

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 892

(As amended December 8, 2005)

[A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 57f (MCL 400.57f), as amended by 2001 PA 280,
and by adding sections 57s, 57t, 57u, and 57v.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57f. (1) The ~~family independence agency~~ **DEPARTMENT**
2 shall enter into an agreement with the department of ~~career~~
3 ~~development~~ **LABOR AND ECONOMIC GROWTH** in order to facilitate the
4 administration of work first. ~~The family independence agency shall~~
5 ~~make information on the program available to the legislature.~~ **THE**
6 **DEPARTMENT SHALL TRACK ALL FAMILY INDEPENDENCE PROGRAM RECIPIENTS**
7 **BY SOCIAL SECURITY NUMBER SO THAT TRACKING INFORMATION IS TRACEABLE**
8 **FOR A RECIPIENT'S LIFETIME. THE DEPARTMENT OF LABOR AND ECONOMIC**
9 **GROWTH SHALL TRACK WORK FIRST PARTICIPANTS BY SOCIAL SECURITY**

1 NUMBER AND THE RECIPIENT'S JOB STATUS FOR A PERIOD OF NOT LESS THAN
2 1 YEAR AFTER JOB PLACEMENT. THIS INFORMATION SHALL BE SHARED
3 BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND ECONOMIC
4 GROWTH. INFORMATION TRACKED UNDER THIS SUBSECTION SHALL BE PROVIDED
5 TO THE LEGISLATURE, STANDING COMMITTEES, AND APPROPRIATIONS
6 COMMITTEES DURING THE ANNUAL BUDGET REVIEW. AT THE TIME THE
7 DEPARTMENT OR THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH OPENS A
8 CASE ON A RECIPIENT, THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND
9 ECONOMIC GROWTH SHALL USE THE SAME CASE NUMBER PREVIOUSLY USED FOR
10 THE RECIPIENT AND SHALL NOT ASSIGN A NEW CASE NUMBER IF THE
11 RECIPIENT HAS PREVIOUSLY RECEIVED ASSISTANCE OR PARTICIPATED IN
12 WORK FIRST. THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND ECONOMIC
13 GROWTH SHALL DEVELOP INDIVIDUAL PROGRAM GOALS AND MEASURABLE
14 PERFORMANCE INDICATORS TO BE REVIEWED FOR SUCCESS OR FAILURE
15 ANNUALLY. THE ANNUAL SUCCESS OR FAILURE RATES SHALL BE REPORTED TO
16 THE LEGISLATURE. ONE INDIVIDUAL PROGRAM GOAL DEVELOPED UNDER THIS
17 SUBSECTION SHALL BE A STATE GOAL FOR THE PERCENTAGE OF THE FAMILY
18 INDEPENDENCE PROGRAM CASELOAD INVOLVED IN EMPLOYMENT ACTIVITIES TO
19 BE DEVELOPED JOINTLY BY THE DEPARTMENT AND THE DEPARTMENT OF LABOR
20 AND ECONOMIC GROWTH. THE STATE GOAL FOR THE PERCENTAGE OF THE
21 FAMILY INDEPENDENCE PROGRAM CASELOAD INVOLVED IN EMPLOYMENT
22 ACTIVITIES DEVELOPED UNDER THIS SUBSECTION SHALL NOT BE LESS THAN
23 50% OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD. ON A QUARTERLY
24 BASIS, THE DEPARTMENT SHALL REPORT TO THE APPROPRIATIONS
25 SUBCOMMITTEES ON THE DEPARTMENT OF HUMAN SERVICES IN THE SENATE AND
26 HOUSE, THE SENATE AND HOUSE FISCAL AGENCIES, AND THE SENATE AND
27 HOUSE POLICY STAFFS THE CURRENT PERCENTAGE OF THE FAMILY

1 INDEPENDENCE PROGRAM CASELOAD INVOLVED IN EMPLOYMENT ACTIVITIES. IF
 2 THE FAMILY INDEPENDENCE PROGRAM CASELOAD PERCENTAGE IS BELOW THE
 3 GOAL FOR MORE THAN 2 CONSECUTIVE QUARTERS, THE DEPARTMENT SHALL
 4 DEVELOP A PLAN FOR INCREASING THE FAMILY INDEPENDENCE PROGRAM
 5 CASELOAD PERCENTAGE INVOLVED IN EMPLOYMENT-RELATED ACTIVITIES. THE
 6 DEPARTMENT SHALL DELIVER THE PLAN DURING THE FOLLOWING ANNUAL
 7 BUDGET PRESENTATIONS TO THE APPROPRIATIONS SUBCOMMITTEES ON THE
 8 DEPARTMENT OF HUMAN SERVICES IN THE SENATE AND HOUSE.

9 (2) Except as otherwise provided in subsection (3), every
 10 member of a family independence assistance group shall be referred
 11 to and shall participate in work first. The particular activities
 12 in which the recipient is required or authorized to participate,
 13 the number of hours of work required, and other details of work
 14 first shall be developed by the department of ~~career development~~
 15 **LABOR AND ECONOMIC GROWTH** and the ~~family independence agency~~
 16 **DEPARTMENT** and shall be set forth in the recipient's ~~social~~
 17 ~~contract~~ **FAMILY SELF-SUFFICIENCY PLAN**. If a recipient has
 18 cooperated with work first, the recipient may enroll in a program
 19 approved by the local workforce development board. Any and all
 20 training or education with the exception of ~~high school completion~~
 21 **AN ENGLISH AS A SECOND LANGUAGE PROGRAM, A FAST TRACK LITERACY**
 22 **PROGRAM, HIGH SCHOOL COMPLETION**, and GED preparation must be
 23 occupationally relevant and in demand in the labor market as
 24 determined by the local workforce development board. ~~and may be no~~
 25 ~~more than 2 years in duration. Participants must make satisfactory~~
 26 ~~progress while in training or education.~~ **IF A RECIPIENT DOES NOT**
 27 **HAVE A HIGH SCHOOL DIPLOMA OR GED OR HAS READING PROFICIENCY AT THE**

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EIGHTH GRADE LEVEL OR LOWER[,]

THE RECIPIENT MUST ENROLL IN 1 OR MORE OF THE FOLLOWING, IF THE
SERVICE IS AVAILABLE:

(A) AN ENGLISH AS A SECOND LANGUAGE PROGRAM.

(B) A FAST TRACK LITERACY PROGRAM.

(C) A HIGH SCHOOL COMPLETION COURSE.

(D) A GED PREPARATION COURSE.

(3) The following individuals are exempt from participation in
work first:

(a) A child under the age of 16.

(b) A child aged 16 or older, or a minor parent, who is
attending elementary or secondary school full-time.

(c) The parent of a child under the age of 3 months. The
~~family independence agency may~~ **DEPARTMENT SHALL** require a parent
exempted from participation in work first under this subdivision to
participate in family services, including, but not limited to,
MARRIAGE AND FATHERHOOD CLASSES OR COUNSELING, instruction in
parenting, nutrition, **ABSTINENCE-BASED FAMILY PLANNING**, and child
development beginning 6 weeks after the birth of his or her child
until the child is 3 months old as fulfillment of that parent's
~~social contract~~ **FAMILY SELF-SUFFICIENCY PLAN** obligation under
section 57e(1)(c).

(d) An individual aged 65 or older.

(e) A recipient of supplemental security income. **AN INDIVIDUAL
WHO IS APPLYING FOR SUPPLEMENTAL SECURITY INCOME IS NOT
AUTOMATICALLY EXEMPT FROM PARTICIPATION IN WORK FIRST DURING THE
APPLICATION PROCESS FOR SUPPLEMENTAL SECURITY INCOME.**

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(f) An individual who meets 1 or more of the following criteria to the extent that the individual, based on **WRITTEN** medical ~~evidence~~ **VERIFICATION PROVIDED BY A PHYSICIAN, PSYCHIATRIST, OR PSYCHOLOGIST** and an assessment of need by the ~~family independence agency~~ **DEPARTMENT**, is severely restricted in his or her ability to participate in employment or training activities:

(i) A recipient of social security disability, or medical assistance due to disability or blindness.

(ii) An individual suffering from a physical or mental impairment that meets federal supplemental security income disability standards, except that no minimum duration is required.

(iii) The spouse of an individual described in subparagraph (i) or (ii) who is the full-time caregiver of that individual.

(iv) A parent or caretaker of a child who is suffering from a physical or mental impairment that meets the federal supplemental security income disability standards, except that no minimum duration is required.

(4) In addition to those individuals exempt under subsection (3), the family independence agency may grant a temporary exemption from participation in work first, not to exceed 90 days, to [an

] individual who is suffering from a documented short-term mental or physical illness, limitation, or disability that severely restricts his or her ability to participate in employment

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1 or training activities AS DOCUMENTED IN WRITING BY A PHYSICIAN,
2 PSYCHIATRIST, OR PSYCHOLOGIST. An individual with a ~~documented~~
3 mental or physical illness, limitation, or disability AS DESCRIBED
4 IN THIS SECTION that does not severely restrict his or her ability
5 to participate in employment or training activities shall be
6 required to participate in work first at a medically permissible
7 level.

8 (5) THE WORK FIRST CASEWORKER, IN HIS OR HER DISCRETION, MAY
9 AUTHORIZE EITHER OF THE FOLLOWING:

10 (A) A RECIPIENT'S REQUEST TO ENROLL IN EDUCATION OR TRAINING
11 AND COUNT UP TO 20 HOURS PER WEEK OF THAT EDUCATION OR TRAINING
12 TOWARD HIS OR HER 40-HOUR-PER-WEEK WORK REQUIREMENT. THE 20 HOURS
13 PER WEEK OF EDUCATION AND TRAINING ALLOWED IN THIS SUBSECTION SHALL
14 BE COUNTED TOWARD THE 40-HOUR-PER-WEEK WORK REQUIREMENT FOR NOT
15 LONGER THAN A CUMULATIVE TOTAL OF 24 MONTHS IN THE RECIPIENT'S
16 LIFETIME. THE EDUCATION OR TRAINING COURSE REQUIREMENTS AND
17 RESPONSIBILITIES, INCLUDING, BUT NOT LIMITED TO, [90%] ATTENDANCE,
18 PERFORMANCE, AND [AT LEAST A 2.5] GRADE POINT AVERAGE, SHALL BE OUTLINED
19 IN
20 THE RECIPIENT'S FAMILY SELF-SUFFICIENCY PLAN'S EXPECTATIONS
21 SECTION.

22 (B) A RECIPIENT'S EXEMPTION FROM WORK FIRST WORK REQUIREMENTS
23 FOR A MAXIMUM OF 6 MONTHS IN THE CLIENT'S LIFETIME IF THE RECIPIENT
24 IS ABLE TO DEMONSTRATE THAT THERE IS A CURRENT DEMAND FOR WORKERS
25 WITH THE EDUCATION OR TRAINING THE RECIPIENT IS SEEKING. THE
26 EDUCATION OR TRAINING COURSE REQUIREMENTS AND RESPONSIBILITIES,
27 INCLUDING, BUT NOT LIMITED TO, ATTENDANCE, PERFORMANCE, AND GRADE
POINT AVERAGE, SHALL BE OUTLINED IN THE RECIPIENT'S FAMILY SELF-

1 SUFFICIENCY PLAN'S EXPECTATIONS SECTION. A RECIPIENT UNDER THIS
2 SUBDIVISION SHALL MEET WITH HIS OR HER WORK FIRST CASEWORKER NOT
3 LESS THAN 1 TIME EVERY 45 DAYS. IF HE OR SHE IS NOT IN COMPLIANCE
4 OR MEETING THE EXPECTATIONS OUTLINED IN HIS OR HER FAMILY SELF-
5 SUFFICIENCY PLAN, THE RECIPIENT IS PROHIBITED FROM USING EDUCATION
6 OR TRAINING TOWARD HIS OR HER 40-HOUR-PER-WEEK WORK REQUIREMENT.

7 (6) A RECIPIENT PARTICIPATING IN EDUCATION OR TRAINING TO MEET
8 THE 40-HOUR-PER-WEEK WORK REQUIREMENT SHALL MEET WITH HIS OR HER
9 WORK FIRST CASEWORKER NOT LESS THAN 1 TIME EVERY 45 DAYS. IF THE
10 RECIPIENT IS NOT IN COMPLIANCE WITH OR MEETING THE EXPECTATIONS
11 OUTLINED IN HIS OR HER FAMILY SELF-SUFFICIENCY PLAN, THE RECIPIENT
12 IS PROHIBITED FROM USING EDUCATION OR TRAINING TOWARD HIS OR HER
13 40-HOUR-PER-WEEK WORK REQUIREMENT.

14 (7) ~~—(5)—~~ An individual is not disabled for purposes of this
15 section if substance abuse is a contributing factor material to the
16 determination of disability.

17 SEC. 57S. IF A RECIPIENT IS UNABLE TO FIND EMPLOYMENT OR BE
18 PLACED BY THE WORK FIRST PROGRAM INTO A JOB AND THEREFORE IS NOT
19 FULFILLING HIS OR HER OBLIGATION TO PARTICIPATE IN WORK FIRST, THAT
20 RECIPIENT SHALL PARTICIPATE IN TRAINING OR COUNSELING FOR NOT LESS
21 THAN 10 HOURS PER WEEK IN ANY OF THE FOLLOWING AREAS CONSIDERED
22 RELEVANT AND APPROPRIATE BY THE WORK FIRST CASEWORKER: MARRIAGE,
23 FATHERHOOD, PARENTING, SELF-IMPROVEMENT, SUBSTANCE ABUSE, OR
24 VOLUNTEER ACTIVITIES.

25 SEC. 57T. EACH LOCAL WORK FIRST PROGRAM SHALL PROVIDE A REPORT
26 TO THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE ON THE
27 DEPARTMENT BUDGET DURING THE ANNUAL BUDGET REVIEW BY MARCH 31 EACH

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 1 YEAR THAT INCLUDES, AT A MINIMUM, ALL OF THE FOLLOWING:

2 (A) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 3 ACHIEVING PERSONAL DEVELOPMENT PLAN GOALS.

4 (B) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 5 PLACED IN EMPLOYMENT.

6 (C) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 7 PLACED IN EMPLOYMENT WHO REMAIN EMPLOYED FOR A PERIOD OF 180 DAYS
 8 OR MORE.

9 (D) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS WHOSE
 10 CASES ARE CLOSED DUE TO EARNINGS.

11 (E) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 12 ENROLLED IN A 2-YEAR OR 4-YEAR EDUCATIONAL PROGRAM WITH INFORMATION
 13 ON THE DEGREE PROGRAMS ENROLLED IN AND THE LOCAL WORK FIRST
 14 PROGRAM'S PARTICIPANTS' GRADUATION RATE.

15 (F) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 16 PARTICIPATING IN A FAST TRACK LITERACY PROGRAM AND THE LOCAL WORK
 17 FIRST PROGRAM'S PARTICIPANTS' SUCCESS RATE IN THIS PROGRAM.

18 (G) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS
 19 PARTICIPATING IN A HIGH SCHOOL COMPLETION PROGRAM OR A GENERAL
 20 EDUCATION DEVELOPMENT (GED) PROGRAM AND THE LOCAL WORK FIRST
 21 PROGRAM'S PARTICIPANTS' GRADUATION RATE.

[SEC. 57U. IN GRANTING CONTRACTS TO WORK FIRST PROVIDERS, THE
 DEPARTMENT OF LABOR AND ECONOMIC GROWTH MAY USE INCENTIVES IN CONTRACTS
 OR MAY REQUIRE PERFORMANCE-BASED MEASURES IN PAYMENT OF CONTRACTS.

SEC. 57V. THE DEPARTMENT SHALL SUBMIT A REPORT ONCE EVERY 90 DAYS
 TO THE LEGISLATURE, THE HOUSE AND SENATE FISCAL AGENCIES, 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 BY
 DISTRICT OFFICE 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
 NONCOMPLIANCE AND REAPPLICATIONS MADE.

(C) THE NUMBER OF SANCTIONS IMPOSED FOR THIRD INSTANCES OF
 NONCOMPLIANCE.

(D) THE NUMBER OF FAMILY INDEPENDENCE PROGRAM CASES REOPENED.

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(E) THE NUMBER OF FAMILY INDEPENDENCE PROGRAM CASES PERMANENTLY CLOSED.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 893.
- (b) Senate Bill No. 894.
- (c) House Bill No. 5438.
- (d) House Bill No. 5439.
- (e) House Bill No. 5440.
- (f) House Bill No. 5441.
- (g) House Bill No. 5442.]