

2013 -- H 5738

=====
LC01423
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Cimini, Tanzi, Diaz, Ferri, and Walsh

Date Introduced: February 28, 2013

Referred To: House Finance

(Human Services)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-12 of the General Laws in Chapter 40-5.2 entitled "The
2 Rhode Island Works Program" is hereby amended to read as follows:

3 **40-5.2-12. Work requirements for receipt of cash assistance.** -- (a) The department of
4 human services and the department of labor and training shall assess the applicant/parent or non-
5 parent caretaker relative's work experience, educational and vocational abilities, and the
6 department together with the parent shall develop and enter into a mandatory individual
7 employment plan in accordance with subsection 40-5.2-10(e) of this chapter.

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

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

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

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

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

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

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

15 (A) Unsubsidized employment;

16 (B) Subsidized private sector employment;

17 (C) Subsidized public sector employment;

18 (D) Work experience;

19 (E) On the Job Training;

20 (F) Job search and job readiness;

21 (G) Community service programs;

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

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

25 (J) Adult education in an intensive work readiness program not to exceed six (6) months.

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

28 (A) Job skills training directly related to employment;

29 (B) Education directly related to employment; and,

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

33 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school
34 or the equivalent during the month or twenty (20) hours per week on average for the month in

1 education directly related to employment will be counted as engaged in work.

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

6 (5) A parent who has been determined to have a physical or mental impairment affecting
7 employment but who has not been found eligible for Social Security Disability Benefits or
8 Supplemental Security Income must participate in his or her rehabilitation employment plan as
9 developed with the Office of Rehabilitative Services which leads to employment and/or to receipt
10 of disability benefits through the Social Security Administration.

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

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

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

22 (2) Caring for a disabled family member, who resides in the home and requires full time
23 care;

24 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or
25 other disability benefits which have the same standard of disability as defined by the Social
26 Security Administration;

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

29 (5) An applicant for assistance in her third trimester or a pregnant woman in her third
30 trimester who is a recipient of assistance and has medical documentation that she cannot work;

31 (6) An individual otherwise exempt by the department as defined in rules and regulations
32 promulgated by the department.

33 (i) Work Requirement for two parent families.

34 (1) In families consisting of two parents, one ~~parent is~~ or both parents are required and

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

6 (A) Unsubsidized employment;

7 (B) Subsidized private sector employment;

8 (C) Subsidized public-sector employment;

9 (D) Work experience;

10 (E) On-the-job training;

11 (F) Job search and job readiness;

12 (G) Community service program;

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

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

16 (J) Adult education in an intensive work readiness program not to exceed six (6) months.

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

19 (A) Job skills training directly related to employment;

20 (B) Education directly related to employment; and

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

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

27 (4) If the family receives child care assistance and an adult in the family is not disabled
28 or caring for a severely disabled child, then the work-eligible individuals must be participating in
29 work activities for an average of at least fifty-five (55) hours per week to count as a two-parent
30 family engaged in work for the month.

31 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation
32 in the activities listed in subdivision 40-5.1-12(i)(1).

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

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

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

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

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

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

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

16 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled
17 under this chapter, shall be reduced for three (3) months, whether or not consecutive, in
18 accordance with rules and regulations promulgated by the department, whenever any participant,
19 without good cause, as defined by the department in its rules and regulations, has failed to enter
20 into an individual employment plan; has failed to attend a required appointment; has refused or
21 quit employment; or has failed to comply with any other requirements for the receipt of cash
22 assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to
23 the full amount beginning with the initial payment made on the first of the month following the
24 month in which the parent: (1) enters into an individual employment plan or rehabilitation plan
25 and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the
26 terms of his or her existing individual employment plan or rehabilitation plan, as such plan may
27 be amended by agreement of the parent and the department.

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

34 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,

1 whether or not consecutive in accordance with this section due to the failure by one or more
2 parents to enter into an individual employment plan or failure to comply with the terms of his or
3 her individual employment plan, or the failure to comply with the requirements of this chapter,
4 cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,
5 and the benefits shall be restored to the family/assistance unit in the full amount the
6 family/assistance unit is otherwise eligible for under this chapter beginning on the first of the
7 month following the month in which all parents in the family/assistance unit who are subject to
8 the employment or rehabilitation plan requirements under this chapter: (A) enter into an
9 individual employment or rehabilitation plan as applicable, and demonstrate compliance with the
10 terms thereof, or (B) demonstrate compliance with the terms of the parent's individual
11 employment or rehabilitation employment plan in effect at the time of termination of benefits, as
12 such plan may be amended by agreement of the parent and the department.

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

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

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

28 SECTION 2. This act shall take effect upon passage.

=====
LC01423
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

- 1 This act would reduce the number of combined work hours required of two (2) parent
- 2 families under the Rhode Island works program.
- 3 This act would take effect upon passage.

=====
LC01423
=====