AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Murray, Quezada, Anderson, Euer, Cano, Miller, Acosta, DiPalma, Seveney, and Kallman

Date Introduced: February 15, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

SECTION 1. Sections 40-5.2-10, 40-5.2-11 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:

40-5.2-10. Necessary requirements and conditions.

The following requirements and conditions shall be necessary to establish eligibility for the program.

(a) Citizenship, alienage, and residency requirements.

(1) A person shall be a resident of the state of Rhode Island.

(2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Pub. L. No. 104-193 and as that section may hereafter be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

(b) The family/assistance unit must meet any other requirements established by the department of human services by rules and regulations adopted pursuant to the administrative procedures act, as necessary to promote the purpose and goals of this chapter.

(c) Receipt of cash assistance is conditional upon compliance with all program requirements.

(d) All individuals domiciled in this state shall be exempt from the application of
subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
individual ineligible for certain state and federal assistance if that individual has been convicted
under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
and that has as an element the possession, use, or distribution of a controlled substance as defined
in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

(e) Individual employment plan as a condition of eligibility.

(1) Following receipt of an application, the department of human services shall assess the
financial conditions of the family, including the non-parent caretaker relative who is applying for
cash assistance for himself or herself as well as for the minor child(ren), in the context of an
eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
employed, the department shall conduct an initial assessment, taking into account: (A) The physical
capacity, skills, education, work experience, health, safety, family responsibilities, and place of
residence of the individual; and (B) The child care and supportive services required by the applicant
to avail himself or herself of employment opportunities and/or work readiness programs.

(2) On the basis of this assessment, the department of human services and the department
of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
employment plan for the family that requires the individual to participate in the intensive
employment services. Intensive employment services shall be defined as the work requirement
activities in § 40-5.2-12(g) and (i).

(3) The director, or his or her designee, may assign a case manager to an
applicant/participant, as appropriate.

(4) The department of labor and training and the department of human services in
conjunction with the participant shall develop a revised individual employment plan that shall
identify employment objectives, taking into consideration factors above, and shall include a
strategy for immediate employment and for preparing for, finding, and retaining employment
consistent, to the extent practicable, with the individual's career objectives.

(5) The individual employment plan must include the provision for the participant to
engage in work requirements as outlined in § 40-5.2-12.

(6)(i) The participant shall attend and participate immediately in intensive assessment and
employment services as the first step in the individual employment plan, unless temporarily exempt
from this requirement in accordance with this chapter. Intensive assessment and employment
services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(ii) Parents under age twenty (20) without a high school diploma or general equivalency
diploma (GED) shall be referred to special teen-parent programs that will provide intensive services
designed to assist teen parents to complete high school education or GED, and to continue approved
work plan activities in accord with Rhode Island works program requirements.

(7) The applicant shall become a participant in accordance with this chapter at the time the
individual employment plan is signed and entered into.

(8) Applicants and participants of the Rhode Island works program shall agree to comply
with the terms of the individual employment plan, and shall cooperate fully with the steps
established in the individual employment plan, including the work requirements.

(9) The department of human services has the authority under the chapter to require
attendance by the applicant/participant, either at the department of human services or at the
department of labor and training, at appointments deemed necessary for the purpose of having the
applicant enter into and become eligible for assistance through the Rhode Island works program.
The appointments include, but are not limited to: the initial interview, orientation and assessment;
job readiness; and job search. Attendance is required as a condition of eligibility for cash assistance
in accordance with rules and regulations established by the department.

(10) As a condition of eligibility for assistance pursuant to this chapter, the
applicant/participant shall be obligated to keep appointments; attend orientation meetings at the
department of human services and/or the Rhode Island department of labor and training; participate
in any initial assessments or appraisals; and comply with all the terms of the individual employment
plan in accordance with department of human services rules and regulations.

(11) A participant, including a parent or non-parent caretaker relative included in the cash
assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in
§ 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
in accordance with rules and regulations promulgated by the department.

(f) Resources.

(1) The family or assistance unit's countable resources shall be less than the allowable
resource limit established by the department in accordance with this chapter.

(2) No family or assistance unit shall be eligible for assistance payments if the combined
value of its available resources (reduced by any obligations or debts with respect to such resources)
exceeds one thousand dollars ($1,000).

(3) For purposes of this subsection, the following shall not be counted as resources of the
family/assistance unit in the determination of eligibility for the works program:
(i) The home owned and occupied by a child, parent, relative, or other individual;

(ii) Real property owned by a husband and wife as tenants by the entirety, if the property is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in the property;

(iii) Real property that the family is making a good-faith effort to dispose of, however, any cash assistance payable to the family for any such period shall be conditioned upon disposal of the real property within six (6) months of the date of application and any payments of assistance for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have occurred at the beginning of the period for which the payments were made. All overpayments are debts subject to recovery in accordance with the provisions of the chapter;

(iv) Income-producing property other than real estate including, but not limited to, equipment such as farm tools, carpenter's tools, and vehicles used in the production of goods or services that the department determines are necessary for the family to earn a living;

(v) One vehicle for each adult household member, but not to exceed two (2) vehicles per household, and in addition, a vehicle used primarily for income-producing purposes such as, but not limited to, a taxi, truck, or fishing boat; a vehicle used as a family's home; a vehicle that annually produces income consistent with its fair market value, even if only used on a seasonal basis; a vehicle necessary to transport a family member with a disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability;

(vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of limited value;

(vii) Burial plots (one for each child, relative, and other individual in the assistance unit) and funeral arrangements;

(viii) For the month of receipt and the following month, any refund of federal income taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating to earned income tax credit), and any payment made to the family by an employer under § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of such earned income credit);

(ix) The resources of any family member receiving supplementary security income assistance under the Social Security Act, 42 U.S.C. § 301 et seq.;

(x) Any veteran's disability pension benefits received as a result of any disability sustained by the veteran while in the military service.

(g) Income.
(1) Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.

(2) In determining the eligibility for and the amount of cash assistance to which a family/assistance unit is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars ($170) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars ($170) earned during the month.

(3) The income of a family shall not include:

(i) The first fifty dollars ($50.00) in child support received in any month from each noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars ($50.00) per month multiplied by the number of months in which the support has been in arrears) that are paid in any month by a noncustodial parent of a child;

(ii) Earned income of any child;

(iii) Income received by a family member who is receiving Supplemental Security Income (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(iv) The value of assistance provided by state or federal government or private agencies to meet nutritional needs, including: value of USDA-donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;

(v) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the United States Commissioner of Education (or the Rhode Island council on postsecondary education or the Rhode Island division of higher education assistance);

(vi) Foster care payments;

(vii) Home energy assistance funded by state or federal government or by a nonprofit organization;

(viii) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules and regulations;

(x) Certain payments to native Americans; payments distributed per capita to, or held in

(xi) Refund from the federal and state earned income tax credit;

(xii) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in the payment standard section of this chapter;

(xiii) The earned income of any adult family member who gains employment while an active RI Works household member. This income is excluded for the first six (6) months of employment in which the income is earned, or until the household's total gross income exceeds one hundred eighty-five percent (185%) of the federal poverty level, unless the household reaches its forty-eight-month (48) sixty-month (60) time limit first;

(xiv) Any veteran's disability pension benefits received as a result of any disability sustained by the veteran while in the military service.

(4) The receipt of a lump sum of income shall affect participants for cash assistance in accordance with rules and regulations promulgated by the department.

(h) Time limit on the receipt of cash assistance.

(1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this chapter, to a family or assistance unit that includes an adult member who has received cash assistance for a total of forty-eight (48) sixty (60) months (whether or not consecutive), to include any time receiving any type of cash assistance in any other state or territory of the United States of America as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3) with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to a family or assistance unit that includes an adult member who has received cash assistance for a total of a lifetime limit of forty-eight (48) sixty (60) months.

(2) Cash benefits received by a minor dependent child shall not be counted toward their lifetime time limit for receiving benefits under this chapter should that minor child apply for cash benefits as an adult.

(3) Certain minor children not subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is not in the cash assistance payment.

(4) Receipt of family cash assistance in any other state or territory of the United States of
America shall be determined by the department of human services and shall include family cash assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds provided under a program similar to the Rhode Island families work and opportunity program or the federal TANF program.

(5)(i) The department of human services shall mail a notice to each assistance unit when the assistance unit has six (6) months of cash assistance remaining and each month thereafter until the time limit has expired. The notice must be developed by the department of human services and must contain information about the lifetime time limit, the number of months the participant has remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus; and any other information pertinent to a family or an assistance unit nearing the forty-eight-month lifetime time limit.

(ii) For applicants who have less than six (6) months remaining in the forty-eight-month lifetime time limit because the family or assistance unit previously received cash assistance in Rhode Island or in another state, the department shall notify the applicant of the number of months remaining when the application is approved and begin the process required in subsection (h)(5)(i).

(6) If a cash assistance recipient family was closed pursuant to Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described in Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction because of failure to comply with the cash assistance program requirements; and that recipient family received forty-eight (48) sixty (60) months of cash benefits in accordance with the family independence program, then that recipient family is not able to receive further cash assistance for his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described in Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family independence program, shall be countable toward the time-limited cash assistance described in this chapter.

(i) Time limit on the receipt of cash assistance.

(1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance unit in which an adult member has received cash assistance for a total of sixty (60) months (whether or not consecutive) to include any time receiving any type of cash assistance in any other state or
territory of the United States as defined herein effective August 1, 2008. Provided further, that no
cash assistance shall be provided to a family in which an adult member has received assistance for
twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
as provided in § 40-5.2-12(g)(5).

(2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
to a family in which a child has received cash assistance for a total of sixty (60) months (whether
or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to subsection
(a)(2) of this section to include any time they received any type of cash assistance in any other state
or territory of the United States as defined herein.

(j) Hardship exceptions.

(1) The department may extend an assistance unit's or family's cash assistance beyond the
time limit, by reason of hardship; provided, however, that the number of families to be exempted
by the department with respect to their time limit under this subsection shall not exceed twenty
percent (20%) of the average monthly number of families to which assistance is provided for under
this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
federal law, any waiver granted under § 40-5.2-34, for domestic violence, shall not be counted in
determining the twenty percent (20%) maximum under this section.

(2) Parents who receive extensions to the time limit due to hardship must have and comply
with employment plans designed to remove or ameliorate the conditions that warranted the
extension unless otherwise exempt as determined by the department.

(k) Parents under eighteen (18) years of age.

(1) A family consisting of a parent who is under the age of eighteen (18), and who has
never been married, and who has a child; or a family consisting of a woman under the age of
eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
the family resides in the home of an adult parent, legal guardian, or other adult relative. The
assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
the individual and child unless otherwise authorized by the department.

(2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
department determines that the physical or emotional health or safety of the minor parent, or his or
her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
guardian, or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
to live in his or her home shall constitute a presumption that the health or safety would be so
jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental regulations, for waiving the subsection; and the individual resides in a supervised supportive-living arrangement to the extent available.

(3) For purposes of this section, "supervised supportive-living arrangement" means an arrangement that requires minor parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate, and requires minor parents to participate in the adolescent parenting program designated by the department, to the extent the program is available; and provides rules and regulations that ensure regular adult supervision.

(l) Assignment and cooperation. As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must:

(1) Assign to the state any rights to support for children within the family from any person that the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;

(2) Consent to and cooperate with the state in establishing the paternity and in establishing and/or enforcing child support and medical support orders for all children in the family or assistance unit 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.

(3) Absent good cause, as defined by the department of human services through the rulemaking process, for refusing to comply with the requirements of subsections (l)(1) and (l)(2), cash assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

(4) As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must consent to and cooperate with the state in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

40-5.2-11. Cash assistance.

(a) A family or assistance unit found by the department to meet the eligibility criteria set forth in this chapter shall be eligible to receive cash assistance as of the date a signed, written
application, signed under a penalty of perjury, is received by the department.

(b) The family members or assistance unit shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall be eligible for assistance as a member of the assistance unit so long as he or she meets all the eligibility requirements of this chapter.

(c) The monthly amount of cash assistance shall be equal to the payment standard for the family minus the countable income of the family in that month. The department is authorized to reduce the amount of assistance in the month of application to reflect the number of the days between the first day of the month and the effective date of the application.

(d) A decision on the application for assistance shall be made or rejected by the department no later than thirty (30) days following the date submitted and shall be effective as of the date of application.

(e) The payment standard is equal to the sum of the following: four hundred twenty-five dollars ($425) (three hundred sixty dollars ($360) for a family residing in subsidized housing) for the first person; one hundred fifty-nine dollars ($159) for the second person; one hundred thirty-seven dollars ($137) for the third person; and one hundred four dollars ($104) for each additional person. Effective October 1, 2022 the payment standard for the assistance unit shall be no less than fifty percent (50%) of the poverty guideline for the comparable assistance unit size as determined by the U.S. Department of Health and Human Services for calendar year 2022. Thereafter, the payment standard shall be adjusted in October of each year to be no less than fifty percent (50%) of the poverty guideline for the comparable assistance unit size as determined by the U.S. Department of Health and Human Services for that calendar year.

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).

(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, the individual 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:

(i) Unsubsidized employment;

(ii) Subsidized private-sector employment;

(iii) Subsidized public-sector employment;

(iv) Work experience;

(v) On-the-job training;

(vi) Job search and job readiness;

(vii) Community service programs;

(viii) 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;

(ix) Providing childcare services to another participant parent who is participating in an
approved community service program; and

(x) 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:

(i) Job skills training directly related to employment;

(ii) Education directly related to employment; and

(iii) 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 of 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 rehabilitation 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 subsection (g) 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:

(i) Unsubsidized employment;

(ii) Subsidized private-sector employment;

(iii) Subsidized public-sector employment;

(iv) Work experience;

(v) On-the-job training;

(vi) Job search and job readiness;

(vii) Community service program;

(viii) 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;

(ix) The provision of childcare services to a participant individual who is participating in a community service program; and

(x) 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:

(i) Job skills training directly related to employment;

(ii) Education directly related to employment; and
(iii) 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 childcare 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 subsection (i)(1).

Above fifty (50) hours per week, the three (3) activities listed in subsection (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 subsection (i) 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 in 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: (i) Enter into an individual employment or rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or (ii) 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 IV-A 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) [repealed], 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.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

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1 This act would extend the lifetime limit for RI Works benefits from forty-eight (48) months to sixty (60) months; increase the monthly cash benefit to fifty percent (50%) of the federal poverty level; and include participation in a post-secondary education program for two (2) years as an allowable work activity.

5 This act would take effect upon passage.

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