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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Morin, Vella-Wilkinson, Carson, Slater, and Williams

Date Introduced: February 27, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

3 **40-5.2-8. Definitions.**

4 (a) As used in this chapter, the following terms having the meanings set forth herein,
5 unless the context in which such terms are used clearly indicates to the contrary:

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

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

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

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

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

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

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

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

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

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

16 (11) "Education directly related to employment" means education, in the case of a
17 participant who has not received a high school diploma or a certificate of high school
18 equivalency, related to a specific occupation, job, or job offer.

19 (12) "Family" means: (A) a pregnant woman from and including the seventh month of
20 her pregnancy; or (B) a child and the following eligible persons living in the same household as
21 the child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent,
22 any adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor
23 siblings (whether of the whole or half blood); provided, however, that the term "family" shall not
24 include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. §
25 1381 et seq. A family may be the same as the assistance unit.

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

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

33 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
34 employment by the participant, or the preparation to seek or obtain employment.

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

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

12 Preparation to seek employment, or job readiness, may include, but may not be limited to,
13 the participant obtaining life skills training, homelessness services, domestic violence services,
14 special services for families provided by the department of children youth and families, substance
15 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who
16 are otherwise employable. Such services, treatment or therapy must be determined to be
17 necessary and certified by a qualified medical or mental health professional. Intensive work
18 readiness services may include work-based literacy, numeracy, hands-on training, work
19 experience and case management services. Nothing in this section shall be interpreted to mean
20 that the department of labor and training shall be the sole provider of job readiness activities
21 described herein.

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

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

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

32 (19) "On-the-job-training" means training in the public or private sector that is given to a
33 paid employee while he or she is engaged in productive work and that provides knowledge and
34 skills essential to the full and adequate performance of the job. On-the-job training must be

1 supervised by an employer, work site sponsor, or other designee of the department of human
2 services on an ongoing basis.

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

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

9 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
10 grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister,
11 brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed,
12 niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

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

15 (24) "Self-employment income" means the total profit from a business enterprise,
16 farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e.,
17 expenses directly related to producing the goods or services and without which the goods or
18 services could not be produced. However, items such as depreciation, personal business and
19 entertainment expenses, and personal transportation are not considered business expenses for the
20 purposes of determining eligibility for cash assistance in accordance with this chapter.

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

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

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

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

32 (29) "Vocational educational training" means organized educational programs, not to
33 exceed twelve (12) months with respect to any participant, that are directly related to the
34 preparation of participants for employment in current or emerging occupations. Vocational

1 educational training must be supervised.

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

7 (31) "Work supplementation" also known as "grant diversion" means the use of all or a
8 portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an
9 employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An
10 employer must agree to continue the employment of the participant as part of the regular work
11 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

12 (32) "Work activities" mean the specific work requirements which must be defined in the
13 individual employment plan and must be complied with by the participant as a condition of
14 eligibility for the receipt of cash assistance for single and two (2) family households outlined in §
15 40-5.2-12 of this chapter.

16 **40-5.2-12. Work requirements for receipt of cash assistance.**

17 (a) The department of human services and the department of labor and training shall
18 assess the applicant/parent or non-parent caretaker relative's work experience, educational, and
19 vocational abilities, and the department, together with the parent, shall develop and enter into a
20 mandatory, individual employment plan in accordance with § 40-5.2-10(e) of this chapter.

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

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

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

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

33 (f) The individual employment plan shall specify the participant's work activity(ies) and
34 the supportive services that will be provided by the department to enable the participant to engage

1 in the work activity(ies).

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

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

13 (A) Unsubsidized employment;

14 (B) Subsidized, private-sector employment;

15 (C) Subsidized, public-sector employment;

16 (D) Work experience;

17 (E) On-the-Job Training;

18 (F) Job search and job readiness;

19 (G) Community service programs;

20 (H) Vocational educational training not to exceed twelve (12) months; provided,
21 however, that a participant who successfully completes his or her first year of education at the
22 Community College of Rhode Island, may participate in vocational education for an additional
23 twelve (12) months;

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

26 (J) Adult education in an intensive work readiness program.

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

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

30 (B) Education directly related to employment; and

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

34 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school

1 or the equivalent during the month, or twenty (20) hours per week on average for the month in
2 education directly related to employment, will be counted as engaged in work.

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

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

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

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

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

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

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

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

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

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

34 (i) Work requirement for two-parent families.

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

7 (A) Unsubsidized employment;

8 (B) Subsidized private-sector employment;

9 (C) Subsidized public-sector employment;

10 (D) Work experience;

11 (E) On-the-job training;

12 (F) Job search and job readiness;

13 (G) Community service program;

14 (H) Vocational educational training not to exceed twelve (12) months; provided,
15 however, that a participant who successfully completes his or her first year of education at the
16 Community College of Rhode Island, may participate in vocational education for an additional
17 twelve (12) months;

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

20 (J) Adult education in an intensive work readiness program.

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

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

24 (B) Education directly related to employment; and

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

27 (3) A family with two (2) parents, in which one or both parents participate in a work
28 experience or community service program, shall be deemed to have participated in core work
29 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
30 (FLSA) if actual participation falls short of his or her required minimum hours per week.

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

1 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation
2 in the activities listed in § 40-5.2-12(i)(1).

3 Above fifty (50) hours per week, the three (3) activities listed in § 40-5.2-12(i)(2) may
4 also count as participation.

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

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

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

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

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

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

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

32 (2) In the case where appropriate child care has been made available in accordance with
33 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,
34 including full-time, part-time, and/or temporary employment, or unpaid work experience or

1 community service, shall be deemed a failure to comply with the work requirements of this
2 section and shall result in reduction or termination of cash assistance, as defined by the
3 department in rules and regulations duly promulgated.

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

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

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

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

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

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LC001418
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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 amend the definition of "dependent child" for the purpose of the Rhode
2 Island Works Program by eliminating the requirement that a child older than eighteen (18) years
3 of age be expected to complete secondary school before he or she attains the age of nineteen (19).
4 This act would also provide that for families that receive cash assistance, successful completion
5 the first year of education at CCRI would allow for participation in vocational education for an
6 additional year.

7 This act would take effect upon passage.

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