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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Cimini, Ajello, Blazejewski, Handy, and Tanzi

Date Introduced: February 02, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-2, 40-5.2-8, 40-5.2-10 and 40-5.2-12 of the General Laws
2 in Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as
3 follows:

4 **40-5.2-2. The Rhode Island Works Program. --** Statement of Purpose.

5 (a) The purpose of the Rhode Island Works Program is to help parents who are eligible
6 for cash assistance to support their children by preparing for, accepting and retaining
7 employment. It is the intent of the Rhode Island general assembly that the Rhode Island Works
8 Program shall provide employment and support services along with temporary cash assistance so
9 that parents can participate in the workforce rather than depend on public assistance to support
10 themselves and their children.

11 (b) Under this law, parents are mandated to enter into an employment plan, as a
12 condition of ~~eligibility~~ participation for cash assistance, and unless they are found to be
13 temporarily exempt from the work requirements, they must participate in intensive employment
14 services ~~at the department of labor and training~~ as defined in subsections 40-5.2-12(g) and (i) as
15 the first step in their employment plan. Because it is believed that employment is the most
16 effective anti-poverty measure, all activities and services provided through the Rhode Island
17 Works Program are designed to promote economic independence through employment and the
18 development of employment skills and to strengthen families through parental responsibility and
19 short-term assistance.

1 **40-5.2-8. Definitions.** -- (a) As used in this chapter, the following terms having the
2 meanings set forth herein, unless the context in which such terms are used clearly indicates to the
3 contrary:

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

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

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

12 (4) "Benefits" shall mean assistance received pursuant to this chapter.

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

17 (6) "Department" means the department of human services.

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

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

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

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

34 (11) "Education directly related to employment" means education, in the case of a

1 participant who has not received a high school diploma or a certificate of high school
2 equivalency, related to a specific occupation, job, or job offer.

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

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

12 (14) "Individual Employment Plan" means a written, individualized plan for employment
13 developed jointly by the ~~applicant~~ participant and the department of human services that specifies
14 the steps the participant shall take toward long-term economic independence developed in
15 accordance with subsection 40-5.2-10(e). A participant must comply with the terms of the
16 individual employment plan as a condition of eligibility in accordance with subsection 40-5.2-
17 10(e) of this chapter.

18 (15) "Job Search and Job Readiness" means the mandatory act of seeking or obtaining
19 employment by the participant, or the preparation to seek or obtain employment.

20 In accord with federal requirements, job search activities must be supervised by the
21 department of labor and training and must be reported to the department of human services in
22 accordance with TANF work verification requirements.

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

31 Preparation to seek employment, or job readiness, may include, but may not be limited
32 to, the participant obtaining life skills training, homelessness services, domestic violence services,
33 special services for families provided by the department of children youth and families, substance
34 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who

1 are otherwise employable. Such services, treatment or therapy must be determined to be
2 necessary and certified by a qualified medical or mental health professional. Intensive work
3 readiness services may include work-based literacy, numeracy, hands-on training, work
4 experience and case management services. Nothing in this section shall be interpreted to mean
5 that the department of labor and training shall be the sole provider of job readiness activities
6 described herein.

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

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

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

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

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

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

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

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

34 (24) "Self-employment income" means the total profit from a business enterprise,

1 farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e.,
2 expenses directly related to producing the goods or services and without which the goods or
3 services could not be produced. However, items such as depreciation, personal business and
4 entertainment expenses, and personal transportation are not considered business expenses for the
5 purposes of determining eligibility for cash assistance in accordance with this chapter.

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

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

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

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

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

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

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

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

1 **40-5.2-10. Necessary requirements and conditions.** -- The following requirements and
2 conditions shall be necessary to establish eligibility for the program.

3 (a) Citizenship, alienage and residency requirements.

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

5 (2) Effective October 1, 2008 a person shall be a United States citizen, or shall meet the
6 alienage requirements established in section 402(b) of the Personal Responsibility and Work
7 Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section
8 may hereafter be amended; a person who is not a United States citizen and does not meet the
9 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
10 accordance with this chapter.

11 (b) The family/assistance unit must meet any other requirements established by the
12 department of human services by rules and regulations adopted pursuant to the Administrative
13 Procedures Act, as necessary to promote the purpose and goals of this chapter.

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

16 (d) All individuals domiciled in this state shall be exempt from the application of
17 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
18 Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for
19 certain state and federal assistance if that individual has been convicted under federal or state law
20 of any offense which is classified as a felony by the law of the jurisdiction and which has as an
21 element the possession, use, or distribution of a controlled substance as defined in section 102(6)
22 of the Controlled Substances Act (21 U.S.C. 802(6)).

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

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

33 (2) On the basis of such assessment, the department of human services and the
34 department of labor and training, as appropriate, in consultation with the ~~applicant~~ participant,

1 shall develop an individual employment plan for the family which requires the individual to
2 participate in the intensive employment services. Intensive employment services shall be defined
3 as the work requirement activities in subsections 40-5.2-12(g) and (i).

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

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

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

13 (6) (A) The participant shall attend and participate immediately in intensive assessment
14 and employment services as the first step in the individual employment plan, unless temporarily
15 exempt from this requirement in accordance with this chapter. Intensive assessment and
16 employment services shall be defined as the work requirement activities in subsections 40-5.2-
17 12(g) and (i).

18 (B) Parents under age twenty (20) without a high school diploma or General Equivalency
19 Diploma (GED) shall be referred to special teen parent programs which will provide intensive
20 services designed to assist teen parent to complete high school education or GED, and to continue
21 approved work plan activities in accord with Works program requirements.

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

24 ~~(8) (7) Applicants and participants~~ Participants of the Rhode Island Work Program shall
25 agree to comply with the terms of the individual employment plan, and shall cooperate fully with
26 the steps established in the individual employment plan, including the work requirements.

27 ~~(9) (8)~~ (8) The department of human services has the authority under the chapter to require
28 attendance by the ~~applicant~~/participant, either at the department of human services or at the
29 department of labor and training, at appointments deemed necessary for the purpose of having the
30 applicant enter into and become eligible for assistance through the Rhode Island Work Program.
31 Said appointments include, but are not limited to, the initial interview, orientation and
32 assessment; job readiness and job search. Attendance is required as a condition of eligibility for
33 cash assistance in accordance with rules and regulations established by the department.

34 ~~(10) (9)~~ (9) As a condition of eligibility for assistance pursuant to this chapter, the

1 ~~applicant~~/participant shall be obligated to keep appointments, attend orientation meetings at the
2 department of human services and/or the Rhode Island department of labor and training,
3 participate in any initial assessments or appraisals and comply with all the terms of the individual
4 employment plan in accordance with department of human service rules and regulations.

5 ~~(11)~~ (10) A participant, including a parent or non-parent caretaker relative included in
6 the cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good
7 cause as defined in this chapter or the department's rules and regulations.

8 ~~(12)~~ (11) A participant who voluntarily quits or refuses a job without good cause, as
9 defined in subsection 40-5.2-12(1), while receiving cash assistance in accordance with this
10 chapter, shall be sanctioned in accordance with rules and regulations promulgated by the
11 department.

12 (f) Resources.

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

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

18 (3) For purposes of this subsection, the following shall not be counted as resources of the
19 family/assistance unit in the determination of eligibility for the works program:

20 (A) The home owned and occupied by a child, parent, relative or other individual;

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

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

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

34 (E) One vehicle for each adult household member, but not to exceed two (2) vehicles per

1 household, and in addition, a vehicle used primarily for income producing purposes such as, but
2 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
3 annually produces income consistent with its fair market value, even if only used on a seasonal
4 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
5 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
6 special type of vehicle that makes it possible to transport the person with a disability;

7 (F) Household furnishings and appliances, clothing, personal effects and keepsakes of
8 limited value;

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

11 (H) For the month of receipt and the following month, any refund of federal income
12 taxes made to the family by reason of section 32 of the Internal Revenue Code of 1986, 26 U.S.C.
13 section 32 (relating to earned income tax credit), and any payment made to the family by an
14 employer under section 3507 of the Internal Revenue Code of 1986, 26 U.S.C. section 3507
15 (relating to advance payment of such earned income credit);

16 (I) The resources of any family member receiving supplementary security income
17 assistance under the Social Security Act, 42 U.S.C. section 301 et seq.

18 (g) Income.

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

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

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

27 (A) The first fifty dollars (\$50.00) in child support received in any month from each non-
28 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty
29 dollars (\$50.00) per month multiplied by the number of months in which the support has been in
30 arrears) which are paid in any month by a non-custodial parent of a child;

31 (B) Earned income of any child;

32 (C) Income received by a family member who is receiving supplemental security income
33 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. section 1381 et seq.;

34 (D) The value of assistance provided by state or federal government or private agencies

1 to meet nutritional needs, including: value of USDA donated foods; value of supplemental food
2 assistance received under the Child Nutrition Act of 1966, as amended and the special food
3 service program for children under Title VII, nutrition program for the elderly, of the Older
4 Americans Act of 1965 as amended, and the value of food stamps;

5 (E) Value of certain assistance provided to undergraduate students, including any grant
6 or loan for an undergraduate student for educational purposes made or insured under any loan
7 program administered by the U.S. Commissioner of Education (or the Rhode Island board of
8 governors for higher education or the Rhode Island higher educational assistance authority);

9 (F) Foster Care Payments;

10 (G) Home energy assistance funded by state or federal government or by a nonprofit
11 organization;

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

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

18 (J) Certain payments to native Americans; payments distributed per capita to, or held in
19 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. section 1261 et seq., P.L. 93-
20 134, 25 U.S.C. section 1401 et seq., or P.L. 94-540; receipts distributed to members of certain
21 Indian tribes which are referred to in section 5 of P.L. 94-114, 25 U.S.C. section 459d, that
22 became effective October 17, 1975;

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

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

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

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

30 (1) Except as provided in section 3 below with respect to minor children ~~No~~ no cash
31 assistance shall be provided, pursuant to this chapter, to a family or assistance unit which includes
32 an adult member who has received cash assistance, either for him/herself or on behalf of his/her
33 children, for a total of ~~twenty-four (24)~~ forty-eight (48) months, (whether or not consecutive)
34 ~~within any sixty (60) continuous months after July 1, 2008~~ to include any time receiving any type

1 of cash assistance in any other state or territory of the United States of America as defined herein.
2 ~~Provided further, in no circumstances other than provided for in section (3) below with respect to~~
3 ~~certain minor children, shall cash assistance be provided pursuant to this chapter to a family or~~
4 ~~assistance unit which includes an adult member who has received cash assistance for a total of a~~
5 ~~lifetime limit of forty eight (48) months.~~

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

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

13 (4) Receipt of family cash assistance in any other state or territory of the United States of
14 America shall be determined by the department of human services and shall include family cash
15 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
16 [Title IV-A of the Federal Social Security Act 42 U.S.C. section 601 et seq.]and/or family cash
17 assistance provided under a program similar to the Rhode Island Families Work and Opportunity
18 Program or the federal TANF program.

19 (5) (A) The department of human service shall mail a notice to each assistance unit when
20 the assistance unit has six (6) months of cash assistance remaining and each month thereafter
21 until the time limit has expired. The notice must be developed by the department of human
22 services and must contain information about the lifetime time limit. the number of months the
23 participant has remaining, the hardship extension policy, the availability of a post-employment-
24 and-closure bonus, and any other information pertinent to a family or an assistance unit nearing
25 ~~either the twenty-four (24) month or~~ forty-eight (48) month lifetime time limit.

26 (B) For applicants who have less than six (6) months remaining in ~~either the twenty-four~~
27 ~~(24) month or~~ forty-eight (48) month lifetime time limit because the family or assistance unit
28 previously received cash assistance in Rhode Island or in another state, the department shall
29 notify the applicant of the number of months remaining when the application is approved and
30 begin the process required in paragraph (A) above.

31 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
32 Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal
33 Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family
34 Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction

1 because of failure to comply with the cash assistance program requirements; and that recipients
2 family received forty-eight (48) months of cash benefits in accordance with the Family
3 Independence Program, than that recipient family is not able to receive further cash assistance for
4 his/her family, under this chapter, except under hardship exceptions.

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

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

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

18 (B) Effective August 1, 2008 no cash assistance shall be provided pursuant to this
19 chapter to a family in which a child has received cash assistance for a total of sixty (60) months
20 (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant
21 to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other
22 state or territory of the United States as defined herein.

23 (j) Hardship Exceptions.

24 (1) The department may extend an assistance unit's or family's cash assistance beyond
25 the time limit, by reason of hardship; provided, however, that the number of such families to be
26 exempted by the department with respect to their time limit under this subsection shall not exceed
27 twenty percent (20%) of the average monthly number of families to which assistance is provided
28 for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter
29 permitted by federal law, any waiver granted under section 40-5.2-35, for domestic violence,
30 shall not be counted in determining the twenty percent (20%) maximum under this section.

31 (2) Parents who receive extensions to the time limit due to hardship must have and
32 comply with employment plans designed to remove or ameliorate the conditions that warranted
33 the extension.

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

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

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

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

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

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

31 (2) Consent to and cooperate with the state in establishing the paternity and in
32 establishing and/or enforcing child support and medical support orders for all children in the
33 family or assistance unit in accordance with Title 15 of the general laws, as amended, unless the
34 parent or caretaker relative is found to have good cause for refusing to comply with the

1 requirements of this subsection.

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

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

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

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

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

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

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

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

32 (g) Work Requirements for single parent families. - In single parent households, the
33 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate
34 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in

1 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the
2 youngest child in the home is six (6) years of age or older, in one or more of their required work
3 activities, as appropriate, in order to help the parent obtain stable full-time paid employment, as
4 determined by the department of human services and the department of labor and training;
5 provided, however, that he or she shall begin with intensive employment services as the first step
6 in the individual employment plan. Required work activities are as follows:

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

- 9 (A) Unsubsidized employment;
- 10 (B) Subsidized private sector employment;
- 11 (C) Subsidized public sector employment;
- 12 (D) Work experience;
- 13 (E) On the Job Training;
- 14 (F) Job search and job readiness;
- 15 (G) Community service programs;
- 16 (H) Vocational educational training not to exceed twelve (12) months;
- 17 (I) Providing child care services to another participant parent who is participating in an
18 approved community service program;
- 19 (J) Adult education in an intensive work readiness program not to exceed six (6) months.

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

- 22 (A) Job skills training directly related to employment;
- 23 (B) Education directly related to employment; and,
- 24 (C) Satisfactory attendance at a secondary school or in a course of study leading to a
25 certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a
26 high school diploma or General Equivalence Diploma (GED);

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

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

34 (5) A parent who has been determined to have a physical or mental impairment affecting

1 employment but who has not been found eligible for Social Security Disability Benefits or
2 Supplemental Security Income must participate in his or her rehabilitation employment plan as
3 developed with the Office of Rehabilitative Services which leads to employment and/or to receipt
4 of disability benefits through the Social Security Administration.

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

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

11 (1) Caring for a child below the age of one, provided, however that a parent may opt for
12 the deferral from an individual employment plan for a maximum of twelve (12) months during
13 the ~~twenty-four (24)~~ forty-eight (48) months of eligibility for cash assistance, and provided
14 further that a minor parent without a high school diploma or the equivalent, and who is not
15 married, shall not be exempt for more than twelve weeks from the birth of the child;

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

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

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

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

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

27 (i) Work Requirement for two parent families.

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

34 (A) Unsubsidized employment;

- 1 (B) Subsidized private sector employment;
- 2 (C) Subsidized public-sector employment;
- 3 (D) Work experience;
- 4 (E) On-the-job training;
- 5 (F) Job search and job readiness;
- 6 (G) Community service program;
- 7 (H) Vocational educational training not to exceed twelve (12) months;
- 8 (I) The provision of child care services to a participant individual who is participating in
9 a community service program;
- 10 (J) Adult education in an intensive work readiness program not to exceed six (6) months.
- 11 (2) Above thirty (30) hours per week, the following three (3) activities may also count
12 for participation:
- 13 (A) Job skills training directly related to employment;
- 14 (B) Education directly related to employment; and
- 15 (C) Satisfactory attendance at secondary school or in a course of study leading to a
16 certificate of general equivalence.
- 17 (3) A family with two parents in which one or both parents participate in a work
18 experience or community service program shall be deemed to have participated in core work
19 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
20 (FLSA) if actual participation falls short of his/her required minimum hours per week.
- 21 (4) If the family receives child care assistance and an adult in the family is not disabled
22 or caring for a severely disabled child, then the work-eligible individuals must be participating in
23 work activities for an average of at least fifty-five (55) hours per week to count as a two-parent
24 family engaged in work for the month.
- 25 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation
26 in the activities listed in subdivision 40-5.1-12(i)(1).
- 27 Above fifty (50) hours per week, the three (3) activities listed in subdivision 40-5.1-(i)(2)
28 may also count as participation.
- 29 (6) A family with two parents receiving child care in which one or both parents
30 participate in a work experience or community service program for the maximum number of
31 hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met
32 their required core hours if actual participation falls short of the required minimum hours per
33 week. For families that need additional hours beyond the core activity requirement, these hours
34 must be satisfied in some other TANF work activity.

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

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

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

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

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

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

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

28 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,
29 whether or not consecutive in accordance with this section due to the failure by one or more
30 parents to enter into an individual employment plan or failure to comply with the terms of his or
31 her individual employment plan, or the failure to comply with the requirements of this chapter,
32 cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,
33 and the benefits shall be restored to the family/assistance unit in the full amount the
34 family/assistance unit is otherwise eligible for under this chapter beginning on the first of the

1 month following the month in which all parents in the family/assistance unit who are subject to
2 the employment or rehabilitation plan requirements under this chapter: (A) enter into an
3 individual employment or rehabilitation plan as applicable, and demonstrate compliance with the
4 terms thereof, or (B) demonstrate compliance with the terms of the parent's individual
5 employment or rehabilitation employment plan in effect at the time of termination of benefits, as
6 such plan may be amended by agreement of the parent and the department.

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

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

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

22 SECTION 2. Chapter 40-5.2 of the General Laws entitled "The Rhode Island Works
23 Program" is hereby amended by adding thereto the following section:

24 **40-5.2-40. Annual report.** – [The Department of Human Services shall provide a report](#)
25 [about the RI Works Program to the general assembly by January 1, 2013 and each successive](#)
26 [January 1 thereafter. The report shall provide information for the prior fiscal year, including:](#)

27 [\(1\) Information about the families that received assistance, including, but not limited to:](#)
28 [the number and size of families, number and age of children; number of single and two-parent](#)
29 [families; the number of “child only” families; the number of pregnant and parenting teen families](#)
30 [\(under 18 and 18-19\); the number of families that received services from the department of](#)
31 [children, youth and families; parents’ education level and literacy level; family living](#)
32 [arrangement \(including subsidized housing, unsubsidized housing and the number of families that](#)
33 [were homeless and length of time of homelessness\).](#)

34 [\(2\) The number of cases that were opened; the number of cases that closed and the reason](#)

1 for closing; the number of cases that received “hardship” benefits and the length of time cases
2 received hardship benefits.

3 (3) The number of parents who were working while receiving cash assistance and the
4 average earnings; the number of parents engaged in employment plan activities, the type of
5 activities in which parents participated. By type of activity, the outcome of parents’ participation
6 as appropriate to the activity, including, but not limited to, employment, average number of hours
7 and average wages.

8 (4) Financial information including the amount of the TANF block grant that was
9 expended and for what purposes and the individual and total amounts of maintenance of effort
10 expenditures.

11 (5) Recommendations for program changes necessary to improve outcomes for parents
12 and children.

13 (6) Recommendations from the RI works advisory committee for program changes
14 necessary to improve outcomes for parents and children.

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM

1 This act would simplify administration of the RI works program and increase workforce
2 participation by eliminating the two-tiered time limit; streamline the process for developing an
3 appropriate employment plan, increase workforce participation and increase program
4 accountability by requiring the department of human services to produce an annual report.

5 This act would take effect upon passage.

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LC00995
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