

2021 -- H 5683

=====
LC001769
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

—————
A N A C T

RELATING TO HUMAN SERVICES - RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Handy, Kazarian, Barros, Williams, Diaz, Felix, Carson,
Alzate, Giraldo, and Speakman

Date Introduced: February 24, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-10, 40-5.2-11, 40-5.2-12 and 40-5.2-33 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 **40-5.2-10. Necessary requirements and conditions.**

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

7 (a) Citizenship, alienage, and residency requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
26 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
27 in accordance with rules and regulations promulgated by the department.

28 (f) Resources.

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

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

34 (3) For purposes of this subsection, the following shall not be counted as resources of the

1 family/assistance unit in the determination of eligibility for the works program:

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

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

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

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

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

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

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

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

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

33 (g) Income.

34 (1) Except as otherwise provided for herein, in determining eligibility for and the amount

1 of cash assistance to which a family is entitled under this chapter, the income of a family includes
2 all of the money, goods, and services received or actually available to any member of the family.

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

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

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

12 (ii) Earned income of any child;

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

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

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

24 (vi) Foster care payments;

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

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

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

33 (x) Certain payments to native Americans; payments distributed per capita to, or held in
34 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,

1 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
2 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
3 1975;

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

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

8 (xiii) The earned income of any adult family member who gains employment, in
9 compliance with their employment plan, while an active Rhode Island works household member.
10 Such earned income is excluded for the first six (6) months of earned income from employment,
11 until the household reaches its forty-eight (48) month time limit, or until the household's total gross
12 income exceeds one hundred eighty-five percent (185%) of the federal poverty level (FPL)
13 whichever is first.

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

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

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

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

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

32 (4) Receipt of family cash assistance in any other state or territory of the United States of
33 America shall be determined by the department of human services and shall include family cash
34 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds

1 [Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance
2 provided under a program similar to the Rhode Island families work and opportunity program or
3 the federal TANF program.

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

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

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

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

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

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

1 as provided in § 40-5.2-12(g)(5).

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

7 (j) Hardship exceptions.

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

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

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

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

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

1 regulations, for waiving the subsection; and the individual resides in a supervised supportive-living
2 arrangement to the extent available.

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

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

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

15 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
16 and/or enforcing child support and medical support orders for all children in the family or assistance
17 unit in accordance with title 15, as amended, unless the parent or caretaker relative is found to have
18 good cause for refusing to comply with the requirements of this subsection.

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

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

29 **40-5.2-11. Cash assistance.**

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

33 (b) The family members or assistance unit shall be eligible for cash assistance for so long
34 as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and

1 adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet
2 the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall
3 be eligible for assistance as a member of the assistance unit so long as he/she meets all the eligibility
4 requirements of this chapter.

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

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

12 (e) ~~The payment standard is equal to the sum of the following: three hundred twenty seven~~
13 ~~dollars (\$327) (two hundred seventy seven dollars (\$277) for a family residing in subsidized~~
14 ~~housing) for the first person, one hundred twenty two dollars (\$122) for the second person, one~~
15 ~~hundred five dollars (\$105) for the third person and eighty dollars (\$80) for each additional person.~~
16 Effective October 1, 2021, the payment standard for assistance unit shall be no less than fifty
17 percent (50%) of the poverty guideline for the comparable assistance unit size, as determined by
18 the U.S. Department of Health and Human Services for calendar year 2021. Thereafter, the payment
19 standard shall be adjusted in October of each year, to be no less than fifty percent (50%) of the
20 poverty guideline for the comparable assistance unit size, as determined by the U.S. Department of
21 Health and Human Services, for the calendar year.

22 **40-5.2-12. Work requirements for receipt of cash assistance.**

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

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

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

33 (d) All applicants and participants in the Rhode Island works employment program must
34 attend and participate in required appointments, employment plan development, and employment-

1 related activities, unless temporarily exempt for reasons specified in this chapter.

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

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

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

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

20 (i) Unsubsidized employment;

21 (ii) Subsidized private-sector employment;

22 (iii) Subsidized public-sector employment;

23 (iv) Work experience;

24 (v) On-the-job training;

25 (vi) Job search and job readiness;

26 (vii) Community service programs;

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

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

33 (x) Adult education in an intensive work-readiness program.

34 (2) Above twenty (20) hours per week, the parent may participate in one or more of the

1 following three (3) activities in order to satisfy a thirty-hour (30) requirement:

2 (i) Job skills training directly related to employment;

3 (ii) Education directly related to employment; and

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

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

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

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

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

22 (h) Exemptions from work requirements for the single-parent family. Work requirements
23 outlined in subsection (g) shall not apply to a single parent if (and for so long as) the department
24 finds that he or she is:

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

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

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

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

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

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

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

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

14 (i) Unsubsidized employment;

15 (ii) Subsidized private-sector employment;

16 (iii) Subsidized public-sector employment;

17 (iv) Work experience;

18 (v) On-the-job training;

19 (vi) Job search and job readiness;

20 (vii) Community service program;

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

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

27 (x) Adult education in an intensive work-readiness program.

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

30 (i) Job skills training directly related to employment;

31 (ii) Education directly related to employment; and

32 (iii) Satisfactory attendance at secondary school or in a course of study leading to a
33 certificate of general equivalence.

34 (3) A family with two (2) parents, in which one or both parents participate in a work

1 experience or community service program, shall be deemed to have participated in core work
2 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
3 (FLSA) if actual participation falls short of his or her required minimum hours per week.

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

8 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation in
9 the activities listed in subsection (i)(1).

10 Above fifty (50) hours per week, the three (3) activities listed in subsection (i)(2) may also
11 count as participation.

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

18 (j) Exemptions from work requirements for two-parent families. Work requirements
19 outlined in subsection (i) shall not apply to two-parent families if (and for so long as) the department
20 finds that:

21 (1) Both parents receive Supplemental Security Income (SSI);
22 (2) One parent receives SSI, and the other parent is caring for a disabled family member
23 who resides in the home and who requires full-time care; or

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

25 (k) Failure to comply with work requirements -- Sanctions and terminations.

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

1 compliance with the terms thereof; or (ii) Demonstrates compliance with the terms of his or her
2 existing individual employment plan or rehabilitation plan, as such plan may be amended by
3 agreement of the parent and the department.

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

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

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

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

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

4 **40-5.2-33. ~~School-age children.~~ Children clothing allowance.**

5 ~~Subject to general assembly appropriation, one~~ One month each year, each ~~dependent~~
6 ~~school-age~~ child who lives in a family ~~as defined by the department of human services~~ receiving
7 cash assistance under this chapter in that month shall be given a supplementary payment of no less
8 than one hundred dollars (\$100) for the purchase of clothing in accordance with Title IV-A of the
9 Social Security Act, 42 U.S.C. § 601 et seq.

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

=====
LC001769
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES - RHODE ISLAND WORKS PROGRAM

- 1 This act would reduce the eligibility requirement for many prospective members of the
- 2 Rhode Island Works Program making it easier for some to qualify for its benefits.
- 3 This act would take effect upon passage.

=====
LC001769
=====