

SENATE BILL No. 892

November 10, 2005, Introduced by Senator HARDIMAN and referred to the Committee on Families and Human Services.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57e. (1) Each family receiving family independence
2 assistance shall execute a ~~social contract~~ **FAMILY INDEPENDENCE**
3 **PLAN** outlining the responsibilities of members of the family
4 independence assistance group. The ~~social contract~~ **FAMILY**
5 **INDEPENDENCE PLAN** shall be developed jointly by the ~~family~~
6 ~~independence agency~~ **DEPARTMENT** and the adult family members and
7 shall identify compliance goals that are to be met by members of
8 the family independence assistance group. The ~~social contract~~

1 **FAMILY INDEPENDENCE PLAN** shall reflect the individual needs and
2 abilities of the particular family ~~—, and—~~ **BY OUTLINING THE GOALS,**
3 **RESPONSIBILITIES, EXPECTATIONS, AND SANCTIONS THAT THE RECIPIENT**
4 **SHALL BE UNDER THE CONTRACTUAL OBLIGATION TO FOLLOW AND MEET AND A**
5 **LIST OF THE FAMILY'S CURRENT BARRIERS TO EMPLOYMENT AND SELF-**
6 **SUFFICIENCY. THE FAMILY INDEPENDENCE PLAN** shall include at least
7 all of the following:

8 (a) The obligation of each adult and each child aged 16 or
9 older who is not attending elementary or secondary school full-time
10 to participate in work first unless exempt under section 57f.

11 (b) The obligation of each minor parent who has not completed
12 secondary school to attend school.

13 (c) Except as provided in section 57f(3), the obligation of
14 each adult to engage in employment, work first activities,
15 education or training, community service activities, or self-
16 improvement activities, as determined appropriate by the family
17 independence agency, up to 40 hours per week.

18 (d) The obligation to cooperate in the establishment of
19 paternity and the procurement of child support, if applicable.

20 (e) The obligation of a recipient who fails to comply with
21 compliance goals due to substance abuse to participate in substance
22 abuse treatment and submit to any periodic drug testing required by
23 the treatment program.

24 (f) Any other obligation the ~~—family independence agency~~
25 **DEPARTMENT** determines is necessary to enable the family to achieve
26 independence.

27 (2) The ~~—family independence agency—~~ **DEPARTMENT** shall monitor

1 each family's compliance with the ~~social contract~~ FAMILY
2 INDEPENDENCE PLAN. THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH
3 SHALL MONITOR THE FAMILY'S COMPLIANCE WITH THE FAMILY INDEPENDENCE
4 PLAN FOR ALL RECIPIENTS WHO ARE REFERRED TO PARTICIPATE IN THE WORK
5 FIRST PROGRAM. EACH TIME A RECIPIENT MEETS WITH A CASEWORKER FROM
6 THE DEPARTMENT OR THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH, THE
7 RECIPIENT SHALL REVIEW, SIGN, AND DATE THE FAMILY INDEPENDENCE
8 PLAN, INCLUDING WHEN THE RECIPIENT HAS AN INSTANCE OF NONCOMPLIANCE
9 OR FAILS TO MEET AN EXPECTATION OF THE FAMILY INDEPENDENCE PLAN.

10 (3) IF A RECIPIENT IS UNABLE TO FIND EMPLOYMENT OR BE PLACED
11 BY THE WORK FIRST PROGRAM INTO A JOB AND THEREFORE IS NOT
12 FULFILLING HIS OR HER OBLIGATION TO PARTICIPATE IN WORK FIRST, THAT
13 RECIPIENT SHALL PARTICIPATE IN TRAINING OR COUNSELING FOR NOT LESS
14 THAN 10 HOURS PER WEEK IN ANY OF THE FOLLOWING AREAS CONSIDERED
15 RELEVANT AND APPROPRIATE BY THE WORK FIRST CASEWORKER: MARRIAGE,
16 FATHERHOOD, PARENTING, SELF-IMPROVEMENT, SUBSTANCE ABUSE, OR
17 VOLUNTEER ACTIVITIES.

18 Sec. 57f. (1) The ~~family independence agency~~ DEPARTMENT
19 shall enter into an agreement with the department of ~~career~~
20 ~~development~~ LABOR AND ECONOMIC GROWTH in order to facilitate the
21 administration of work first. ~~The family independence agency shall~~
22 ~~make information on the program available to the legislature.~~ THE
23 DEPARTMENT SHALL TRACK ALL FAMILY INDEPENDENCE PROGRAM RECIPIENTS
24 BY SOCIAL SECURITY NUMBER SO THAT TRACKING INFORMATION IS TRACEABLE
25 FOR A RECIPIENT'S LIFETIME. THE DEPARTMENT OF LABOR AND ECONOMIC
26 GROWTH SHALL TRACK WORK FIRST PARTICIPANTS BY SOCIAL SECURITY
27 NUMBER AND THE RECIPIENT'S JOB STATUS FOR A PERIOD OF NOT LESS THAN

1 1 YEAR AFTER JOB PLACEMENT. THIS INFORMATION SHALL BE SHARED
2 BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND ECONOMIC
3 GROWTH. INFORMATION TRACKED UNDER THIS SUBSECTION SHALL BE PROVIDED
4 TO THE LEGISLATURE, STANDING COMMITTEES, AND APPROPRIATIONS
5 COMMITTEES DURING THE ANNUAL BUDGET REVIEW. THE DEPARTMENT AND THE
6 DEPARTMENT OF LABOR AND ECONOMIC GROWTH SHALL DEVELOP INDIVIDUAL
7 PROGRAM GOALS AND MEASURABLE PERFORMANCE INDICATORS TO BE REVIEWED
8 FOR SUCCESS OR FAILURE ANNUALLY. THE ANNUAL SUCCESS OR FAILURE
9 RATES SHALL BE REPORTED TO THE LEGISLATURE. ONE INDIVIDUAL PROGRAM
10 GOAL DEVELOPED UNDER THIS SUBSECTION SHALL BE A STATE GOAL FOR THE
11 PERCENTAGE OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD INVOLVED IN
12 EMPLOYMENT ACTIVITIES TO BE DEVELOPED JOINTLY BY THE DEPARTMENT AND
13 THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH. THE STATE GOAL FOR THE
14 PERCENTAGE OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD INVOLVED IN
15 EMPLOYMENT ACTIVITIES DEVELOPED UNDER THIS SUBSECTION SHALL NOT BE
16 LESS THAN 50% OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD. ON A
17 QUARTERLY BASIS, THE DEPARTMENT SHALL REPORT TO THE APPROPRIATIONS
18 SUBCOMMITTEES ON THE DEPARTMENT OF HUMAN SERVICES IN THE SENATE AND
19 HOUSE, THE SENATE AND HOUSE FISCAL AGENCIES, AND THE SENATE AND
20 HOUSE POLICY STAFFS THE CURRENT PERCENTAGE OF THE FAMILY
21 INDEPENDENCE PROGRAM CASELOAD INVOLVED IN EMPLOYMENT ACTIVITIES. IF
22 THE FAMILY INDEPENDENCE PROGRAM CASELOAD PERCENTAGE IS BELOW THE
23 GOAL FOR MORE THAN 2 CONSECUTIVE QUARTERS, THE DEPARTMENT SHALL
24 DEVELOP A PLAN FOR INCREASING THE FAMILY INDEPENDENCE PROGRAM
25 CASELOAD PERCENTAGE INVOLVED IN EMPLOYMENT-RELATED ACTIVITIES. THE
26 DEPARTMENT SHALL DELIVER THE PLAN DURING THE FOLLOWING ANNUAL
27 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 ~~career development~~ **LABOR AND ECONOMIC GROWTH** and the ~~family independence agency~~ **DEPARTMENT** and shall be set forth in the recipient's ~~social contract~~ **FAMILY INDEPENDENCE 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 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. ~~and may be no more than 2 years in duration. Participants must make satisfactory progress while in training or education.~~ **IF A RECIPIENT DOES NOT HAVE A HIGH SCHOOL DIPLOMA OR GED AND IS UNABLE TO SUSTAIN EMPLOYMENT, THE RECIPIENT MUST ENROLL IN A COURSE TO OBTAIN A HIGH SCHOOL DIPLOMA OR GED.**

(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, 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 INDEPENDENCE PLAN** obligation under section 57e(1)(c).

(d) An individual aged 65 or older.

(e) A recipient of supplemental security income.

(f) An individual who meets 1 or more of the following criteria to the extent that the individual, based on medical evidence 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 or training activities. An individual with a documented mental or physical illness, limitation, or disability 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.~~ THE DEPARTMENT SHALL NOT EXEMPT AN INDIVIDUAL FROM PARTICIPATION IN WORK FIRST IF HE OR SHE HAS RECEIVED AN INITIAL DETERMINATION FROM THE SOCIAL SECURITY ADMINISTRATION DENYING SUPPLEMENTAL SECURITY INCOME BENEFITS. THE DEPARTMENT MAY EXEMPT AN INDIVIDUAL FROM PARTICIPATION IN WORK FIRST IF HE OR SHE HAS APPLIED FOR SUPPLEMENTAL SECURITY INCOME BENEFITS BUT HAS NOT YET RECEIVED AN INITIAL DETERMINATION, ONLY IF THE INDIVIDUAL IS ABLE TO DOCUMENT A MENTAL OR PHYSICAL ILLNESS, LIMITATION, OR DISABILITY THAT RESULTS IN INABILITY TO ENGAGE IN ANY SUBSTANTIAL GAINFUL ACTIVITY AND CAN BE EXPECTED TO RESULT IN DEATH OR HAS LASTED OR CAN BE EXPECTED TO LAST FOR A CONTINUOUS PERIOD OF NOT LESS THAN 12 MONTHS.

(5) AT THE DISCRETION OF THE WORK FIRST CASEWORKER, EITHER OF THE FOLLOWING MAY OCCUR:

(A) THE RECIPIENT MAY 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 CONTINUE FOR NOT LONGER THAN A CUMULATIVE TOTAL OF

1 24 MONTHS IN THE RECIPIENT'S LIFETIME. THE EDUCATION OR TRAINING
2 COURSE REQUIREMENTS AND RESPONSIBILITIES, INCLUDING, BUT NOT
3 LIMITED TO, ATTENDANCE, PERFORMANCE, AND MINIMUM GRADE POINT
4 AVERAGE, SHALL BE OUTLINED IN THE RECIPIENT'S FAMILY INDEPENDENCE
5 PLAN'S EXPECTATIONS SECTION.

6 (B) THE WORK FIRST CASEWORKER MAY ALLOW A RECIPIENT TO BE
7 EXEMPT FROM WORK FIRST WORK REQUIREMENTS FOR A MAXIMUM OF 6 MONTHS
8 IN THE CLIENT'S LIFETIME IF THE RECIPIENT IS ABLE TO DEMONSTRATE
9 THE CURRENT DEMAND FOR WORKERS WITH THE EDUCATION OR TRAINING THE
10 RECIPIENT IS SEEKING. IF A 6-MONTH EXEMPTION IS GRANTED UNDER THIS
11 SUBDIVISION, THE RECIPIENT SHALL NOT COUNT ANY EDUCATION OR
12 TRAINING TOWARD THE RECIPIENT'S WORK REQUIREMENT. THE EDUCATION OR
13 TRAINING COURSE REQUIREMENTS AND RESPONSIBILITIES, INCLUDING, BUT
14 NOT LIMITED TO, ATTENDANCE, PERFORMANCE, AND GRADE POINT AVERAGE,
15 SHALL BE OUTLINED IN THE RECIPIENT'S FAMILY INDEPENDENCE PLAN'S
16 EXPECTATIONS SECTION. THE RECIPIENT SHALL MEET WITH HIS OR HER WORK
17 FIRST CASEWORKER NOT LESS THAN 1 TIME EVERY 45 DAYS. IF HE OR SHE
18 IS NOT IN COMPLIANCE OR MEETING THE EXPECTATIONS OUTLINED IN HIS OR
19 HER FAMILY INDEPENDENCE PLAN, THE RECIPIENT IS PROHIBITED FROM
20 USING EDUCATION OR TRAINING TOWARD HIS OR HER 40-HOUR-PER-WEEK WORK
21 REQUIREMENT.

22 (6) A RECIPIENT PARTICIPATING IN EDUCATION OR TRAINING TO MEET
23 THE 40-HOUR-PER-WEEK WORK REQUIREMENT SHALL MEET WITH HIS OR HER
24 WORK FIRST CASEWORKER NOT LESS THAN 1 TIME EVERY 90 DAYS. IF THE
25 RECIPIENT IS NOT IN COMPLIANCE WITH OR MEETING THE EXPECTATIONS
26 OUTLINED IN HIS OR HER FAMILY INDEPENDENCE PLAN, THE RECIPIENT IS
27 PROHIBITED FROM USING EDUCATION OR TRAINING TOWARD HIS OR HER 40-

1 **HOURLY-PER-WEEK WORK REQUIREMENT.**

2 (7) ~~—(5)—~~ An individual is not disabled for purposes of this
3 section if substance abuse is a contributing factor material to the
4 determination of disability.