

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Hardiman

ENROLLED SENATE BILL No. 892

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," 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:

Sec. 57f. (1) The department shall enter into an agreement with the department of labor and economic growth in order to facilitate the administration of work first. The department shall track all family independence program recipients by social security number so that tracking information is traceable for a recipient's lifetime. Tracking information shall be limited to information regarding the receipt of public assistance or participation in work first programs or both. The department of labor and economic growth shall track work first participants by social security number and the recipient's job status for a period of not less than 1 year after job placement. This information shall be shared between the department and the department of labor and economic growth. Information tracked under this subsection shall be provided to the appropriations committees during the annual budget review. At the time the department or the department of labor and economic growth opens a case on a recipient, the department and the department of labor and economic growth shall use the same case number previously used for the recipient and shall not assign a new case number if the recipient has previously received assistance or participated in work first. The department and the department of labor and economic growth shall develop individual program goals and measurable performance indicators to be reviewed for success or failure annually. The annual success or failure rates shall be

reported to the legislature. One individual program goal developed under this subsection shall be a state goal for the percentage of the family independence program caseload involved in employment activities to be developed jointly by the department and the department of labor and economic growth. The state goal for the percentage of the family independence program caseload involved in employment activities developed under this subsection shall not be less than 50% of the family independence program caseload. If the family independence program caseload percentage is below the goal for more than 2 consecutive quarters, the department shall develop a plan for increasing the family independence program caseload percentage involved in employment-related activities. The department shall deliver the plan during the following annual budget presentations to the appropriations subcommittees on the department of human services in the senate and house.

(2) Except as otherwise provided in subsection (3), every member of a family independence assistance group shall be referred to and shall participate in work first. The particular activities in which the recipient is required or authorized to participate, the number of hours of work required, and other details of work first shall be developed by the department of labor and economic growth and the department and shall be set forth in the recipient's family self-sufficiency plan. If a recipient has cooperated with work first, the recipient may enroll in a program approved by the local workforce development board. Any and all training or education with the exception of an English as a second language program, a fast track literacy program, high school completion, and GED preparation must be occupationally relevant and in demand in the labor market as determined by the local workforce development board. If a recipient does not have a high school diploma or GED or has reading proficiency at the 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 department shall require a parent exempted from participation in work first under this subdivision to participate in family services, including instruction or counseling in 1 or more of the following beginning 6 weeks after the birth of his or her child until the child is 3 months old as fulfillment of that parent's family self-sufficiency plan obligation under section 57e(1)(c):

(i) Marriage.

(ii) Fatherhood.

(iii) Parenting.

(iv) Abstinence-based family planning.

(v) Child development.

(vi) Nutrition.

(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.

(f) An individual who meets 1 or more of the following criteria to the extent that the individual, based on written medical verification provided by a physician, psychiatrist, or psychologist and an assessment of need by the 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 or training activities as documented in writing by a physician, psychiatrist, or psychologist. An individual with a mental or physical illness, limitation, or disability as described in this section that does not severely restrict his or her ability to participate in employment or training activities shall be required to participate in work first at a medically permissible level.

(5) The work first caseworker, in his or her discretion, may authorize 1 of the following:

(a) A recipient's request to enroll in education or training and count up to 20 hours per week of that education or training toward his or her 40-hour-per-week work requirement. The 20 hours per week of education and training allowed in this subsection shall be counted toward the 40-hour-per-week work requirement for not longer than a cumulative total of 24 months in the recipient's lifetime. The education or training course requirements and responsibilities, including, but not limited to, attendance, performance, and grade point average, shall be outlined in the recipient's family self-sufficiency plan's expectations section.

(b) A recipient's exemption from work first work requirements for a maximum of 6 months in the client's lifetime if the recipient is able to demonstrate that there is a current demand for workers with the education or training the recipient is seeking. The education or training course requirements and responsibilities, including, but not limited to, attendance, performance, and grade point average, shall be outlined in the recipient's family self-sufficiency plan's expectations section.

(6) A recipient under subsection (5)(b) or a recipient participating in education or training to meet the 40-hour-per-week work requirement shall meet with his or her work first caseworker not less than 1 time every 45 days.

(7) If the recipient is not in compliance with or meeting the expectations outlined in his or her family self-sufficiency plan under subsection (5) or (6), the recipient is prohibited from using education or training toward his or her 40-hour-per-week work requirement and is ineligible for an exemption offered under subsection (5)(b).

(8) An individual is not disabled for purposes of this section if substance abuse is a contributing factor material to the determination of disability.

Sec. 57s. If a recipient is unable to find employment or be placed by the work first program into a job and therefore is not fulfilling his or her obligation to participate in work first, that recipient shall participate in training or counseling for not less than 10 hours per week in any of the following areas considered relevant and appropriate by the work first caseworker: marriage, fatherhood, parenting, self-improvement, substance abuse, or volunteer activities.

Sec. 57t. The department of labor and economic growth shall provide a written report to the house and senate appropriations subcommittees on the department not later than 90 days after the amendatory act that added this section takes effect and annually thereafter by March 31 of each year that includes, at a minimum, all of the following:

(a) The number and percentage of work first participants achieving personal development plan goals.

(b) The number and percentage of work first participants placed in employment.

(c) The number and percentage of work first participants placed in employment who remain employed for a period of 180 days and 365 days or more.

(d) The number and percentage of work first participants whose cases are closed due to earnings.

(e) The number and percentage of work first participants enrolled in a 2-year or 4-year educational program with information on the degree programs enrolled in and the local work first program's participants' graduation rate.

(f) The number and percentage of work first participants participating in a fast track literacy program and the local work first program's participants' success rate in this program.

(g) The number and percentage of work first participants participating in a high school completion program or a general education development (GED) program and the local work first 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 written report not later than 90 days after the amendatory act that added this section takes effect and annually thereafter by March 31 of each year 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.

(e) The number of family independence program cases permanently closed.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5438 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved _____

Governor