



# SENATE BILL No. 142

January 26, 1993, Introduced by Senators GEAKE, EMMONS, GAST, SCHWARZ, DUNASKISS, DILLINGHAM, MC MANUS and DI NELLO and referred to the Committee Mental Health, Human Resources, and Senior Citizens.

A bill to provide for employment, job training, and education for certain persons; to prescribe certain powers and duties of the department of social services and of certain state and local officers and agencies; to provide for penalties; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER 1. GENERAL PROVISIONS

1  
2 Sec. 1. This act shall be known and may be cited as the  
3 "social contract and Michigan opportunity and skills training  
4 act".

5 Sec. 2. As used in this act:

6 (a) "Adequate child care" means child care that is appropri-  
7 ate to the age, special handicaps, and other conditions of the  
8 individual child, provided in accordance with applicable federal  
9 and state standards.

1 (b) "Aid to families with dependent children" means aid to  
2 families with dependent children provided under the social wel-  
3 fare act.

4 (c) "Community work experience program" means a program of  
5 training in which a participant gains useful experience, work  
6 habits, and job skills by performing a service for a public pur-  
7 pose on behalf of a public agency or nonprofit private employer  
8 pursuant to an agreement between the department and the public  
9 agency or nonprofit employer.

10 (d) "County director" means the director of a county depart-  
11 ment of social services created under the social welfare act.

12 (e) "Department" means the department of social services.

13 (f) "Employment and training worker" means an employee of  
14 the department who assesses the skills, education, and job  
15 experience of public assistance recipients, determines the most  
16 appropriate placement of participants under this act, and devel-  
17 ops contacts with employers and providers of services under this  
18 act through whom participants may be placed.

19 (g) "Food stamps" means assistance administered under the  
20 program created by the food stamp act of 1977, Public Law 88-525,  
21 7 U.S.C. 2011 to 2012 and 2013 to 2032, and the regulations  
22 promulgated under that act.

23 (h) "Job club" means a formal gathering of participants for  
24 the purpose of acquiring job search skills and securing employ-  
25 ment through direct personal contact with prospective employers.

26 (i) "Participant" means a person who participates in a  
27 program under this act.

1 (j) "Public assistance" means state family assistance and  
2 aid to families with dependent children.

3 (k) "Recipient" means a person receiving or applying for  
4 public assistance.

5 (l) "Public service programs" means volunteer programs,  
6 adult home help and chore services, and child care programs  
7 established pursuant to section 26.

8 (m) "Social contract" means a written agreement between the  
9 department and applicants for or recipients of public assistance  
10 defining the limits and rights and duties of each party.

11 (n) "Social welfare act" means Act No. 280 of the Public  
12 Acts of 1939, being sections 400.1 to 400.119b of the Michigan  
13 Compiled Laws.

14 (o) "State family assistance" means the program of family  
15 assistance established and operated by the department pursuant to  
16 state law.

17 CHAPTER 2. SOCIAL CONTRACT AND PERSONAL RESPONSIBILITY

18 Sec. 3. The department shall implement a social contract  
19 program pursuant to this section. The purpose of the social con-  
20 tract program is to strengthen public assistance families through  
21 involvement in activities that increase employment, education,  
22 social, and parenting skills, and encourage personal growth.

23 Sec. 4. In return for receipt of public assistance, a  
24 recipient of assistance shall participate for a minimum of 20  
25 hours per week in an activity which contributes to the potential  
26 for self-support and self-sufficiency or which contributes to the  
27 community.

1       Sec. 5. The recipient shall enter into a social contract  
2 with the department accepting the obligation for participation.

3        Sec. 6. The recipient shall select and shall assume per-  
4        sonal responsibility for being engaged in an appropriate  
5        self-directed, voluntarily chosen activity to fulfill the social  
6        contract obligation. Activities may include employment, educa-  
7        tion or training, public community service, and  
8        self-improvement.

9           Sec. 7. The department shall monitor recipient compliance  
10 with conditions of the social contract and shall require recip-  
11 ients to make periodic self-reports regarding their compliance.  
12 Departmental compliance monitoring shall consist of random audits  
13 of recipient activity and of mandatory self-reports of progress  
14 toward achievement of self-support and self-sufficiency.

15       Sec. 8. A recipient who fails to voluntarily comply with  
16 the social contract obligations shall be made a mandatory partic-  
17 ipant in the Michigan opportunity and skills training program.

18 CHAPTER 3. ESTABLISHMENT AND ADMINISTRATION OF THE MICHIGAN  
19 OPPORTUNITY AND SKILLS TRAINING PROGRAM

20       Sec. 9. The department shall establish and operate an  
21 opportunity and skills training program in accordance with this  
22 act and in compliance with federal requirements under section 402  
23 of title IV of the social security act, 42 U.S.C. 602. The  
24 Michigan opportunity and skills training program is mandatory for  
25 nonexempt recipients of public assistance and shall serve food  
26 stamp recipients to the extent resources are available. The  
27 department shall prepare the state plan required under title IV,

1 submit the plan for approval to the secretary of the department  
2 of health and human services, and review and update the plan as  
3 required by federal law. If a provision of this act conflicts  
4 with federal law or regulation, the department shall not apply  
5 the provision to a recipient of an assistance program funded  
6 under that federal law.

7       Sec. 10. (1) The department shall coordinate the employment  
8 and training services available under this act with programs  
9 operated under the job training partnership act, Public Law  
10 97-300, 96 Stat. 1322, and other employment and training programs  
11 available in this state. The department shall consult with the  
12 department of labor to ensure coordination of the planning and  
13 delivery of services under this act with programs operated under  
14 the job training partnership act.

15       (2) The department shall consult with the state board of  
16 education to ensure coordination of programs under this act with  
17 other education programs available in the state.

18       (3) The department shall cooperate with other state and  
19 local governmental agencies in developing programs pursuant to  
20 this act.

21       Sec. 11. (1) The department shall make available in each  
22 county the activities described in chapter 5 to the extent state  
23 funding is available.

24       (2) The department shall develop and provide employment,  
25 educational, and job training programs in conjunction with the  
26 social services board of each county. The director shall, upon  
27 the recommendation and approval of the county social services

1 board, negotiate and enter into contracts with employers in the  
2 public, private, and nonprofit sectors, and with institutions of  
3 vocational education or with school boards of school districts  
4 operating vocational skills centers, to provide employment,  
5 training, and educational services for participants.

6       Sec. 12. (1) In operating the programs described in this  
7 act, the department shall utilize available funds from the fed-  
8 eral government. The department may prioritize the assignment of  
9 employable participants in an order that most effectively reduces  
10 the cost to the state general fund for public assistance  
11 programs.

12       (2) Subject to approval by the appropriations committees of  
13 both houses of the legislature, the department need not require  
14 or allow participation of an individual in a program if as a  
15 result of such participation the amount payable by the federal  
16 government to the state for quarters in a fiscal year with  
17 respect to the program would be reduced pursuant to section  
18 403(1)(2) of title IV of the social security act, 42 U.S.C.  
19 603(1)(2).

20       Sec. 13. (1) The department shall hire and train sufficient  
21 personnel to serve as employment and training workers in order to  
22 achieve the purposes of this act.

23       (2) Not less than once every 3 months, each employment and  
24 training worker shall contact educational institutions to deter-  
25 mine the level of progress being made by participants assigned to  
26 educational activities under this act.

1 (3) An employment and training worker periodically shall  
2 review and assess the placement of participants under this act.

3 (4) An employment and training worker may develop employer,  
4 job training, and community work experience contacts for place-  
5 ment of participants within the jurisdiction of the local office  
6 to which the employment and training worker is assigned.

7 (5) From the funds appropriated for implementation of this  
8 act and with the approval of the county board of social services,  
9 an employment and training worker may purchase periodicals,  
10 training manuals, and other items that facilitate placement of  
11 participants in employment.

12 Sec. 14. (1) The department shall inform all applicants for  
13 and recipients of public assistance or food stamps of the pro-  
14 grams available under this chapter, including the requirements  
15 for participation, the grounds for exemption from participation,  
16 the consequences of refusal to participate if not exempt, other  
17 appropriate information with respect to participation, and the  
18 support services described in chapter 7.

19 (2) The department shall do all of the following with  
20 respect to child care services:

21 (a) Provide information on the types and locations of child  
22 care services reasonably accessible to participants in the  
23 program.

24 (b) Inform applicants and recipients that assistance is  
25 available to help them select appropriate child care services.

26 (c) On request, provide assistance to participants in  
27 obtaining child care services.

1 (d) On request, provide child care services to Michigan  
2 opportunity and skills training program participants pursuant to  
3 section 27.

4 (3) Within 1 month after the department gives a recipient  
5 the information required in subsections (1) and (2), the depart-  
6 ment shall notify the recipient of the procedures for entering  
7 the program.

8 Sec. 15. (1) The department shall establish conciliation  
9 procedures for the resolution of disputes involving an  
10 individual's participation in the program, including an opportu-  
11 nity for a hearing.

12 (2) Public assistance shall not be suspended, reduced, dis-  
13 continued, or terminated as a result of a dispute involving an  
14 individual's participation in the program until the individual  
15 has had an opportunity for a hearing that meets the standards of  
16 due process.

17 CHAPTER 4. PARTICIPATION AND EXEMPTIONS IN THE MICHIGAN  
18 OPPORTUNITY AND SKILLS TRAINING PROGRAM

19 Sec. 16. (1) Unless exempted under section 17, and subject  
20 to section 12(2), a recipient of public assistance shall partici-  
21 pate in employment, educational, or job training programs  
22 described in this act.

23 (2) Subject to section 12(2), a public assistance recipient  
24 who is not required to participate in the programs described in  
25 this act may do so on a voluntary basis if space is available in  
26 those programs. If a recipient who is exempt from participation  
27 under section 17 drops out of the program without good cause, he



1 or she shall not have priority in re-entering the program so long  
2 as other individuals are actively seeking to participate.

3 (3) A person residing in the same household as a public  
4 assistance recipient may volunteer to participate in the programs  
5 described in this act if space is available in those programs.

6 Sec. 17. For purposes of this act, a public assistance  
7 recipient is not required to be a participant in, but may volun-  
8 teer for, programs under this act, if he or she is any of the  
9 following:

10 (a) Less than 16 years of age or more than 59 years of age.

11 (b) A full-time student in an elementary, secondary, or  
12 vocational school.

13 (c) The caretaker parent of a child less than 1 year of age,  
14 who personally provides care for the child.

15 (d) Subject to section 19, the caretaker relative of a child  
16 over 1 year and under 6 years of age, who must be in the home to  
17 care for the child, unless the department guarantees child care  
18 in accordance with section 27 and participation is not required  
19 for more than 20 hours a week.

20 (e) Required to be in the home due to the disability or ill-  
21 ness of a relative living in the same dwelling unit, if no other  
22 care is available.

23 (f) Participating in a program of job training or education  
24 approved by the department, which program does not exceed 2  
25 years.

1 (g) Employed or self-employed, 30 or more hours per week,  
2 and receiving income at not less than the current minimum wage  
3 for the kind of work being performed.

4 (h) Suffering from a medically verifiable illness or condi-  
5 tion that prevents full- or part-time work. The illness or con-  
6 dition shall be verified in writing by a physician as being an  
7 illness or a condition that prevents employment.

8 Sec. 18. A person is excused from participating in programs  
9 under this act for the duration of any of the following condi-  
10 tions or situations:

11 (a) Child care for a dependent is needed, and adequate child  
12 care is not available pursuant to section 27.

13 (b) The person is within the third trimester of pregnancy as  
14 verified in writing by a physician. This exemption applies for  
15 90 days after the person gives birth.

16 (c) The person suffers from a temporary illness or was  
17 involved, or his or her immediate family was involved, in a  
18 recent accident or other comparable emergency.

19 (d) Participation in programs under this act would interfere  
20 with the likelihood that the person would be reemployed at his or  
21 her regular, full-time place of employment within 30 days.

22 (e) An approved plan not exceeding 2 years in length for  
23 permanent rehabilitation or self-support is currently in process,  
24 and participation in programs under this act would interrupt  
25 these services or activities.

1 (f) Employment, education, or job training is not available  
2 within 1-hour travel time from the person's residence or is  
3 inaccessible by available transportation at a reasonable cost.

4 (g) The person alleges discrimination on the basis of reli-  
5 gion, race, color, national origin, age, sex, height, weight, or  
6 marital status as prohibited under the Elliott-Larsen civil  
7 rights act, Act No. 453 of the Public Acts of 1976, being sec-  
8 tions 37.2101 to 37.2804 of the Michigan Compiled Laws, as to  
9 programs under this act, and is taking legal action to redress  
10 his or her grievance.

11 Sec. 19. (1) Except as otherwise provided in subsection  
12 (2), a public assistance recipient required to participate who is  
13 under the age of 20 years, a custodial parent, and has not com-  
14 pleted a high school education or its equivalent, shall partici-  
15 pate in an educational activity under this act, even though he or  
16 she would otherwise be exempt pursuant to section 17(d).

17 (2) The department may, notwithstanding the 20-hour limita-  
18 tion in section 17(d), do either of the following:

19 (a) Require a person described in subsection (1) to pursue a  
20 high school diploma or its equivalent on a full-time basis.

21 (b) Require a person described in subsection (1) to partici-  
22 pate in employment or training activities if the person fails to  
23 make good progress in successfully completing educational activi-  
24 ties or if it is determined pursuant to an educational assessment  
25 that participation in educational activities is inappropriate for  
26 such parent.

1       Sec. 20. In the case of families who are eligible for aid  
2 to dependent children pursuant to section 56d of the social  
3 welfare act, Act No. 280 of the Public Acts of 1939, being  
4 section 400.56d of the Michigan Compiled Laws, both of the fol-  
5 lowing apply:

6       (a) During any period in which either parent is required to  
7 participate in the programs under this act, at least 1 parent  
8 shall participate for at least 16 hours a week.

9       (b) A parent under age 25 who has not completed high school  
10 or an equivalent course of education shall participate in activi-  
11 ties directed toward the attainment of a high school diploma or  
12 its equivalent, or in another basic education program.

13   CHAPTER 5. ASSESSMENT AND EMPLOYABILITY PLAN UNDER THE MICHIGAN  
14                   OPPORTUNITY AND SKILLS TRAINING PROGRAM

15       Sec. 21. (1) The department shall make, with respect to  
16 each participant in programs under this act, an initial assess-  
17 ment of all of the following:

18       (a) The participant's skills, prior work experience, and  
19 employability.

20       (b) The participant's family circumstances and the needs of  
21 a participant's child.

22       (c) The participant's educational, child care, and other  
23 supportive services needs.

24       (2) The department shall develop an employability plan for  
25 each participant based on the assessment described in subsection  
26 (1). The employability plan shall contain all of the following:

1 (a) A description of the services that will be provided by  
2 the department.

3 (b) A description of the activities in which the participant  
4 will take part.

5 (c) An employment goal for the participant.

6 (3) The employability plan shall take into account the  
7 participant's supportive services needs, available program  
8 resources, and local employment opportunities. To the extent  
9 possible, the plan shall reflect the participant's preferences.

10 (4) The employability plan is not a contract.

11 (5) The employability plan of a participant who is 20 years  
12 of age or older and who does not have a high school diploma or  
13 its equivalent shall include educational activities consistent  
14 with the participant's employment goals. Other activities iden-  
15 tified in the plan shall not be permitted to interfere with the  
16 educational activities. This subsection does not apply in either  
17 of the following cases:

18 (a) The participant demonstrates a basic literacy level.

19 (b) The participant's long-term employment goal does not  
20 require a high school diploma or its equivalent.

21 Sec. 22. (1) After the assessment and employability plans  
22 have been completed, a participant or the adult caretaker in the  
23 family of which the participant is a member shall negotiate and  
24 enter into an agreement with the department that addresses all of  
25 the following:

26 (a) The participant's obligations under the program.

1 (b) The duration of the participant's participation in the  
2 program.

3 (c) The activities in which the participant will take part.

4 (d) The services that will be provided in connection with  
5 the participation.

6 (2) The department shall help the participant review and  
7 understand the agreement.

8 CHAPTER 6. PROGRAMS UNDER THE MICHIGAN OPPORTUNITY AND SKILLS  
9 TRAINING PROGRAM

10 Sec. 23. (1) The department shall make available to partic-  
11 ipants all of the following types of activities:

12 (a) Educational activities, including high school or equiva-  
13 lent education, basic and remedial education to achieve a basic  
14 literacy level, and education for individuals with limited  
15 English proficiency.

16 (b) Job skills training.

17 (c) Job readiness activities.

18 (d) Job development and job placement.

19 (e) Group and individual job search.

20 (f) Community work experience programs.

21 (g) Employability development plan.

22 (h) Self-initiated education.

23 (i) Vocational training and education.

24 (2) The department may provide other education, training,  
25 and employment activities allowed by federal regulations.

26 Sec. 24. The department shall provide recipients with  
27 services consistent with the recipient's employability plan

1 developed pursuant to section 21 and the agreement described in  
2 section 22:

3 (a) A recipient who has a recent connection with the work  
4 force or readily marketable job skills may be assigned to a job  
5 club, subject to section 25.

6 (b) A recipient who lacks a recent connection with the work  
7 force or readily marketable job skills shall, if possible, be  
8 placed in a program of job training. A participant in a program  
9 of job training may also be required to participate in job seek-  
10 ing, subject to section 25.

11 (c) If a job training program is not appropriate for or  
12 available to a recipient, the recipient shall be assigned to an  
13 educational or rehabilitation program.

14 (d) If an employable recipient has earned a high school  
15 diploma or completed a general educational development program,  
16 that recipient may be assigned to a program of vocational train-  
17 ing or education that potentially will qualify the recipient for  
18 a specific type of employment.

19 (e) If a recipient has not earned a high school diploma or  
20 general educational development equivalent, the recipient shall  
21 be assigned to educational programs. If the recipient lacks the  
22 educational skills necessary for participation in other educa-  
23 tional programs, the recipient may be assigned to remedial educa-  
24 tion programs, if available.

25 (f) If a recipient cannot be placed in 1 of the programs  
26 described in subdivisions (a) to (e), the recipient shall be  
27 assigned to community work experience programs, subject to

1 section 26. A participant in community work experience may also  
2 be assigned to a job club or educational activity, subject to  
3 section 25.

4       Sec. 25. (1) The department may establish job clubs in each  
5 county to assist participants in acquiring job search skills nec-  
6 essary to secure employment. In those areas of the state where  
7 it is appropriate, job clubs may be established to serve more  
8 than 1 county.

9       (2) The department may require a participant to participate  
10 in a job club or other job search activities from the time the  
11 participant applies for assistance for a continuous period of up  
12 to 8 weeks. After the initial period the department may require  
13 participation in job search activities for no more than 8 addi-  
14 tional weeks during any period of 12 consecutive months.

15       (3) The department shall not require a participant to par-  
16 ticipate in job search activities for more than 3 weeks before  
17 the department conducts the assessment described in section 21.

18       (4) Job search activities that are not consistent with sub-  
19 sections (2) and (3) shall only be required if they are combined  
20 with other education, training, or employment activities designed  
21 to improve the participant's prospects for employment.

22       (5) Job search activities do not qualify as participation  
23 for purposes of section 29 if the individual has participated in  
24 job search activities for 4 months out of the preceding 12  
25 months.

26       Sec. 26. (1) The department shall establish community work  
27 experience programs in each county to provide experience and



1 training for individuals not otherwise able to obtain employment,  
2 in order to assist them to move promptly into regular public or  
3 private employment.

4 (2) Community work experience programs shall be limited to  
5 projects that serve a useful public purpose, including, but not  
6 limited to, all of the following:

7 (a) Public service type programs involving service to chari-  
8 table or other nonprofit organizations approved by the  
9 department.

10 (b) Adult home help and chore services for needy  
11 individuals.

12 (c) Child care services for participants of programs  
13 described in this act.

14 (3) The department shall determine the maximum number of  
15 hours per month a participant may be required to work by dividing  
16 the amount of the monthly public assistance payment to the par-  
17 ticipant or his or her family by the greater of the federal or  
18 state minimum wage. In the case of recipients of aid to depen-  
19 dent children, the portion of assistance for which the state is  
20 reimbursed by a child support collection shall not be taken into  
21 account in the determination of the maximum number of hours a  
22 participant may be required to work.

23 (4) After a participant has worked for 9 months in a commu-  
24 nity work experience program, the department shall not require  
25 him or her to work more hours per month than the amount of the  
26 monthly public assistance payment divided by the greater of the  
27 federal or state minimum wage, or, if higher, the rate of pay for

1 individuals employed in the same or similar position by the same  
2 employer at the same site.

3 (5) After a participant has participated for 6 months in a  
4 community work experience program, and at the conclusion of each  
5 assignment under the program, the department shall reassess and  
6 revise, if appropriate, the participant's employability plan.

7 CHAPTER 7. SUPPORTIVE SERVICES FOR THE MICHIGAN OPPORTUNITY AND  
8 SKILLS TRAINING PROGRAM

9 Sec. 27. (1) The department shall guarantee adequate child  
10 care for each participant in a program described in this act if  
11 the department determines that the individual is satisfactorily  
12 participating in the program.

13 (2) To the greatest extent possible, the department shall  
14 provide child care to participants by utilizing the services of  
15 other participants through programs operated under section 26.  
16 If such child care is not available, the department shall guaran-  
17 tee adequate child care in 1 or more of the following ways:

18 (a) Arranging child care through providers by the use of  
19 purchase contracts or vouchers.

20 (b) Providing cash or vouchers in advance to the caretaker  
21 relative in the family.

22 (c) Reimbursing the caretaker relative in the family.

23 (d) Adopting another method it considers appropriate.

24 (3) If the department guarantees child care by providing  
25 vouchers to be used to purchase child care from providers, the  
26 department shall assist participants in locating and making  
27 arrangements with qualified providers.

1       Sec. 28. (1) The department may establish a voucher system  
2 to provide tokens for participants to use for public transporta-  
3 tion in connection with programs under this act.

4       (2) Except for postsecondary education, the department may  
5 pay tuition and other approved expenses for educational activi-  
6 ties under this act, and shall pay for other related expenses it  
7 determines are necessary to enable participants to take part in  
8 programs described in this act.

9                               CHAPTER 8. SANCTIONS

10       Sec. 29. If a person who is required to participate in the  
11 Michigan opportunity and skills training programs under this act  
12 fails without good cause to participate or refuses without good  
13 cause to accept a bona fide offer of employment in which the  
14 person is able to engage, the department shall reduce the bene-  
15 fits to which the person is entitled by at least 20%. If the  
16 recipient is the parent or other caretaker relative, payments for  
17 any dependent children in the recipient's household shall be made  
18 to another person pursuant to section 406(b)(2) of title IV of  
19 the social security act, 42 U.S.C. 606(b)(2), unless the depart-  
20 ment, after making reasonable efforts, is unable to locate an  
21 appropriate individual to whom such payments may be made.

22       Sec. 30. The duration of the sanctions described in  
23 section 29 shall continue as follows:

24       (a) For a first failure to comply with this act, until the  
25 failure to comply ceases.

26       (b) For a second failure to comply, the longer of 3 months  
27 or until the person complies with this act.

1 (c) For a subsequent failure to comply, the longer of 6  
2 months or until the person complies with this act.

3 Sec. 31. (1) If an applicant for or recipient of public  
4 assistance is attending in good standing and not less than half  
5 time an institution of higher education or a school or course of  
6 vocational or technical training leading to no greater than a  
7 baccalaureate degree that is consistent with his or her employ-  
8 ment goals, and the applicant is making satisfactory progress in  
9 the institution, school, or course at the time he or she would  
10 otherwise be expected to begin participation under this act, such  
11 attendance constitutes satisfactory participation under this act  
12 so long as the attendance continues and is consistent with the  
13 employment goals.

14 (2) A person described in subsection (1) is eligible for  
15 supportive services pursuant to chapter 7, except for the costs  
16 of the school or training.

17 Sec. 32. A participant shall not be required to accept  
18 employment unless the department assures that the family of the  
19 participant will experience no net loss of cash income resulting  
20 from accepting the employment.

21 CHAPTER 9. REPEALS

22 Sec. 33. Section 56f of the social welfare act, Act No. 280  
23 of the Public Acts of 1939, being section 400.56f of the Michigan  
24 Compiled Laws, is repealed.