

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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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 As a part of R.2003 d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules, effective June 16, 2003. 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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10:90-4.3 Description of work activities

(a) Unsubsidized employment means employment in the private or public sector which is not subsidized in any way.

(b) Supported employment is an employment activity tailored to meet the needs of those recipients who demonstrate serious barriers to employment (such as learning disability or illiteracy, drug and alcohol problems, and/or physical/mental disabilities). Supported on-the-job employment opportunities and sheltered workshop approaches (modeled after successful programs in the mental health and developmental disabilities field) will serve persons with such barriers. When the participant is experiencing difficulties on the job, a job coach will interact with the participant and the employer to resolve problems that may affect their continued employment.

(c) Community Work Experience Program (CWEP) is to be utilized to provide work and training to enable the recipient to adjust to, and learn how to function in, an employment setting. Placements shall only be with a public, private nonprofit or private charitable employer. CWEP placements are directed towards organizations and agencies directly involved in useful public service areas such as health, recreation, child and adult care, education, environmental protection, social services, etc. A CWEP participant shall not be placed with a private for profit employer.

(d) Alternative work experience programs (AWEP) consists of work and training for WFNJ recipients on a temporary basis with a public, private nonprofit or private charitable employer that provides a recipient with the experience necessary to adjust to, and learn how to function in, an employment setting and the opportunity to combine the 20 hours per week work experience with 15 hours per week of education (which may include English as a Second Language), substance abuse treatment, vocational exploration and/or job training. An AWEP participant's work experience placement shall not be with a private for profit employer.

(e) On-the-job training (OJT) is an employment opportunity which includes training. The participant is hired by a private or public employer and receives training that provides knowledge or skills essential to the full and adequate performance of the job. At the end of the OJT, the participant shall be retained by the employer as a regular employee if the individual has made satisfactory progress during the OJT contract period.

(f) Job search and job readiness assistance are employment-directed activities in which participants engage in activities with the immediate goal of obtaining full-time employment. Job search is directed to the individual participant's needs and local job market conditions and may serve participants in either group, individual, or self-directed job-seeking activities, or a combination thereof. Job search is an appropriate up front activity for applicants as well as job ready recipients who have basic workplace skills and experience applicable to the labor market. Job readiness activities will also be combined with job search to enhance the effectiveness of job

search activities for those in need of additional skills development.

1. Job search and job readiness activities shall be counted for a maximum of six weeks (four of which may be consecutive) unless New Jersey's unemployment rate is 50 percent greater than the unemployment rate of the United States, in which case this activity may be extended to 12 weeks.

(g) Community service programs are self-directed or scheduled preparatory work activities in which participants may provide an array of vital services designed to increase the common good and/or improve the condition of the community in which he or she resides. Examples include, but are not limited to, the provision of child care as a community service project; mentoring or tutoring activities conducted under the auspices of organizations such as Big Brothers/Big Sisters, Americorps, Habitat for Humanity; physical or administrative labor performed on behalf of a community organization/group; and volunteer work in hospitals, battered women's shelters, libraries, schools or other such public institutions.

1. Community service programs shall be offered as a "bridge" activity to participants who are awaiting the start-up of a new or subsequent activity.

2. Community service programs may be offered to individuals who are employed part-time so that participants can meet the WFNJ and Federal work participation requirement.

3. Community service programs may be offered as an activity in other circumstances with DFD review and approval.

4. Community service programs/sites shall be approved by the county or municipal agency.

(h) Vocational educational training is an activity involving institutional or other classroom training conducted by an instructor in either a worksite or non-worksite setting. Participants receive instruction in specific occupational areas which reflect the current local labor market demand. Providers of this type of activity include, but are not limited to, community based organizations; private for profits; community/county colleges; Voc-Tech school; JTPA's; and adult high schools.

1. This activity shall not be utilized for more than 12 months for any individual.

i. When a WFNJ/GA individual is placed in this activity in compliance with the FSETP, the 12 month limitation shall not apply.

(i) Job skills training directly related to employment is an activity tailored for those recipients who demonstrate serious barriers to employment (such as learning disability or illiteracy, drug and alcohol problems, mental health barriers, and/or physical/mental disabilities) and may include such activity components as pre-employment job coaching and mentoring

(modeled after successful programs in the mental health and developmental disabilities field).

1. The Division of Family Development's Welfare to Work Disability Case Management Initiative provides rehabilitation services to WFNJ recipients identified as having barriers to employment related to a disability. This initiative provides a range of services to eligible participants which include vocational counseling, career guidance and specialized skills training.

(j) Education directly related to employment is an activity involving a participant without a high school diploma or a general equivalence diploma (GED) in a course of study leading to a high school diploma or GED when combined with community work experience participation or other approved work activities, including employment.

(k) Post-secondary educational opportunities directly related to employment shall be offered to recipients with a high school diploma or GED, when combined with community work experience participation or other approved work activities, including employment.

1. Post-secondary education are those professional and educational programs offered at colleges, mostly community colleges, and other post-high school institutions that lead to recognized careers for which there is or will be a demand in the New Jersey job market as published by the New Jersey Department of Labor.

i. Post-secondary programs that may be of longer duration than two years in certain circumstances, shall lead to a recognized college credential such as a certificate, license, associate degree or other recognized college credential.

(l) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is an activity that shall be utilized in the case of a recipient who is a teenage parent or a recipient under the age of 19 who is expected to graduate or complete their course of study by their 19th birthday. (See N.J.A.C. 10:90-4.4 for what constitutes satisfactory attendance.)

(m) Provision of child care services is an activity that involves the WFNJ recipient in the direct provision of child care services to another WFNJ individual who is participating in a community service program or other State approved employment-directed program.

(n) The TANF Initiative for Parents (TIP) Program is an activity that offers comprehensive in-home visitation and/or in-community parenting, nutritional and support services including, but not limited to, parent education programs, interactive parent-child sessions, fatherhood services, and nutritional education, in accordance with N.J.A.C. 10:90-5.16.

(o) Other work activities may be added to those set forth above in this section in order to comply with Federal or State laws and/or to maximize Federal funds.

Administrative correction.

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

In (c) and (d), deleted "unpaid" preceding "work and training"; and in (j)1, deleted "significant" preceding "demand".

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

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

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

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

In (g), added 1 through 3; added (i)1; deleted (j)1; added a new (k) and recodified former (k) through (m) as (l) through (n).

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (i), inserted "mental health barriers,"; added new (n); and recodified former (n) as (o).

10:90-4.4 Satisfactory attendance

(a) Individuals are expected to participate in required activities 100 percent of the time. However, individuals shall be considered to be satisfactorily participating in WFNJ work requirement activities if it is determined that the individual attends no less than 75 percent of the scheduled hours of activity during a month. The following are exceptions to this provision:

1. Satisfactory attendance shall be based on what the secondary school or equivalency program considers mandated attendance in order to complete the course or program.

2. For purposes of job search or job readiness participation, a county or municipal agency, as appropriate, shall consider, only on one occasion per individual, less than a week of participation (that is, three or four days) as a full week.

10:90-4.5 Conditions under which CWEP and AWEP shall be regarded as employment

(a) Participation by a recipient in CWEP or AWEP activity provided by a sponsor, pursuant to the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," P.L. 104-193, shall not be considered employment for any purpose, except that such participation shall be regarded as employment as follows:

1. The "Law Against Discrimination," P.L. 1945, c.169 (N.J.S.A. 10:5-1 et seq.), and the sponsor, not the program, shall be deemed the employer for purposes of any action brought under this act;

2. The "New Jersey Public Employees' Occupational Safety and Health Act," P.L. 1983, c.516 (N.J.S.A. 34:6A-25 et seq.) when the sponsor is a public employer subject to this Act;

3. The "Conscientious Employee Protection Act," P.L. 1986, c.105 (N.J.S.A. 34:19-1 et seq.) and the "Worker and Community Right to Know Act," P.L. 1983, c.315 (N.J.S.A. 34:5A-1 et seq.);

4. The purposes of Chapter 15 of Title 34 of the Revised Statutes (Worker's Compensation), and the participant shall be regarded an employee of the State and the

TIP participant for non-compliance with the TIP Program. If the participant does not comply with the TIP program requirements, that individual shall be removed from TIP and placed in a different work activity. However, a sanction may result from the recipient's failure to comply with a non-TIP work activity in accordance with N.J.A.C. 10:90-4.13.

1. Participation in TIP Program services shall count towards a WFNJ recipients work activity only through the child's 12th month of age.

i. TIP services provided to the participant shall not extend beyond the child's 12th month of age, except in certain situations when the in-home service provider determines, on a case-by-case basis, that continued periodic in-home or in-community visitation is necessary.

2. In order for TIP Program participation to count towards the required hours of a work activity, the participant must attend the identified parenting skills program(s) that is determined to be necessary, based on the assessed needs of the family, and attain satisfactory attendance in accordance with the provisions at N.J.A.C. 10:90-4.4.

(g) The in-home visitation service provider shall administer a comprehensive assessment to each individual referred to the TIP Program to determine eligibility for participation.

1. The parenting skills assessment shall evaluate the individual's abilities, skills, and knowledge about healthy parenting. The assessment includes, but is not limited to, the following:

- i. A universal health screening;
- ii. A family stress checklist; and
- iii. A child welfare checklist.

2. Upon completion of the assessment, the individual and the in-home visitation service provider shall identify the services appropriate for that family. A menu of parenting services and other services that promote transition into the workplace shall be offered. For WFNJ recipients, such services shall be recorded on the IRP and may include, but are not limited to, the following:

- i. Assessment, nutrition and parent education programs;
- ii. Fatherhood services/workshops;
- iii. Interactive parent-child sessions;
- iv. Counseling and employment coaching sessions;
- v. Links to social, medical and employment services; and
- vi. Coordinated case planning among the CWA, OSCC, DYFS (when appropriate) and the in-home visitation service provider.

New Rule, R.2007 d.15, effective January 16, 2007.
See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

SUBCHAPTER 6. EMERGENCY ASSISTANCE

10:90-6.1 Availability of emergency assistance

(a) Emergency assistance shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. Consequently, in an effort to minimize the incidence of homelessness among the WFNJ recipient population, the county/municipal agency shall be alert to the following circumstances which may reasonably be assumed to, if not addressed by the recipient and the agency, result in imminent or actual homelessness of the individual or family. Upon identification of any of the indicators listed below, the county/municipal agency shall review the case record to determine if the individual or family shall be referred to sources of help, either within or outside the agency, to plan to ensure the availability of uninterrupted housing.

1. When shelter costs equal or exceed total recorded income to the WFNJ assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses;

2. When the county/municipal agency receives information to the effect that the individual or family's utility bills are in arrearages or utilities have been shut off;

3. When the individual's or family's income is reduced as a result of the reduction in WFNJ benefits or other available income, as long as such reduction is not due to any of the situations listed in (b)2 below;

4. When the individual's or family's rent which had previously been affordable is increased to an amount which makes the current housing costs appear to exceed available income; or

5. When the county/municipal agency receives information that the individual or family is involved in a tenant/landlord dispute or threatened foreclosure.

i. When a tenant/landlord dispute or threatened foreclosure exists, the agency shall assist the family in an attempt to prevent the loss of existing permanent housing, including referral to appropriate legal/service agencies.

(b) The EA as listed in (a) above can also be an appropriate form of assistance for WFNJ recipients who are unable to work.

(c) The county or municipal agency shall provide emergency assistance when there has been substantial loss of housing, food, clothing or household furnishings or utilities by fire, flood or other similar disaster, or an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to cir-

circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing (see (c)1 below); and the county or municipal agency determines that the provision of shelter/ housing and/or food and/or emergency clothing, and/or minimum essential house furnishings or utilities is necessary for health and safety.

1. A lack of realistic capacity to engage in advance planning shall be said to exist in the following circumstances:

i. When the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or

ii. When the assistance unit can demonstrate or signs a document, prepared by the county/municipal agency, certifying that available funds, including liquid resources at N.J.A.C. 10:90-3.20, were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, not due to the meeting of the expenses of daily living. The specific event(s) or circumstance(s) upon which the granting of EA is based must be documented in the case record. In addition to expenditures for food, clothing and housing, other appropriate items include, but are not limited to, expenditures for a family emergency, such as, attending the funeral of a family member, or excessive unreimbursed medical expenses; or

iii. When the assistance unit demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, that would prevent them from planning for or securing substitute housing. Individuals granted EA on this basis must agree as part of their service plan (see N.J.A.C. 10:90-6.6 concerning the development of a service plan) to engage in appropriate treatment for their addiction or other incapacitating condition. Such treatment for addiction or incapacitating condition shall also be included in the IRP in order to coordinate the requirements contained in the IRP.

2. As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)5) to be provided, and the specific kinds of preventive services which may be required by the individual, couple without dependent children or family with dependent children.

3. Emergency assistance shall not be provided to a WFNJ applicant when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult household member without good cause (as provided at N.J.A.C. 10:90-4.10).

EA shall not be provided for a period of two months to the entire household in which the recipient adult member voluntarily quits employment without good cause while receiving emergency assistance (see N.J.A.C. 10:90-4.11(b) concerning a voluntary quit). Nor shall EA be provided when an eligible household member has caused homelessness by being a disorderly tenant, causing wanton destruction of property or criminal activity which has directly led to eviction from housing.

i. An adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status as long as the emergency is not in any manner attributable to nonpayment of rent or mortgage due to the resultant reduction of income to the household.

ii. An adult household member who incurs a sanction due to failure to comply with the WFNJ work requirements (not a voluntary quit) while receiving emergency assistance shall continue to receive such assistance (see N.J.A.C. 10:90-6.4 concerning time limits on receipt of emergency assistance), as may be required, for himself or herself and the eligible unit, unless all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of failure to correct a sanction.

iii. In consultation with DYFS, EA shall be provided to a DYFS family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements.

(1) When EA is granted to a DYFS family that caused its own homelessness, the CWA and DYFS shall establish communication to ensure coordination of the DYFS plan, the EA service plan and the IRP.

(A) Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of another, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA.

(B) Failure to comply with the DYFS service plan or the EA service plan may, in consultation with DYFS, result in the termination of EA.

4. Emergency assistance is likewise available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit.

i. Temporary living arrangements during the period between the occurrence of the incidence of domestic