

(d) A protective payee is: a person authorized by the county or municipal agency to receive and administer assistance payments on behalf of an eligible individual or family due to mismanagement of funds by the eligible individual or family; or a person authorized to receive benefits in accordance with the parent-minor provisions at N.J.A.C. 10:90-2.17.

1. A protective payee is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as the representative of the recipient in any other manner whatsoever, unless authorized by a court of law or has power of attorney.

2. The case record shall be fully documented and shall contain a statement of the specific reasons that demonstrate the need for a protective payee.

3. The county or municipal agency shall be responsible for assuring referral to social services for appropriate action to protect the recipient(s) where problems and needs for services are manifestly beyond the ability of the protective payee to handle.

4. The county or municipal agency shall undertake and continue special efforts to assist the recipient in developing the ability to manage funds in such a manner as to protect the welfare of the assistance unit.

5. The county or municipal agency shall review the case as frequently as indicated by the individual's circumstances, but at least every six months, relevant to the need for protective payments and the way in which the protective payee's responsibilities are carried out.

6. Provisions shall be made for termination of protective payments, as follows:

i. When recipients are considered able to manage funds in their best interest, the protective payee arrangement shall be terminated and the case shall be returned to unrestricted payment status.

ii. When it appears that the need for protective payments will continue or is likely to continue beyond a two year period because all efforts have not resulted in a sufficiently improved use of assistance, then the judicial appointment of a guardian or other legal representative shall be sought and such payments will terminate when the appointment has been made.

7. A protective payee shall be selected, so far as possible, with the participation and consent of the recipient or of someone responsible for acting on his or her behalf.

8. If it is in the best interest of the recipient for a staff member of a private agency, of the county or municipal agency, or of any other appropriate organization to serve as a protective payee, such selection shall not include the following persons:

i. The director of the county or municipal agency;

ii. The WFNJ worker who determines eligibility for the particular recipient;

iii. Staff handling fiscal procedures related to the recipient;

iv. Vendors of goods, services or items dealing directly with the recipient; and

v. Any person who has him or herself been determined by professional diagnostic procedures to be incompetent or "marginally incompetent".

9. A recipient who has been determined to require protective payments shall be given written notice, and an oral explanation, of his or her right to a fair hearing, if he or she is dissatisfied with the decision to appoint a protective payee, the choice of a protective payee, the continuation of protective payments or the manner in which the payee is functioning. If the fair hearing issue is the decision to appoint a protective payee, a temporary payee will be designated by the county or municipal agency pending the fair hearing decision.

(e) A representative payee is a person appointed by the court to receive and administer assistance payments on behalf of an eligible individual or family. A representative payee is not authorized to receive, hold or administer any other property, real or personal, of the recipient, nor to act as representative of the recipient in any other manner whatsoever, unless authorized by a court of law or has a power of attorney.

1. When a representative payee wishes to be released from his or her responsibilities, there must be an application to the court for such release.

2. Upon such notice from a representative payee, the county or municipal agency shall take prompt action to locate another person willing to be appointed. If the present representative payee is unable to continue in that capacity until released by the court, the county or municipal agency shall appoint a protective payee to receive assistance for the client until a new representative payee is appointed by the court.

3. The major personal criterion for selection of a representative payee is an interest in being of service to the recipient. Appropriate sources of recruitment include: the immediate family and other relatives and friends; a person previously appointed to act on behalf of the client by another state or Federal benefit paying agency; and staff members of voluntary agencies.

4. The following persons are precluded from being appointed as a representative payee due to possible conflict of interest questions:

i. The director of the county or municipal agency;

ii. The WFNJ worker who determines eligibility for the particular recipient;

iii. WFNJ staff handling fiscal procedures related to the recipient;

iv. Banks, trust companies and similar corporate bodies functioning in a ministerial rather than a decision making role; and

v. Vendors of goods, services, or items dealing with the recipient.

5. No person shall be proposed for appointment, nor accept appointment, as a representative payee who is in the employ of the county or municipal agency except in situations where such person has a close personal relationship with the client which makes him or her the most suitable person to serve as the client's representative. If an employee with such a relationship is so appointed, he or she shall not thereafter be involved in any agency decision relating to the client's payment or other official actions regarding the client.

(f) A WFNJ recipient may request that, or a county or municipal agency may determine at its discretion that, payments be made to a person or facility as compensation for providing goods and services to or for the WFNJ recipient. Such restricted payments may be in addition to the regular monthly benefit in emergency assistance situations or may be a designated portion of the regular monthly benefit.

1. Restricted payments shall be made in the form of vendor payments or two-party payments, that is, checks which are drawn jointly to the order of the recipient and the provider of the services in situations such as, but not limited to: emergency assistance; rent, mortgage or utility payments; transportation expense; and child care.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (d), added a reference to certain persons authorized under N.J.A.C. 10:90-2.17.

## SUBCHAPTER 4. WFNJ WORK REQUIREMENTS

### 10:90-4.1 General work requirement provisions

(a) Each WFNJ adult recipient, unless specifically deferred or unless otherwise specified in this subchapter, shall cooperate with and participate in the WFNJ work requirements in accordance with Federal regulations, the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the New Jersey State Plan for Temporary Assistance for Needy Families, the Work First New Jersey Act and the New Jersey Food Stamp Employment and Training State Plan, for up to 40 hours per week as a condition of eligibility for receipt of cash assistance benefits. WFNJ/GA recipients are required to participate in a work activity for up to 30 hours per week.

1. Each WFNJ TANF/GA adult recipient, unless deferred from the work requirement, shall continuously and actively seek employment in an effort to gain self-sufficiency. Unless otherwise specifically deferred under this section, each WFNJ recipient shall cooperate with and participate in the WFNJ work requirements as a condition of eligibility for receipt of cash assistance benefits.

2. WFNJ recipients, unless deferred, shall be required to comply with all aspects of the cooperation and participation provisions of the WFNJ work requirement as stipulated in this section, unless good cause exists, which shall include, but not be limited to: keeping all scheduled appointments timely; giving reasonable notice and explanation of inability to keep an appointment; cooperating in the development and completion of an individual responsibility plan (IRP); complying with the terms and conditions of the IRP; contacting the child care entity to arrange appropriate child care for WFNJ activity participation, as appropriate; and participating in a WFNJ work activity(ies) as assigned.

i. A WFNJ case comprised of refugees shall be subject to WFNJ work requirements. Appropriate work activities are provided through refugee resettlement agencies (see N.J.A.C. 10:90-10).

3. WFNJ agencies and other agencies contracted to provide services shall be required to meet the needs of WFNJ participants with disabilities.

i. Reasonable accommodations to allow participation by recipients with disabilities may include specialized transportation and tailored, appropriate work activities that meet the physical constraints and social and employability needs of such individuals.

(b) WFNJ/GA single adults or couples without dependent children, who are receiving food stamps, not deferred and are registered for work and complying with the Food Stamp Employment and Training Program (FSETP), shall be required to participate in an FSETP work activity and shall meet their WFNJ work requirements through the FSETP. Single adults and couples without dependent children who are not receiving food stamps and are not registered for work and not participating in the FSETP shall register for work with the New Jersey One-Stop Career Center (NJOSCC) and shall participate in a NJOSCC work activity, unless deferred.

(c) Upon application, determination or redetermination of eligibility for WFNJ benefits, all adult WFNJ recipients, unless deferred, shall be required to register for work with the NJOSCC.

1. For WFNJ/GA recipients in nonconsolidated municipalities, NJOSCC shall place WFNJ/GA single adults and couples without dependent children in an approved activity, monitor compliance, and notify the municipal agency when the recipient fails to comply with the activity.

2. For WFNJ/GA recipients in consolidated municipalities, the WFNJ agency shall place WFNJ/GA single adults and couples without dependent children in an approved activity and monitor compliance.

(d) Failure to actively cooperate with or participate in the WFNJ work activity requirements, without good cause, shall be considered noncompliance and shall result in loss of cash assistance benefits on a per capita basis (see N.J.A.C. 10:90-4.13, Sanctions) or in termination of all benefits for cases in a post 60-month extension or exemption period (see N.J.A.C. 10:90-4.21).

1. For WFNJ/GA recipients in consolidated municipalities, when the NJOSCC reports to the county agency noncompliance by a WFNJ/GA participant, the county agency shall act on the report of noncompliance within 10 days and begin the WFNJ conciliation process (see N.J.A.C. 10:90-4.12, Sanction notification process).

2. For WFNJ/GA recipients in nonconsolidated municipalities, the NJOSCC is responsible for beginning the WFNJ conciliation process by issuing the sanction notification letter (see N.J.A.C. 10:90-4.12). If the recipient does not respond to NJOSCC within 10 days to take action to avoid a sanction, NJOSCC will report the noncompliance by the WFNJ/GA recipient to the municipal agency which will begin the sanction process (see N.J.A.C. 10:90-4.13).

(e) A recipient who is not engaged in full time unsubsidized employment shall be required to commence participation in a work activity, self-directed job search, job search or other designated work/educational activity as follows (whichever occurs first):

1. As soon as it is determined that the individual is ready to engage in work or in a work activity; or

2. At some time prior to the individual having received 24 months of cash assistance benefits (whether or not the receipt of such cash assistance is consecutive) unless deferred.

i. Receipt of 24 cumulative months of WFNJ cash assistance benefits does not in and of itself render an individual ineligible for cash assistance.

(f) All recipients, including those individuals determined deferred from the WFNJ work requirement, shall be required to sign an initial individual responsibility plan (IRP) which shall indicate the terms of the work activity requirements and/or the plan of action based on the findings and conclusions from the initial assessment that the recipient must fulfill in order to continue to receive benefits as well as identify work related supportive services (such as child care, transportation, and other work-related expenses necessary to engage in work activities) that are to be provided. For all recipients not deferred from the WFNJ work requirements, the individual responsibility plan shall be updated annually

or as necessary in accordance with individual progress and/or change in circumstances (see N.J.A.C. 10:90-4.8).

Amended by R.1998 d.42, effective January 20, 1998.  
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)2.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

#### 10:90-4.2 Work activity participation

(a) All recipients, unless otherwise deferred, shall continuously and actively seek work and engage in job search. Recipients who are assessed to be job ready shall be placed in job search immediately. If no employment is found, they shall be reassessed, if appropriate and placed in a work activity as indicated by their individual assessments. Other recipients shall be placed in an appropriate work activity as indicated by the assessment results; however, they shall be encouraged to continuously seek employment.

1. Participation in job search may be counted for up to six weeks, of which no more than four weeks may be consecutive.

2. When an adult WFNJ/TANF recipient is placed in a CWEP or AWEP activity, the number of hours of participation per week, based on the receipt of TANF and Food Stamp benefits, shall be determined by calculating the total of the recipient's monthly cash assistance grant, plus any Temporary Rental Assistance (TRA), Emergency Assistance (EA), and the Food Stamp allotment less child support collections for the month, divided by the higher of the current Federal or State minimum hourly wage and further divided by 4.333. Any resulting partial hour shall be rounded down to the next lower whole hour.

i. If the calculated number of hours does not equal the mandated number of hours of participation for that recipient, the recipient shall continue to participate in the activity in accordance with the prescribed hours of participation for compliance under the WFNJ program. The participant shall be compensated for the total excess hours of participation required through the issuance of a supplemental participant allowance payment that shall be calculated as follows:

(1) Excess hours of participation shall be determined by subtracting the calculated hours of participation (determined using the grant, TRA, EA, and food stamp allotment less child support collections for the month as described above) from the mandated hours of participation for compliance under WFNJ program and multiplying the excess participation hours by the higher of the current Federal or State minimum hourly wage rate.

(b) An WFNJ/TANF adult recipient in a single parent family, unless temporarily deferred, shall be required to participate in one or more work activities for up to 40 hours per week.

1. WFNJ/GA single adults or couples without dependent children, unless temporarily deferred, shall be required to participate in one or more work activities for up to 30 hours per week.

i. When a WFNJ/GA individual(s) is participating in a CWEP activity, the maximum number of hours per week shall be determined by calculating the total of the recipient's monthly cash assistance grant, plus any Temporary Rental Assistance (TRA), Emergency Assistance (EA), and the Food Stamp allotment divided by the higher of the Federal or state minimum hourly wage and further divided by 4.333. Any resulting partial hour shall be rounded down to the next whole hour. The WFNJ/GA individual(s) may be required to participate in another activity such as job search or remediation.

ii. In nonconsolidated municipalities, the NJOSCC shall be responsible for calculating the number of hours a WFNJ/GA recipient is to participate in CWEP based on the information reported by the municipal agency at the initial eligibility determination or when the municipal agency reports a change to NJOSCC. If available, NJOSCC may access this information through the State's automated information system.

iii. In consolidated municipalities, the county agency shall be responsible for calculating the number of hours a WFNJ/GA recipient is to participate in CWEP.

(c) A teen parent under the age of 18 shall be required, on a full time basis, to attend high school or an equivalent course of study unless:

1. It is determined that the teen parent is exempt from regularly attending high school or its equivalent, based upon an assessment which indicates the person's inability and lack of aptitude to successfully complete such academic requirements; then the teen parent shall be required to participate full time in an approved alternative educational or training program, including special educational programs for the learning and developmentally challenged (the hours of participation shall be in accordance with the scheduled program); or

2. The teen parent has completed secondary education; then he or she shall be required to participate in a work activity for a minimum of 35 hours per week.

(d) A recipient who has not completed high school and has not attained 20 years of age and is a single head of household, a single adult or either of the adults of a couple without dependent children shall be required to maintain satisfactory school attendance at secondary school or the equivalent during the month or participate in education directly related to employment for at least 20 hours per week. If it is determined that, due to the person's inability or lack of aptitude to successfully complete academic requirements, he or she shall be required to participate in another appropriate work activity.

(e) Each parent in a two-parent WFNJ/TANF family shall be required to participate in one or more activities for a minimum of 35 hours per week up to a maximum hourly total of 40 hours per week, unless otherwise deferred in accordance with N.J.A.C. 10:90-4.9.

1. For one parent, 30 hours of the required 35 hours of participation shall include participation in one or more of the following federally recognized activities: unsubsidized employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job training; job-search and job readiness assistance; community service programs; vocational educational training (not to exceed 12 months per individual) which may be combined with work experience; or the provision of child care services to an individual who is participating in a community service program.

2. The second parent shall be required to satisfactorily participate in work activities for 35 hours a week of which a minimum of 20 hours shall be in the following Federally recognized activities: unsubsidized employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job-training; or community service programs.

(f) Individuals 16 through 18 years of age who are attending school on a full-time basis and are expected to complete the program of the school before reaching the age of 19 are required to satisfactorily attend the scheduled classes at a secondary school or a course of study leading to a certificate of general equivalence.

1. Individuals, age 16 through 18, who are students and who drop out of school will be required to enroll and participate in another appropriate work activity for a minimum of 35 hours per week. Failure to comply with the work activity will result in the sanctions for such persons as stipulated at N.J.A.C. 10:90-4.11.

(g) A recipient who is a full-time post-secondary student in a course of study related to employment, as defined at N.J.A.C. 10:90-4.3(j)1, shall be required to engage in another work activity for 15 hours a week subject to the recipient making satisfactory progress toward the completion of the post-secondary course of study.

Administrative correction.

See: 29 N.J.R. 3729(a).

In (b), deleted "a minimum of 35 hours per week to a maximum aggregate hourly total of" preceding "up to 40 hours per week"; in (b)1, deleted "for an average total of 30 hours per week" following "or more work activities"; in (e)1 and 2, under Federally recognized activities deleted subsidized private sector employment and subsidized public sector employment.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (a); added (a)2, (a)2i and 2i(1); and in (d) inserted "dependent" before "children".

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), substituted "assessment" for "employment profile (assessment)"; rewrote (b).