

HOUSE BILL No. 6579

September 20, 2006, Introduced by Reps. Kooiman, Stahl and Pastor and referred to the Committee on Family and Children Services.

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

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~~
5 **DEPARTMENT** shall make information on the program available to the
6 legislature.

7 (2) Except as otherwise provided in subsection (3), every
8 member of a family independence assistance group shall be referred

1 to and shall participate in work first. The particular activities
2 in which the recipient is required or authorized to participate,
3 the number of hours of work required, and other details of work
4 first shall be developed by the department of ~~career development~~
5 **LABOR AND ECONOMIC GROWTH** and the ~~family independence agency~~
6 **DEPARTMENT** and shall be set forth in the recipient's social
7 contract. If a recipient has cooperated with work first, the
8 recipient may enroll in a program approved by the local workforce
9 development board. Any and all training or education with the
10 exception of high school completion and GED preparation must be
11 occupationally relevant and in demand in the labor market as
12 determined by the local workforce development board and may be no
13 more than 2 years in duration. Participants must make satisfactory
14 progress while in training or education.

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

17 (a) A child under the age of 16.

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

20 (c) ~~The~~ **UNTIL SEPTEMBER 30, 2009, THE** parent of a child
21 under the age of 3 months. The ~~family independence agency~~
22 **DEPARTMENT** may require a parent exempted from participation in work
23 first under this subdivision to participate in family services,
24 including, but not limited to, instruction in parenting, nutrition,
25 and child development beginning 6 weeks after the birth of his or
26 her child until the child is 3 months old as fulfillment of that
27 parent's social contract obligation under section 57e(1)(c).

1 (d) An individual aged 65 or older.

2 (e) ~~A~~ **UNTIL SEPTEMBER 30, 2009, A** recipient of supplemental
3 security income.

4 (f) ~~An~~ **UNTIL SEPTEMBER 30, 2009, AN** individual who meets 1
5 or more of the following criteria to the extent that the
6 individual, based on medical evidence and an assessment of need by
7 the ~~family independence agency~~ **DEPARTMENT**, is severely restricted
8 in his or her ability to participate in employment or training
9 activities:

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

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

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

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

21 (4) In addition to those individuals exempt under subsection
22 (3), the ~~family independence agency~~ **DEPARTMENT** may grant a
23 temporary exemption from participation in work first, not to exceed
24 90 days, to an individual who is suffering from a documented short-
25 term mental or physical illness, limitation, or disability that
26 severely restricts his or her ability to participate in employment
27 or training activities. An individual with a documented mental or

1 physical illness, limitation, or disability that does not severely
2 restrict his or her ability to participate in employment or
3 training activities shall be required to participate in work first
4 at a medically permissible level.

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

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

14 (2) A penalty shall not be imposed if the recipient has
15 demonstrated that there was good cause for failing to comply. The
16 ~~family independence agency~~ **DEPARTMENT** shall determine the
17 circumstances that constitute good cause based on factors that are
18 beyond the control of a recipient.

19 (3) Recipients who are willing to participate in activities
20 leading to self-sufficiency but who require child care or
21 transportation in order to participate shall not be penalized if
22 the ~~family independence agency~~ **DEPARTMENT** determines that child
23 care or transportation is not reasonably available or provided to
24 them.

25 (4) ~~The~~ **UNTIL SEPTEMBER 30, 2009, THE** system of penalties
26 developed under subsection (1) shall include both of the following:

27 (a) Family independence program benefits shall be terminated

1 if a recipient fails, without good cause, to comply with applicable
2 child support requirements including efforts to establish paternity
3 and obtain child support. The assistance group is ineligible for
4 family independence program assistance for not less than 1 calendar
5 month. After assistance has been terminated for not less than 1
6 calendar month, assistance may be restored if the noncompliant
7 recipient complies with child support requirements including the
8 action to establish paternity and obtain child support.

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

18 (5) ~~For~~ **UNTIL SEPTEMBER 30, 2009, FOR** the purposes of this
19 section, "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~~ **UNTIL SEPTEMBER 30, 2009, IF** a recipient does not
27 meet the recipient's individual social contract requirements, the

1 ~~family independence agency~~ **DEPARTMENT** may impose a penalty.

2 (7) ~~After~~ **UNTIL SEPTEMBER 30, 2009, AFTER** termination for
3 noncompliance, the assistance group is ineligible for family
4 independence program assistance for not less than 1 calendar month.
5 After assistance has been terminated for not less than 1 calendar
6 month, family independence program assistance may be approved if
7 the recipient completes a willingness to comply test. For purposes
8 of this section, "willingness to comply" means participating in
9 work first or other self-sufficiency activities for up to 40 hours
10 within 10 working days. At the time ~~any~~ **A** penalty is imposed
11 under this section, the ~~family independence agency~~ **DEPARTMENT**
12 shall provide the recipient written notice of his or her option to
13 immediately reapply for family independence program benefits and
14 that he or she may complete a "willingness to comply test" during
15 the penalty period.

16 (8) The ~~family independence agency~~ **DEPARTMENT** shall submit a
17 report for the period between February 1 ~~—, 2002—~~ and December 31
18 ~~—, 2002—~~ **EACH YEAR** to the legislature, the house and senate fiscal
19 agencies, and the appropriate house and senate standing committees
20 that handle family and children's issues, that contains all of the
21 following information for that time period:

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

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

24 (c) The number of referrals to emergency shelters by the
25 department.

26 (d) The number of sanctions imposed on families with at least
27 1 disabled parent.

1 (e) The number of sanctions imposed on families with disabled
2 children.

3 Enacting section 1. Section 14i of the social welfare act,
4 1939 PA 280, MCL 400.14i, is repealed.