STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

AN ACT

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Casey, Phillips, Amore, Blazejewski, and Kazarian

Date Introduced: February 11, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Sections 40-5.2-8, 40-5.2-12 and 40-5.2-20 of the General Laws in Chapter 140-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:

40-5.2-8. Definitions. -- (a) As used in this chapter, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

(1) “Applicant” means a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non parent caretaker relative.

(2) “Assistance” means cash and any other benefits provided pursuant to this chapter.

(3) “Assistance Unit” means the assistance filing unit consisting of the group of persons, including the dependent child(ren),living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

(4) “Benefits” shall mean assistance received pursuant to this chapter.

(5) “Community Service Programs” means structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

(6) “Department” means the department of human services.
(7) "Dependent Child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

(8) "Director" means the director of the department of human services.

(9) "Earned income" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

(10) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.

(11) "Education directly related to employment" means education, in the case of a participant who has not received a high school diploma or a certificate of high school equivalency, related to a specific occupation, job, or job offer.

(12) "Family" means: (A) a pregnant woman from and including the seventh month of her pregnancy; or (B) a child and the following eligible persons living in the same household as the child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance unit.

(13) "Gross earnings" means earnings from employment and self-employment further described in the department of human services rules and regulations.

(14) "Individual Employment Plan" means a written, individualized plan for employment developed jointly by the applicant and the department of human services that specifies the steps the participant shall take toward long-term economic independence developed in accordance with subsection 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.

(15) "Job Search and Job Readiness" means the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.
In accord with federal requirements, job search activities must be supervised by the
department of labor and training and must be reported to the department of human services in
accordance with TANF work verification requirements.

Except in the context of rehabilitation employment plans, and special services provided
by the department of children, youth and families, job search and job readiness activities are
limited to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month
period, with limited exceptions as defined by the department. The department of human services
in consultation with the department of labor and training shall extend job search, and job
readiness assistance for up to twelve (12) weeks in a fiscal year if a state has an unemployment
rate at least fifty percent (50%) greater than the United States unemployment rate if the state
meets the definition of a “needy state” under the contingency fund provisions of federal law.

Preparation to seek employment, or job readiness, may include, but may not be limited
to, the participant obtaining life skills training, homelessness services, domestic violence services,
special services for families provided by the department of children youth and families, substance
abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who
are otherwise employable. Such services, treatment or therapy must be determined to be
necessary and certified by a qualified medical or mental health professional. Intensive work
readiness services may include work-based literacy, numeracy, hands-on training, work
experience and case management services. Nothing in this section shall be interpreted to mean
that the department of labor and training shall be the sole provider of job readiness activities
described herein.

(16) “Job skills training directly related to employment” means training or education for
job skills required by an employer to provide an individual with the ability to obtain employment
or to advance or adapt to the changing demands of the workplace. Job skills training directly
related to employment must be supervised on an ongoing basis.

(17) “Net income” means the total gross income of the assistance unit less allowable
disregards and deductions as described in subsection 40-5.2-10(g).

(18) “Minor parent” means a parent under the age of eighteen (18). A minor parent may
be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member
of an assistance unit with his or her dependent child(ren) in a case established by the minor
parent’s parent.

(19) “On-the-job-training” means training in the public or private sector that is given to a
paid employee while he or she is engaged in productive work and that provides knowledge and
skills essential to the full and adequate performance of the job. On-the-job training must be
supervised by an employer, work site sponsor, or other designee of the department of human
services on an ongoing basis.

(20) "Participant" means a person who has been found eligible for assistance in
accordance with this chapter and who must comply with all requirements of this chapter, and has
entered into an individual employment plan. A participant may be a parent or non-parent
caretaker relative included in the cash assistance payment.

(21) "Recipient" means a person who has been found eligible and receives cash
assistance in accordance with this chapter.

(22) "Relative" means a parent, stepparent, grandparent, great-grandparent, great-great
grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister,
brother, stepsibling, stepsister, half-brother, half-sister, first cousin, first cousin once removed,
niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

(23) "Resident" means a person who maintains residence by his or her continuous
physical presence in the state.

(24) "Self-employment income" means the total profit from a business enterprise,
farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e.,
expenses directly related to producing the goods or services and without which the goods or
services could not be produced. However, items such as depreciation, personal business and
entertainment expenses, and personal transportation are not considered business expenses for the
purposes of determining eligibility for cash assistance in accordance with this chapter.

(25) "State" means the State of Rhode Island and Providence Plantations.

(26) "Subsidized employment" means employment in the private or public sectors for
which the employer receives a subsidy from TANF or other public funds to offset some or all of
the wages and costs of employing a recipient. It includes work in which all or a portion of the
wages paid to the recipient are provided to the employer either as a reimbursement for the extra
costs of training or as an incentive to hire the recipient, including, but not limited to, grant
diversion.

(27) "Subsidized housing" means housing for a family whose rent is restricted to a
percentage of its income.

(28) "Unsubsidized employment" means full or part-time employment in the public or
private sector that is not subsidized by TANF or any other public program.

(29) "Vocational Educational Training" means organized educational programs, not to
exceed twelve (12) months with respect to any participant, that are directly related to the
preparation of participants for employment in current or emerging occupations. Vocational
educational training must be supervised.

(30) "Work experience" means a work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the department must supervise this activity.

(31) "Work Supplementation" also known as "Grant Diversion" means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

(32) "Work Activities" mean the specific work requirements which must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two (2) family households outlined in § 40-5.2-12 of this chapter.

(33) "Institutions of post-secondary education" shall include, but not be limited to, any university, college, or community college, which is authorized to confer associate's degrees, bachelor's degrees, master's degrees or doctoral degrees.

40-5.2-12. Work requirements for receipt of cash assistance. -- (a) The department of human services and the department of labor and training shall assess the applicant/parent or non-parent caretaker relative's work experience, educational, and vocational abilities, and the department, together with the parent, shall develop and enter into a mandatory individual employment plan in accordance with § 40-5.2-10(e) of this chapter.

(b) In the case of a family including two (2) parents, at least one of the parents shall be required to participate in an employment plan leading to full-time employment. The department may also require the second parent in a two-parent (2) household to develop an employment plan if, and when, the youngest child reaches six (6) years of age or older.

(c) The written, individual employment plan shall specify, at minimum, the immediate steps necessary to support a goal of long-term, economic independence.

(d) All applicants and participants in the Rhode Island works employment program must attend and participate in required appointments, employment plan development, and employment-related activities, unless temporarily exempt for reasons specified in this chapter.

(e) A recipient/participant temporarily exempted from the work requirements may participate in an individual employment plan on a voluntary basis, however, remains subject to
the same program compliance requirements as a participant without a temporary exemption.

(f) The individual employment plan shall specify the participant's work activity(ies) and the supportive services that will be provided by the department to enable the participant to engage in the work activity(ies).

(g) Work Requirements for single parent families. - In single parent households, the participant parent or non-parent caretaker relative in the cash assistance payment, shall participate as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the youngest child in the home is six (6) years of age or older, in one or more of their required work activities, as appropriate, in order to help the parent obtain stable, full-time, paid employment, as determined by the department of human services and the department of labor and training; provided, however, that he or she shall begin with intensive employment services as the first step in the individual employment plan. Required work activities are as follows:

(1) At least twenty (20) hours per week must come from participation in one or more of the following ten (10) work activities:

(A) Unsubsidized employment;

(B) Subsidized, private-sector employment;

(C) Subsidized, public-sector employment;

(D) Work experience;

(E) On the Job Training;

(F) Job search and job readiness;

(G) Community service programs;

(H) Vocational educational training not to exceed twelve (12) months;

(I) Providing child care services to another participant parent who is participating in an approved community service program; and

(J) Adult education in an intensive work readiness program.

(2) Above twenty (20) hours per week, the parent may participate in one or more of the following three (3) activities in order to satisfy a thirty-hour (30) requirement:

(A) Job skills training directly related to employment;

(B) Education directly related to employment; and

(C) Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a high school diploma or General Equivalence Diploma (GED).

(3) In the case of a parent under the age of twenty (20), attendance at a secondary school
or the equivalent during the month, or twenty (20) hours per week on average for the month in
education directly related to employment, will be counted as engaged in work.

(4) A parent who participates in a work experience or community service program for
the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is
deemed to have participated in his or her required minimum hours per week in core activities if
actual participation falls short of his or her required minimum hours per week.

(5) A parent who has been determined to have a physical or mental impairment affecting
employment, but who has not been found eligible for Social Security Disability Benefits or
Supplemental Security Income must participate in his or her rehabilitation employment plan as
developed with the office of rehabilitative services that leads to employment and/or to receipt of
disability benefits through the Social Security Administration.

(6) A required work activity may be any other work activity permissible under federal
TANF provisions or state-defined Rhode Island Works Program activity, including up to ten (10)
hours of activities required by a parent's department of children, youth and families service plan.

(7) A parent who is enrolled in a full-time course of study at an institution of post-
secondary education in pursuit of an associate's degree or a bachelor's degree is deemed to have
fulfilled his/her work requirements for the purposes of § 40-5.2-20.

(h) Exemptions from work requirements for the single parent family. - Work
requirements outlined in § 40-5.2-12(g) above shall not apply to a single parent if (and for so long
as) the department finds that he or she is:

1. Caring for a child below the age of one; provided, however, that a parent may opt for
   the deferral from an individual employment plan for a maximum of twelve (12) months during
   the twenty-four (24) months of eligibility for cash assistance, and provided further that a minor
   parent without a high school diploma or the equivalent, and who is not married, shall not be
   exempt for more than twelve (12) weeks from the birth of the child;

2. Caring for a disabled family member, who resides in the home and requires full-time
   care;

3. A recipient of Social Security Disability benefits or Supplemental Security Income or
   other disability benefits that have the same standard of disability as defined by the Social Security
   Administration;

4. An individual receiving assistance who is a victim of domestic violence as
determined by the department in accordance with rules and regulations;

5. An applicant for assistance in her third trimester or a pregnant woman in her third
   trimester who is a recipient of assistance and has medical documentation that she cannot work;
(6) An individual otherwise exempt by the department as defined in rules and regulations promulgated by the department.

(i) Work requirement for two-parent families.

(1) In families consisting of two (2) parents, one parent is required, and shall be engaged in, work activities as defined below, for at least thirty-five (35) hours per week during the month, not fewer than thirty (30) hours per week of that are attributable to one or more of the following listed work activities; provided, however, that he or she shall begin with intensive employment services as the first step in the Individual Employment Plan. Two parent work requirements shall be defined as the following:

(A) Unsubsidized employment;

(B) Subsidized private-sector employment;

(C) Subsidized public-sector employment;

(D) Work experience;

(E) On-the-job training;

(F) Job search and job readiness;

(G) Community service program;

(H) Vocational educational training not to exceed twelve (12) months;

(I) The provision of child care services to a participant individual who is participating in a community service program; and

(J) Adult education in an intensive work readiness program.

(2) Above thirty (30) hours per week, the following three (3) activities may also count for participation:

(A) Job skills training directly related to employment;

(B) Education directly related to employment; and

(C) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

(3) A family with two (2) parents, in which one or both parents participate in a work experience or community service program, shall be deemed to have participated in core work activities for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) if actual participation falls short of his or her required minimum hours per week.

(4) If the family receives child care assistance and an adult in the family is not disabled or caring for a severely disabled child, then the work-eligible individuals must be participating in work activities for an average of at least fifty-five (55) hours per week to count as a two-parent family engaged in work for the month.
(5) At least fifty (50) of the fifty-five (55) hours per week must come from participation in the activities listed in § 40-5.1-12(i)(1).

   Above fifty (50) hours per week, the three (3) activities listed in § 40-5.1-(i)(2) may also count as participation.

(6) A family with two (2) parents receiving child care in which one or both parents participate in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required core hours if actual participation falls short of the required minimum hours per week. For families that need additional hours beyond the core activity requirement, these hours must be satisfied in some other TANF work activity.

(j) Exemptions from work requirements for two-parent families. - Work requirements outlined in § 40-5.2-12(i) above shall not apply to two parent families if (and for so long as) the department finds that:

   (1) Both parents receive Supplemental Security Income (SSI);

   (2) One parent receives SSI, and the other parent is caring for a disabled family member who resides in the home and who requires full-time care; or

   (3) The parents are otherwise exempt by the department as defined in rules and regulations.

(k) Failure to comply with work requirements. Sanctions and Terminations.

   (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be reduced for three (3) months, whether or not consecutive, in accordance with rules and regulations promulgated by the department, whenever any participant, without good cause as defined by the department in its rules and regulations, has failed to enter into an individual employment plan; has failed to attend a required appointment; has refused or quit employment; or has failed to comply with any other requirements for the receipt of cash assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to the full amount beginning with the initial payment made on the first of the month following the month in which the parent: (i) Enters into an individual employment plan or rehabilitation plan and demonstrates compliance with the terms thereof; or (ii) Demonstrates compliance with the terms of his or her existing individual employment plan or rehabilitation plan, as such plan may be amended by agreement of the parent and the department.

   (2) In the case where appropriate child care has been made available in accordance with this chapter, a participant's failure, without good cause, to accept a bona fide offer of work, including full-time, part-time, and/or temporary employment, or unpaid work experience or
community service, shall be deemed a failure to comply with the work requirements of this
section and shall result in reduction or termination of cash assistance, as defined by the
department in rules and regulations duly promulgated.

(3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,
whether or not consecutive in accordance with this section due to the failure by one or more
parents to enter into an individual employment plan, or failure to comply with the terms of his or
her individual employment plan, or the failure to comply with the requirements of this chapter,
cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,
and the benefits shall be restored to the family/assistance unit the full amount the
family/assistance unit is otherwise eligible for under this chapter beginning on the first of the
month following the month in which all parents in the family/assistance unit who are subject to
the employment or rehabilitation plan requirements under this chapter: (1) Enter into an
individual employment or rehabilitation plan as applicable, and demonstrate compliance with the
terms thereof, or (2) Demonstrate compliance with the terms of the parent's individual
employment or rehabilitation employment plan in effect at the time of termination of benefits, as
such plan may be amended by agreement of the parent and the department.

(4) Up to ten (10) days following a notice of adverse action to reduce or terminate
benefits under this subsection, the client may request the opportunity to meet with a social worker
to identify the reasons for non-compliance, establish good cause, and seek to resolve any issues
that have prevented the parent from complying with the employment plan requirements.

(5) Participants whose cases had closed in sanction status pursuant to Rhode Island's
prior Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA
of the federal Social Security Act, 42 U.S.C. § 601 et seq.), the Family Independence Program,
more specifically, § 40-5.1-9(2)(c), due to failure to comply with the cash assistance program
requirements, but who had received less than forty-eight (48) months of cash assistance at the
time of closure, and who reapply for cash assistance under the Rhode Island works program, must
demonstrate full compliance, as defined by the department in its rules and regulations, before they
shall be eligible for cash assistance pursuant to this chapter.

(I) Good Cause. - Good Cause for failing to meet any program requirements including
leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules
and regulations promulgated by the department of human services.

40-5.2-20. Child care assistance. -- Families or assistance units eligible for childcare
assistance.

(a) The department shall provide appropriate child care to every participant who is
eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-Income child care. - The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, such other families require child care in order to work at paid employment or to fulfill requirements relating to enrollment in a full-time course of study at an institution of post-secondary education in pursuit of an associate's degree or a bachelor's degree as defined in the department's rules and regulations. Beginning October 1, 2013, and until June 30, 2015, subject to available funding, the department shall also provide child care to families with income below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, such families require child care to participate on a short-term basis, as defined in the department's rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job readiness/job attachment program sponsored or funded by the human resource investment council (governor's workforce board) or state agencies that are part of the coordinated program system pursuant to §§ 42-102-9 and 42-102-11.

(c) No family/assistance unit shall be eligible for child care assistance under this chapter if the combined value of its liquid resources exceeds ten thousand dollars ($10,000). Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts that are readily convertible to cash or cash equivalents. These include, but are not limited to, cash, bank, credit union, or other financial institution savings, checking, and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for child care assistance under this chapter, the parent or caretaker relative of the family must consent to, and must cooperate with, the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for all children in the family in accordance with title 15, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(e) For purposes of this section "appropriate child care" means child care, including infant, toddler, pre-school, nursery school, school-age, that is provided by a person or organization qualified, approved, and authorized to provide such care by the department of
children, youth, and families, or by the department of elementary and secondary education, or such other lawful providers as determined by the department of human services, in cooperation with the department of children, youth and families and the department of elementary and secondary education.

(f) (1) Families with incomes below one hundred percent (100%) of the applicable federal poverty level guidelines shall be provided with free childcare. Families with incomes greater than one hundred percent (100%) and less than one hundred eighty (180%) of the applicable federal poverty guideline shall be required to pay for some portion of the childcare they receive, according to a sliding-fee scale adopted by the department in the department's rules.

(2) For a thirty-six (36) month period beginning October 1, 2013, the child care subsidy transition program shall function within the department of human services. Under this program, families who are already receiving childcare assistance and who become ineligible for childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the applicable federal poverty guidelines shall continue to be eligible for childcare assistance from October 1, 2013, to September 30, 2016 or until their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty guidelines, whichever occurs first. To be eligible, such families must continue to pay for some portion of the childcare they receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with all other eligibility standards.

(g) In determining the type of childcare to be provided to a family, the department shall take into account the cost of available childcare options; the suitability of the type of care available for the child; and the parent's preference as to the type of child care.

(h) For purposes of this section "income" for families receiving cash assistance under § 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in subdivisions 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross earned and unearned income as determined by departmental regulations.

(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for childcare in accordance with the provisions of § 35-17-1.

(j) In determining eligibility for child care assistance for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.
SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

***

1 This act would include Rhode Island Works Program participants who are full-time
2 students in a post-secondary program for eligibility for child care assistance.
3 This act would take effect upon passage.

=======