

10:90-1.15 Voluntary quit

An adult applicant for WFNJ shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit. Other members of the adult applicant's assistance unit shall remain eligible to apply for benefits (see N.J.A.C. 10:90-4.11(b)1 for voluntary quit provisions and N.J.A.C. 10:90-4.11(c) regarding good cause provisions).

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

10:90-1.16 Assignment or transfer of property

A voluntary assignment or transfer of income or resources within one year prior to the time of application for benefits for the purpose of qualifying for WFNJ benefits shall render the applicant/recipient and the applicant/recipient's assistance unit members ineligible for benefits in accordance with N.J.A.C. 10:90-3.10(e).

SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

10:90-2.1 General provisions

(a) This subchapter describes those Work First New Jersey (WFNJ) program eligibility factors, other than financial, which must be considered in making eligibility determinations.

(b) Eligibility for WFNJ is based upon certain criteria including, but not limited to, age, relationship, CSP cooperation, cooperation with work requirements, citizenship/eligible alien status, residence in the State, county and municipality and financial need.

1. In addition to the conditions of eligibility for WFNJ/TANF at N.J.A.C. 10:90-2.2, participation in the Early Employment Initiative (EEI) pilot project is a condition of eligibility for those WFNJ/TANF applicant families which meet the EEI eligibility criteria for participation in accordance with the EEI provisions set forth at N.J.A.C. 10:90-17.

(c) Maximum allowable income eligibility and benefit payment levels for assistance units eligible for WFNJ benefits appear at N.J.A.C. 10:90-3.

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.1998 d.383, effective July 20, 1998, operative August 1, 1998.
See: 30 N.J.R. 1489(a), 30 N.J.R. 2656(a).
In (b), added a new 1.

10:90-2.2 WFNJ TANF/GA eligibility requirements

(a) An applicant/recipient, as a condition of eligibility for WFNJ TANF/GA benefits, shall, subject to good cause exceptions, be required to do the following:

1. Cooperate with child support by providing specific information regarding the noncustodial parent, such as, name, address, employer, date of birth, social security number or manufacturer, model and license plate number of automobile and take certain actions as requested by the child support agency to help establish paternity, or establish, modify, or enforce a child support order (see N.J.A.C. 10:90-16);

2. Cooperate with work requirements;

3. Make application for any other assistance for which members of the assistance unit may be eligible;

4. Be income and resource eligible, including the deeming of income and resources as appropriate;

5. Provide all necessary documentation;

6. Sign an Agreement to Repay benefits, if not already incorporated into the application, in the event of receipt of income or resources. (See N.J.A.C. 10:90-3.18 for Treatment of Lump Sum Income as well as N.J.A.C. 10:90-7.8 for Settlement of Suits and Claims);

7. Satisfy any sanction or repayment obligation incurred pursuant to any Federal or State law governing public assistance;

8. Supply the county/municipal agency with the Social Security number of each member of the assistance unit or apply for a Social Security number for any such person who does not already have one. If an applicant refuses to provide or apply for the appropriate Social Security number(s), the county/municipal agency shall declare the entire assistance unit ineligible for WFNJ benefits.

i. Effective no later than July 1, 1998, the Federal Social Security number shall be used as the common identifier of individuals for any record, license, certificate or other document identifying a person by name which is used by an agency of State government in accordance with requirements of Federal law.

ii. The Federal Social Security number must be provided for all assistance unit members, except for an eligible alien who cannot be assigned a Social Security number due to his or her status;

9. Comply with personal identification requirements as a condition of receiving benefits, which shall employ the use of high technology processes, such as fingerimaging, for the detection of fraud.

i. Each adult WFNJ/TANF applicant/recipient and each WFNJ/GA applicant/recipient (except nursing facility applicants/recipients) shall, as a condition of receiving WFNJ benefits, be issued a photo-identification card by the county agency until implementation of the

electronic benefit distribution system is begun in that county agency. Once a county begins to implement the electronic benefit distribution system, the county agency shall no longer be required to issue a photo-identification card to each adult recipient but may continue the issuance of photo-identification cards separate from the benefit cards.

ii. WFNJ/GA applicants/recipients (except nursing facility applicants/recipients) are required to participate in the high technology process, such as the fingerprinting process, at the time of application and at other times when the county/municipal agency deems it necessary to deter duplication of assistance.

(b) An applicant/recipient who is a parent-minor must, as a condition of eligibility, comply with all of (a) above and must also cooperate with the parent-minor provisions cited at N.J.A.C. 10:90-2.17.

1. Failure of the parent-minor to cooperate with the requirements listed at (a) above renders the parent-minor and the parent-minor's child ineligible for WFNJ/TANF cash assistance but does not render the entire assistance unit with whom the parent-minor resides ineligible for WFNJ/TANF cash assistance.

(c) A recipient of WFNJ benefits who is subject to WFNJ work requirements, that is, all adult recipients, teen parents and 16 through 18 year old individuals not attending school on a full-time basis, shall sign an individual responsibility plan which shall be developed jointly with the county or municipal agency in accordance with the provisions at N.J.A.C. 10:90-4.8.

(d) Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all assistance unit members ineligible for WFNJ benefits. (See N.J.A.C. 10:90-4.11 regarding sanction provisions and N.J.A.C. 10:90-11.11 regarding intentional program violation disqualification penalties.)

1. An applicant/recipient who cooperates fully with the conditions of eligibility listed in (a) above, but who has a non-cooperating 16 through 18 year old dependent child as a member of the assistance unit, shall not become ineligible for WFNJ/TANF assistance, nor shall other members of the assistance unit become ineligible for WFNJ/TANF assistance. The non-cooperating 16 through 18 year old dependent child does, however, become ineligible for WFNJ/TANF assistance until such time as he or she complies.

(e) Any WFNJ recipient who fails at any time to participate in work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C. 10:90-4.11. The individual may re-apply for WFNJ benefits; however, the individual must satisfactorily complete any outstanding sanction obligations and demonstrate compliance with a work activity, in accordance with N.J.A.C. 10:90-4.10 and 4.13, in order to qualify for cash assistance.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Added (b)1 and (d)1.

10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits

(a) Effective April 2, 1997, eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient, except as otherwise provided in this subsection, whether the assistance was received in the WFNJ/TANF component, the WFNJ/GA component or a combination of both the WFNJ TANF/GA components of the program. The calculation of the lifetime limit will be based upon the number of days the recipient received benefits up to the 60 cumulative month lifetime limit.

1. At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive WFNJ/TANF or WFNJ/GA assistance.

2. In the event that a recipient who has received cash assistance as a dependent child or parent-minor and later becomes a head of household or other adult assistance unit member, the time during which such dependent child or parent-minor had previously received benefits shall not count toward the 60 cumulative months lifetime limit.

3. For eligible aliens identified at N.J.A.C. 10:90-2.10, who are single adults or couples without dependent children, the benefit period is further limited by the alien's eligibility and application for citizenship status.

i. Eligible aliens who are single adults or couples without dependent children may receive benefits until they meet the minimum residency requirements to apply for citizenship in accordance with INS rules, which include, but are not limited to, continuous residence within the United States, after being lawfully admitted for permanent residence, for at least three years immediately preceding the date of filing a petition for naturalization if married to a United States citizen or, if not, continuous residence within the United States, after being lawfully admitted for permanent residence, for at least five years immediately preceding the date of filing a petition for naturalization.

ii. After residency requirements for citizenship are met, aliens who have applied for citizenship shall not receive benefits for more than six months unless they attain citizenship, or pass the language and civics component (prior to or at the time of the alien's interview with the INS, unless exempt), and are awaiting a final INS determination delayed through no fault of their own.

iii. An alien who attains citizenship may continue to receive benefits for a lifetime total of 60 cumulative months from April 2, 1997 forward or the effective date of eligibility for WFNJ/GA, if later than April 2, 1997. The total months of eligibility include any time the individual was receiving WFNJ benefits prior to becoming a citizen.

iv. An alien who meets the requirements for residency and citizenship on or after August 22, 1996, but does not initiate the naturalization process shall not be eligible to receive benefits.

(b) A WFNJ/GA recipient's receipt of non-Federally funded general public assistance benefits while in another state shall count towards the WFNJ/GA 60 cumulative month lifetime limit.

iii. Referral to affordable housing (if known) as well as referral to and/or application for other available benefits or services.

2. The county or municipal agency shall monitor compliance with the service plan at least quarterly.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

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

10:90-6.7 Payment for emergency shelter

(a) The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

<u>Emergency Assistance amounts per day</u>	
1 Person/1 room	\$35.00
2 Persons/1 room	\$45.00
3 Persons/1 room	\$53.00
4 Persons/1 room	\$53.00
4 Persons/2 rooms	\$90.00
5 Persons/1 room	\$63.00
5 Persons/2 rooms	\$90.00

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

In (a), substituted "housing provided in hotels and motels" for "shelter"; inserted per diem rates; and deleted (b).

10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full

responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled.

2. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for food stamps in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

3. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

4. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

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

10:90-6.9 Commissioner's pilot project for WFNJ/GA emergency assistance extensions

(a) Pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey act), approved January 29, 1997, the Commissioner is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. The 12 cumulative month limit on receipt of Emergency Assistance imposed by law was implemented effective July 1, 1997 as was the 10 percent limit on WFNJ/General Assistance Emergency Assistance (GA EA) extensions. Consistent with the objectives of WFNJ to help individuals find employment and resolve emergency situations, a WFNJ/GA EA pilot project is being established for those WFNJ/GA individuals who are losing eligibility for EA effective July 1, 1998. Under this pilot project, the 10 percent limit on WFNJ EA extensions for the GA component of the program as stipulated at N.J.A.C. 10:90-6.4(c) is being waived only for those EA recipients losing eligibility for EA benefits effective July 1, 1998. Under the GA/EA initiative, such individuals may qualify for an EA extension as outlined in this section. This initiative will provide additional time for

county and municipal agencies to work with recipients who are granted an extension to resolve the recipient's emergency situation. In return for the granting of these extensions, all such EA recipients are expected to fully cooperate with their EA service plans and all other WFNJ requirements including the recipient's individual responsibility plan, if applicable.

(b) Those individuals who are losing eligibility for EA due to the 12 cumulative month limit effective July 1, 1998 shall be eligible for an EA extension of up to three months in accordance with the following provisions. Such individuals must make application for this extension.

1. Recipients who meet the criteria as delineated at N.J.A.C. 10:90-6.4(b), or (b)1i below and are in full compliance with their service plan, Individual Responsibility Plan (IRP), if applicable, and all other WFNJ requirements shall, as determined by the agency, receive an EA extension.

i. For purposes of this pilot project, when a recipient is participating in an approved work activity leading to employment or participating in a substance abuse program, the recipient shall be eligible to receive EA benefits.

2. In addition, recipients who are otherwise eligible and are complying with all WFNJ requirements shall be granted an extension if the agency determines that one of the following criteria exist:

i. The recipient does not have an EA service plan as required by N.J.A.C. 10:90-6.6(a)1 or the recipient has an EA service plan but the county or municipal agency has not reviewed, monitored and updated the EA service plan at least quarterly as required by N.J.A.C. 10:90-6.6(a)2. Upon granting of an extension, the county/municipal agency shall review, develop, and/or update the EA service plan, as appropriate, within five days of the granting of an extension; or

ii. The recipient does not have an IRP, if applicable, or the recipient has an IRP but the county or municipal agency has not reviewed, monitored and updated the IRP at the time of case redetermination as required by N.J.A.C. 10:90-4.8. Upon granting of an extension, the county/municipal agency shall develop, or review and update the IRP, as appropriate, within five days of the granting of an extension.

(c) When emergency assistance has been extended beyond the 12-month maximum in accordance with the provisions of this pilot project for a period of up to three months, the EA service plan must be developed, updated or revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

(d) When EA extensions are granted, the county or municipal agency shall review each such case monthly to determine if the hardship continues to exist and to determine if the individual is fully complying with his or her EA service plan and IRP, if applicable.

(e) All recipient/agency responsibilities delineated at N.J.A.C. 10:90-6.6 shall be applicable to this pilot project.

(f) Recipients in EA extension who fail to comply with their EA service plans or with their IRP or other WFNJ requirements shall have their EA extension terminated.

(g) Recipients who are not granted an extension under the provisions of this pilot project may request a fair hearing if they are in full compliance with all other WFNJ requirements.

(h) Recipients who are granted up to a three-month extension under this pilot project may, when the WFNJ/GA EA pilot project extension ends, apply for a hardship extension subject to the 10 percent cap under the provisions set forth at N.J.A.C. 10:90-6.4(b) and (c).

Emergency New Rule, R.1998 d.363, effective June 24, 1998 (to expire August 23, 1998).
Sec: 30 N.J.R. 2778(a).

SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES

10:90-7.1 Establishment and maintenance of case records

(a) The case record is the official file, whether computerized or hard copy, of forms, chronological narrative, correspondence and other documents pertinent to the application and determination of eligibility for WFNJ benefits. It constitutes a complete record of the county/municipal agency's decisions and actions concerning eligibility for assistance in each case. Since it is the record on which decisions to grant, deny or continue assistance in accordance with law and regulations are made, it is mandatory that a case record be established and maintained for every individual who applies for and/or receives WFNJ benefits.

1. Records shall also be established and kept when emergency assistance or service payments are made to or on behalf of SSI recipients. Records shall likewise be established when burial expense payments are made on behalf of non-WFNJ recipients pursuant to the listing of persons who may be eligible for such payments as found in N.J.A.C. 10:90-8.2.

(b) The case record shall be kept confidential as described in N.J.A.C. 10:90-7.7.

(c) It is the right of every applicant for or recipient of WFNJ or his or her authorized representative to review the contents of his or her case file. Applicants or recipients or their authorized representatives shall make an appointment with appropriate agency staff when review of the case file is desired so that the review may take place at the convenience of all the parties. Requests for review shall be responded to in a reasonable amount of time. See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

10:90-7.2 Contents of the case record

(a) The validity of all case action rests primarily on the corroborating data in the case record, whether computerized or hard copy. The following items shall be part of the case record:

1. All completed forms necessary for the appropriate assistance programs;
2. A record of any contact with the WFNJ client and a summary of the information obtained;
3. All related referrals, correspondence, memoranda and documents, except those which are required by law or regulation to be maintained in some other files; and
4. A record of all pertinent verifications, such as, but not limited to, birth certificates, Social Security numbers, driver's licenses, and so forth.

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

10:90-7.3 Maintenance, custody, movement and transfer of case records

(a) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(b) There shall be a supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until an extension of continued assistance is approved by the DFD, and that payments are terminated when and if eligibility ceases.

(c) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice, including information about their hearing rights, in accordance with present policy. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

(d) Responsibility for WFNJ benefits shall be transferred from one county to another when a recipient/family moves to another county.

(e) A temporary visit by the assistance unit shall not be considered to be a change of county/municipal residence until that visit has continued for more than a one-month period.

(f) Those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

(g) The well-being of recipients shall not be adversely affected by a transfer from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and the receiving county/municipality.

(h) Any case transfer management disputes which cannot be resolved locally shall be referred to the DFD to determine which county/municipal agency has responsibility for the case. In such instances, the decision of the DFD shall be considered final and binding on all parties involved.

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

10:90-7.4 Issuance of photo identification cards and fingerimaging

(a) Each WFNJ/TANF adult recipient shall be required, as a condition of eligibility, either to participate in the fingerimaging process or to accept a photo identification (ID) card, as appropriate, and agree to be photographed for the purpose of placing a photo on an ID card unless refusal to do so is based on the reasons found in (e)3 and 4 below. Agencies administering the WFNJ/GA program shall have the option of issuing a photo ID card to recipients.

(b) Until the electronic benefit transfer system (EBT) has been implemented Statewide, the county agency shall continue to issue a photo ID card to each assistance payee. Once a county begins to implement the EBT system, the county agency shall no longer be required to issue a photo ID card to each adult recipient but will have the option of continuing the issuance of photo ID cards separate from the EBT cards. The photo ID card shall be used as proof of eligibility and to make check cashing possible.

(c) The county agency shall establish a procedure for completion of the ID card that shall ensure that the WFNJ recipient need make only one visit to the agency for that purpose.

(d) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.

i. Health insurance is considered reasonable in cost if it is employment related or other group health insurance, regardless of service delivery mechanism.

(d) Recommendations for adjustment shall be based on the New Jersey Child Support Guidelines, New Jersey Court Rule 5:6A.

1. If the recommended amount of adjustment is a 20 percent or more increase over the current order, a motion shall be filed to have the order modified.

2. If the recommended amount of adjustment is a 20 percent or more decrease, the obligor should be directed to file appropriate application with the court.

3. Each parent subject to a child support order shall be notified of any review of the order at least 30 calendar days before commencement of the review.

i. This notification requirement may be satisfied by filing a notice of motion, provided both parties are notified 30 calendar days prior to the hearing.

ii. If modification is warranted, the notice of motion may serve as a notice to both parties of the review determination. If either party disagrees with the determination, they may challenge the decision to a judge. If no adjustment is warranted based on a review, a notice shall be issued as outlined in (d)4i and ii below.

4. Following any review, the county agency CSP Unit shall notify each parent subject to the child support order of the following:

i. Any adjustment or a determination that there should be no change; and

ii. Each parent's right to initiate proceedings to challenge the adjustment or determination within 30 calendar days after the date of the notice.

(e) The county agency Statistical Report shall be completed each month to reflect the number of cases reviewed and the number of cases adjusted.

(f) In accordance with Section 351 of the Personal Responsibility and Reconciliation Work Opportunity Act of 1996, P.L. 104-193, the county agency CSP Unit shall target for review and adjustment all orders under Title IV-A and Title IV-E foster care cases by reviewing one-third of the caseload per year, over a three-year period.

Amended by R.1998 d.42, effective January 20, 1997.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (f).

SUBCHAPTER 17. EARLY EMPLOYMENT INITIATIVE (EEI)

Authority

N.J.S.A. 44:10-3; Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); and the Work First New Jersey Act, P.L. 1997, c.14, approved January 29, 1997.

Source and Effective Date

R.1998 d.383, effective July 20, 1998.
See: 30 N.J.R. 1489(a), 30 N.J.R. 2656(a).

10:90-17.1 Purpose and scope

(a) Pursuant to P.L. 1997, c.14 (Work First New Jersey Act), approved January 29, 1997, the Commissioner is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems necessary to conduct special experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. Consistent with the policy of the WFNJ program that seeking and accepting employment is a critical element of the program and is one of the primary requirements for receipt of cash assistance as outlined in N.J.A.C. 10:90-1.1(d), a three-year pilot project entitled "Early Employment Initiative (EEI)" is being established. The EEI pilot project shall be evaluated after two years to determine the effectiveness of this early intervention strategy. The EEI involves mandatory participation by an adult member(s) of an applicant family, who meets certain EEI eligibility criteria, in an up-front concentrated job search/placement strategy that will provide an opportunity for the family to regain independence and self-sufficiency through obtaining unsubsidized employment, thereby avoiding receipt of WFNJ/TANF cash assistance. The EEI is designed to provide immediate up-front short-term financial investments for such EEI eligible applicant families. In return for this up-front assistance, the adult member(s) of such families shall be required to cooperate and actively participate in the EEI for a minimum period of 15 days to a maximum period of up to 30 days (which shall run parallel to the time frame for determining WFNJ program eligibility), in accordance with the provisions set forth in this subchapter, as a condition of eligibility for the WFNJ/TANF program (see N.J.A.C. 10:90-2.1(b)1).

(b) If an individual is determined EEI eligible in accordance with N.J.A.C. 10:90-17.2, and thereafter has a change in circumstances placing the family in immediate need prior to the expiration of the minimum 15 day participation period, the family shall be immediately referred to the WFNJ county agency for an immediate need determination. Such individuals shall have been considered to have met their EEI participation requirement.

(c) Participation in the EEI is subject to the availability of slots at the EEI entity. On a daily basis, the WFNJ agency shall confirm the availability of EEI slots prior to taking any action concerning determining EEI eligibility. The lack of an EEI slot shall not delay the processing of the WFNJ/TANF application. When EEI slots are not available, the WFNJ agency shall not screen any applicant for participation in the EEI, and participation in the EEI shall not be considered an eligibility requirement for those applicants. No further action shall be taken by the WFNJ agency to refer such applicants for EEI participation during this WFNJ/TANF application process, however, at the time of a subsequent reapplication for WFNJ/TANF cash assistance, the family may be referred for EEI participation, if applicable.

10:90-17.2 Determining eligibility for the EEI

(a) When it has been confirmed that EEI slots are available, the county WFNJ agency shall, during the WFNJ application interview, determine whether or not the WFNJ/TANF adult applicant(s) meets the eligibility criteria for mandatory participation in the EEI. More than one adult per family may be determined eligible for mandatory participation in the EEI. Eligibility for mandatory EEI participation shall be determined if an adult WFNJ/TANF applicant meets all of the following criteria:

1. Has a high school diploma or a GED and a work history that equals or exceeds six months of full-time employment in the last 12-month period;
2. Has at least one child;
3. Appears to meet all financial and non-financial WFNJ eligibility requirements, including initial cooperation with child support, and is considered an eligible candidate for receipt of WFNJ cash assistance;
4. Is not in immediate need, in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3; and
5. Does not meet the criteria for a deferral from the work requirements under the WFNJ program (see N.J.A.C. 10:90-4.9).

(b) A WFNJ/TANF adult applicant who does not meet the criteria in (a)1 above for mandatory EEI participation, but has a high school diploma or a GED or a work history that equals or exceeds four consecutive weeks of employment within the 52 weeks prior to applying for WFNJ cash assistance and meets all of the other EEI eligibility criteria at (a)2 through 5 above, shall be given the opportunity to voluntarily participate in the EEI. The county WFNJ agency shall inform the applicant who is eligible for participation in the EEI under this voluntary criteria that once the decision is made to voluntarily participate, he or she shall be considered a mandatory EEI participant and shall be obligated to comply with all the provisions set forth in this subchapter.

(c) On the same day the WFNJ application is taken, the WFNJ/TANF agency shall determine whether or not any of the adult members of the applicant family meet the EEI eligibility criteria in (a) or (b) above.

1. For those applicants who meet the EEI eligibility criteria, the WFNJ agency shall prepare an initial Individual Responsibility Plan (IRP) with the applicant and utilize form CAGE-8, Addendum to the Individual Responsibility Plan, to allow the applicant to self-identify a potential drug or alcohol problem prior to being referred for participation in the EEI. It is to be noted that the responses to the CAGE-8 questions are voluntary. If an applicant chooses not to respond to the drug and alcohol questions, the WFNJ agency shall make a notation on the CAGE-8 form, accordingly. In all instances, the WFNJ agency shall attach the CAGE-8 form, along with the initial IRP, to the applicant family's WFNJ application.

i. If the individual indicates that he or she has a drug or alcohol problem, the individual shall not be referred to the EEI entity for participation during this WFNJ application process and the family's eligibility determination for WFNJ cash assistance shall continue without interruption. In such instances, when the family's WFNJ application is approved, the individual's self-identified drug or alcohol problem shall be taken into consideration and addressed, as appropriate.

2. For those adult applicants who meet the EEI eligibility criteria for participation and maintain that they do not have a drug or alcoholic problem, participation in the EEI shall be mandatory. Likewise, those adult family members who choose not to respond to the CAGE-8 drug and alcohol questions and who meet the eligibility criteria for EEI participation at (a) or (b) above, shall also be referred to the EEI entity for mandatory participation.

(d) Once it is determined that an adult individual meets all the criteria for mandatory participation in the EEI, the WFNJ agency shall immediately take action to refer that adult to the EEI entity as follows:

1. The county WFNJ agency shall provide a verbal explanation of what participation in EEI means as well as provide a copy of an "EEI Important Notice."

2. The county WFNJ agency shall require the mandatory EEI participant to sign form WFNJ/EEI-1, Early Employment Initiative Participation Agreement. Refusal by the participant to sign this form shall constitute noncooperation with the EEI, in accordance with the EEI cooperation provision at N.J.A.C. 10:90-17.3(b), and shall result in the denial of the applicant family's WFNJ application for cash assistance. In addition, the WFNJ agency shall complete a WFNJ Agency Referral to EEI which shall include the earned income amount that would render the family ineligible for WFNJ/TANF cash assistance, if an EEI participant secures employment. The originals of the WFNJ/EEI-1 and the WFNJ Agency Referral shall be retained at the WFNJ agency and attached to the WFNJ application. The EEI participant shall be provided a copy of the EEI Participant Agreement. The WFNJ agency shall immediately fax, to the appropriate EEI entity, a copy of the signed WFNJ/EEI-1, along with a copy of the referral form.

3. At the time the county WFNJ agency refers the EEI participant to the EEI agency, the WFNJ agency shall also refer the EEI participant to the Unified Child Care Agency (UCCA) for post-EEI child care service arrangements. The WFNJ agency shall provide notification to the UCCA of the need for post-EEI child care services by preparing a WFNJ Agency Referral to the UCCA Agency and immediately faxing it to the UCCA. The WFNJ agency shall retain the original UCCA referral and attach it to the EEI participant's WFNJ/TANF application.