

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

Authority

N.J.S.A. 30:1-12.

Source and Effective Date

R.2007 d.240, effective July 16, 2007.
See: 39 N.J.R. 832(a), 39 N.J.R. 3936(a).

Chapter Expiration Date

Chapter 90, Work First New Jersey Program, expires on July 16, 2012.

Chapter Historical Note

Chapter 90, The Handbook for Home Services Program, was filed and became effective prior to September 1, 1969. Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980. See: 12 N.J.R. 192(a), 12 N.J.R. 323(a).

Chapter 90, Monthly Reporting Policy Manual, was adopted as R.1982 d.399, effective November 15, 1982. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, was readopted as R.1987 d.454, effective November 16, 1987. See: 19 N.J.R. 1517(a), 19 N.J.R. 2193(a). Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, expired on October 14, 1992.

Chapter 90, Work First New Jersey Program, was adopted as R.1997 d.311, effective July 1, 1997 (to expire January 1, 1998). See: 29 N.J.R. 3287(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Work First New Jersey Program, was readopted as R.1998 d.42, effective December 10, 1997. See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Subchapter 17, Early Employment Initiative (EEI), was adopted as R.1998 d.383, effective July 20, 1998. See: 30 N.J.R. 1489(a), 30 N.J.R. 3656(a) (operative August 1, 1998).

Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was adopted as R.1999 d.66, effective March 1, 1999. See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Subchapter 19, Kinship Care Subsidy Program (KCSP), was adopted as R.2002 d.349, effective November 4, 2002. See: 33 N.J.R. 4191(a), 34 N.J.R. 3778(b).

Chapter 90, Work First New Jersey Program, was readopted as R.2003 d.226, effective May 5, 2003. As part of d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules. See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Chapter 90, Work First New Jersey Program, was readopted as R.2007 d.240, effective July 16, 2007. See: Source and Effective Date.

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(19) Certain payments made by the Department of Veterans Affairs to the natural children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975.

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)8i and (a)12.

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 "WFNJ/TANF/GA" for "WFNJ/TANF/GA only" in 10, added new 12 through 14 and recodified recodified former 12 as 15.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), rewrote 10 and added 19.

10:90-3.20 Exempt resources

(a) Exempt resources are not subject to any requirement for liquidation and are not considered in determining WFNJ eligibility or in determining the cash assistance benefit. In addition to the exempt income set forth at N.J.A.C. 10:90-3.19, the following resources shall be exempt for each assistance unit:

1. Benefits available through the WFNJ program which are over and above the cash assistance allowance, such as, but not limited to, child care and transportation payments;

2. Aid/assistance from other agencies or organizations, whether public or private, as exempt from Federal and/or State law such as, but not limited to, Federal Emergency Management Assistance (FEMA), which supplements but does not supplant WFNJ benefits;

3. Up to a total of \$2,000 in resources (including savings);

i. An exception to the \$2,000 limit may be made for teen parents living in alternate adult supervised living arrangements only. For such teen parents, the full amount of special teen alternate living arrangement savings accounts and all interest and/or dividend earnings from such an account shall also be exempt;

ii. In addition to the above resources, moneys, matching contributions and interest on funds which are held in separate approved Individual Development Accounts are totally exempt. Funds which are held in approved Individual Development Accounts shall not be considered available for the assistance unit's use for emergency assistance purposes. The funds in these accounts are controlled by other entities and must be designated for one of the following purposes:

- (1) Purchase of a home;
- (2) Educational/training expenses;
- (3) Purchase of a motor vehicle; or
- (4) Purchase of a business.

iii. Moneys identified at (a)3 and 3i above are exempt in determining eligibility for WFNJ. However, in the event that a WFNJ assistance unit is in need of emergency assistance, such funds may be considered available for the assistance unit's use to meet the emergency need prior to the issuance of emergency assistance;

4. One motor vehicle registered in the name of a member of the assistance unit, the fair market value of which does not exceed \$9,500;

i. The fair market value of a licensed vehicle shall be determined by the value of those vehicles as indicated in the Kelley's Blue Book internet website www.kbb.com. The county or municipal agency shall not increase the basic value of a vehicle by adding the value of low mileage or other factors such as optional equipment. If a new vehicle is not listed on the website, the county or municipal agency shall determine the wholesale value by some other means such as, but not limited to, contacting a car dealer that sells that make of a vehicle.

ii. If a vehicle is especially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle. The Kelley Blue Book internet website value shall be assigned as if the vehicle were not so equipped.

iii. In assistance units with two adults or, one adult with a minor child who is at least 17 years old, a full time secondary student and employed, a second motor vehicle the fair market value of which does not exceed \$4,650, may be exempt, if such motor vehicle is essential to commute to work or training, or must be used to transport a handicapped individual who resides in the household;

5. Real property owned by an eligible assistance unit member(s) and used as a home by a member(s) of the eligible assistance unit, together with so much of the land on which the house stands as is reasonably necessary for the maintenance of the house;

i. The property may remain in exempt status during temporary absence of the entire assistance unit for a period up to four months, at which time the county or municipal agency shall review the status and, if so indicated, may allow it to remain in exempt status for an additional four months. Continued absence through the entire eight months shall be deemed to be permanent and the property shall be removed from exempt status;

6. Personal property, such as, but not limited to, house furnishings and clothing which are used regularly or likely to be used;

i. Furnishings and clothing in storage may be deemed to be exempt in the presence of a reasonable plan for their use;

ii. Personal effects if regularly used or of small intrinsic value;

(1) Items of exceptional value not regularly used and not essential to the physical health and safety of the eligible assistance unit are not exempt;

7. Livestock, machinery, tools, equipment, and stock-in-trade which serve to produce some net income in cash or in kind or serve as an incentive for self-help; livestock or property owned or used by a child in connection with a group or school activity (such as 4-H); and farm and garden products raised by the eligible assistance unit for its own use;

8. Any asset, real or personal, the liquidation of which would produce no net revenue to the eligible assistance unit;

9. Nonrecurring gifts and contributions of nominal amount or value, such as those for birthdays, graduations or holidays;

10. Bona fide and/or personal loans which are held and used for specific purposes in accordance with the conditions of the loan and not used to meet day-to-day living costs; and, such loans are evidenced by a document signed by the client and the lender which states the amount of the loan and terms of repayment;

11. Fees paid in conjunction with the collection of a pending claim when the costs were incurred during a period of receipt of WFNJ (see N.J.A.C. 10:90-7);

12. Prepaid burial plots (limited to one for each member of the eligible assistance unit) and prepaid bona fide funeral agreements up to a total value of \$4,000 per assistance unit member, to the extent that the total equity value of any agreement attributable to each member of an eligible assistance unit does not exceed \$2,430, unless such assistance unit member was a recipient of General Assistance prior to July 1, 1997 and the exemption at (a)12iii below applies;

i. Burial plots mean conventional gravesites, crypts, mausoleums, urns or other repositories which are customarily and traditionally used for the remains of deceased persons.

ii. Funeral agreements mean contractual arrangements to provide for the costs connected with burial, cremation, or other funeral arrangements.

iii. Prepaid irrevocably assigned funeral/burial arrangements, as noted in (a)12iii(1) through (3) below, for WFNJ/GA recipients who were General Assistance recipients and had made such arrangements prior to July 1, 1997;

(1) Prepaid irrevocable funeral/burial insurance policies;

(2) Prepaid irrevocable funeral/burial annuity policies;

(3) Prepaid irrevocable funeral/burial trust funds;

13. Life insurance policies;

14. Resources designated for special purposes as follows:

i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

ii. The value of the coupon allotment for any household participating in the Food Stamp Program of the U.S. Department of Agriculture;

iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;

iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the Job Training Partnership Act (JTPA) program;

v. Payments to assistance units for child care in situations where special circumstances occur within the household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;

vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:

(1) There is no duplication between such aid and the public assistance grant;

(2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or

(3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Youth and Family Services pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of foster child care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (18) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

1. The activity support payment ceiling represents the maximum amount an EEI family would be eligible to receive up front during the EEI participation period to cover any expenses necessary to allow participation in the job search/placement activity.

2. The one-time lump sum payment ceiling represents the lump sum amount an EEI family would be eligible to receive, when full-time employment is secured during the EEI participation period, to cover expenses necessary to avoid housing loss or for other employment related expenses to enable the employed individual(s) to continue to engage in his or her employment. The EEI entity shall explain to the participant that the one-time lump sum payment is being issued in lieu of public cash assistance.

i. If a family reactivates the WFNJ/TANF application within a 60 day period from the date of the original WFNJ/TANF application in accordance with the provisions for reactivation at (f) below, the lump sum payment issued to the family shall be prorated for a two month period and applied as unearned income when determining the family's WFNJ/TANF financial eligibility and calculating the WFNJ grant amount.

EEI PAYMENT SCHEDULE

Number in WFNJ Assistance Unit	Activity Support Payment Ceiling	One-time Lump Sum Payment Ceiling
1	\$ 350	\$135
2	450	515
3	750	521
4	950	513
5	1,150	505
6	1,350	497
7	1,450	580
8	1,550	633

(e) An EEI participant shall be referred back to the WFNJ/TANF agency for WFNJ/TANF cash assistance when:

1. The EEI participant fully cooperates and participates in EEI as required and full-time unsubsidized employment is not found; or

2. Full-time employment is secured, however, the family continues to be considered financially eligible for WFNJ cash assistance because the participant's gross earnings combined with the family's other countable income is equal to or less than the WFNJ maximum allowable income eligibility level for the assistance unit, in accordance with N.J.A.C. 10:90-3.3 (Schedule I), and the family's countable income is less than the applicable WFNJ benefit level at N.J.A.C. 10:90-3.3 (Schedule II).

(f) Under certain circumstances, it may be necessary for a family, which has secured employment and has withdrawn

its WFNJ/TANF application, to return to the WFNJ/TANF program for cash assistance. If the situation occurs within 60 days from the date of the original WFNJ application, the application shall be reactivated and the date of that original WFNJ application shall apply. Any of the following circumstances shall render the family eligible to reactivate its WFNJ/TANF application:

1. Child care services cannot be secured; or

2. The unsubsidized employment obtained while participating in EEI is no longer available, for reasons of good cause, in accordance with the good cause provisions under the WFNJ program at N.J.A.C. 10:90-4.10;

i. If the unavailability of the unsubsidized employment is due to a voluntary quit situation, the family shall not be eligible to reactivate its WFNJ/TANF application and shall be required to make reapplication to determine its eligibility for WFNJ/TANF cash assistance. At the time of reapplication, the individual who voluntarily quit the employment shall be subject to a 90-day voluntary quit penalty in accordance with N.J.A.C. 10:90-1.5. The other family members, however, shall be eligible to apply for cash assistance.

(g) If the WFNJ/TANF application is reactivated within 60 days of the original date of the WFNJ/TANF application, any lump sum payment amount received under EEI shall be prorated from the date of the original WFNJ/TANF application to the date the client contacted the WFNJ county agency for reactivation and subtracted from the WFNJ/TANF monthly grant amount(s) for which the assistance unit is eligible for that period of time. If the lump sum payment received under EEI is in excess of the family's monthly grant amount(s) for that period, the excess amount shall be counted as unearned income when calculating the WFNJ/TANF monthly grant amount for the assistance unit for any subsequent month.

(h) If the individual loses unsubsidized employment after 60 days from the date of the original WFNJ/TANF application, reapplication for WFNJ/TANF cash assistance shall be required.

(i) If a family experiences an emergency housing situation, in accordance with the emergency assistance provision at N.J.A.C. 10:90-6.1(b), while participating in EEI, the family shall immediately notify the EEI entity which in turn shall advise the client to return to the WFNJ agency for assistance. If the EEI participant is employed and an emergency situation occurs within 60 days from the original WFNJ/TANF application date, the family shall be eligible to reactivate its original WFNJ/TANF application. In all other instances in which the EEI family experiences an emergency situation, reapplication for WFNJ/TANF shall be required.

(j) Once a WFNJ/TANF adult participates in EEI, he or she may be considered an eligible candidate to repeat EEI participation if the county welfare agency determines that EEI participation would be beneficial in helping the client move toward self-sufficiency. An individual is considered suitable for participation in EEI at the county agency's discretion when determining subsequent eligibility.

(k) If the participant fails to cooperate with the terms of the EEI, in accordance with (a)1 above, without good cause (see good cause provisions at N.J.A.C. 10:90-4.10), the EEI entity shall report the incident of noncooperation to the WFNJ agency by completing Form WFNJ/EEI-2, EEI Agency Report/Referral. Upon receipt of the EEI entity's report of noncooperation, the WFNJ agency shall review the report to determine if the EEI agency correctly determined noncooperation and, if appropriate, send an adequate notice in accordance N.J.A.C. 10:90-9.1, to the WFNJ/TANF family advising that the WFNJ/TANF application for cash assistance for the participant and the participant's entire family is being denied because of noncooperation with the EEI and reapplication for WFNJ/TANF shall be required. The notice shall also include the family's right to a fair hearing.

1. If a fair hearing is requested and scheduled, the county WFNJ agency shall notify the EEI entity of the scheduled hearing. The EEI entity shall arrange for the required attendance of the appropriate EEI representative at the scheduled hearing.

Amended by R.2000 d.205, effective May 15, 2000.
See: 32 N.J.R. 639(a), 32 N.J.R. 1771(a).

Inserted (b)2i.

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

Rewrote (j).

(b) The New Jersey Department of Human Services (DHS) in collaboration with the New Jersey Department of Health and Senior Services (DHSS) has established a substance abuse treatment program entitled the "SAI". The SAI addresses the needs of WFNJ recipients who are abusing drugs and/or alcohol to the extent that WFNJ recipients are unable to move forward and take advantage of work, work readiness activities, or other service offered through the WFNJ program. The SAI shall provide substance abuse screening, assessment, treatment placement, utilization management, care coordination and case management. The screening and assessment services are available at the local WFNJ county welfare agency (CWA). The referral of WFNJ recipients to and participation in the SAI shall be either voluntary or mandatory. A substance abuse assessment shall be administered to each WFNJ recipient referred to the SAI by a professional clinical care coordinator (CCC) using nationally recognized standardized assessment tools. The CCC shall meet the requirements for Alcohol and Drug Counselors as established in the Alcohol and Drug Counselor Licensing and Certification Act, P.L. 1997, c.331. This subchapter is for use by the WFNJ CWAs/MWAs in the administration of this ongoing DHS initiative that shall provide an equal and meaningful opportunity for WFNJ recipients to participate in substance abuse treatment.

(c) All WFNJ CWAs/MWAs shall make referrals to the SAI program.

(d) The purposes of the SAI program are as follows:

1. To make no cost substance abuse treatment services, that include screening and assessment administered by a CCC, treatment, placement and follow-up as determined clinically appropriate by a CCC, available to WFNJ TANF/GA recipients who have substance abuse problems;

2. To assist SAI participants in removing substance abuse barriers to employment, as determined by a CCC, and to enable participants to obtain treatment with the goal of moving towards self-sufficiency, to the extent possible;

i. Supportive services shall be provided in accordance with N.J.A.C. 10:90-5;

3. To provide SAI participants with an integrated combination of work activity and substance abuse treatment as determined clinically appropriate by the CCC, by requiring individuals who are able to work to participate in job readiness activity that ultimately leads to work; and

4. To allow an SAI participant's hours spent in treatment to count towards the required hours of a WFNJ work activity.

i. For WFNJ recipients required to participate in a work activity, substance abuse treatment counts as a participant's work activity only if the CCC assesses the individual and monitors the participant's treatment.

SUBCHAPTER 18. SUBSTANCE ABUSE

Subchapter Historical Note

Subchapter 18 repeal and new rule. Effective June 16, 2003. Expires May 5, 2008.

10:90-18.1 General provisions and purpose

(a) Based on P.L. 1997, c.14 (Work First New Jersey Act), approved January 29, 1997 and P.L. 1999, c.427, approved January 18, 2000, the WFNJ Substance Abuse Initiative (SAI) is established to help promote the goals of the WFNJ program, to move WFNJ recipients from dependency on WFNJ cash assistance benefits to self-sufficiency, to the extent possible.