

SUBSTITUTE FOR
HOUSE BILL NO. 5441

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57g. (1) The ~~family independence agency~~ **DEPARTMENT**
2 shall develop a system of penalties to be imposed if a recipient
3 fails to comply with applicable rules or the provisions of this
4 ~~section~~ **ACT RELATED TO FAMILY INDEPENDENCE PROGRAM BENEFITS AND**
5 **WORK FIRST COMPLIANCE.** Penalties may be cumulative and may include
6 reduction of the grant, removal of ~~an individual~~ **THE RECIPIENT**
7 from the family independence assistance group, and termination of
8 assistance to the family.
9 (2) A penalty shall not be imposed if the recipient has

1 demonstrated that there was good cause for failing to comply. The
2 ~~family independence agency~~ **DEPARTMENT** shall determine the
3 circumstances that constitute good cause based on factors that are
4 beyond the **RECIPIENT'S** control. ~~of a recipient.~~

5 (3) ~~Recipients who are~~ **A RECIPIENT WHO IS** willing to
6 participate in activities leading to self-sufficiency but who
7 ~~require~~ **REQUIRES** child care or transportation in order to
8 participate shall not be penalized if the ~~family independence~~
9 ~~agency~~ **DEPARTMENT** determines that child care or transportation is
10 not reasonably available or provided to ~~them~~ **HIM OR HER.**

11 (4) The system of penalties developed under subsection (1)
12 shall include both of the following:

13 (a) Family independence program benefits shall be terminated
14 if a recipient fails, without good cause, to comply with applicable
15 child support requirements including efforts to establish paternity
16 and obtain child support. The assistance group is ineligible for
17 family independence program assistance for not less than 1 calendar
18 month. After assistance has been terminated for not less than 1
19 calendar month, assistance may be restored if the noncompliant
20 recipient complies with child support requirements including the
21 action to establish paternity and obtain child support.

22 (b) For any instance of noncompliance, before determining that
23 a penalty shall be imposed, the ~~family independence agency~~
24 **DEPARTMENT** shall determine if good cause for noncompliance exists.
25 The ~~family independence agency~~ **DEPARTMENT** shall notify the
26 recipient that he or she has 10 days to demonstrate good cause for
27 noncompliance. If **THE DEPARTMENT DETERMINES THAT** good cause ~~is not~~

1 ~~determined to~~ **DOES NOT** exist **FOR THE NONCOMPLIANCE**, assistance
2 shall be terminated. After termination, the assistance group is
3 ineligible for family independence program assistance for not less
4 than 1 calendar month.

5 (5) For the ~~purposes~~ **PURPOSE** of this section,
6 "noncompliance" means 1 or more of the following:

7 (a) A recipient quits a job.

8 (b) A recipient is fired for misconduct or for absenteeism
9 without good cause.

10 (c) A recipient voluntarily reduces the hours of employment or
11 otherwise reduces earnings.

12 (d) A recipient does not participate in work first activities.

13 (6) If a recipient does not meet the recipient's individual
14 ~~social contract~~ **PERSONAL DEVELOPMENT PLAN** requirements, the
15 ~~family independence agency may~~ **DEPARTMENT SHALL** impose a penalty.

16 (7) After termination for **THE FIRST INSTANCE OF** noncompliance,
17 the assistance group is ineligible for family independence program
18 assistance for not less than 1 calendar month. After assistance has
19 been terminated for not less than 1 calendar month, family
20 independence program assistance may be approved if the recipient
21 completes a willingness to comply test **AND REEVALUATION OF THE**
22 **PERSONAL DEVELOPMENT PLAN IS APPROVED AND AMENDED BY A FAMILY**
23 **INDEPENDENCE SPECIALIST AND A WORK FIRST REPRESENTATIVE. AFTER**
24 **TERMINATION FOR A SECOND INSTANCE OF NONCOMPLIANCE, THE ASSISTANCE**
25 **GROUP IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR**
26 **NOT LESS THAN 3 CALENDAR MONTHS. AFTER ASSISTANCE HAS BEEN**
27 **TERMINATED FOR NOT LESS THAN 3 CALENDAR MONTHS, FAMILY INDEPENDENCE**

PROGRAM ASSISTANCE MAY BE APPROVED IF THE RECIPIENT COMPLETES A WILLINGNESS TO COMPLY TEST AND REEVALUATION OF THE PERSONAL DEVELOPMENT PLAN IS APPROVED AND AMENDED BY A FAMILY INDEPENDENCE SPECIALIST AND A MICHIGAN WORKS AGENCY WORKER. For purposes of this section, "willingness to comply" means participating in work first or other self-sufficiency activities for up to 40 hours within 10 working days. At the time ~~any~~ A FIRST OR SECOND penalty is imposed under this section, the ~~family independence agency~~ DEPARTMENT shall provide the recipient written notice of his or her option to immediately reapply for family independence program benefits and that he or she may complete a "willingness to comply test" during the penalty period. AT THE TIME A THIRD PENALTY IS IMPOSED UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE RECIPIENT WRITTEN NOTICE THAT HE OR SHE IS NO LONGER ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE AND THAT HE OR SHE MAY NOT REAPPLY.

(8) ~~The family independence agency~~ EACH COUNTY OFFICE shall submit a report ~~for the period between February 1, 2002 and December 31, 2002~~ ONCE EVERY 90 DAYS to the legislature, the house and senate fiscal agencies, ~~and~~ the appropriate house and senate standing committees that handle family and children's issues, AND THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES FOR THE DEPARTMENT BUDGET, that contains all of the following information for that time period:

(a) The number of sanctions imposed FOR FIRST INSTANCES OF NONCOMPLIANCE and reapplications made.

(B) THE NUMBER OF SANCTIONS IMPOSED FOR SECOND INSTANCES OF

1 NONCOMPLIANCE AND REAPPLICATIONS MADE.

2 (C) THE NUMBER OF LIFETIME BENEFITS IMPOSED FOR THIRD
3 INSTANCES OF NONCOMPLIANCE.

4 (D) ~~—(b)—~~ The number of family independence program cases
5 reopened.

6 (E) ~~—(e)—~~ The number of ~~referrals to emergency shelters by~~
7 ~~the department~~ FAMILY INDEPENDENCE PROGRAM CASES PERMANENTLY
8 CLOSED.

9 ~~—(d) The number of sanctions imposed on families with at least~~
10 ~~1 disabled parent.~~

11 ~~—(e) The number of sanctions imposed on families with disabled~~
12 ~~children.~~

13 (9) EACH TIME A RECIPIENT IS SCHEDULED TO PARTICIPATE IN
14 ACTIVITIES TO FULFILL THE WORK FIRST REQUIREMENT BUT FAILS TO
15 PARTICIPATE IN THOSE ACTIVITIES, THE ASSISTANCE GROUP'S FAMILY
16 INDEPENDENCE PROGRAM ASSISTANCE SHALL BE REDUCED BY AN AMOUNT PER
17 HOUR EQUAL TO THE CURRENT MINIMUM WAGE RATE AS SET IN STATE OR
18 FEDERAL LAW, WHICHEVER IS THE HIGHER AMOUNT AT THE TIME THE
19 REDUCTION IS IMPOSED. A REDUCTION OF FAMILY INDEPENDENCE PROGRAM
20 ASSISTANCE UNDER THIS SUBSECTION MAY BE IMPOSED ON THE ASSISTANCE
21 GROUP WITHOUT THE REDUCTION BEING CONSIDERED A TERMINATION OF
22 BENEFITS FOR NONCOMPLIANCE UNDER SUBSECTION (10).

23 (10) AFTER THE THIRD TERMINATION FOR NONCOMPLIANCE UNDER THIS
24 SECTION, THE ASSISTANCE GROUP IS INELIGIBLE TO RECEIVE ANY FAMILY
25 INDEPENDENCE PROGRAM ASSISTANCE.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 93rd Legislature are

1 enacted into law:

2 (a) House Bill No. 5438.

3 (b) House Bill No. 5439.

4 (c) House Bill No. 5440.

5 (d) House Bill No. 5442.

6 (e) House Bill No. 5443.

7 (f) House Bill No. 5444.

8 (g) House Bill No. 5445.

9 (h) House Bill No. 5446.