

# HOUSE BILL No. 4482

March 20, 2007, Introduced by Reps. Clack, Hammon, Cushingberry, Hammel, Constan, Vagnozzi, Jackson, Robert Jones, Sheen, Hoogendyk, Leland and Gonzales and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d and 57g (MCL 400.57d and 400.57g), section 57d as amended by 2005 PA 323 and section 57g as amended by 2006 PA 468.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 57d. (1) The department ~~and~~**OR** the department of labor  
2 and economic growth ~~shall~~**MAY** conduct ~~joint~~**WEEKLY** orientation  
3 sessions for family independence assistance applicants. ~~no less~~  
4 ~~frequently than weekly.~~ After the department makes an initial  
5 determination that an adult or a child aged 16 or older who is not  
6 attending elementary or secondary school full-time ~~is~~**MIGHT BE**  
7 eligible for family independence assistance **AND IS NOT EXEMPT FROM**  
8 **WORK FIRST PARTICIPATION UNDER SECTION 57F**, that individual shall

1 ~~attend a joint orientation session. After completion of the~~  
2 ~~orientation, the~~ **PARTICIPATE IN ASSIGNED WORK-RELATED ACTIVITIES.**  
3 **THE** individual, the department, and a work first representative  
4 shall develop the family's family self-sufficiency plan in  
5 accordance with section 57e.

6 (2) If ~~the individual~~ **AN APPLICANT WHO IS NOT EXEMPT FROM WORK**  
7 **FIRST PARTICIPATION UNDER SECTION 57F** fails to cooperate with work  
8 first or other required employment and training activities, the  
9 family is ineligible for family independence assistance.

10 (3) The department shall impose penalties under section 57g if  
11 ~~the individual~~ **A RECIPIENT** fails to comply with any of the  
12 following:

13 (a) Work first activities.

14 (b) Employment and training activities.

15 (c) Child support requirements.

16 (4) The department shall impose penalties under section 57g if  
17 the individual fails to comply with the individual's family self-  
18 sufficiency plan's requirements.

19 (5) If the individual is complying with the family self-  
20 sufficiency plan, the department, a work first representative, and  
21 the recipient shall revise the family self-sufficiency plan if  
22 necessary and the family independence assistance group shall  
23 continue to receive family independence assistance so long as the  
24 recipients meet family independence assistance program  
25 requirements.

26 (6) The department shall reassess the recipient's eligibility  
27 for family independence assistance not later than 24 months after

1 the date the application for family independence assistance was  
2 approved. At the time of a reassessment under this subsection, the  
3 recipient shall meet with his or her department caseworker and work  
4 first program caseworker and redevelop the family self-sufficiency  
5 plan.

6       Sec. 57g. (1) The department shall develop a system of  
7 penalties to be imposed if a recipient fails to comply with  
8 applicable rules or the provisions of this section. Penalties may  
9 be cumulative and may include reduction of the grant, removal of an  
10 individual from the family independence assistance group, and  
11 termination of assistance to the family.

12       (2) A penalty shall not be imposed if the recipient has  
13 demonstrated that there was good cause for failing to comply. The  
14 department shall determine the circumstances that constitute good  
15 cause based on factors that are beyond the control of a recipient.

16       (3) Recipients who are willing to participate in activities  
17 leading to self-sufficiency but who require child care or  
18 transportation in order to participate shall not be penalized if  
19 the department determines that child care or transportation is not  
20 reasonably available or provided to them.

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

23       (a) Family independence program benefits shall be terminated  
24 if a recipient fails, without good cause, to comply with applicable  
25 child support requirements including efforts to establish paternity  
26 and obtain child support. The assistance group is ineligible for  
27 family independence program assistance for not less than 1 calendar

1 month. After assistance has been terminated for not less than 1  
2 calendar month, assistance may be restored if the noncompliant  
3 recipient complies with child support requirements including the  
4 action to establish paternity and obtain child support.

5 (b) For any instance of noncompliance, before determining that  
6 a penalty shall be imposed, the department shall determine if good  
7 cause for noncompliance exists. The department shall notify the  
8 recipient that he or she has 10 days to demonstrate good cause for  
9 noncompliance. If good cause is not determined to exist, assistance  
10 shall be terminated. After termination, the assistance group is  
11 ineligible for family independence program assistance for not less  
12 than 1 calendar month.

13 (5) For the purposes of ~~this section~~ **SUBSECTIONS (1) TO (8)**,  
14 "noncompliance" means 1 or more of the following:

15 (a) A recipient quits a job.

16 (b) A recipient is fired for misconduct or for absenteeism  
17 without good cause.

18 (c) A recipient voluntarily reduces the hours of employment or  
19 otherwise reduces earnings.

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

21 (6) If a recipient does not meet the recipient's individual  
22 social contract requirements, the department may impose a penalty.

23 (7) After termination for noncompliance, the assistance group  
24 is ineligible for family independence program assistance for not  
25 less than 1 calendar month. After assistance has been terminated  
26 for not less than 1 calendar month, family independence program  
27 assistance may be approved if the recipient completes a willingness

1 to comply test. For purposes of this section, "willingness to  
2 comply" means participating in work first or other self-sufficiency  
3 activities for up to 40 hours within 10 working days. At the time  
4 any penalty is imposed under this section, the department shall  
5 provide the recipient written notice of his or her option to  
6 immediately reapply for family independence program benefits and  
7 that he or she may complete a "willingness to comply test" during  
8 the penalty period.

9 (8) The department shall submit a report for the period  
10 between February 1, 2002 and December 31, 2002 to the legislature,  
11 the house and senate fiscal agencies, and the appropriate house and  
12 senate standing committees that handle family and children's  
13 issues, that contains all of the following information for that  
14 time period:

15 (a) The number of sanctions imposed and reapplications made.

16 (b) The number of family independence program cases reopened.

17 (c) The number of referrals to emergency shelters by the  
18 department.

19 (d) The number of sanctions imposed on families with at least  
20 1 disabled parent.

21 (e) The number of sanctions imposed on families with disabled  
22 children.

23 (9) Subsections (1) to (8) do not apply after March 31, 2007.  
24 Subsections (10) to (15) apply beginning April 1, 2007.

25 (10) Beginning April 1, 2007, if a recipient does not meet his  
26 or her individual family self-sufficiency plan requirements and is  
27 therefore noncompliant, the department shall impose the penalties

1 described under this section. The department shall implement a  
2 schedule of penalties for instances of noncompliance as described  
3 in this subsection. The penalties shall be as follows:

4 (a) For the first instance of noncompliance, the ~~recipient~~  
5 **FAMILY** is ineligible to receive family independence program  
6 assistance for not less than 3 calendar months.

7 (b) For the second instance of noncompliance, the ~~recipient~~  
8 **FAMILY** is ineligible to receive family independence program  
9 assistance for not less than 3 calendar months.

10 (c) For the third instance of noncompliance, the ~~recipient~~  
11 **FAMILY** is ineligible to receive family independence program  
12 assistance for 12 calendar months.

13 (11) For the purposes of ~~this section~~ **SUBSECTIONS (10) TO**  
14 **(15)**, "noncompliance" means 1 or more of the following:

15 (a) A recipient quits a job.

16 (b) A recipient is fired for misconduct or absenteeism.

17 (c) A recipient does not participate in work first activities.

18 (d) A recipient is noncompliant with his or her family self-  
19 sufficiency plan.

20 (12) If the family independence specialist caseworker and the  
21 work first program caseworker agree that good cause exists for the  
22 recipient's noncompliance, a penalty shall not be imposed. For the  
23 purpose of this subsection, good cause is 1 or more of the  
24 following:

25 (a) The recipient suffers from a temporary debilitating  
26 illness or injury or an immediate family member has a debilitating  
27 illness or injury and the recipient is needed in the home to care

1 for the family member.

2 (b) The recipient lacks child care as described in section  
3 407(e)(2) of the personal responsibility and work opportunity  
4 reconciliation act of 1996, Public Law 104-193, 42 USC 607(e)(2).

5 (c) Either employment or training commuting time is more than  
6 2 hours per day or is more than 3 hours per day when there are  
7 unique and compelling circumstances, such as a salary at least  
8 twice the applicable minimum wage or the job is the only available  
9 job placement within a 3-hour commute per day, not including the  
10 time necessary to transport a child to child care facilities.

11 (d) Transportation is not available to the recipient at a  
12 reasonable cost.

13 (e) The employment or participation involves illegal  
14 activities.

15 (f) The recipient is physically or mentally unfit to perform  
16 the job, as documented by medical evidence or by reliable  
17 information from other sources.

18 (g) The recipient is illegally discriminated against on the  
19 basis of age, race, disability, gender, color, national origin, or  
20 religious beliefs.

21 (h) Credible information or evidence establishes 1 or more  
22 unplanned or unexpected events or factors that reasonably could be  
23 expected to prevent, or significantly interfere with, the  
24 recipient's compliance with employment and training requirements.

25 (i) The recipient quit employment to obtain comparable  
26 employment.

27 (13) For all instances of noncompliance resulting in

1 termination of family independence assistance for any period of  
2 time described in subsection (10), the period of time the recipient  
3 is ineligible to receive family independence program assistance  
4 applies toward the recipient's 48-month cumulative lifetime total.

5 (14) Beginning April 1, 2007, for the first instance that a  
6 family independence specialist caseworker determines a recipient to  
7 be noncompliant, all of the following shall occur:

8 (a) The department shall notify the recipient in writing  
9 within 3 business days of determining that the recipient is  
10 noncompliant. The notification shall include all of the following:

11 (i) The reason the recipient has been determined to be  
12 noncompliant.

13 (ii) The penalty that will be imposed for the noncompliance.

14 (iii) An opportunity for the recipient to meet in person with  
15 the family independence specialist caseworker within 10 business  
16 days of the determination that the recipient is noncompliant.

17 (b) If the recipient meets with a family independence  
18 specialist caseworker within 10 business days, the family  
19 independence specialist caseworker and the recipient shall review  
20 and modify the family self-sufficiency plan as determined necessary  
21 by the family independence specialist caseworker. The family  
22 independence specialist caseworker shall discuss and provide an  
23 official warning regarding penalties that shall be imposed if the  
24 recipient continues to be noncompliant. The family independence  
25 specialist caseworker shall inform the recipient that he or she  
26 must verify compliance with his or her family self-sufficiency plan  
27 within 10 business days.

1 (c) If the recipient fails to meet with the family  
2 independence specialist caseworker within 10 business days of the  
3 determination that the recipient is noncompliant, the recipient is  
4 subject to the provisions of subsection (10)(a).

5 (d) If the recipient fails to verify compliance under  
6 subdivision (b), the recipient is subject to the provisions of  
7 subsection (10)(a).

8 (15) The meeting described in subsection (14) is only  
9 available for the first time a family independence specialist  
10 caseworker determines the recipient to be noncompliant regardless  
11 of whether that recipient becomes subject to the provisions of  
12 subsection (10)(a).

13 (16) This section does not apply after September 30, 2011.