AN ACT

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Murray, Bell, Satchell, DiPalma, and Conley

Date Introduced: February 13, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows:

SECTION 1. Sections 40-5.2-8 and 40-5.2-12 of the General Laws in Chapter 40-5.2 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,
brther, stepbrother, 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.

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
(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; provided, however, that a participant who successfully completes his/her first year of education at the Community College of Rhode Island, may participate in vocational education for an additional 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.

(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 or both parents are required, and shall be
engaged in, work activities as defined below, for an individual or combined total of 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; provided,
however, that a participant who successfully completes his/her first year of education at the
Community College of Rhode Island may participate in vocational education for an additional
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 § 40-5.2-12(i)(1).

Above fifty (50) hours per week, the three (3) activities listed in § 40-5.2-12(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.

(l) 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.

SECTION 2. This act shall take effect upon passage.
This act would remove the condition that there needs to be a reasonable expectation that a 19 year old will complete a program in secondary school in order to qualify as a dependent child.

The act would also provide that a participant who completes his/her first year at CCRI may qualify for an additional 12 months of vocational training.

This act would take effect upon passage.