

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1526*

Short Title: Welfare Law Improvement/Funds.

(Public)

Sponsors: Senators Lucas; Albertson, Dalton, Dannelly, Gulley, Jenkins, Kinnaird, Martin of Pitt, Phillips, Purcell, Reeves, Rucho, Weinstein, and Wellons.

Referred to: Children & Human Resources.

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE WELFARE WORK FIRST PROGRAM, TO MAKE IT
3 MORE EQUITABLE AND UNIFORMLY APPLIED, AND TO APPROPRIATE
4 FUNDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 108A-27.9(c) reads as rewritten:

7 "(c) The State Plan shall include the following generally applicable provisions:

8 (1) Provisions to ensure that the following are uniformly developed and
9 implemented across the State:

10 a. Eligibility criteria, which shall include the Medicaid eligibility
11 standard as part of the overall uniform eligibility standards and
12 the Standard of Need;

13 b. Benefits, which shall include:

14 1. Work First diversion assistance with no repayment
15 requirements;

16 2. Participation in the transportation plan developed by the
17 Department pursuant to G.S. 108A-27.2(1)b.2. for
18 families to acquire automobiles at low or no cost;

- 1 3. Exemption of second vehicle from income eligibility
2 when there are two working people in the family;
3 4. Continuation of scaled assistance for six months after the
4 three months of full assistance when a family obtains
5 employment while on Work First, which scaled assistance
6 shall be based on a formula that shall consider family
7 expenses and whether the family's employment provides
8 wages that enable the family to be self-sufficient; and
9 5. Allowance for two-parent families to receive TANF
10 assistance prior to meeting work requirements, in order to
11 encourage families to stay together and to overcome
12 barriers to self-sufficiency and gainful employment;
13 c. Notification of all applicants for all assistance about the problems
14 of family violence and the protections for victims of abuse;
15 d. Recipient grievance and appeals procedures, to ensure that
16 recipients that are sanctioned are provided a clear explanation of
17 the sanction, that all recipients, including those under sanction or
18 termination for rules infractions, are fully informed of their right
19 to legal counsel and any other advocates they choose, and that all
20 appeals are uniform across the State; and
21 e. Proactive sanction/termination prevention programs, including
22 motivational training, mentoring, job search, and job readiness
23 assistance, sensitivity training for caseworkers and supervisors
24 on service delivery, and casework review of all recipients
25 sanctioned;
26 (+) (1a) Provisions to ensure that no Work First Program recipients, required
27 to participate in work activities, shall be employed or assigned when:
28 a. Any regular employee is on layoff from the same or substantially
29 equivalent job;
30 b. An employer terminates any regular employee or otherwise
31 causes an involuntary reduction in the employer's workforce in
32 order to hire Work First recipients; or
33 c. An employer otherwise causes the displacement of any currently
34 employed worker or positions, including partial displacements
35 such as reductions in hours of nonovertime work, wages, or
36 employment benefits, in order to hire Work First recipients;
37 (2) Provisions to ensure the establishment and maintenance of grievance
38 procedures to resolve complaints by regular employees who allege that
39 the employment or assignment of a Work First Program recipient is in
40 violation of subdivision (1) of this subsection;
41 (3) Provisions to ensure that Work First Program participants, required to
42 participate in work activities, shall be subject to and have the Work First
43 Program employees in similarly situated work activities, including, but

1 not limited to, wage and hour laws, health and safety standards, and
2 nondiscrimination laws, provided that nothing in this subdivision shall
3 be construed to prohibit Work First Program participants from receiving
4 additional State or county services designed to assist Work First
5 Program participants achieve job stability and self-sufficiency;

6 (4) A description of eligible federal and State work activities;

7 (5) Requirements for assignment of child support income and compliance
8 with child support activities;

9 (6) Incentives for high-performing counties, contingency plans for counties
10 unable to meet financial commitments during the term of the State Plan,
11 and sanctions against counties failing to meet performance expectations,
12 including allocation of any federal penalties that may be assessed
13 against the State as a result of a county's failure to perform; and

14 (7) Anything else required by federal or State law, rule, or regulation to be
15 included in the State Plan."

16 Section 2. G.S. 108A-24(14) reads as rewritten:

17 "(14) 'Work First Diversion Assistance' is a short-term cash payment that is
18 intended to substantially reduce the likelihood of a family requiring
19 Work First Family Assistance, ~~and that shall not be required to be repaid~~
20 unless fraudulently obtained."

21 Section 3. G.S. 108A-27.1 reads as rewritten:

22 "**§ 108A-27.1. Time ~~limitations on~~ review of assistance.**

23 (a) Under the ~~Standard~~ Work First Program, ~~unless an extension or an exemption~~
24 ~~is provided pursuant to the provisions of the Part or the State Plan,~~ any cash assistance
25 provided to a person or family in the employment program shall ~~only be provided for a~~
26 ~~cumulative total of 24 months.~~ be reviewed after being received for a cumulative total of
27 24 months. If the review determines that the recipient or the family has been in
28 compliance with the Program but remains unable to gain self-sufficiency, the assistance
29 shall continue. Subsequent reviews shall take place every three months. Assistance shall
30 continue until self-sufficiency is gained or until compliance is no longer maintained, up
31 to the time limit allowed under federal law. If the review determines that the recipient or
32 the family has not been in compliance with the Program or that the recipient and the
33 family have gained self-sufficiency, the assistance shall be terminated. After having
34 ~~received cash assistance for 24 months, the person~~ If the recipient or the family has been
35 terminated, the recipient or the family may reapply for cash assistance, but not until after
36 36 months from the last month the person or the family received cash assistance. This
37 subsection shall not apply to child-only cases.

38 (b) ~~Electing Counties may set any time limitations on assistance it finds~~
39 ~~appropriate, so long as the time limitations do not conflict or exceed any federal time~~
40 ~~limitations."~~

41 Section 4. G.S. 108A-27.2 reads as rewritten:

42 "**§ 108A-27.2. General duties of the Department.**

1 The Department shall have the following general duties with respect to the Work First
2 Program:

3 (1) Ensure that the following specifications of the State plan as prescribed in
4 G.S. 108A.27.9(c) are developed and implemented uniformly across the
5 State:

6 a. Eligibility criteria, which shall include the Medicaid eligibility
7 standard as part of the overall uniform eligibility standards and the
8 Standard of Need;

9 b. Benefits, which shall include:

10 1. Work First diversion assistance with no repayment
11 requirements;

12 2. A transportation plan for families to acquire automobiles
13 at low or no cost;

14 3. Exemption of second vehicle from income eligibility
15 when there are two working people in the family;

16 4. Continuation of scaled assistance for six months after the
17 three months of full assistance when a family obtains
18 employment while on Work First, which scaled assistance
19 shall be based on a formula that shall consider family
20 expenses and whether the family's employment provides
21 wages that enable the family to be self-sufficient; and

22 5. Allowance for two-parent families to receive TANF
23 assistance prior to meeting work requirements, in order to
24 encourage families to stay together and to overcome
25 barriers to self-sufficiency and gainful employment;

26 c. Notification of all applicants for all assistance about the problems
27 of family violence and the protections for victims of abuse;

28 d. Recipient grievance and appeals procedures, to ensure that
29 recipients that are sanctioned are provided a clear explanation of
30 the sanction, that all recipients, including those under sanction or
31 termination for rules infractions, are fully informed of their right
32 to legal counsel and any other advocates they choose, and that all
33 appeals are uniform across the State; and

34 e. Proactive sanction/termination prevention programs, including
35 motivational training, mentoring, job search, and job readiness
36 assistance, sensitivity training for caseworkers and supervisors
37 on service delivery, and administrative review of all recipients
38 sanctioned;

39 (+)(1a) Provide technical assistance to counties developing and implementing
40 their County Plans, including providing information concerning
41 applicable federal law and regulations and changes to federal law and
42 regulations that affect the permissible use of federal funds and scope
43 of the Work First Program in a county;

- 1 (2) Describe authorized federal and State work activities;
- 2 (3) Define requirements for assignment of child support income and
3 compliance with child support activities;
- 4 (4) Establish a schedule for counties to submit their County Plans to ensure
5 that all Standard County Plans are adopted by the Standard Program
6 Counties by January 15 of each even-numbered year and all Electing
7 County Plans are adopted by Electing Counties by February 1 of each
8 even-numbered year and review and then recommend a State Plan to the
9 General Assembly;
- 10 (5) Ensure that the County Plans comply with federal and State laws, rules,
11 and regulations, are consistent with the overall purposes and goals of the
12 Work First Program, and maximize federal receipts for the Work First
13 Program;
- 14 (6) Prepare the State Plan in accordance with G.S. 108A-27.9 and federal
15 laws and regulations and submit it to the Budget Director for approval;
- 16 (7) Submit the State Plan, as approved by the Budget Director, to the
17 General Assembly for approval;
- 18 (8) Report monthly to the Joint Legislative Public Assistance Commission
19 on the monthly progress reports submitted by the counties to the
20 Department;
- 21 (9) Develop and implement a system to monitor and evaluate the impact of
22 the Work First Program on children and families, including the impact
23 of the Work First Program on the economic security and health of
24 children and families, child abuse and neglect, caseloads for child
25 protective services and foster care, school attendance, and academic and
26 behavioral performance. State and county agencies shall cooperate in
27 providing information needed to conduct these evaluations, sharing data
28 and information except where prohibited specifically by federal law or
29 regulation;
- 30 (10) Monitor the performance of counties relative to their County Plans and
31 the overall goals of the Work First Program and report every six months
32 to the Director of the Budget and the Joint Legislative Public Assistance
33 Commission and annually to the General Assembly on the counties'
34 attainment of the outcomes and goals;
- 35 (11) Provide quarterly progress reports to the county departments of social
36 services, the county boards of commissioners, and the Joint Legislative
37 Public Assistance Commission on the performance of counties in
38 achieving Work First Program expectations;
- 39 (12) Report to the Joint Legislative Public Assistance Commission and the
40 House and Senate Appropriations Subcommittees on Human Resources
41 the counties which have requested Electing status, provide copies of the
42 proposed Electing County Plans to the Joint Legislative Public
43 Assistance Commission and the House and Senate Appropriations

1 Subcommittees on Human Resources, and make recommendations to
2 the Joint Legislative Public Assistance Commission, the chairs of the
3 House and Senate Subcommittees on Human Resources, and the
4 General Assembly on which of the proposed Electing County Plans
5 ensure compliance with federal and State laws, rules, and regulations
6 and are consistent with the overall purposes and goals for the Work First
7 Program; and

- 8 (13) Make recommendations to the General Assembly for approval of
9 counties to become Electing Counties which represent, in aggregate, no
10 more than fifteen and one-half percent (15.5%) of the total Work First
11 caseload at October 1 of each year and, for each county submitting a
12 plan, the reasons individual counties were or were not recommended."

13 Section 5. G.S. 108A-27.3(a) reads as rewritten:

14 **"§ 108A-27.3. Electing Counties – Duties of county boards of commissioners.**

15 (a) The duties of the county boards of commissioners in Electing Counties under
16 the Work First Program are as follows:

- 17 (1) Establish county outcome and performance goals based on county
18 economic, educational, and employment factors and adopt criteria for
19 determining the progress of the county in moving persons and families
20 to self-sufficiency;
- 21 (2) ~~Establish eligibility criteria for recipients;~~ Determine eligibility of
22 recipients and families for the Work First Program pursuant to the
23 eligibility criteria established by the Department;
- 24 (3) ~~Prescribe the method of calculating providing~~ benefits for recipients;
- 25 (4) Determine and list persons and families eligible for the Work First
26 Program;
- 27 (5) If made a part of the county's Work First Program, develop and enter
28 into Mutual Responsibility Agreements with Work First Program
29 recipients and ensure that the services and resources that are needed to
30 assist participants to comply with the obligations under their Mutual
31 Responsibility Agreements are available;
- 32 (6) Ensure that participants engage in the minimum hours of work activities
33 required by Title IV-A;
- 34 (7) Provide community service work for any recipient who cannot find
35 employment;
- 36 (8) Make payments of Work First Diversion Assistance and Work First
37 Family Assistance to recipients having MRAs;
- 38 (9) Monitor compliance with Mutual Responsibility Agreements and
39 enforce the agreement provisions;
- 40 (10) Monitor and evaluate the impact of the Work First Program on
41 economic security and health of children and families, child abuse and
42 neglect, caseloads for child protective services and foster care, school

- 1 attendance, and academic and behavioral performance, and report the
2 findings to the Department quarterly;
- 3 (11) Ensure compliance with applicable State and federal laws, rules, and
4 regulations for the Work First Program;
- 5 (12) Develop, adopt, and submit to the Department a biennial County Plan;
- 6 (13) Provide monthly progress reports to the Department in a format to be
7 determined by the Department;
- 8 (14) ~~Develop and implement an appeals process for the county's Work First~~
9 ~~Program that substantially complies with G.S. 108A-79. Provide the~~
10 procedures at the county level that are necessary to provide the local
11 base for the grievance and appeals procedures developed by the
12 Department for all counties in the State."

13 Section 6. G.S. 108A-27.4(e) reads as rewritten:

14 "(e) Each county shall include in its County Plan the following:

- 15 (1) The number of MRAs entered into by the county;
- 16 (2) A description of the county's plans for serving families who need child
17 care, transportation, substance abuse services, and employment support
18 based on the needs of the community and the availability of services and
19 funding;
- 20 (3) A list of the community service programs equivalent to full-time
21 employment that are being offered to Work First Program recipients
22 who are unable to find full-time employment;
- 23 ~~(4) A description of the county's eligibility criteria, benefit calculation, and~~
24 ~~any other policies adopted by the county relating to eligibility, terms,~~
25 ~~and conditions for receiving Work First Program assistance, including~~
26 ~~sanctions, asset and income requirements, time limits and extensions,~~
27 ~~rewards, exemptions, and exceptions to requirements. If an Electing~~
28 ~~County Plan proposes to change eligibility requirements, benefits levels,~~
29 ~~or~~ A description of any policies adopted by the county relating to the
30 Work First Program, including those implementing the requirements of
31 G.S. 108A-27.9(c), and of the county's maintenance of effort. If an
32 Electing County proposes to reduce maintenance of effort, the county
33 shall describe the reasons for these changes and how the county intends
34 to utilize the maintenance of effort savings;
- 35 (5) A description of how the county plans to utilize public and private
36 resources to assist in moving persons and families to self-sufficiency;
37 and
- 38 (6) Any request to the Department for waivers to rules or any proposals for
39 statutory changes to remove any impediments to implementation of the
40 County's Plan."

41 Section 7. G.S. 108A-27.6(a) reads as rewritten:

1 "(a) Except as otherwise provided in this Article, the Standard Work First Program
2 shall be administered by the county departments of social services. The county
3 departments of social services in Standard Program Counties shall:

- 4 (1) In consultation with the Department and the county board of
5 commissioners, establish outcome and performance goals for each
6 Standard Program County, based on economic factors and conditions in
7 that county, aimed at reducing child poverty by means of goals that
8 measure the increased numbers of persons employed, the increased
9 numbers of hours worked by and wages earned by recipients, and other
10 measures of child well-being;
- 11 (2) Determine eligibility of persons and families for the Work First
12 ~~Program;—pursuant to the eligibility criteria developed by the~~
13 ~~Department;~~
- 14 (3) Enter into Mutual Responsibility Agreements with participants if
15 required under the State Plan and ensure that the services and resources
16 that are needed to assist participants to comply with their obligations
17 under their Mutual Responsibility Agreements are available;
- 18 (4) Comply with State and federal law relating to Work First and Title IV-
19 A;
- 20 (5) Develop the County Plans for submission by the counties to the
21 Department;
- 22 (6) Ensure that participants engage in the minimum hours of work activities
23 required by the State Plan and Title IV-A;
- 24 (7) Ensure that the components of the Work First Program are funded solely
25 from authorized sources and that federal TANF funds are used only for
26 purposes and programs authorized by federal and State law;
- 27 (8) Monitor and evaluate the impact of the Work First Program on children
28 and families, including the impact of the Program on the economic
29 security and health of children and families, child abuse and neglect,
30 caseloads for child protective services and foster care, school
31 attendance, and academic and behavioral performance, and report the
32 findings to the Department quarterly; and
- 33 (9) Provide monthly progress reports to the Department, in a format to be
34 determined by the Department."

35 Section 8. G.S. 108A-27.9(e) reads as rewritten:

36 "(e) The section of State Plan describing the Standard Work First Program shall
37 include:

- 38 (1) ~~Benefit levels, limitations, and payments and the method for calculating~~
39 ~~benefit levels and payments;~~
- 40 (2) ~~Eligibility criteria, including asset and income standards;~~
- 41 (3) ~~Any exceptions or exemptions proposed to work requirements;~~
- 42 (4) ~~Provisions for when extensions may be granted to a person or family~~
43 ~~who reaches the time limit for receipt of benefits;~~

- 1 (5) ~~Provisions for exceptions and exemptions to criteria, time limits, and~~
2 ~~standards;~~
3 (6) Provisions for sanctions for recipient failure to comply with program
4 ~~requirements; requirements, as qualified by G.S. 108A-27.9(c)(1)d. and~~
5 ~~e.;~~
6 (7) ~~Terms and conditions for repayment of Work First Diversion Assistance~~
7 ~~by recipients who subsequently receive Work First Family Assistance;~~
8 (8) Allocations of federal, State, and county funds for the Standard Work
9 First Program, including county block grants to the counties for Work
10 First Services;
11 (9) Levels of State and county funding for the Standard Work First
12 Program;
13 (10) Allocation for funding for administration at the State and local level not
14 to exceed the federally established limitations on use of federal TANF
15 funds for program administration; and
16 (11) A description of the Department's consultation with local governments
17 and private sector organizations and a summary of any comments
18 received during the 45-day public comment period."

19 Section 9. This act amends "North Carolina's Temporary Assistance for Needy
20 Families State Plan FY 1998-2000", dated May 15, 1998, regardless of whether the Plan
21 is enacted into law by this General Assembly before or after this act is enacted.

22 Section 10. There is appropriated from the General Fund to the Department of
23 Health and Human Services the sum of four hundred thousand dollars (\$400,000) for the
24 1998-99 fiscal year to implement this act.

25 Section 11. This act becomes effective July 1, 1998.