

# SENATE BILL No. 1501

November 14, 2006, 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 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:**

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 shall~~  
5 ~~make information on the program available to the legislature.~~ **THE**  
6 **DEPARTMENT SHALL TRACK ALL FAMILY INDEPENDENCE PROGRAM RECIPIENTS**  
7 **BY SOCIAL SECURITY NUMBER SO THAT TRACKING INFORMATION IS TRACEABLE**

1 FOR A RECIPIENT'S LIFETIME. TRACKING INFORMATION SHALL BE LIMITED  
2 TO INFORMATION REGARDING THE RECEIPT OF PUBLIC ASSISTANCE OR  
3 PARTICIPATION IN WORK FIRST PROGRAMS OR BOTH. THE DEPARTMENT OF  
4 LABOR AND ECONOMIC GROWTH SHALL TRACK WORK FIRST PARTICIPANTS BY  
5 SOCIAL SECURITY NUMBER AND THE RECIPIENT'S JOB STATUS FOR A PERIOD  
6 OF NOT LESS THAN 1 YEAR AFTER JOB PLACEMENT. THIS INFORMATION SHALL  
7 BE SHARED BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF LABOR AND  
8 ECONOMIC GROWTH. INFORMATION TRACKED UNDER THIS SUBSECTION SHALL BE  
9 PROVIDED TO THE APPROPRIATIONS COMMITTEES DURING THE ANNUAL BUDGET  
10 REVIEW. AT THE TIME THE DEPARTMENT OR THE DEPARTMENT OF LABOR AND  
11 ECONOMIC GROWTH OPENS A CASE ON A RECIPIENT, THE DEPARTMENT AND THE  
12 DEPARTMENT OF LABOR AND ECONOMIC GROWTH SHALL USE THE SAME CASE  
13 NUMBER PREVIOUSLY USED FOR THE RECIPIENT AND SHALL NOT ASSIGN A NEW  
14 CASE NUMBER IF THE RECIPIENT HAS PREVIOUSLY RECEIVED ASSISTANCE OR  
15 PARTICIPATED IN WORK FIRST. THE DEPARTMENT AND THE DEPARTMENT OF  
16 LABOR AND ECONOMIC GROWTH SHALL DEVELOP INDIVIDUAL PROGRAM GOALS  
17 AND MEASURABLE PERFORMANCE INDICATORS TO BE REVIEWED FOR SUCCESS OR  
18 FAILURE ANNUALLY. THE ANNUAL SUCCESS OR FAILURE RATES SHALL BE  
19 REPORTED TO THE LEGISLATURE. ONE INDIVIDUAL PROGRAM GOAL DEVELOPED  
20 UNDER THIS SUBSECTION SHALL BE A STATE GOAL FOR THE PERCENTAGE OF  
21 THE FAMILY INDEPENDENCE PROGRAM CASELOAD INVOLVED IN EMPLOYMENT  
22 ACTIVITIES TO BE DEVELOPED JOINTLY BY THE DEPARTMENT AND THE  
23 DEPARTMENT OF LABOR AND ECONOMIC GROWTH. THE STATE GOAL FOR THE  
24 PERCENTAGE OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD INVOLVED IN  
25 EMPLOYMENT ACTIVITIES DEVELOPED UNDER THIS SUBSECTION SHALL NOT BE  
26 LESS THAN 50% OF THE FAMILY INDEPENDENCE PROGRAM CASELOAD. IF THE  
27 FAMILY INDEPENDENCE PROGRAM CASELOAD PERCENTAGE IS BELOW THE GOAL

1 FOR MORE THAN 2 CONSECUTIVE QUARTERS, THE DEPARTMENT SHALL DEVELOP  
 2 A PLAN FOR INCREASING THE FAMILY INDEPENDENCE PROGRAM CASELOAD  
 3 PERCENTAGE INVOLVED IN EMPLOYMENT-RELATED ACTIVITIES. THE  
 4 DEPARTMENT SHALL DELIVER THE PLAN DURING THE FOLLOWING ANNUAL  
 5 BUDGET PRESENTATIONS TO THE APPROPRIATIONS SUBCOMMITTEES ON THE  
 6 DEPARTMENT OF HUMAN SERVICES IN THE SENATE AND HOUSE.

7 (2) Except as otherwise provided in subsection (3), every  
 8 member of a family independence assistance group shall be referred  
 9 to and shall participate in work first. The particular activities  
 10 in which the recipient is required or authorized to participate,  
 11 the number of hours of work required, and other details of work  
 12 first shall be developed by the department of ~~career development~~  
 13 **LABOR AND ECONOMIC GROWTH** and the ~~family independence agency~~  
 14 **DEPARTMENT** and shall be set forth in the recipient's ~~social~~  
 15 ~~contract~~ **FAMILY SELF-SUFFICIENCY PLAN**. If a recipient has  
 16 cooperated with work first, the recipient may enroll in a program  
 17 approved by the local workforce development board. Any and all  
 18 training or education with the exception of ~~high school completion~~  
 19 **AN ENGLISH AS A SECOND LANGUAGE PROGRAM, A FAST TRACK LITERACY**  
 20 **PROGRAM, HIGH SCHOOL COMPLETION,** and GED preparation must be  
 21 occupationally relevant and in demand in the labor market as  
 22 determined by the local workforce development board. ~~and may be no~~  
 23 ~~more than 2 years in duration. Participants must make satisfactory~~  
 24 ~~progress while in training or education.~~ **IF A RECIPIENT DOES NOT**  
 25 **HAVE A HIGH SCHOOL DIPLOMA OR GED OR HAS READING PROFICIENCY AT THE**  
 26 **EIGHTH GRADE LEVEL OR LOWER, THE RECIPIENT MUST ENROLL IN 1 OR MORE**  
 27 **OF THE FOLLOWING, IF THE SERVICE IS AVAILABLE:**

1 (A) AN ENGLISH AS A SECOND LANGUAGE PROGRAM.

2 (B) A FAST TRACK LITERACY PROGRAM.

3 (C) A HIGH SCHOOL COMPLETION COURSE.

4 (D) A GED PREPARATION COURSE.

5 (3) The following individuals are exempt from participation in  
6 work first:

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

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

10 (c) The parent of a child under the age of 3 months. The  
11 ~~family independence agency may~~ **DEPARTMENT SHALL** require a parent  
12 exempted from participation in work first under this subdivision to  
13 participate in family services, including ~~—, but not limited to,~~  
14 ~~instruction in parenting, nutrition, and child development~~  
15 **INSTRUCTION OR COUNSELING IN 1 OR MORE OF THE FOLLOWING** beginning 6  
16 weeks after the birth of his or her child until the child is 3  
17 months old as fulfillment of that parent's ~~social contract~~ **FAMILY**  
18 **SELF-SUFFICIENCY PLAN** obligation under section 57e(1)(c): —

19 (i) **MARRIAGE.**

20 (ii) **FATHERHOOD.**

21 (iii) **PARENTING.**

22 (iv) **ABSTINENCE-BASED FAMILY PLANNING.**

23 (v) **CHILD DEVELOPMENT.**

24 (vi) **NUTRITION.**

25 (d) An individual aged 65 or older.

26 (e) A recipient of supplemental security income. **AN INDIVIDUAL**  
27 **WHO IS APPLYING FOR SUPPLEMENTAL SECURITY INCOME IS NOT**

1 **AUTOMATICALLY EXEMPT FROM PARTICIPATION IN WORK FIRST DURING THE**  
2 **APPLICATION PROCESS FOR SUPPLEMENTAL SECURITY INCOME.**

3 (f) An individual who meets 1 or more of the following  
4 criteria to the extent that the individual, based on **WRITTEN**  
5 ~~medical evidence~~ **VERIFICATION PROVIDED BY A PHYSICIAN,**  
6 **PSYCHIATRIST, OR PSYCHOLOGIST** and an assessment of need by the  
7 ~~family independence agency~~ **DEPARTMENT**, is severely restricted in  
8 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 may grant a temporary exemption  
23 from participation in work first, not to exceed 90 days, to an  
24 individual who is suffering from a documented short-term mental or  
25 physical illness, limitation, or disability that severely restricts  
26 his or her ability to participate in employment or training  
27 activities **AS DOCUMENTED IN WRITING BY A PHYSICIAN, PSYCHIATRIST,**

1 OR PSYCHOLOGIST. An individual with a ~~documented~~ mental or  
2 physical illness, limitation, or disability **AS DESCRIBED IN THIS**  
3 **SECTION** that does not severely restrict his or her ability to  
4 participate in employment or training activities shall be required  
5 to participate in work first at a medically permissible level.

6 (5) THE WORK FIRST CASEWORKER, IN HIS OR HER DISCRETION, MAY  
7 AUTHORIZE 1 OF THE FOLLOWING:

8 (A) A RECIPIENT'S REQUEST TO ENROLL IN EDUCATION OR TRAINING  
9 AND COUNT UP TO 20 HOURS PER WEEK OF THAT EDUCATION OR TRAINING  
10 TOWARD HIS OR HER 40-HOUR-PER-WEEK WORK REQUIREMENT. THE 20 HOURS  
11 PER WEEK OF EDUCATION AND TRAINING ALLOWED IN THIS SUBSECTION SHALL  
12 BE COUNTED TOWARD THE 40-HOUR-PER-WEEK WORK REQUIREMENT FOR NOT  
13 LONGER THAN A CUMULATIVE TOTAL OF 24 MONTHS IN THE RECIPIENT'S  
14 LIFETIME. THE EDUCATION OR TRAINING COURSE REQUIREMENTS AND  
15 RESPONSIBILITIES, INCLUDING, BUT NOT LIMITED TO, ATTENDANCE,  
16 PERFORMANCE, AND GRADE POINT AVERAGE, SHALL BE OUTLINED IN THE  
17 RECIPIENT'S FAMILY SELF-SUFFICIENCY PLAN'S EXPECTATIONS SECTION.

18 (B) A RECIPIENT'S EXEMPTION FROM WORK FIRST WORK REQUIREMENTS  
19 FOR A MAXIMUM OF 6 MONTHS IN THE CLIENT'S LIFETIME IF THE RECIPIENT  
20 IS ABLE TO DEMONSTRATE THAT THERE IS A CURRENT DEMAND FOR WORKERS  
21 WITH THE EDUCATION OR TRAINING THE RECIPIENT IS SEEKING. THE  
22 EDUCATION OR TRAINING COURSE REQUIREMENTS AND RESPONSIBILITIES,  
23 INCLUDING, BUT NOT LIMITED TO, ATTENDANCE, PERFORMANCE, AND GRADE  
24 POINT AVERAGE, SHALL BE OUTLINED IN THE RECIPIENT'S FAMILY SELF-  
25 SUFFICIENCY PLAN'S EXPECTATIONS SECTION.

26 (6) A RECIPIENT UNDER SUBSECTION (5) (B) OR A RECIPIENT  
27 PARTICIPATING IN EDUCATION OR TRAINING TO MEET THE 40-HOUR-PER-WEEK

1 WORK REQUIREMENT SHALL MEET WITH HIS OR HER WORK FIRST CASEWORKER  
2 NOT LESS THAN 1 TIME EVERY 45 DAYS.

3 (7) IF THE RECIPIENT IS NOT IN COMPLIANCE WITH OR MEETING THE  
4 EXPECTATIONS OUTLINED IN HIS OR HER FAMILY SELF-SUFFICIENCY PLAN  
5 UNDER SUBSECTION (5) OR (6), THE RECIPIENT IS PROHIBITED FROM USING  
6 EDUCATION OR TRAINING TOWARD HIS OR HER 40-HOUR-PER-WEEK WORK  
7 REQUIREMENT AND IS INELIGIBLE FOR AN EXEMPTION OFFERED UNDER  
8 SUBSECTION (5) (B).

9 (8) ~~—(5)—~~ An individual is not disabled for purposes of this  
10 section if substance abuse is a contributing factor material to the  
11 determination of disability.

12 SEC. 57S. IF A RECIPIENT IS UNABLE TO FIND EMPLOYMENT OR BE  
13 PLACED BY THE WORK FIRST PROGRAM INTO A JOB AND THEREFORE IS NOT  
14 FULFILLING HIS OR HER OBLIGATION TO PARTICIPATE IN WORK FIRST, THAT  
15 RECIPIENT SHALL PARTICIPATE IN EITHER RELEVANT OCCUPATIONAL WORK AS  
16 DETERMINED APPROPRIATE BY THE WORK FIRST CASEWORKER OR IN TRAINING  
17 OR COUNSELING FOR NOT LESS THAN 10 HOURS PER WEEK IN ANY OF THE  
18 FOLLOWING AREAS CONSIDERED RELEVANT AND APPROPRIATE BY THE WORK  
19 FIRST CASEWORKER: MARRIAGE, FATHERHOOD, PARENTING, SELF-  
20 IMPROVEMENT, SUBSTANCE ABUSE, OR VOLUNTEER ACTIVITIES.

21 SEC. 57T. THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH SHALL  
22 PROVIDE A WRITTEN REPORT TO THE HOUSE AND SENATE APPROPRIATIONS  
23 SUBCOMMITTEE ON THE DEPARTMENT NOT LATER THAN 90 DAYS AFTER THE  
24 AMENDATORY ACT THAT ADDED THIS SECTION TAKES EFFECT AND ANNUALLY  
25 THEREAFTER BY MARCH 31 OF EACH YEAR THAT INCLUDES, AT A MINIMUM,  
26 ALL OF THE FOLLOWING:

27 (A) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS

1 ACHIEVING PERSONAL DEVELOPMENT PLAN GOALS.

2 (B) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS  
3 PLACED IN EMPLOYMENT.

4 (C) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS  
5 PLACED IN EMPLOYMENT WHO REMAIN EMPLOYED FOR A PERIOD OF 180 DAYS  
6 AND 365 DAYS OR MORE.

7 (D) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS WHOSE  
8 CASES ARE CLOSED DUE TO EARNINGS.

9 (E) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS  
10 ENROLLED IN A 2-YEAR OR 4-YEAR EDUCATIONAL PROGRAM WITH INFORMATION  
11 ON THE DEGREE PROGRAMS ENROLLED IN AND THE LOCAL WORK FIRST  
12 PROGRAM'S PARTICIPANTS' GRADUATION RATE.

13 (F) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS  
14 PARTICIPATING IN A FAST TRACK LITERACY PROGRAM AND THE LOCAL WORK  
15 FIRST PROGRAM'S PARTICIPANTS' SUCCESS RATE IN THIS PROGRAM.

16 (G) THE NUMBER AND PERCENTAGE OF WORK FIRST PARTICIPANTS  
17 PARTICIPATING IN A HIGH SCHOOL COMPLETION PROGRAM OR A GENERAL  
18 EDUCATION DEVELOPMENT (GED) PROGRAM AND THE LOCAL WORK FIRST  
19 PROGRAM'S PARTICIPANTS' GRADUATION RATE.

20 SEC. 57U. IN GRANTING CONTRACTS TO WORK FIRST PROVIDERS, THE  
21 DEPARTMENT OF LABOR AND ECONOMIC GROWTH MAY USE INCENTIVES IN  
22 CONTRACTS OR MAY REQUIRE PERFORMANCE-BASED MEASURES IN PAYMENT OF  
23 CONTRACTS.

24 SEC. 57V. THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT NOT  
25 LATER THAN 90 DAYS AFTER THE AMENDATORY ACT THAT ADDED THIS SECTION  
26 TAKES EFFECT AND ANNUALLY THEREAFTER BY MARCH 31 OF EACH YEAR TO  
27 THE LEGISLATURE, THE HOUSE AND SENATE FISCAL AGENCIES, THE

1 APPROPRIATE HOUSE AND SENATE STANDING COMMITTEES THAT HANDLE FAMILY  
2 AND CHILDREN'S ISSUES, AND THE HOUSE AND SENATE APPROPRIATIONS  
3 SUBCOMMITTEES FOR THE DEPARTMENT BUDGET, THAT CONTAINS ALL OF THE  
4 FOLLOWING INFORMATION BY DISTRICT OFFICE FOR THAT TIME PERIOD:

5 (A) THE NUMBER OF SANCTIONS IMPOSED FOR FIRST INSTANCES OF  
6 NONCOMPLIANCE AND REAPPLICATIONS MADE.

7 (B) THE NUMBER OF SANCTIONS IMPOSED FOR SECOND INSTANCES OF  
8 NONCOMPLIANCE AND REAPPLICATIONS MADE.

9 (C) THE NUMBER OF SANCTIONS IMPOSED FOR THIRD INSTANCES OF  
10 NONCOMPLIANCE.

11 (D) THE NUMBER OF FAMILY INDEPENDENCE PROGRAM CASES REOPENED.

12 (E) THE NUMBER OF FAMILY INDEPENDENCE PROGRAM CASES  
13 PERMANENTLY CLOSED.