

CHAPTER 35

**WORK FIRST NEW JERSEY AND FOOD STAMP
EMPLOYMENT AND TRAINING PROGRAM**

Authority

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

Source and Effective Date

R.2005 d.429, effective November 9, 2005.
See: 37 N.J.R. 2605(a), 37 N.J.R. 4557(a).

Chapter Expiration Date

Chapter 35, Work First New Jersey and Food Stamp Employment and Training Program, expires on November 9, 2010.

Chapter Historical Note

Chapter 35, Workfare, was adopted as R.1980 d.162, effective May 1, 1980. See: 12 N.J.R. 128(b), 12 N.J.R. 280(b). Pursuant to Executive Order No. 66(1978), Chapter 35 expired on May 1, 1985.

Chapter 35, Workfare, was adopted as new rules by 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, Workfare, was readopted as R.1990 d.396, effective July 16, 1990. See: 22 N.J.R. 1430(a), 22 N.J.R. 2326(b).

Pursuant to Executive Order No. 66(1978), Chapter 35, Workfare, was readopted as R.1995 d.363, effective June 12, 1995. See: 27 N.J.R. 1740(a), 27 N.J.R. 2589(a).

Subchapter 6, Placement or Use of Work First Participants at Worksite, was adopted as Emergency New Rules by R.1997 d.310, effective June 30, 1997, to expire August 29, 1997. See: 29 N.J.R. 3361(a). The provisions of R.1997 d.310 were adopted by R.1997 d.401, effective August 28, 1997. See: 29 N.J.R. 3361(a), 29 N.J.R. 4287(c).

Subchapter 2, Location of Worksite Activity, Subchapter 3, Scheduling Worksite Assignments, Subchapter 4, Types of Work Allowable Under Worksite Activities, and Subchapter 5, Failure to Comply, were repealed and Subchapter 6, Placement or Use of Work First Participants at Workplace, was recodified as Subchapter 2, Placement or Use of Work First/FSETP Participants at Workplace, by R.1998 d.65, effective January 20, 1998. See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Work First New Jersey/General Assistance Program, was readopted as R.2000 d.281, effective June 12, 2000. See: 32 N.J.R. 1281(a), 32 N.J.R. 2442(b).

Chapter 35, Work First New Jersey/General Assistance Program, was renamed Work First New Jersey and Food Stamp Employment and Training Program, and readopted by R.2005 d.429, effective November 9, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:35-1.1 Purpose and scope

(a) These rules establish procedures to resolve complaints concerning the placement or use of Work First New Jersey (Work First) and the Food Stamp Employment and Training Program (FSETP) participants in the Community Work Experience Program (CWEP) and Alternative Work Experience Program (AWEP) at nonprofit and public agencies.

(b) These rules apply to regular employees who believe they have been adversely affected by the placement or use of Work First New Jersey or Food Stamp Employment and Training Program (FSETP) participants at their worksite. The rules also apply to nonprofit and public agencies at which the work activity is performed and to government agencies responsible for reviewing these complaints.

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).

Emergency amendment R.1997 d.310, effective June 30, 1997 (to expire August 29, 1997).

See: 29 N.J.R. 3361(a).

In (a), inserted reference to new name of program and substituted "workplace" for "worksite"; inserted new (b); recodified former (b) to (c); and in (c), amended to whom rules applicable.

Adopted concurrent proposal, R.1997 d.401, effective August 28, 1997.

See: 29 N.J.R. 3361(a), 29 N.J.R. 4287(c).

Amended by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Deleted (a); and recodified former (b) and (c) as (a) and (b).

Amended by R.2005 d.429, effective December 5, 2005.

See: 37 N.J.R. 2605(a), 37 N.J.R. 4557(a).

In (a) and (b), substituted "and public agencies" for " , public and other workplaces."

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.

"Food Stamp Employment and Training Program or FSETP" means the program established by the New Jersey Department of Human Services pursuant to N.J.S.A. 10:87.

"Work First New Jersey Program or WFNJ" means the program established by the Department of Human Services pursuant to P.L. 1997, c.38.

"Work First/FSETP participant" means a person who participates in the CWEP/AWEP and has been assigned to a nonprofit or public agency under the Work First New Jersey Program or FSETP.

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“Workplace” means a nonprofit, public or other workplace to which a Work First/FSETP participant is assigned to work.

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.

Emergency amendment R.1997 d.310, effective June 30, 1997 (to expire August 29, 1997).

See: 29 N.J.R. 3361(a).

Added “Work First New Jersey Program or WFNJ”, “Work First/FSETP participant” and “Workplace”.

Adopted concurrent proposal, R.1997 d.401, effective August 28, 1997.

See: 29 N.J.R. 3361(a), 29 N.J.R. 4287(c).

Amended by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Added “Food Stamp Employment and Training Program or FSETP”; deleted “Agency”, “Employment Service”, “GA”, “General Assistance Employability Program or Workfare”, “Municipal worksite agreements”, “Participant”, “Recipient”, and “Worksite agent”; and amended “Work First/FSETP Participant”.

Amended by R.2005 d.429, effective December 5, 2005.

See: 37 N.J.R. 2605(a), 37 N.J.R. 4557(a).

In “Work First/FSETP participant” definition, substituted “or public agency” for “, public or other workplace.”

12:35-1.3 (Reserved)

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).

Repealed by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Section was “Registration and reporting requirements”.

12:35-1.4 (Reserved)

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.

Repealed by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Section was “Accident insurance coverage requirements”.

12:35-1.5 (Reserved)

Amended by R.1985, d.404, effective August 5, 1985.

See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a).

Added job title description, hours per month and forwarding copy of notice for evaluation.

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 12:35-1.4. In (a), added 1-8; added (b) and (c).

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

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

Rewrote (a) and (b); and deleted (c).

Repealed by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Section was “Worksite assignments; agreement forms”.

12:35-1.6 (Reserved)

Repeal and New Rule, R.1985, d.404, effective August 5, 1985.

See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a).

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 12:35-1.5. 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).

Following “shall be” deleted “made and”.

Repealed by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Section was “Worksite Assignments; evaluations”.

12:35-1.7 (Reserved)

Repeal and New Rule, R.1985, d.404, effective August 6, 1985.

See: 17 N.J.R. 1048(a), 17 N.J.R. 1896(a).

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 12:35-1.6. 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).

Added the second and third sentences.

Repealed by R.1998 d.65, effective January 20, 1998.

See: 29 N.J.R. 4622(a), 30 N.J.R. 371(a).

Section was “Attendance and worksite activity; monitoring”.

SUBCHAPTER 2. PLACEMENT OR USE OF WORK FIRST/FSETP PARTICIPANTS AT WORKPLACE

12:35-2.1 Prohibition on replacing or displacing regular employees

(a) A Work First New Jersey recipient who participates in CWEP or AWEPP, or a FSETP participant, shall not be placed or utilized in a position at a nonprofit or public agency:

1. That was previously filled by a regular employee if the position or a substantially similar position at the workplace has been made vacant through a demotion, substantial reduction of hours or a layoff of a regular employee in the previous 12 months, or has been eliminated by the employer at any time during the previous 12 months;
2. In a manner that infringes upon a wage rate or an employment benefit or violates the contractual overtime provisions of a regular employee at the workplace;
3. In a manner that violates an existing collective bargaining agreement or a statutory provision that applies to the workplace;
4. In a manner that supplants or duplicates a position in an existing, approved apprenticeship program;
5. By or through an employment agency or temporary help service firm as a community work experience or alternative work experience worker;