in a**
23 **Work First New Jersey-funded appropriate living arrangement**
24 **because the recipient is unable to live with a parent, guardian, or**
25 **other adult relative, funding for the living arrangement shall**
26 **continue for one month immediately following the case closure.】**
27 (deleted by amendment, P.L. , c.) (pending before the
28 Legislature as this bill)

29 g. **【An adult recipient who voluntarily quits a job without good**
30 **cause, as defined by regulation of the commissioner, shall render**
31 **the entire assistance unit ineligible for cash assistance benefits for a**
32 **period of two months from the date the county agency or municipal**
33 **welfare agency, as appropriate, makes the determination that the**
34 **recipient quit the job.】** (deleted by amendment, P.L. , c.)
35 (pending before the Legislature as this bill)

36 h. An assistance unit or recipient sanctioned pursuant to this
37 section that returns to compliance within 60 days shall be provided
38 the balance of any benefit amounts withheld or reduced during the
39 period in which the assistance unit or recipient was out of
40 compliance, in addition to any amounts to which the assistance unit
41 or recipient is otherwise eligible. An assistance unit or recipient
42 sanctioned pursuant to this section that returns to compliance more
43 than 60 days after the date sanctions were imposed shall be
44 provided the balance of any benefit amounts withheld or reduced
45 during the period after which the assistance unit or recipient
46 demonstrated an intent to comply, in addition to any amounts to
47 which the assistance unit or recipient is otherwise eligible.

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

2

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

5 2. a. Effective no later than the 30th day after the date of
6 enactment of **[this act]** P.L.1997, c.37 (C.44:10-71 et al.), a
7 recipient's eligibility for benefits shall be limited to a total of 60
8 cumulative months, except as otherwise provided in **[this act]**
9 P.L.1997, c.37 (C.44:10-71 et al.), regardless of whether the
10 recipient meets more than one assistance unit criteria during that
11 60-month period. Receipt of assistance from federal block grant
12 funds for temporary assistance for needy families provided by
13 another state or territory pursuant to the federal "Personal
14 Responsibility and Work Opportunity Reconciliation Act of 1996,"
15 Pub.L.104-193, shall count towards the 60-month time limit.
16 Receipt of benefits as a dependent child or minor parent shall not
17 count towards the 60-month time limit in the event that the
18 dependent child or minor parent becomes a head of household in the
19 child's or parent's own right for the purposes of receiving benefits.
20 In the event that one or more adult recipients in an assistance unit
21 becomes ineligible for benefits on the grounds that the recipient has
22 reached the 60-month cumulative limit on benefits, the adult
23 recipient's ineligibility for benefits shall in no way affect the
24 eligibility for benefits of any other member of the assistance unit,
25 including, but not limited to, a dependent child.

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

29 (1) over 60 years of age;

30 (2) the parent or other relative of a disabled child or other
31 disabled dependent who must provide full-time care for the disabled
32 child or other disabled dependent;

33 (3) permanently disabled, including, but not limited to, a person
34 eligible for disability insurance benefits under Title II of the federal
35 Social Security Act (42 U.S.C.s.401 et seq.), as defined by
36 regulation of the commissioner; **[or]**

37 (4) chronically unemployable as defined by regulation of the
38 commissioner; or

39 (5) the parent of a dependent child who is a member of the
40 recipient's household, which parent has remained in compliance
41 with the requirements of the program for, at a minimum, the six
42 months of enrollment immediately preceding the date the recipient
43 reaches the 60-month time limit.

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

1 (1) the recipient or the recipient's dependent child would be
2 subject to extreme hardship or incapacity, as defined by regulation
3 of the commissioner, in the event of a termination of benefits;

4 (2) the recipient is **【engaged in full-time employment】**
5 employed but remains eligible for benefits due to earned income
6 disregards provided for under section 4 of P.L.1997, c.13 (C.44:10-
7 37);

8 (3) the recipient has not received an opportunity to engage in
9 work activities **【as specified in the individual responsibility plan**
10 **pursuant to subsection f. of section 8 of P.L.1997, c.38 (C.44:10-**
11 **62)】** that will enhance the recipient's ability to find employment
12 that will lead to the assistance unit's removal from, and sustainable
13 avoidance of, poverty; **【or】**

14 (4) the recipient was **【engaged in full-time employment】**
15 employed and was income-ineligible for benefits but was
16 terminated from the employment through no fault of the recipient;
17 or

18 (5) the recipient is the parent of a dependent child who is a
19 member of the recipient's household, which recipient has remained
20 in compliance with the requirements of the program for, at a
21 minimum, the six months of enrollment immediately preceding the
22 date the recipient reaches the 60-month time limit.

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

28 e. Following any extension of assistance due to subsection c. of
29 this section, a recipient may receive an additional 12 months of
30 assistance in the following circumstances:

31 (1) the recipient is a parent of a dependent child who is a
32 member of the recipient's household, which recipient has remained
33 in compliance with the requirements of the program for, at a
34 minimum, the six months of enrollment immediately preceding the
35 date the recipient reaches the 60-month time limit; or

36 (2) the recipient meets other criteria, as determined by the
37 commissioner, which criteria demonstrate that the extension is
38 necessary for the recipient to protect the health, safety, or well-
39 being of the family, including but not limited to preservation of
40 family unity.

41 f. Any benefits received for months during which a State of
42 Emergency or Public Health Emergency exists shall not be
43 considered for purposes of the time limit provisions outlined in this
44 section and section 8 of P.L.1997, c.14 (C.44:10-51).

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

46
47 16. (New section) For the period commencing July 1, 2022 and
48 continuing through July 1, 2026, the benefit level in effect as of the

1 effective date of P.L. , c. (pending before the Legislature as this
2 bill) shall be annually increased by any increase in the consumer
3 price index for all urban wage earners and clerical workers (CPI-W)
4 as calculated by the federal government for the 12 months prior to
5 the March 31 preceding that July 1, plus an additional amount equal
6 to 20 percent of the difference between the benefit level in effect as
7 of the effective date of P.L. , c. (pending before the Legislature
8 as this bill) and 50 percent of the federal poverty level in effect as
9 of the effective date of P.L. , c. (pending before the Legislature
10 as this bill). Commencing July 1, 2027, the benefit level shall be
11 annually increased by any amount as shall be necessary to make the
12 benefit level equivalent to at least 50 percent of the federal poverty
13 level in effect on that July 1. Commencing July 1, 2027, and
14 annually thereafter, the commissioner shall assess the real cost of
15 living and actual deprivation as reflected in the standard of need
16 established pursuant to section 9 of P.L.1997, c.13 (C.44:10-42),
17 and other cost of self-sufficiency measures, which assessment shall
18 be transmitted to the Legislature by the commissioner for
19 consideration when deciding on appropriations to fund cash
20 assistance benefits to recipients.

21
22 17. (New section) Any organization that receives a State or
23 local economic incentive shall partner with one or more local
24 community organizations that provide support and services to Work
25 First New Jersey program recipients to provide work activity
26 opportunities and other appropriate services to program recipients,
27 which activities and services may include, but shall not be limited
28 to: work-study programs, internships, sector-based contextualized
29 literacy training, skills-based training in growth industries in New
30 Jersey, and job retention and advancement services.

31 As used in this section:

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

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

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

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

47
48 18. Section 3 of P.L.1997, c.14 (C.44:10-46) is repealed.

1
2 19. The Commissioner of Human Services shall apply for such
3 State plan amendments or waivers as may be necessary to
4 implement the provisions of section 3 of this act and to secure
5 federal financial participation for State Medicaid expenditures
6 under the federal Medicaid program.
7

8 20. This act shall take effect 120 days after enactment.
9
10

11 STATEMENT 12

13 This bill would revise the requirements for cash assistance benefits
14 under the Work First New Jersey (WFNJ) program.

15 The bill revises language setting forth the general purposes and
16 goals of the WFNJ program to provide that the purpose of the program
17 is to provide recipients with the opportunities, training, and work skills
18 needed to help elevate them out of poverty. The bill removes certain
19 language concerning how the program interacts with young parents
20 and how the system can be disruptive to the family structure, as well as
21 language stating that the program is consistent with federal law by
22 including a time limit on benefits, work requirements, enhanced
23 measures to determine paternity, enhanced child support collection,
24 sanctions for noncompliance with program requirements, incentives
25 for teenage parents to complete school, and restrictions on eligibility
26 for aliens. The bill additionally removes language providing that
27 WFNJ benefits will only be available when other forms of support and
28 maintenance are unavailable.

29 The bill expands the work requirements under the program to
30 promote the use of educational, training, work-study, internship, and
31 other opportunities that will lead to the recipient's removal from, and
32 sustainable avoidance of, poverty. Recipients will be permitted to
33 forgo work opportunities for good cause or for other opportunities that
34 will better enable the recipient to emerge from, and sustainably avoid,
35 poverty. The bill requires that good cause be considered broadly in
36 consideration of the recipient's health, safety, family needs, financial
37 considerations, and other factors determined by the commissioner.
38 The bill removes a requirement that recipients continuously and
39 actively seek employment.

40 The bill reduces the hourly requirement for work activity from 40
41 hours per week to 30 hours per week, and provides that the maximum
42 aggregate requirement is 20 hours per week for assistance units with a
43 child under six years of age. Current law provides for a deferral from
44 the work activity requirement for parents and relatives caring for a
45 child under 12 weeks of age; the bill extends this deferral to apply to
46 parents and relatives caring for a child under one year of age.

47 The bill provides that an individual who is otherwise eligible for
48 general assistance benefits under WFNJ will not be deemed ineligible

1 for public assistance solely on the grounds that the individual is
2 enrolled in an institution of higher education.

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

14 The bill adds language clarifying that, when determining whether
15 good cause exists to excuse noncompliance with program
16 requirements, good cause is to be considered broadly in consideration
17 of the recipient's health, safety, family needs, financial considerations,
18 and other factors as determined by the commissioner. Furthermore, the
19 bill clarifies that an applicant will not be deemed ineligible for benefits
20 on the grounds that the applicant's eligibility is the result of a cessation
21 of employment, unless the applicant intentionally and voluntarily
22 leaves employment, without good cause, within 30 days prior to the
23 date of application for benefits, for the sole purpose of qualifying for
24 WFNJ benefits. Under current law, an applicant shall not be eligible
25 for benefits when the applicant's eligibility is the result of a voluntary
26 cessation of employment without good cause, as determined by the
27 commissioner, within 90 days prior to the date of application for
28 benefits.

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

40 The bill revises the earned income disregard to allow a 100 percent
41 disregard for the first two full months of employment in which the
42 earned income would be counted. This income disregard applies to all
43 employment, regardless of the number of hours worked. The disregard
44 would then drop to 75 percent for six cumulative months of
45 employment, and to 50 percent for each month of employment
46 thereafter. If a recipient loses employment then becomes reemployed,
47 the two months of 100 percent income disregard and the six months of

1 75 percent income may be reapplied no more than once every 12-
2 months; otherwise, the 50 percent income disregard will apply.

3 The bill revises the eligibility criteria for aliens, which currently
4 makes various distinctions on who is eligible based on the individual's
5 date of entry into the United States, country of origin, length of time in
6 the United States, whether the individual is a veteran, whether the
7 individual is a victim of domestic violence, and whether the individual
8 has satisfied certain work requirements, among other factors. The bill
9 revises the term to refer to "eligible immigrants" and provide that the
10 term applies to all immigrants who otherwise meet program
11 requirements and are lawfully present in the United States. The term
12 will include individuals who are "qualified aliens" or "lawfully
13 present" for the purposes of federal law, individuals granted relief
14 from federal immigration laws under the federal Deferred Action for
15 Childhood Arrivals program, and any other non-citizen or non-national
16 of the United States who is otherwise authorized to live in the United
17 States.

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

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

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

34 The bill provides that the full amount of child support provided to
35 the assistance unit for which federal reimbursement is waived is to
36 pass through to the unit. Child support that passes through to the unit
37 will not count as income. The bill also excludes federal income tax
38 refunds, State income tax refunds, homestead rebates, and other
39 sources as determined by the Commissioner via regulation from the
40 definition of income.

41 In addition to revising the definition of income, the bill also
42 provides that the definition of resources is not to include: 1) funds in
43 an individual retirement account established under State or federal law,
44 or interest or dividend earnings from such an account, for any recipient
45 who has not reached full retirement age; and 2) any retirement
46 accounts excluded from consideration as a resource in the
47 Supplemental Nutrition Program in the Food and Nutrition Act of
48 2008. Furthermore, if an applicant or recipient meets the resource

1 eligibility standards to qualify for benefits under the State Medicaid
2 program or the NJ FamilyCare program, the applicant or recipient is to
3 be deemed to meet the resource eligibility standards to qualify for
4 benefits under the Work First New Jersey program.

5 The bill also clarifies that the period of time an applicant is to be
6 deemed ineligible for benefits due to a voluntary assignment or
7 transfer of income or resources within one year prior to the time of
8 application for benefits is not to exceed the value of the income or
9 resource divided by the monthly standard of need, or twelve months,
10 whichever value is less. Income and resources received by a recipient
11 are not be used to prospectively disqualify a recipient from assistance
12 and are to be considered only in the month received and at the time of
13 any new application except in the case of a voluntary assignment or
14 transfer of income or resources. The bill also clarifies that the
15 agreement a recipient must sign stating that repayment of benefits will
16 be made, in the event of receipt of income or resources, includes the
17 receipt of General Assistance repayment subject to a Supplemental
18 Security Income Interim Assistance Reimbursement Agreement, but
19 excludes repayment from unemployment benefits and other
20 government benefits.

21 The bill adds a provision to existing law, concerning the sanctions
22 that may be imposed for noncompliance with program requirements, to
23 specify that any sanctions imposed are to be applied only to the pro-
24 rata share of an adult recipient who is noncompliant, and will not
25 apply to any other adult or child members of the assistance unit who
26 are compliant with program requirements, which members will
27 continue to be eligible for their full pro-rata share of cash assistance
28 benefits. If the cases of all the adult members of the assistance unit are
29 closed for noncompliance, the dependent child members will still
30 receive their pro-rata share of assistance benefits as a dependent child-
31 only unit.

32 The bill removes provisions in existing law that outline a schedule
33 of sanctions, beyond the reduction of the pro-rata share of the
34 noncompliant adult for one month. Under the bill, if the adult fails to
35 come into compliance by the end of the sanction month, the adult's
36 pro-rata share shall continue to be suspended until the adult
37 demonstrates an intent to comply.

38 The bill also increases the age of a dependent child from 16 to 19
39 for which failure to comply with the requirement for school attendance
40 or other work activity participation, without good cause, would result
41 in a sanction. Further, the bill provides for a specific reduction, 50
42 percent, in the dependent child's pro-rata share of cash assistance
43 benefits for one month for such non-compliance.

44 Under current law, a household receiving emergency assistance
45 benefits is to continue to receive benefits for one month immediately
46 following the case closure. The bill expands this to also include cash
47 assistance cases that are suspended.

1 The bill removes provisions of existing law that allow funding
2 for a WFNJ-funded appropriate living arrangement to continue for
3 one month immediately following a case closure, if the recipient is
4 less than 18 years of age and is in the living arrangement because
5 the recipient is unable to live with a parent, guardian, or other adult
6 relative.

7 The bill removes provisions of existing law that render an entire
8 assistance unit ineligible for cash assistance benefits for a period of
9 two months if an adult recipient in the unit voluntarily quits a job
10 without good cause.

11 Under the bill, a sanctioned assistance unit or recipient that
12 returns to compliance within 60 days is to be provided the balance
13 of any benefit amounts withheld or reduced during the period in
14 which the assistance unit or recipient was out of compliance, in
15 addition to any amounts to which the assistance unit or recipient is
16 otherwise eligible. Further, a sanctioned assistance unit or recipient
17 that returns to compliance more than 60 days after the sanction date
18 is to be provided the balance of any benefit amounts withheld or
19 reduced during the period after which the assistance unit or
20 recipient demonstrated an intent to comply, in addition to any
21 amounts to which the assistance unit or recipient is otherwise
22 eligible.

23 Ordinarily, recipients are allowed a lifetime total of 60 months of
24 benefits. The bill provides that, in the event any adult in an assistance
25 unit loses eligibility on the grounds that the individual reached the 60-
26 month cap, that loss of eligibility will not affect the eligibility of any
27 other recipient in the assistance unit, including, but not limited to, a
28 minor child who is receiving assistance.

29 Current law provides for certain exceptions to this 60-month limit.
30 The bill revises the exceptions involving employment to provide that
31 they will apply to any form of employment, not just full-time
32 employment. The bill expands the existing exceptions to include any
33 parent of a minor child who was in compliance with program
34 requirements for the six months of enrollment immediately preceding
35 the date the recipient reached the 60-month limit. Under the bill, any
36 benefit received for months during which a State of Emergency or
37 Public Health Emergency exists are not to be considered for
38 purposes of any time limit provisions.

39 Current law also provides for an extension to the 60-month benefit
40 limit, including up to 12 additional months of benefits, in certain cases.
41 The bill allows for an extension under this additional circumstance:
42 the recipient is the parent of a dependent child who is a member of the
43 recipient's household, which recipient has remained in compliance
44 with the requirements of the program for, at a minimum, the six
45 months of enrollment immediately preceding the date the recipient
46 reaches the 60-month time limit. Furthermore the bill also provides
47 that following this 12-month extension, a recipient may receive an
48 additional 12 months of assistance under the same circumstance; or

1 if the recipient meets other criteria, as determined by the
2 commissioner, which criteria demonstrate that the extension is
3 necessary for the recipient to protect the health, safety, or well-
4 being of the family, including but not limited to preservation of
5 family unity.

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

12 The bill removes outdated language in the definition of “dependent
13 child” that required a child in school or vocational training to
14 reasonably be expected to complete the school or training.

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

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

25 Finally, the bill provides for a schedule of increases in WFNJ
26 benefit levels. For the period commencing July 1, 2022 and
27 continuing through July 1, 2026, the benefit level in effect as of the
28 effective date of the bill is to be annually increased by any increase in
29 the consumer price index for all urban wage earners and clerical
30 workers (CPI-W) as calculated by the federal government for the 12
31 months prior to the March 31 preceding that July 1, plus an additional
32 amount equal to 20 percent of the difference between the benefit level
33 in effect as of the effective date of the bill and 50 percent of the federal
34 poverty level in effect as of the effective date of the bill. Commencing
35 July 1, 2027, the benefit level is to be annually increased by any
36 amount as is necessary to make the benefit level equivalent to at least
37 50 percent of the federal poverty level in effect on that July 1.
38 Commencing July 1, 2027, and annually thereafter, the Commissioner
39 of Human Services is to assess the real cost of living and actual
40 deprivation as reflected in the standard of need established pursuant to
41 section 9 of P.L.1997, c.13 (C.44:10-42), and other cost of self-
42 sufficiency measures. The assessment is to be transmitted to the
43 Legislature by the commissioner for consideration when deciding on
44 appropriations to fund cash assistance benefits to recipients.

45 The bill will take effect 120 days after the date of enactment.