

HOUSE BILL No. 5761

June 14, 2012, Introduced by Rep. Olumba and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 57e and 57g (MCL 400.57e and 400.57g), as
amended by 2011 PA 131; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57e. (1) Each family receiving family independence
2 program assistance shall execute a family self-sufficiency plan
3 outlining the responsibilities of members of the family
4 independence program assistance group, the contractual nature of
5 family independence program assistance, and the focus on the goal
6 of attaining self-sufficiency. The family self-sufficiency plan
7 shall be developed by the department and the adult family members
8 of the family independence program assistance group with the
9 details of JET program participation to be included in the family

1 self-sufficiency plan being developed by the department, the
2 Michigan economic development corporation or a successor entity,
3 and the adult family members of the family independence program
4 assistance group. Except as described in section 57b, the
5 department shall complete a thorough assessment to facilitate
6 development of the family self-sufficiency plan, including
7 consideration of referral to a life skills program, and
8 determination as to whether the family independence program
9 assistance group's adult members are eligible to participate in the
10 JET program or are exempt from JET program participation under
11 section 57f. The family self-sufficiency plan shall identify
12 compliance goals that are to be met by members of the family
13 independence program assistance group and goals and
14 responsibilities of the members of the family independence program
15 assistance group, the department, and the JET program. The family
16 self-sufficiency plan shall reflect the individual needs and
17 abilities of the particular family, and shall include at least all
18 of the following:

19 (a) The obligation of each adult and each child aged 16 or
20 older who is not attending elementary or secondary school full-time
21 to participate in the JET program unless exempt under section 57f.

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

24 (c) Except as provided in section 57f(3) and (4), the
25 obligation of each adult to engage in employment, JET program
26 activities, education or training, community service activities, or
27 self-improvement activities, as determined appropriate by the

1 department.

2 (d) The obligation to cooperate in the establishment of
3 paternity and to assign child and spousal support to the department
4 as required by federal law and to cooperate in the procurement of
5 child support, if applicable.

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

10 (f) If the recipient is determined to be eligible to
11 participate in the JET program, the obligation that the
12 requirements of the family self-sufficiency plan must, at a
13 minimum, meet federal guidelines for work participation. Exceptions
14 may be granted if it is determined that the recipient or a family
15 member in the recipient's household has a disability that needs
16 reasonable accommodation as required by section 504 of title V of
17 the rehabilitation act of 1973, 29 USC 794, subtitle A of title II
18 of the Americans with disabilities act of 1990, 42 USC 12131 to
19 12134, or another identified barrier that interferes with the
20 recipient's ability to participate in required activities.
21 Reasonable accommodation must be made to adjust the number of
22 required hours or the types of activities required to take the
23 identified limitations into account.

24 (g) The obligation that the recipient must enroll in a GED
25 preparation program, a high school completion program, or a
26 literacy training program, if the department determines the
27 resources are available and the assessment and plan demonstrate

1 that these issues present a barrier to the recipient meeting the
2 requirements in his or her family self-sufficiency plan. This basic
3 educational skills training shall be combined with other
4 occupational skills training, whenever possible, to assure that it
5 can be counted toward federal work participation requirements.

6 ~~—(h) Notification to the recipient of the 48-month lifetime~~
7 ~~cumulative total for collecting family independence program~~
8 ~~assistance.~~

9 (H) ~~(i)~~—A prohibition on using family independence program
10 assistance to purchase lottery tickets, alcohol, or tobacco, for
11 gambling, or for illegal activities or any other nonessential
12 items.

13 (I) ~~(j)~~—Information regarding sanctions that shall be imposed
14 under section 57g for noncompliance.

15 (J) ~~(k)~~—Any other obligation the department determines is
16 necessary to enable the family to achieve independence.

17 (2) The department shall monitor each family's compliance with
18 the family self-sufficiency plan.

19 Sec. 57g. (1) Except as provided in subsection ~~(5)~~ **(4)**, if a
20 recipient does not meet his or her individual family self-
21 sufficiency plan requirements and is therefore noncompliant, the
22 department shall impose the penalties described under this section.
23 The department shall implement a schedule of penalties for
24 instances of noncompliance as described in this subsection. The
25 penalties shall be as follows:

26 (a) For the first instance of noncompliance, the family is
27 ineligible to receive family independence program assistance for

1 not less than 3 calendar months.

2 (b) For the second instance of noncompliance, the family is
3 ineligible to receive family independence program assistance for
4 not less than 6 calendar months.

5 (c) For the third instance of noncompliance, the family is
6 permanently ineligible to receive family independence program
7 assistance.

8 (2) For the purposes of subsections (1) to ~~(4)~~, ~~(3)~~,
9 "noncompliance" means 1 or more of the following:

10 (a) A recipient quits a job.

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

12 (c) A recipient voluntarily reduces employment hours or
13 earnings.

14 (d) A recipient refuses a bona fide offer of employment or
15 additional hours up to 40 hours per week.

16 (e) A recipient does not participate in JET program
17 activities.

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

20 (g) A recipient states orally or in writing his or her intent
21 not to comply with family independence program or JET program
22 requirements.

23 (h) A recipient refuses employment support services if the
24 refusal prevents participation in an employment or self-sufficiency
25 related activity.

26 (3) For any instance of noncompliance, the recipient shall
27 receive notice of the noncompliance. The recipient shall have not

1 less than a 12-day negative action period before the penalties
2 prescribed in this section are imposed. If the recipient
3 demonstrates good cause for the noncompliance during this period
4 and if the family independence specialist caseworker and the JET
5 program caseworker agree that good cause exists for the recipient's
6 noncompliance, a penalty shall not be imposed. For the purpose of
7 this subsection, good cause is 1 or more of the following:

8 (a) The recipient suffers from a temporary debilitating
9 illness or injury or an immediate family member has a debilitating
10 illness or injury and the recipient is needed in the home to care
11 for the family member.

12 (b) The recipient lacks child care as described in section
13 407(e)(2) of the personal responsibility and work opportunity
14 reconciliation act of 1996, Public Law 104-193, 42 USC 607(e)(2).

15 (c) Either employment or training commuting time is more than
16 2 hours per day or is more than 3 hours per day when there are
17 unique and compelling circumstances, such as a salary at least
18 twice the applicable minimum wage or the job is the only available
19 job placement within a 3-hour commute per day, not including the
20 time necessary to transport a child to child care facilities.

21 (d) Transportation is not available to the recipient at a
22 reasonable cost.

23 (e) The employment or participation involves illegal
24 activities.

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

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

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

8 (i) The recipient quit employment to obtain comparable
9 employment.

10 ~~— (4) For all instances of noncompliance resulting in~~
11 ~~termination of family independence program assistance for any~~
12 ~~period of time described in subsection (1), the period of time the~~
13 ~~recipient is ineligible to receive family independence program~~
14 ~~assistance applies toward the recipient's 48-month cumulative~~
15 ~~lifetime total.~~

16 (4) ~~(5)~~ Family independence program assistance benefits shall
17 be terminated if a recipient fails, without good cause, to comply
18 with applicable child support requirements including efforts to
19 establish paternity, and assign or obtain child support. The family
20 independence program assistance group is ineligible for family
21 independence program assistance for not less than 1 calendar month.
22 After family independence program assistance has been terminated
23 for not less than 1 calendar month, family independence program
24 assistance may be restored if the noncompliant recipient complies
25 with child support requirements including the action to establish
26 paternity and obtain child support.

27 (5) ~~(6)~~ The department may promulgate rules in accordance with

1 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
2 to 24.328, identifying other reasons for good cause under this
3 section. Any rule promulgated under this subsection ~~shall~~**DOES** not
4 apply ~~1 year after the effective date of the amendatory act that~~
5 ~~added this subsection~~**AFTER OCTOBER 1, 2012.**

6 Enacting section 1. Sections 57p and 57r of the social welfare
7 act, 1939 PA 280, MCL 400.57p and 400.57r, are repealed.