ARTICLE 13 AS AMENDED

RELATING TO HUMAN SERVICES

SECTION 1. Sections 40-5.2-10, 40-5.2-12 and 40-5.2-20 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 five thousand dollars ($1,000) ($5,000).

(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 such 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
three hundred seventy dollars ($370) of gross earnings plus fifty percent (50%) of the
gross earnings of the family in excess of three hundred seventy dollars ($370) 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 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;

(xi) Refund from the federal and state earned income tax credit and any federal or state child tax credits or rebates;

(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 (60) month 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 [Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance 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
(48) sixty (60) month lifetime time limit.

(ii) For applicants who have less than six (6) months remaining in the forty-eight-month
(48) sixty (60) 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) 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.

(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.

(i) 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 of the general laws, 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 (i)(1) and (i)(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.

40-5.2-12. 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 their first year of education at the community college of Rhode Island, may participate in vocational education training 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 their first year of education at the community college of Rhode Island, may participate in vocational education training 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.

40-5.2-20. Childcare assistance -- Families or assistance units eligible.

(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, these other families require child care in order to work at paid employment as defined in the department's rules and regulations. Beginning October 1, 2013, the department shall also provide child care to families with incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these 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 § 42-102-11. Effective from January 1, 2021, through June 30, 2022, the department shall also provide childcare assistance to families with incomes below one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island public institution of higher education provided that eligibility to receive funding is capped when expenditures reach $200,000 for this provision. Effective July 1, 2022, the department shall also provide childcare assistance to families with incomes below two hundred percent (200%) of the federal poverty level when such assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island public institution of higher education.

(c) No family/assistance unit shall be eligible for childcare assistance under this chapter if
the combined value of its liquid resources exceeds one million dollars ($1,000,000), which
corresponds to the amount permitted by the federal government under the state plan and set forth
in the administrative rulemaking process by the department. 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 childcare 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 any children in the family receiving appropriate child care under this section in
accordance with the applicable sections of 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, preschool, nursery school, and school-age, that is provided by a person or organization
qualified, approved, and authorized to provide the care by the state agency or agencies designated
to make the determinations in accordance with the provisions set forth herein.

(f) (1) Families with incomes below one hundred percent (100%) of the applicable federal
poverty level guidelines shall be provided with free child care. Families with incomes greater than
one hundred percent (100%) and less than one hundred eighty percent (180%) two hundred percent
(200%) of the applicable federal poverty guideline shall be required to pay for some portion of the
child care they receive, according to a sliding-fee scale adopted by the department in the
department's rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this
section.

(2) Families who are receiving childcare assistance and who become ineligible for
childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) two
hundred percent (200%) of the applicable federal poverty guidelines shall continue to be eligible
for childcare assistance until their incomes exceed two hundred twenty-five percent (225%) three
hundred percent (300%) of the applicable federal poverty guidelines. To be eligible, the families
must continue to pay for some portion of the child care they receive, as indicated in a sliding-fee
scale adopted in the department's rules, not to exceed seven percent (7%) of income as defined in
subsection (h) of this section, and in accordance with all other eligibility standards.

(g) In determining the type of child care 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 §§ 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 child care in accordance with the provisions of § 35-17-1.

(j) In determining eligibility for childcare 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. Chapter 40-6 of the General Laws entitled "Public Assistance Act" is hereby amended by adding thereto the following section:

40-6-8.2. Establishment of retail SNAP incentives pilot program.

(a) There shall be established a retail supplemental nutrition assistance program (SNAP) incentives pilot program to be administered by the department of human services. Funds appropriated for the program shall be expended first for the implementation and administration of the retail SNAP incentives program to promote healthy food access and nutrition among Rhode Island SNAP recipients.

(1) SNAP households will receive fifty cents ($0.50) credit on their electronic benefit transfer (EBT) card for each one dollar ($1.00) spent on eligible fruits and vegetables at participating retailers, up to a monthly limit as determined by the department.

(2) This pilot program shall take effect on January 1, 2023, and operate until appropriated funds are expended.

(b) The department of human services shall promulgate rules, regulations, and procedures necessary for the implementation of this section including, but not limited to the following:

(1) Eligibility for pilot participation;

(2) Purchases eligible to earn incentive payments;

(3) Monthly incentive limits that may be earned by participating households; and

(4) Eligible uses of earned incentive payments.

(c) The department shall report to the speaker of the house, president of the senate, and chairpersons of the house and senate finance committees regarding the amount of credits issued
pursuant to this section and administrative expenses, no later than February 15, 2024.

SECTION 3. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Childcare-
State Subsidies” is hereby amended to read as follows:

**40-6.2-1.1. Rates established.**

(a) Through June 30, 2015, subject to the payment limitations in subsection (c), the
maximum reimbursement rates to be paid by the departments of human services and children, youth
and families for licensed childcare centers and licensed family childcare providers shall be based
on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the
average of the 75th percentile of the 2002 and the 2004 weekly market rates:

<table>
<thead>
<tr>
<th>LICENSED CHILDCARE CENTERS</th>
<th>75th PERCENTILE OF WEEKLY MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFANT</td>
<td>$182.00</td>
</tr>
<tr>
<td>PRESCHOOL</td>
<td>$150.00</td>
</tr>
<tr>
<td>SCHOOL-AGE</td>
<td>$135.00</td>
</tr>
</tbody>
</table>

Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum
reimbursement rates to be paid by the departments of human services and children, youth and
families for licensed childcare centers and licensed family childcare providers shall be based on the
above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of
the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by
ten dollars ($10.00) per week for infant/toddler care provided by licensed family childcare
providers and license-exempt providers and then the rates for all providers for all age groups shall
be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare
centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-
four cents ($193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one
cents ($161.71) for preschool-age children.

(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the
maximum infant/toddler and preschool-age reimbursement rates to be paid by the departments of
human services and children, youth and families for licensed childcare centers shall be
implemented in a tiered manner, reflective of the quality rating the provider has achieved within
the state's quality rating system outlined in § 42-12-23.1.

(1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly amount.

(2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half percent (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018 weekly amount.

(c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4.]

(d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and training shall conduct an independent survey or certify an independent survey of the then-current weekly market rates for child care in Rhode Island and shall forward the weekly market rate survey to the department of human services. The next survey shall be conducted by June 30, 2016, and triennially thereafter. The departments of human services and labor and training will jointly determine the survey criteria including, but not limited to, rate categories and sub-categories.

(e) In order to expand the accessibility and availability of quality child care, the department of human services is authorized to establish, by regulation, alternative or incentive rates of reimbursement for quality enhancements, innovative or specialized child care, and alternative methodologies of childcare delivery, including nontraditional delivery systems and collaborations.

(f) Effective January 1, 2007, all childcare providers have the option to be paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments.

(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the
prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

(h) Through December 31, 2021, the maximum reimbursement rates paid by the departments of human services, and children, youth and families to licensed childcare centers shall be consistent with the enhanced emergency rates provided as of June 1, 2021, as follows:

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tier 4</th>
<th>Tier 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$257.54</td>
<td>$257.54</td>
<td>$257.54</td>
<td>$257.54</td>
</tr>
<tr>
<td>Preschool Age</td>
<td>$195.67</td>
<td>$195.67</td>
<td>$195.67</td>
<td>$195.67</td>
</tr>
<tr>
<td>School Age</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

The maximum reimbursement rates paid by the departments of human services, and children, youth and families to licensed family childcare providers shall be consistent with the enhanced emergency rates provided as of June 1, 2021, as follows:

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tier 4</th>
<th>Tier 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$224.43</td>
<td>$224.43</td>
<td>$224.43</td>
<td>$224.43</td>
</tr>
<tr>
<td>Preschool Age</td>
<td>$171.45</td>
<td>$171.45</td>
<td>$171.45</td>
<td>$171.45</td>
</tr>
<tr>
<td>School Age</td>
<td>$162.30</td>
<td>$162.30</td>
<td>$162.30</td>
<td>$162.30</td>
</tr>
</tbody>
</table>

(i) Effective January 1, 2022, the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be reimbursed as follows:

<table>
<thead>
<tr>
<th>LICENSED CHILDCARE CENTERS</th>
<th>Tier One</th>
<th>Tier Two</th>
<th>Tier Three</th>
<th>Tier Four</th>
<th>Tier Five</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$236.36</td>
<td>$244.88</td>
<td>$257.15</td>
<td>$268.74</td>
<td>$284.39</td>
</tr>
<tr>
<td>Preschool</td>
<td>$207.51</td>
<td>$212.27</td>
<td>$218.45</td>
<td>$223.50</td>
<td>$231.39</td>
</tr>
<tr>
<td>School-Age</td>
<td>$180.38</td>
<td>$182.77</td>
<td>$185.17</td>
<td>$187.57</td>
<td>$189.97</td>
</tr>
</tbody>
</table>

The maximum reimbursement rates for licensed family childcare providers paid by the departments of human services, and children, youth and families is determined through collective bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid to licensed family childcare providers by both departments is implemented in a tiered manner that reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

(j) Effective July 1, 2022, the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be
implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be reimbursed as follows:

**LICENSED CHILDCARE CENTERS**

<table>
<thead>
<tr>
<th>Tier One</th>
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<th>Tier Three</th>
<th>Tier Four</th>
<th>Tier Five</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$265</td>
<td>$270</td>
<td>$282</td>
<td>$289</td>
</tr>
<tr>
<td>Preschool</td>
<td>$225</td>
<td>$235</td>
<td>$243</td>
<td>$250</td>
</tr>
<tr>
<td>School-Age</td>
<td>$200</td>
<td>$205</td>
<td>$220</td>
<td>$238</td>
</tr>
</tbody>
</table>

SECTION 4. This Article shall take effect July 1, 2022.