

CHAPTER 35**WORKFARE****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and 44:8-114.

Source and Effective Date

R.1995 d.363, effective June 12, 1995.
See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

Executive Order No. 66(1978) Expiration Date

Chapter 35, Workfare, expires on June 12, 2000.

Chapter Historical Note

Chapter 35, Workfare, became effective May 1, 1980 as R.1980 d.162. See: 12 N.J.R. 128(b), 12 N.J.R. 280(b). Pursuant to Executive Order No. 66(1978), Subchapters 1, 2, 3 and 4 expired May 1, 1985. Subchapters 1, 2, 3 and 4 were readopted as new rules and Subchapter 5 was adopted as new rules as R.1985 d.404, effective August 5, 1985. See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a). Pursuant to Executive Order No. 66(1978), Chapter 35 was readopted as R.1990 d.396, effective July 16, 1990. See: 27 N.J.R. 1740, 27 N.J.R. 2589(a). Chapter 35 was readopted as R.1995 d.363, effective June 12, 1995. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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APPENDICES 1-4 WORKSITE AGREEMENTS**SUBCHAPTER 1. GENERAL PROVISIONS****12:35-1.1 Purpose and scope**

(a) These rules establish the general assistance employability program or workfare and set forth the appropriateness of worksite assignments.

(b) These rules apply to each person eligible to receive public assistance from a municipality.

Repeal and New Rule, R.1990 d.396, effective August 6, 1990.
See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

12:35-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Agency” means either a municipal welfare department or the Employment Service.

“Employment Service” means the New Jersey Department of Labor, Division of Employment Services.

“GA” means general assistance.

“General Assistance Employability Program or Workfare” means the program established by the New Jersey Department of Labor, Division of Employment Services, pursuant to N.J.S.A. 44:8-114.

“Municipal worksite agreements” means an agreement between the New Jersey Department of Labor, Division of Employment Services, a public or non-profit agency representative and a municipal welfare department to establish a worksite for a recipient.

“Participant” means a recipient who has been assigned to a worksite.

“Recipient” means an employable person who is receiving general assistance from a municipal welfare department.

“Worksite agent” means a paid employee of the agency for whom the worksite activity is being performed and who is authorized by that agency to conduct on-site supervision of participants and maintain time and attendance reports.

New Rule, R.1990, d.396, effective August 6, 1990.
See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).
Recodified to 12:35-1.3.

Section was registration and reporting requirements forms.

12:35-1.3 Registration and reporting requirements

(a) Each employable general assistance recipient not specifically exempted by the municipal welfare department from workfare due to participation in the work training requirements of the Family Development Program in accordance with N.J.A.C. 10:86 shall register for workfare at his or her municipal welfare department. The recipient shall complete Form NJES-1A which is available at the municipal welfare department.

(b) The municipal welfare department shall submit Form NJES-1A to the appropriate Employment Service office. Receipt of Form NJES-1A by the Employment Service shall fulfill a recipient's registration requirement.

(c) Once registered with the Employment Service, a recipient remains registered as long as he or she remains on an employable general assistance grant and is not exempt from the work requirement.

(d) Each recipient for whom a Form NJES-1A is received shall be interviewed by the Employment Service for an appraisal of their employability potential and referral to an appropriate worksite, employability development service and/or job. The recipient shall sign the appraisal sheet to certify that the interview was conducted.

Amended by R.1985 d.404, effective August 5, 1985.
See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a).

Amended (a); added (b), (c), (d).

Amended by R.1990 d.396, effective August 6, 1990.
See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

Recodified from 12:35-1.2. Added new (a); redesignated existing (a)-(d) as (b)-(e). In (e), added last sentence.

Amended by R.1995 d.363, effective July 3, 1995.

See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

In (a) inserted "not specifically exempted by the municipal welfare department from workfare due to participation in the work training requirements of the Family Development Program in accordance with N.J.A.C. 10:86"; deleted (b); and recodified existing (c) to (e) as (b) to (d).

12:35-1.4 Accident insurance coverage requirements

(a) To insure State accident insurance coverage for each worksite participant each municipal welfare department shall file a municipal worksite agreement with the Employment Service. (See Appendix 1.)

(b) The municipal welfare director, the worksite agent and a representative of the Employment Service shall sign the municipal worksite agreement. General assistance recipients may not be assigned to worksite activities until the Employment Service has received Form NJES-1A and the signed municipal worksite agreement (see the GA Manual at N.J.A.C. 10:85-3.2(g)).

(c) The Employment Service shall monitor and evaluate each municipal worksite agreement within 14 days after receipt of the agreement from the municipal welfare director. The worksite agreement shall be evaluated by the Employment Service based on the following criteria:

1. Working conditions are such that they do not represent a substantial risk to the individual's health and safety;

2. That such employable persons shall not be used to replace any regular employees of any department or unit of any municipality, county and state agency or nonprofit agency or institution; and

3. That the wage rate for the position covered by the municipal worksite agreement is commensurate with beginning regular employees similarly employed.

(d) If any of the above criteria is not met, the Employment Service shall inform the municipal welfare director that the municipal worksite agreement is not acceptable and that no participants may be assigned to the worksite.

(e) Failure to comply with Employment Service recommendations shall lead to the municipality's assumption of responsibility for liability coverage on that worksite as set forth in the GA Manual at N.J.A.C. 10:85-10.2(f).

Amended by R.1985, d.404, effective August 5, 1985.
See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a).

Amended (a) and (b); added (c), (d), (e).

Amended by R.1990, d.396, effective August 6, 1990.
See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

Recodified from 12:35-1.3. Stylistic revisions.

Amended by R.1995 d.363, effective July 3, 1995.

See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

In (b) added the second sentence.

12:35-1.5 Worksite assignments; agreement forms

(a) The Employment Service shall prepare an Individual Worksite Agreement form for each worksite participant. (See Appendix 2.) The form shall be completed by the municipal welfare director or the Employment Service GAEP representative. Copies shall be distributed to the participant, the Municipal Welfare Director and the Employment Service. The form shall contain the following information:

1. The signature of the participant;
2. A description of the worksite job;
3. The schedule of hours per month;
4. The wage rate used to determine the schedule of hours per month;
5. The name of the person to whom the participant is required to report to on the worksite;
6. The address of the worksite;
7. The date upon which the participant is to begin work; and

See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

Substituted the reference to employable general assistance recipients for replacement or displacement of regular employees.

SUBCHAPTER 5. FAILURE TO COMPLY

12:35-5.1 Patterns of behavior

(a) The following actions or patterns of behavior shall constitute a failure or refusal to participate in the General Assistance Employment Program and will result in the Employment Service making a GA disqualification request to the municipal welfare department:

- 1. An oral or written statement by a GAEP registrant that he or she will not participate or continue to participate in GAEP or its activities;
2. A registrant refuses a suitable municipal worksite, training worksite or job search orientation assignment without good cause;
3. A registrant refuses a suitable job referral or job offer without good cause;
4. A registrant seriously disrupts a GAEP activity or the orderly administration of the overall program or behaves in a manner that constitutes a threat or hazard to agency staff, project agents and their staff and/or other GAEP registrants;
5. The record and employment history of the registrant shows that he or she has the required education, experience or aptitude to perform the assignment but fails to utilize these skills and experience to benefit from the activity. The determining factors would be the reasonable judgment of the Employment Service as to whether the individual intentionally is performing at or near his or her potential as documented under N.J.A.C. 12:35-1.6(a)1;
6. A registrant fails to make a bona fide application for employment without good cause when asked to do so by the Employment Service or municipal welfare director;
7. A registrant voluntarily leaves a training or rehabilitation worksite before completion of the assignment without good cause;
8. A registrant fails or refuses to respond to two call-in notices without good cause.

Amended by R.1990, d.396, effective August 6, 1990. See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

In (a) 6, added without good cause and municipal welfare director. Amended by R.1995 d.363, effective July 3, 1995.

See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

In (a)2 inserted references to training worksite and job search.

12:35-5.2 Notification of failure to comply

(a) When a determination of failure or refusal to participate is made, the Employment Service shall, within five days of such determination, forward written notification, through the use of the Interagency Report (NJES-1A), to the municipal welfare director.

(b) The municipal welfare director shall determine whether good cause existed for a failure or refusal to participate and shall notify the Employment Service of his or her decision through the use of the NJES-1A. (See the GA Manual at N.J.A.C. 10:85-3.2(g)7, 10:85-10.6-10.7 and 10:85-7.3-7.4).

(c) Participants determined to have failed or refused to participate by the municipal welfare director shall be denied all general assistance according to regulations developed by the Division of Family Development.

Amended by R.1990, d.396, effective August 6, 1990. See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

Stylistic revisions. Amended by R.1995 d.363, effective July 3, 1995. See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

Rewrote the section.

APPENDIX 1

GENERAL ASSISTANCE EMPLOYABILITY PROGRAM

Municipal Worksite Agreement

The State of New Jersey Department of Labor, and the Department of Human Services, agree to establish the following worksite:

Municipality _____
Occupational Classification _____ (DOT CODE OR JOB TITLE)
Hourly Wage Rate _____
Public Works Project Agent _____ (Agency for whom public works project is performed)
Number of General Assistance Employable Recipients to be Assigned _____

This worksite is established in accordance with P.L. 1979, Chapter 267.

Signed,
Date _____
Employment Service Manager
Municipal Welfare Director
Public Works Project Agent

APPENDIX 2

INDIVIDUAL WORKSITE AGREEMENT

Date _____
Case No. _____

Name _____
Social Security Number _____
Municipality _____
DOT Code or Job Title _____
Job Description _____

_____ Divided By _____ Requires _____
Participant's Hourly
grant on a Worksite Wage

You are to report to (name) _____
(address) _____
on (date) _____ at (time) _____

I have been informed of the purpose and regulations of the General Assistance Employability Program (G.A.E.P.), my scheduled hours on the Worksite, and the hourly wage. I understand that I am working off my welfare grant, and that failure to report to the worksite, substandard work performance, or poor attitude may result in termination of my grant.

Participant's Signature

MWD/GAEP
Representative

APPENDIX 3

**GENERAL ASSISTANCE EMPLOYABILITY PROGRAM
TRAINING WORKSITE AGREEMENT**

The State of New Jersey Department of Labor, and the Department of Human Services, agree to establish the following worksite:

Municipality _____
Worksite Activity _____
(GED, ESL, Drug Rehabilitation ...)
Training Project Agent _____
(Agency in which training/counseling is undergone)
Number of General Assistance Employable
Recipients to be Assigned _____

This worksite is established in accordance with P.L. 1979, Chapter 267.

Signatures: _____
Participating Municipal Welfare
Director(s)

Department of Labor
Employment Service Manager

Training Project Agent

Date _____

APPENDIX 4

GENERAL ASSISTANCE EMPLOYABILITY PROGRAM

INDIVIDUAL TRAINING WORKSITE AGREEMENT

Date _____
Case No. _____

Name _____
Social Security Number _____
Municipality _____
Training Description _____

Participation in this Training Site Requires _____
Hours per month
You Are to Report to (Name) _____
(Address) _____
On (Date) _____ At (Time) _____

I have been informed of the purpose and regulations of the General Assistance Employability Program (G.A.E.P.) and my scheduled hours on the worksite. I understand that I am working off my welfare grant, and that failure to report to the worksite, substandard work performance, or poor attitude may result in termination of my grant.

Participant's Signature

MWD/GAEP Representative