

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4482

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 **PARTICIPATION UNDER SECTION 57F**, that individual shall ~~attend a~~
2 ~~joint orientation session. After completion of the orientation, the~~
3 **PARTICIPATE IN ASSIGNED WORK-RELATED ACTIVITIES. THE** individual,
4 the department, and a work first representative shall develop the
5 family's family self-sufficiency plan in accordance with section
6 57e.

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

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

14 (a) Work first activities.

15 (b) Employment and training activities.

16 (c) Child support requirements.

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

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

27 (6) The department shall reassess the recipient's eligibility

1 for family independence assistance not later than 24 months after
2 the date the application for family independence assistance was
3 approved. At the time of a reassessment under this subsection, the
4 recipient shall meet with his or her department caseworker and work
5 first program caseworker and redevelop the family self-sufficiency
6 plan.

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

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

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

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

24 (a) Family independence program benefits shall be terminated
25 if a recipient fails, without good cause, to comply with applicable
26 child support requirements including efforts to establish paternity
27 and obtain child support. The assistance group is ineligible for

House Bill 4482 as amended May 17, 2007

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

6 ~~(b) For any instance of noncompliance, before determining that~~
7 ~~a penalty shall be imposed, the department shall determine if good~~
8 ~~cause for noncompliance exists. The department shall notify the~~
9 ~~recipient that he or she has 10 days to demonstrate good cause for~~
10 ~~noncompliance.~~ <<

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14 >> If good cause is not determined
15 to exist, assistance shall be terminated. After termination, the
16 assistance group is ineligible for family independence program
17 assistance for not less than 1 calendar month.

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

20 (a) A recipient quits a job.

21 (b) A recipient is fired for misconduct or for absenteeism
22 without good cause.

23 (c) A recipient voluntarily reduces the hours of employment or
24 otherwise reduces earnings.

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

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

1 (7) After termination for noncompliance, the assistance group
2 is ineligible for family independence program assistance for not
3 less than 1 calendar month. After assistance has been terminated
4 for not less than 1 calendar month, family independence program
5 assistance may be approved if the recipient completes a willingness
6 to comply test. For purposes of this section, "willingness to
7 comply" means participating in work first or other self-sufficiency
8 activities for up to 40 hours within 10 working days. At the time
9 any penalty is imposed under this section, the department shall
10 provide the recipient written notice of his or her option to
11 immediately reapply for family independence program benefits and
12 that he or she may complete a "willingness to comply test" during
13 the penalty period.

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

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

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

22 (c) The number of referrals to emergency shelters by the
23 department.

24 (d) The number of sanctions imposed on families with at least
25 1 disabled parent.

26 (e) The number of sanctions imposed on families with disabled
27 children.

House Bill No. 4482 as amended May 17, 2007

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

(10) Beginning April 1, 2007, if a recipient does not meet his or her individual family self-sufficiency plan requirements and is therefore noncompliant, the department shall impose the penalties described under this section. The department shall implement a schedule of penalties for instances of noncompliance as described in this subsection. The penalties shall be as follows:

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

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

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

(11) For the purposes of ~~this section~~ **SUBSECTIONS (10) TO <<(16)>>**, "noncompliance" means 1 or more of the following:

(a) A recipient quits a job.

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

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

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

(12) ~~<<IF FOR ANY INSTANCE OF NONCOMPLIANCE, THE RECIPIENT SHALL RECEIVE NOT LESS THAN 12 DAYS' NOTICE BEFORE THE PENALTIES PRESCRIBED IN THIS SECTION ARE IMPOSED. IF THE RECIPIENT DEMONSTRATES GOOD CAUSE FOR THE NONCOMPLIANCE DURING THIS PERIOD AND IF>>~~ the family independence specialist caseworker and the

work first program caseworker agree that good cause exists for the recipient's noncompliance, a penalty shall not be imposed. For the

1 purpose of this subsection, good cause is 1 or more of the
2 following:

3 (a) The recipient suffers from a temporary debilitating
4 illness or injury or an immediate family member has a debilitating
5 illness or injury and the recipient is needed in the home to care
6 for the family member.

7 (b) The recipient lacks child care as described in section
8 407(e)(2) of the personal responsibility and work opportunity
9 reconciliation act of 1996, Public Law 104-193, 42 USC 607(e)(2).

10 (c) Either employment or training commuting time is more than
11 2 hours per day or is more than 3 hours per day when there are
12 unique and compelling circumstances, such as a salary at least
13 twice the applicable minimum wage or the job is the only available
14 job placement within a 3-hour commute per day, not including the
15 time necessary to transport a child to child care facilities.

16 (d) Transportation is not available to the recipient at a
17 reasonable cost.

18 (e) The employment or participation involves illegal
19 activities.

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

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

26 (h) Credible information or evidence establishes 1 or more
27 unplanned or unexpected events or factors that reasonably could be

1 expected to prevent, or significantly interfere with, the
2 recipient's compliance with employment and training requirements.

3 (i) The recipient quit employment to obtain comparable
4 employment.

5 (13) For all instances of noncompliance resulting in
6 termination of family independence assistance for any period of
7 time described in subsection (10), the period of time the recipient
8 is ineligible to receive family independence program assistance
9 applies toward the recipient's 48-month cumulative lifetime total.

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

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

16 (i) The reason the recipient has been determined to be
17 noncompliant.

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

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

22 (b) If the recipient meets with a family independence
23 specialist caseworker within 10 business days, the family
24 independence specialist caseworker and the recipient shall review
25 and modify the family self-sufficiency plan as determined necessary
26 by the family independence specialist caseworker. The family
27 independence specialist caseworker shall discuss and provide an

House Bill No. 4482 as amended May 17, 2007

1 official warning regarding penalties that shall be imposed if the
2 recipient continues to be noncompliant. The family independence
3 specialist caseworker shall inform the recipient that he or she
4 must verify compliance with his or her family self-sufficiency plan
5 within 10 business days.

6 (c) If the recipient fails to meet with the family
7 independence specialist caseworker within 10 business days of the
8 determination that the recipient is noncompliant, the recipient is
9 subject to the provisions of subsection (10)(a).

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

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

<<(16) FAMILY INDEPENDENCE PROGRAM BENEFITS SHALL BE TERMINATED IF
A RECIPIENT FAILS, WITHOUT GOOD CAUSE, TO COMPLY WITH APPLICABLE CHILD
SUPPORT REQUIREMENTS INCLUDING EFFORTS TO ESTABLISH PATERNITY AND OBTAIN
CHILD SUPPORT. THE ASSISTANCE GROUP IS INELIGIBLE FOR FAMILY INDEPENDENCE
PROGRAM ASSISTANCE FOR NOT LESS THAN 1 CALENDAR MONTH. AFTER ASSISTANCE
HAS BEEN TERMINATED FOR NOT LESS THAN 1 CALENDAR MONTH, ASSISTANCE MAY BE
RESTORED IF THE NONCOMPLIANT RECIPIENT COMPLIES WITH CHILD SUPPORT
REQUIREMENTS INCLUDING THE ACTION TO ESTABLISH PATERNITY AND OBTAIN CHILD
SUPPORT.

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

19 Sec. 57r. (1) Beginning October 1, 2007, if the department
20 determines that an individual is eligible to participate in the
21 work first program and resides in a county in which a jobs,
22 education and training (JET) program is available, family
23 independence assistance shall be paid to that individual for not
24 longer than a cumulative total of 48 months during that
25 individual's lifetime. If the recipient is meeting all the
26 requirements outlined in his or her family self-sufficiency plan,
27 has not received more than 2 penalties under section 57g after

1 ~~December 31, 2006~~ **OCTOBER 1, 2007**, has not received any penalties
2 under section 57g in the preceding 12 months, and labor market
3 conditions or employment barriers prevent employment placement, the
4 recipient may apply to the department for an extension of family
5 independence assistance benefits for a period not to exceed 12
6 months over the 48-month cumulative lifetime total. Nothing in this
7 subsection prevents the department from providing assistance to
8 individuals who are determined to be exempt from work first
9 participation under section 57f.

10 **(2) THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 2011.**