

**CHAPTER 90**

**WORK FIRST NEW JERSEY PROGRAM**

**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, Public Law 1997 c.13, c.14, c.37 and c.38.

**Source and Effective Date**

R.1997 d.311, effective July 1, 1997 (expires January 1, 1998).  
See: 29 N.J.R. 3287(a).

**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 Chapter 90, "The Handbook for Home Services Program", was repealed by R.1980 d.208, effective May 9, 1980.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" became effective November 15, 1982 as R.1982 d.399. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a). Chapter 90, "Monthly Reporting Policy Manual", was readopted pursuant to Executive Order No. 66(1978), effective November 16, 1987 as R.1987 d.454. See: 19 N.J.R. 1517(a), 19 N.J.R. 2193(a). Chapter 90 expired on October 14, 1992 pursuant to Executive Order No. 66(1978).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:90-1.1 Purpose, philosophy and scope of the WFNJ program
- 10:90-1.2 Opportunity and decision to apply
- 10:90-1.3 Immediate need
- 10:90-1.4 Notice and information to client
- 10:90-1.5 Prompt disposition by the county or municipal agency
- 10:90-1.6 Primary source of information
- 10:90-1.7 Nondiscrimination
- 10:90-1.8 Adherence to law and regulations
- 10:90-1.9 No duplication of assistance
- 10:90-1.10 Assistance to non-English speaking applicants
- 10:90-1.11 Release of information by county or municipal agency
- 10:90-1.12 Refusal to apply for eligible benefits
- 10:90-1.13 Change in circumstances
- 10:90-1.14 Issuance of summons or subpoena
- 10:90-1.15 Voluntary quit
- 10:90-1.16 Assignment or transfer of property

**SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS**

- 10:90-2.1 General provisions
- 10:90-2.2 WFNJ TANF/GA eligibility requirements
- 10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits
- 10:90-2.4 Exemptions from the 60 cumulative month time limit
- 10:90-2.5 Extensions to the 60 cumulative month time limit
- 10:90-2.6 Domestic violence
- 10:90-2.7 Composition of the WFNJ/TANF and WFNJ/GA eligible assistance unit
- 10:90-2.8 Individuals ineligible for WFNJ TANF/GA
- 10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA
- 10:90-2.10 WFNJ TANF/GA citizenship/eligibility requirements
- 10:90-2.11 WFNJ TANF/GA residency requirements
- 10:90-2.12 County/municipal residence for identification
- 10:90-2.13 Temporary absence from the State (WFNJ TANF/GA)
- 10:90-2.14 Responsibility of a parent to report temporary absence of a child from the home

- 10:90-2.15 Child or parent in an institution
- 10:90-2.16 Absence for reasons other than institutionalization
- 10:90-2.17 Parent-minor provisions
- 10:90-2.18 Family cap provision for WFNJ/TANF
- 10:90-2.19 Refusal to cooperate with Quality Assurance reviews

**SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME, RESOURCES, BENEFITS**

- 10:90-3.1 General financial eligibility provisions
- 10:90-3.2 Determining initial financial eligibility for WFNJ/TANF, assistance units with dependent children
- 10:90-3.3 WFNJ/TANF—initial allowable maximum income and maximum benefit payment levels (Schedules I and II)
- 10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units
- 10:90-3.5 WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)
- 10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)
- 10:90-3.7 Computing prorated cash assistance benefits for WFNJ TANF/GA recipients
- 10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned income
- 10:90-3.9 Income—WFNJ TANF/GA
- 10:90-3.10 Resources—WFNJ TANF/GA
- 10:90-3.11 Determining the income of WFNJ TANF/GA assistance units
- 10:90-3.12 Treatment of income from eligible and noneligible individuals in the WFNJ TANF/GA household, as appropriate
- 10:90-3.13 Treatment of income for needy stepparents who are married to a WFNJ recipient parent
- 10:90-3.14 Treatment of income for non-needy stepparents who are married to a natural or adoptive WFNJ recipient parent
- 10:90-3.15 Eligibility of sponsored aliens and deeming of sponsor's income and resources to a sponsored alien for eligible aliens who entered the United States prior to August 22, 1996
- 10:90-3.16 Deeming income of parents of adolescent parents
- 10:90-3.17 WFNJ/GA special payment provisions for other living arrangements
- 10:90-3.18 Treatment of lump sum income WFNJ TANF/GA
- 10:90-3.19 Exempt income
- 10:90-3.20 Exempt resources
- 10:90-3.21 Overpayments and underpayments
- 10:90-3.22 WFNJ TANF/GA case redetermination process
- 10:90-3.23 Payees in WFNJ

**SUBCHAPTER 4. WFNJ WORK REQUIREMENTS**

- 10:90-4.1 General Work Requirement Provisions
- 10:90-4.2 Work Activity Participation
- 10:90-4.3 Description of work activities
- 10:90-4.4 Satisfactory attendance
- 10:90-4.5 Conditions under which CWEP and AWEP shall be regarded as employment
- 10:90-4.6 Work activity placement parameters
- 10:90-4.7 Employment profile (assessment)
- 10:90-4.8 Individual Responsibility Plan (IRP)
- 10:90-4.9 Deferrals from the work requirement
- 10:90-4.10 Good cause
- 10:90-4.11 Sanctions
- 10:90-4.12 Effective date of sanctions
- 10:90-4.13 Intent to comply
- 10:90-4.14 Appeals
- 10:90-4.15 Injury Compensation for CWEP and AWEP Participants

**SUBCHAPTER 5. SUPPORTIVE SERVICES**

- 10:90-5.1 Introduction

- 10:90-5.2 Child care services
- 10:90-5.3 Child care for special circumstances
- 10:90-5.4 Transportation services
- 10:90-5.5 Work expense allowance
- 10:90-5.6 Medical Support Services
- 10:90-5.7 Retroactive Medicaid
- 10:90-5.8 Medicaid special
- 10:90-5.9 Medicaid extension (employment-related)
- 10:90-5.10 Medicaid extension (child support-related)

**SUBCHAPTER 6. EMERGENCY ASSISTANCE**

- 10:90-6.1 Availability of emergency assistance
- 10:90-6.2 Persons eligible for emergency assistance
- 10:90-6.3 Kinds of emergency assistance authorized
- 10:90-6.4 Time limitations
- 10:90-6.5 Recipient contribution
- 10:90-6.6 Recipient/agency responsibilities
- 10:90-6.7 Payment for emergency shelter
- 10:90-6.8 Intercounty/municipality transfer of EA cases

**SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES**

- 10:90-7.1 Establishment and maintenance of case records
- 10:90-7.2 Contents of the case record
- 10:90-7.3 Maintenance, custody, movement and transfer of case records
- 10:90-7.4 Issuance of photo identification cards and fingerprinting
- 10:90-7.5 Lost or stolen assistance checks
- 10:90-7.6 Reporting of child abuse and neglect
- 10:90-7.7 Confidential nature of information
- 10:90-7.8 Settlement of suits and claims

**SUBCHAPTER 8. SPECIAL PROVISIONS FOR PAYMENT OF FUNERAL AND BURIAL EXPENSES**

- 10:90-8.1 Payment of funeral and burial expenses
- 10:90-8.2 Persons who may be eligible
- 10:90-8.3 Funeral and burial contracts
- 10:90-8.4 Definitions and conditions
- 10:90-8.5 Authorization of payment
- 10:90-8.6 Time of payment
- 10:90-8.7 Irregularities

**SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ**

- 10:90-9.1 Notice to applicant/recipient
- 10:90-9.2 Definitions related to hearings
- 10:90-9.3 Right to a fair hearing
- 10:90-9.4 Rules applicable to WFNJ/GA applicants/recipients
- 10:90-9.5 Responsibilities of the county/municipal agency in processing hearing requests
- 10:90-9.6 Responsibilities of the Division of Family Development
- 10:90-9.7 Responsibilities of the Office of Administrative Law upon transmittal of a contested case from DFD
- 10:90-9.8 Administrative hearings and administrative reviews
- 10:90-9.9 Complaints and adjustment procedures
- 10:90-9.10 Time limitations on entitlement to fair hearings (county and municipal)
- 10:90-9.11 Access to case file and documents prior to hearing
- 10:90-9.12 Representation at hearings
- 10:90-9.13 Disposition of hearing request through withdrawal, abandonment or settlement
- 10:90-9.14 Adjournments
- 10:90-9.15 Hearings involving medical issues
- 10:90-9.16 Decision by Director, Division of Family Development
- 10:90-9.17 Emergency fair hearings

**SUBCHAPTER 10. REFUGEE RESETTLEMENT PROGRAM**

- 10:90-10.1 Purpose and funding
- 10:90-10.2 Identifying refugees

- 10:90-10.3 INS statuses for RRP
- 10:90-10.4 Resettlement
- 10:90-10.5 Termination of RRP: continued eligibility for assistance
- 10:90-10.6 Eligibility
- 10:90-10.7 Medical assistance and medical expense spend-down
- 10:90-10.8 Social services
- 10:90-10.9 Fair hearings
- 10:90-10.10 Case records

**SUBCHAPTER 11. INTENTIONAL PROGRAM VIOLATION**

- 10:90-11.1 Definition of intentional program violation (IPV)
- 10:90-11.2 Methods of determining IPV
- 10:90-11.3 Referral for administrative disqualification hearing
- 10:90-11.4 Waiver of right to administrative disqualification hearing
- 10:90-11.5 Administrative disqualification hearing procedures
- 10:90-11.6 Participation while awaiting a hearing
- 10:90-11.7 No further administrative appeal
- 10:90-11.8 Referral of IPV cases for prosecution
- 10:90-11.9 Disqualification consent agreement
- 10:90-11.10 Reversed IPV disqualifications
- 10:90-11.11 IPV disqualification penalties
- 10:90-11.12 Imposing disqualification periods
- 10:90-11.13 County or municipal agency IPV administrative procedures

**SUBCHAPTER 12. PROGRAM ADMINISTRATION, CONSOLIDATION AND PERFORMANCE STANDARDS**

- 10:90-12.1 Statutory authority
- 10:90-12.2 Authority of the commissioner
- 10:90-12.3 Transfer of administration of the WFNJ/GA Program
- 10:90-12.4 Municipalities that continue to administer WFNJ/GA
- 10:90-12.5 Evaluating county/municipal agency performance
- 10:90-12.6 State fair hearings for action of the State to transfer WFNJ/GA from the municipality to the county
- 10:90-12.7 State fair hearings for action of the State to assume administration of WFNJ/GA from the county
- 10:90-12.8 Obligation to provide assistance
- 10:90-12.9 Organization of local assistance board
- 10:90-12.10 Appointment of employees
- 10:90-12.11 Establishment of Public Assistance Trust Fund Account

**SUBCHAPTER 13. MEDICAL SERVICES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN (WFNJ/GA)**

- 10:90-13.1 Payment of medical service claims
- 10:90-13.2 Obtaining medical services
- 10:90-13.3 Nursing facility payments

**SUBCHAPTER 14. FISCAL PROCEDURES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN (WFNJ/GA)**

- 10:90-14.1 Statutory authority
- 10:90-14.2 State financial participation
- 10:90-14.3 Public Assistance Trust Fund Accounts
- 10:90-14.4 Fiscal and statistical reporting requirements
- 10:90-14.5 Reimbursement of assistance for cases pending SSI entitlement
- 10:90-14.6 Establishment of Petty Cash Fund Account for Municipal Agency
- 10:90-14.7 Retention and destruction of case records
- 10:90-14.8 Processed medical service claims
- 10:90-14.9 Computerized match reports

**SUBCHAPTER 15. DEFINITIONS**

- 10:90-15.1 Definitions

## SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

10:90-16.1	Introduction
10:90-16.2	Eligibility requirements
10:90-16.3	Cooperation in establishing paternity and support
10:90-16.4	Good faith effort requirement
10:90-16.5	Good cause exceptions to cooperation
10:90-16.6	Assignment of support rights
10:90-16.7	Incentive payment
10:90-16.8	Access to child support information
10:90-16.9	County payment of fees for services
10:90-16.10	Responsibilities of the State agency
10:90-16.11	Responsibilities of the county agency
10:90-16.12	Responsibilities of the county agency CSP Unit
10:90-16.13	Fiscal record maintenance
10:90-16.14	Notification of deletions, terminations, suspension or transfer of case/individual
10:90-16.15	Parent locator service
10:90-16.16	County agency parent locator responsibilities
10:90-16.17	State PLS/Federal Parent Locator Service (PLS)
10:90-16.18	Disclosure of information
10:90-16.19	Closing criteria for IV-D cases
10:90-16.20	Retention and destruction of case records
10:90-16.21	Child Support Guidelines (New Jersey Supreme Court Rule 5:6A)
10:90-16.22	Income withholding
10:90-16.23	Distribution of arrearage payments on child support orders
10:90-16.24	Rules concerning application fee for NPA applicants
10:90-16.25	Review and adjustment of child support orders (WFNJ/TANF, foster care and Medicaid cases)

## SUBCHAPTER 1. GENERAL PROVISIONS

**10:90-1.1 Purpose, philosophy and scope of the WFNJ program**

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

(b) WFNJ building upon the base of our former State and Federally funded Aid to Families with Dependent Children (AFDC) program and our State funded General Assistance (GA) program, creates one WFNJ program. However, due to certain necessary differences in the requirements and the responsibilities entailed in being a single adult, a couple without dependent children or a single adult or couple with dependent children, the WFNJ program recognizes two segments which, for ease of reference and

clarity throughout this manual are referred to as either the WFNJ/TANF component, which encompasses families with children whether headed by a single adult or a couple, and the WFNJ/GA component, which encompasses single adults and couples without dependent children.

(c) The WFNJ Program is designed specifically to emphasize personal responsibility, instill dignity, promote self-sufficiency and pride through work and strongly reinforce all parents' responsibility for their child(ren) through strict enforcement of child support requirements. WFNJ clearly recognizes that both parents of a child(ren), whether or not they are the custodial caretakers of these children share fully and equally in the responsibility for the financial support of the child(ren), as well as all the positive developmental aspects which occur throughout childhood. All adults have primary responsibility for supporting both themselves and their families.

(d) Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy to bridge the gap while individuals seek and obtain self-sufficiency through bonafide unsubsidized employment. Applicants shall be informed that receipt of WFNJ assistance benefits is limited to a lifetime maximum of 60 cumulative months and that seeking and accepting employment are the primary requirements for receipt of continuing cash assistance.

(e) In WFNJ, for the first time, a major commitment has been solicited from all arms of State and local government to pull together resources and philosophy to clearly demonstrate to all welfare and potential welfare clients that WORK is the answer and self-sufficiency is the key to a better life for all New Jerseyans. The changes brought about by this program are monumental. They require all adults to accept personal responsibility and immediately contribute something back to their community in return for the temporary helping hand WFNJ will provide them in their time of need or crisis. Welfare is not a way of life. Work, however, is a way of life for all able-bodied adults. WFNJ recognizes that working families and individuals need temporary supports such as child care, transportation and health care and has strengthened the State's commitments in these areas. Additionally, the WFNJ program is designed to increase the health and well-being of children and young adults reared within the welfare system as well as to instill in these children the dignity, value, pride and self-satisfaction that are derived from work and positively contributing to our society. While WFNJ maintains our commitment to protect the most vulnerable who are unable to care fully for themselves, the major focus in the New Jersey welfare system has definitely changed from welfare to work with the onset of WFNJ. This new era in the public welfare system should be made very clear by the focus and standards put forth in this manual.

(f) However, in line with protecting its most vulnerable citizens, it should be emphasized that the WFNJ Program has availed itself of the PRWORA option regarding protec-

tions for victims of Domestic Violence. PRWORA and WFNJ provide the flexibility to uniquely address the specific problems of victims of domestic violence, as well as victims of rape and incest. The flexibility provided is not intended to allow or force individuals to remain on the welfare rolls; rather, it is intended to extend to domestic violence survivors the flexibility, protections and services necessary to begin or continue on the path away from a life of abuse and forward toward a life that will provide safety; physical, mental and financial recovery and self-sufficiency gained through work experience and/or employment as soon as victims are able to avail themselves and their families of these opportunities.

1. When an individual in the course of either application, redetermination or at any other point of contact with the county or municipal agency is identified as a victim of domestic violence, rape or incest, it must be determined with the victim whether or not this represents an immediate barrier to engaging in work. If the victim attests to an inability to participate as would otherwise be required in WFNJ activities, an affidavit to this effect shall be secured from the individual. This affidavit will temporarily exempt the individual from the five year lifetime limit on benefits receipt and will also temporarily defer the individual from the requirement to engage in work or a work activity until the case is redetermined. At any point, the victim may provide corroborative evidence, if available, and it is clear to the victim that providing such information will in no way pose a threat to the safety of the victim and the victim's family.

i. Even though an affidavit is taken, an initial individual responsibility plan (IRP) will be developed with the individual to set goals so that the individual will move forward toward safety and self-sufficiency. Information and referral to the Department of Human Services' (DHS) Designated Domestic Violence Programs which provide all core services or to Rape Crisis Programs will be suggested to the victim as well as referral to any other appropriate community services which can assist the victim and any dependent children in the family. The goals established in the individual's IRP shall be reviewed with the individual at three month intervals to determine the status and progress the individual has made toward meeting the goals established in the IRP. If appropriate, the IRP will be updated to reflect the individual's progress and establish new goals. If, upon disclosure of the domestic violence victimization, the victim expresses a willingness to begin to engage in a work activity prior to the next regular redetermination, this shall be accommodated. For example, the victim may wish to begin work as soon as permanent housing has been secured, the children have been enrolled and settled in school and major court appointments have been kept.

ii. Once the individual has expressed a willingness to engage in work or a work activity the individual will no longer be exempt from the five year lifetime limit on benefits' receipt or deferred from work requirements, unless or until the victim encounters further debilitating factors due to domestic violence and makes these known to the county or municipal agency via an affidavit.

2. The State has a responsibility to protect victims in these cases but it also has a responsibility to help promote the victim's self-sufficiency. Therefore, at the point of the first regular six-month case redetermination following disclosure of domestic violence victimization, unless the victim is in crisis and clearly indicates via affidavit that the inability to participate in work activities still exists, when reviewing the IRP, the individual will be scheduled to begin a regular work activity or, at a minimum, engage in 20 hours per week of community service. If the victim requests or if the victim selects to do only 20 hours of community service, the victim will also be referred to the local DHS Designated Domestic Violence Program for core services, related support and/or community service placement in counties where arrangements have been made to assist such individuals through purchase of service agreements with the DHS Designated Domestic Violence Programs. The goals established in the individual's IRP shall be reviewed with the individual after three months to determine the status and progress the individual has made toward meeting the goals established in the IRP.

**10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units**

(a) In order to determine initial financial eligibility for assistance units composed of employable single adults or couples without dependent children, who are applying for WFNJ/GA as a new applicant, reapplicant or reopened case, all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule III at N.J.A.C. 10:90-3.5. If the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/GA initial financial eligibility exists.

(b) WFNJ/GA initial maximum allowable financial income eligibility levels are based on 150 percent of the maximum benefit payment levels (provided within the limit of funds appropriated by the Legislature) for the appropriate assistance unit size in Schedule IV at N.J.A.C. 10:90-3.5.

1. When an eligible WFNJ/GA assistance unit is composed of a couple without dependent children and at least one individual is employable, Schedule III shall be used to determine initial financial eligibility.

**10:90-3.5 WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)**

(a) Schedule III below identifies the WFNJ/GA initial maximum allowable income eligibility levels for the appropriate assistance unit size that shall be used for new applicant, reapplicant and reopened cases to determine initial financial eligibility for employable single adults and couples without dependent children.

(b) Schedule IV below identifies the WFNJ/GA maximum allowable benefit payment levels for the appropriate assistance unit size that shall be used for employable single adults and couples without dependent children. As long as the assistance unit's countable income is equal to or less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income exceeds the applicable benefit level, the assistance unit is no longer eligible for WFNJ/GA benefits.

**WFNJ/GA Employable Assistance Units Schedules III and IV**

**WFNJ/GA Initial Maximum Allowable Income Levels and Maximum Benefit Payment Levels for Employable Single Adults and Couples without Dependent Children**

Schedule III Employable Maximum Allowable Income Levels	Number in Assistance Unit	Schedule IV WFNJ/GA Maximum Benefit Payment Levels
\$103	1	\$140
290	2	193
366	3	244
420	4	280
480	5	320

540	6	360
597	7	398
656	8	437
Add \$72 for each additional person	More than 8	Add \$32 for each additional person

**10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)**

(a) There is no separate initial income eligibility test for WFNJ/GA unemployable single adults and couples without dependent children. Instead, for unemployable assistance units who apply as a new applicant, reapplicant or reopened case, the total countable income of the WFNJ/GA shall be compared to the unemployable maximum benefit payment level in Schedule V below. If the assistance unit has income equal to or less than the maximum benefit payment level for the appropriate unit size, then initial financial eligibility exists; and, financial eligibility shall continue to exist as long as the total countable income is equal to or less than the applicable benefit payment level. When the income exceeds the benefit payment level, the assistance unit is no longer financially eligible for WFNJ/GA benefits.

**WFNJ/GA Unemployable Assistance Units Schedule V**

**WFNJ/GA Maximum Allowable Benefit Payment Levels for Unemployable Single Adults and Couples without Dependent Children**

Number in Assistance Unit	Maximum Benefit Payment Levels
1	\$210
2	\$289
3	\$366
4	\$420
5	\$480
6	\$540
7	\$597
8	\$655
More Than 8	Add \$48.00 Each Person

**10:90-3.7 Computing prorated cash assistance benefits for WFNJ TANF/GA recipients**

(a) The county or municipal agency shall prorate the initial cash assistance benefit or any other cash benefit that is issued for less than one month. The prorated benefit shall be determined by counting all income which has been received or which will be received in the month of application, and applying the appropriate disregards (see N.J.A.C. 10:90-3.8) to the earned income. The countable income shall be subtracted from the appropriate monthly maximum benefit payment level (Schedule II, IV or V located at N.J.A.C. 10:90-3.3, 3.5 and 3.6, as appropriate) and the result prorated by multiplying that amount by the factor appropriate for the date of application in the proration table below. If the result is not a whole dollar amount, the amount shall be rounded to the next lower whole dollar.

1. The effective date of the initial cash assistance benefit shall be the date of the application if the client was eligible on that date. If the client was found eligible on any other date, the initial grant shall be the date eligibility was established.

Proration Table for Initial/Partial Assistance Payments

Date of Application	Multiplication Factor	Date of Application	Multiplication Factor
1	1.000	16	.5000
2	.9666	17	.4666
3	.9333	18	.4333
4	.9000	19	.4000
5	.8666	20	.3666
6	.8333	21	.3333
7	.8000	22	.3000
8	.7666	23	.2666
9	.7333	24	.2333
10	.7000	25	.2000
11	.6666	26	.1666
12	.6333	27	.1333
13	.6000	28	.1000
14	.5666	29	.0666
15	.5333	30 and 31	.0333

**10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned income**

(a) In computing the monthly cash assistance benefit for eligible new applicants who are employed, 50 percent of the gross earned income shall be disregarded for the first month and for each continuous month of employment thereafter.

(b) In computing the monthly cash assistance benefit for current public assistance recipients who are employed at time of conversion, July 1, 1997, from the AFDC and GA programs to WFNJ, 50 percent of the gross earned income shall be disregarded and continue to be disregarded for each continuous month of employment thereafter.

(c) In computing the cash assistance benefit for WFNJ recipients who are unemployed and subsequently obtain employment, 100 percent of the gross earned income shall be disregarded for the first full month in which the earned income would be counted; and, 50 percent of the gross earned income shall be disregarded for each continuous month of employment thereafter.

(d) In computing the cash assistance benefit for recipients who lose their employment through no fault of their own and subsequently become reemployed, the 100 percent disregard may be applied again for the first full month of employment only once every 12 months; otherwise, the 50 percent disregard shall be applied for each continuous month of employment.

(e) When a member of the eligible assistance unit receives a lump sum payment for services rendered over a period of more than a month, any disregard of earned income is to be computed for each month in which such income was earned.

(f) Income shall be considered available when with the exception of income from self employment, the income becomes payable but is not received by the individual due to his or her preference to voluntarily defer receipt of the income.

(g) In situations where a WFNJ applicant's State or Federal benefit such as RSDI has been reduced due to an overpayment, the full amount of such entitled State or Federal benefit shall be counted, rather than the reduced amount, when determining the cash assistance benefit.

1. In situations where a WFNJ recipient's State or Federal full benefit was used to calculate the grant (i.e., the grant prior to recovery for overpayment of such benefit), then the reduced benefit shall be used to calculate future cash assistance grants until such time as the reduction is no longer in place.

(h) If gross income from employment is reduced due to garnishment of wages for a loan, lien or repayment of other outstanding debts other than child or spousal support, gross earned income shall be countable.

1. Child support and spousal support payments paid by any member of a WFNJ household assistance unit shall be disregarded in the determination of initial eligibility and calculation of the assistance payment.

(i) If an assistance unit is eligible for benefits and in receipt of child support, up to \$50.00 per month based on the amount of current child support received for that month, shall be disregarded in the determination of maximum initial income eligibility and the cash assistance benefit computation. If the amount of child support received is less than \$50.00, the assistance unit shall receive the lesser amount. If the amount of child support received is \$50.00 or more, the assistance unit shall receive \$50.00. Thus, the total amount of child support disregarded shall not exceed \$50.00 per month per eligible assistance unit.

(j) When an individual is not included in the eligible assistance unit because of a sanction for failure to or refusal to comply with a WFNJ program requirement or is disqualified for an intentional program violation, and such individual has earned income, the gross amount of earned income shall be considered available, without application of the earned income disregards, to the eligible assistance unit (see N.J.A.C. 10:90-3.12).

(k) In the case of an overpayment caused by the recipient's failure, without good cause, to report earned income on a timely basis, the amount of the overpayment shall be calculated without application of the earned income disregards (see N.J.A.C. 10:90-3.21).

**10:90-3.9 Income—WFNJ TANF/GA**

(a) Income is either countable or exempt. The provisions pertaining to exempt income may be found at N.J.A.C. 10:90-3.19.

3. If the county or municipal agency establishes a transfer of assets by a WFNJ recipient assistance unit (or by an assistance unit which had been certified for eligibility), a notice of adverse action explaining the reason for and length of disqualification shall be sent. The period of disqualification shall be made effective with the first cash assistance payment to be issued after the notice of adverse action period has expired, unless the assistance unit has requested a fair hearing and continued benefits.

4. The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceed the allowable limits. For example, if an assistance unit with \$1,750 in a bank account transferred ownership of a car worth \$10,000, \$250.00 of that transfer would be considered in determining the period of ineligibility because the first \$9,500 of the car's value is excluded and an additional \$250.00 of the transferred asset can be applied toward the \$2,000 resource limit.

i. The following chart, which has been aligned with the chart utilized in the Food Stamp program, shall be used to determine the period of disqualification when the transfer of nonexempt resources was for the purpose of qualifying for WFNJ.

Disqualification Period Chart

Amount in Excess of Resource Limit	Period of Assistance Unit Disqualification
\$0.01—\$249.99	1 month
250—999.99	3 months
1,000—2,999.99	6 months
3,000—4,999.99	9 months
5,000 and over	12 months

**10:90-3.11 Determining the income of WFNJ TANF/GA assistance units**

(a) All earned and unearned income shall be determined by using a prospective budgeting methodology. WFNJ eligibility and cash assistance benefit calculations shall be based on an estimate of the assistance unit's income, using income averaging and, other circumstances that will exist until the assistance unit reports a change in circumstance or at the time of case redetermination, whichever occurs first. The estimate of income is based on the assistance unit's and the agency's reasonable expectations and knowledge of current, past and future circumstances.

(b) For purposes of determining the assistance unit's financial eligibility and benefits, the county or municipal agency shall determine earnings by obtaining wage information for the four consecutive week period immediately preceding the date of application, redetermination or change in circumstance. Likewise, all unearned income received within this four week period is also determined. All earned and unearned income received within this four week period must be verified and documented in the case record, even if all

four weeks of income are not ultimately used to calculate the estimate.

(c) In order to maintain consistency in policy application between the WFNJ and Food Stamp (FS) programs, the county or municipal agency shall utilize the same income estimate for both the WFNJ application/redetermination period and the FS application/recertification period, whenever possible. Therefore, in those public assistance (PA)/FS cases where the food stamp calculation encompasses a five-paycheck (or a three paycheck month for bi-weekly income) month, county or municipal agencies are authorized to use that same method for WFNJ eligibility and cash assistance benefit. Documentation of the income estimate determination must be maintained in the case record.

1. Since the receipt of income by a WFNJ individual usually occurs weekly, bi-weekly, or on a semi-monthly basis, the county or municipal agency shall convert the averaged income amount to a gross monthly amount by multiplying the averaged income amount by the appropriate conversion factors as follows:

- i. Weekly amounts by 4.333;
- ii. Bi-weekly amounts by 2.167; and,
- iii. Semi-monthly amounts by two.

(d) In determining an estimate of income, the following procedures shall be used by the county or municipal agency:

1. Verify and document in the case record, all unearned income (through bank letters, statements, etc.) and earned income, (through wage stubs or documentation from the employer), received within the four week period specified in (b) above;

2. Determine, through review of the documentation, the case record and discussion with the client, if any of the income received is not expected to be representative of the future. For instance, the first pay check of new employment may not represent a full pay period; a missing week's income may represent a summer plant closing; or a larger check may represent nonrecurring overtime, all of which may not be anticipated to occur in the future. Non-representative income shall not be used in calculating the estimate. For example, the assistance unit receives regular weekly income but is missing one week's pay due to a plant closing for that week only. The three available amounts would be averaged to determine average weekly income and that average converted to monthly gross income as described in (c)1 above;

3. If income fluctuates to the extent that a four-week period is not expected to provide an appropriate income estimate until the next redetermination, the agency shall require the assistance unit to submit verified wage information for those months subsequent to the month of review, in order that the agency may recalculate the estimate. When income fluctuates dramatically, agencies shall rebudget the case as often as deemed necessary to

ensure the most accurate income estimate and correct assistance payment;

i. When four consecutive weeks of income fluctuate but are representative of the assistance unit's anticipated fluctuation in income for future months, the agency shall average the income from the four-week period and project that gross income estimate for future months;

4. The final step shall be to average the income that has been determined to be representative of the eligible assistance unit's circumstances and to convert that average to a gross monthly income estimate amount by using the conversion factors set forth in (c)1 above. The estimate amount shall then be used to determine initial eligibility and benefit amount until the next redetermination or report of a change in circumstances.

(e) WFNJ assistance units shall be required to report any change in income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal agency, but in no event later than 10 calendar days of the date the change happened. The agency shall initiate appropriate action on the reported change within 10 calendar days of receiving the report of the change, subject to timely and/or adequate notice.

1. Reportable income and circumstance changes are defined as changes in sources or amounts of earned or unearned income or changes to the eligible assistance unit size which are expected to continue into the future. Examples of such changes include, but are not limited to: starting a new job or gaining a new source of unearned income; losing a job or a source of unearned income; permanent or long term changes in hours worked and/or rate of pay; permanent or long term changes in unearned income; changing from part-time to full-time employment (or vice-versa); changing employers; short term plant closings (such as one or more weeks) or periods of sick leave without compensation (more than one day); or addition of or loss of an eligible unit member.

2. A change in circumstances of the eligible assistance unit may result in an adjustment upward or downward in the amount of the cash assistance payment. Downward adjustments shall be subject to timely and adequate notice.

(f) Under certain circumstances, including but not limited to the following, a supplemental payment to the last regular benefit payment may be issued during the current payment period.

1. An assistance payment was incorrectly computed or not issued due to administrative error. Such supplemental payment(s) shall be considered as corrections to underpayments;

2. A change in circumstances occurred; or,

3. A new member was added to the eligible unit.

(g) Any supplemental payment to an eligible assistance unit shall be calculated using the proration chart at N.J.A.C. 10:90-3.7 based on the date of the change if all other eligibility factors are met.

**10:90-3.12 Treatment of income from eligible and noneligible individuals in the WFNJ TANF/GA household, as appropriate**

(a) Income of the spouse is considered available for the other spouse and income of a parent (natural or adoptive) is considered available for children under 18. If the spouse or parent is living with his or her spouse or children, respectively, income is considered available regardless of whether the spouse or natural or adoptive parent is none legible or sanctioned.

(b) When an individual is not included in the eligible assistance unit because of a sanction for failure or refusal to comply with a WFNJ program requirement or is disqualified for an intentional program violation and, such individual has earned or unearned income of his or her own, that income shall be considered available to the remaining members of the eligible unit.

1. For earned income, the gross amount to be considered available to the eligible assistance unit shall be determined without application of earned income disregards provided for at N.J.A.C. 10:90-3.8.

(c) If the noneligible individual is an illegal alien parent or non-eligible alien parent and has citizen or eligible alien children, his or her income shall be considered available to the eligible assistance unit and shall be calculated in accordance with the parent to parent-minor deeming formula at N.J.A.C. 10:90-3.16 at initial determination and redetermination of eligibility.

(d) A parent person other than a natural or adoptive parent or stepparent, who is a care-giver to a dependent child(ren) who is that care-giver's legal blood relative shall be evaluated to determine whether that person is eligible for benefits if that person's income does not exceed 150 percent of the Federal Poverty Income Guidelines, as published in the Federal Register and subsequently as a public notice in the New Jersey Register.

(e) For WFNJ/GA single adults and couples without dependent children, retroactive SSI payments are subject to reimbursement in accordance WFNJ/GA fiscal provisions at N.J.A.C. 10:90-14.

**10:90-3.13 Treatment of income for needy stepparents who are married to a WFNJ recipient parent**

(a) When a needy stepparent is married to a natural or adoptive WFNJ recipient parent and is not the parent of any of the WFNJ children, the stepparent shall be included as a member of the eligible assistance unit, with all needs recognized and his or her income considered in determining the adjusted allowance and the amount of the cash assistance benefit in accordance with all regulations in this manual.

1. When a representative payee wishes to be released from his or her responsibilities, there must be an application to the court for such release.

2. Upon such notice from a representative payee, the county or municipal agency shall take prompt action to locate another person willing to be appointed. If the present representative payee is unable to continue in that capacity until released by the court, the county or municipal agency shall appoint a protective payee to receive assistance for the client until a new representative payee is appointed by the court.

3. The major personal criterion for selection of a representative payee is an interest in being of service to the recipient. Appropriate sources of recruitment include: the immediate family and other relatives and friends; a person previously appointed to act on behalf of the client by another state or Federal benefit paying agency; and staff members of voluntary agencies.

4. The following persons are precluded from being appointed as a representative payee due to possible conflict of interest questions:

- i. The Director of the county or municipal agency;
- ii. The WFNJ worker who determines eligibility for the particular recipient;
- iii. WFNJ staff handling fiscal procedures related to the recipient;
- iv. Banks, trust companies and similar corporate bodies functioning in a ministerial rather than a decision making role; and,
- v. Vendors of goods, services, or items dealing with the recipient.

5. No person shall be proposed for appointment, nor accept appointment, as a representative payee who is in the employ of the county or municipal agency except in situations where such person has a close personal relationship with the client which makes him or her the most suitable person to serve as the client's representative. If an employee with such a relationship is so appointed, he or she shall not thereafter be involved in any agency decision relating to the client's payment or other official actions regarding the client.

(f) A WFNJ recipient may request that, or a county or municipal agency may determine at its discretion that payments be made to a person or facility as compensation for providing goods and services to or for the WFNJ recipient. Such restricted payments may be in addition to the regular monthly benefit in emergency assistance situations or may be a designated portion of the regular monthly benefit.

1. Restricted payments shall be made in the form of vendor payments or two-party payments, that is, checks which are drawn jointly to the order of the recipient and the provider of the services in situations such as, but not

limited to: emergency assistance; rent, mortgage or utility payments; transportation expense and child care.

## SUBCHAPTER 4. WFNJ WORK REQUIREMENTS

### 10:90-4.1 General Work Requirement Provisions

(a) Each WFNJ adult recipient, unless specifically deferred or unless otherwise specified in this subchapter, shall cooperate with and participate in the WFNJ work requirements in accordance with Federal regulations, the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the New Jersey State Plan for Temporary Assistance for Needy Families, the Work First New Jersey Act and the New Jersey Food Stamp Employment and Training State Plan, for up to 40 hours per week as a condition of eligibility for receipt of cash assistance benefits.

1. Each WFNJ/TANF adult recipient, unless deferred from the work requirement, shall continuously and actively seek employment in an effort to gain self-sufficiency. Unless otherwise specifically deferred under this section, each WFNJ recipient shall cooperate with and participate in the WFNJ work requirements as a condition of eligibility for receipt of cash assistance benefits.

(b) WFNJ/GA single adults or couples without dependent children who are registered for work and are complying with the Food Stamp Employment and Training Program (FSETP) shall be required to participate in an FSETP work activity and shall meet their WFNJ work requirements through the FSETP. Single adults and couples without dependent children not registered for work and not participating in the FSETP shall register for work with the New Jersey Employment Service (NJES) and shall participate in a NJES work activity.

(c) Upon application, determination or redetermination of eligibility for WFNJ benefits, all WFNJ recipients, as appropriate, shall be required to register for work with the New Jersey Employment Service (NJES).

1. NJES shall place WFNJ/GA single adults and couples without dependent children in an approved activity, monitor compliance, and notify the county or municipal agency, as appropriate, when the recipient fails to comply with the activity.

(d) Failure to actively cooperate with or participate in the WFNJ work activity requirements, without good cause, shall be considered noncompliance and shall result in loss of cash assistance benefits on a per capita basis (see Sanctions at N.J.A.C. 10:90-4.11).

1. When the NJES reports to the county or municipal agency noncompliance by a WFNJ/GA participant, the county or municipal agency shall act on the report of

noncompliance within 10 days and issue a notice of adverse action as appropriate.

(e) A recipient who is not engaged in full time unsubsidized employment shall be required to commence participation in a work activity, self-directed job search, job search or other designated work/educational activity as follows (whichever occurs first):

1. As soon as it is determined that the individual is ready to engage in work or in a work activity; or
2. At some time prior to the individual having received 24 months of cash assistance benefits (whether or not the receipt of such cash assistance is consecutive) unless deferred.

(f) Recipients shall be required to sign an individual responsibility plan (IRP) which shall indicate the terms of the work activity requirements that the recipient must fulfill in order to continue to receive benefits as well as identify work related supportive services (such as child care, transportation, and other work-related expenses necessary to engage in work activities) that are to be provided.

#### 10:90-4.2 Work Activity Participation

(a) All recipients shall continuously and actively seek work and engage in job search. Recipients who are job ready shall be placed in job search immediately. Other recipients shall be encouraged to continuously seek employment. If no employment is found, they shall be placed in an appropriate work activity as indicated by their individual assessments.

1. Participation in job search may be counted for up to six weeks, of which no more than four weeks may be consecutive.

(b) An WFNJ/TANF adult recipient in a single parent family unless temporarily deferred, shall be required to participate in one or more work activities for a minimum of 35 hours per week to a maximum aggregate hourly total of up to 40 hours per week.

1. WFNJ/GA single adults or couples without dependent children, unless temporarily deferred, shall be required to participate in one or more work activities for an average total of 30 hours per week.

- i. When a WFNJ/GA individual(s) is participating in a CWEP activity, the maximum number of hours per week shall be determined by calculating the total of the recipient's monthly cash assistance grant, plus any Temporary Rental Assistance (TRA), Emergency Assistance (EA), and the Food Stamp allotment divided by the higher of the federal or state minimum hourly wage and further divided by 4.333. Any resulting partial hour shall be rounded down to the next whole hour. The WFNJ/GA individual(s) may be required to participate in another activity such as job search or remediation.

- ii. The NJES shall be responsible for calculating the number of hours a WFNJ/GA recipient is to participate in CWEP based on the information reported by the county or municipal agency at the initial eligibility determination or when the county or municipal agency reports a change to NJES. If available, NJES may access this information through the State's automated information system.

(c) A teen parent under the age of 18 shall be required, on a full time basis, to attend high school or an equivalent course of study unless:

1. It is determined that the teen parent is exempt from regularly attending high school or its equivalent, based upon an assessment which indicates the person's inability and lack of aptitude to successfully complete such academic requirements, then the teen parent shall be required to participate full time in an approved alternative educational or training program, including special educational programs for the learning and developmentally challenged (the hours of participation shall be in accordance with the scheduled program).

2. The teen parent has completed secondary education then he or she shall be required to participate in a work activity for a minimum of 35 hours per week.

(d) A recipient who has not completed high school and has not attained 20 years of age and is a single head of household, a single adult or either of the adults of a couple without children shall be required to maintain satisfactory school attendance at secondary school or the equivalent during the month or participate in education directly related to employment for at least 20 hours per week. If it is determined that, due to the person's inability or lack of aptitude to successfully complete academic requirements, he or she shall be required to participate in another appropriate work activity.

(e) Each parent in a two-parent WFNJ/TANF family shall be required to participate in one or more activities for a minimum of 35 hours per week up to a maximum hourly total of 40 hours per week, unless otherwise deferred in accordance with N.J.A.C. 10:90-4.9.

1. For one parent thirty hours of the required 35 hours of participation shall include participation in one or more of the following Federally recognized activities: unsubsidized employment; subsidized private sector employment; subsidized public sector employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job training; job-search and job readiness assistance; community service programs; vocational educational training (not to exceed 12 months per individual) which may be combined with work experience; or the provision of child care services to an individual who is participating in a community service program.

2. The second parent shall be required to satisfactorily participate in work activities for 35 hours a week of which a minimum of 20 hours shall be in the following Federally recognized activities: unsubsidized employment; subsidized private sector employment; subsidized public sector employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job-training; or community service programs.

(f) Individuals 16 through 18 years of age who are attending school on a full-time basis and are expected to complete the program of the school before reaching the age of 19 are required to satisfactorily attend the scheduled classes at a secondary school or a course of study leading to a certificate of general equivalence.

1. Individuals, age 16 to 18, who are students and who drop out of school will be required to enroll and participate in another appropriate work activity for a minimum of 35 hours per week. Failure to comply with the work activity will result in the sanctions for such persons as stipulated at N.J.A.C. 10:90-4.11 below.

(g) A recipient who is a full-time post-secondary student in a course of study related to employment, as defined at N.J.A.C. 10:90-4.3(j)1 below, shall be required to engage in another work activity for 15 hours a week subject to the recipient making satisfactory progress toward the completion of the post-secondary course of study.

#### 10:90-4.3 Description of work activities

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

(b) Supported Employment: This employment activity is 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 unpaid 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 unpaid 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 expe-

rience 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): 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: 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: 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.

(h) Vocational educational training: 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: This activity is tailored for those recipients who demonstrate serious barriers to employment (such as learning disability or illiteracy, drug and alcohol problems, 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).

(j) Education directly related to employment: An activity that shall be utilized in situations when a recipient has not received a high school diploma or a general equivalence diploma (GED). This activity involves the participant in a course of study leading to a certificate of general equivalency, or post-secondary education, when combined with community work experience participation or other approved work activities, including employment.

1. Post-secondary education must lead to recognized careers for which there is a significant demand in the New Jersey job market as published by the New Jersey Department of Labor.

(k) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence: This activity 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.)

(l) Provision of child care services: This activity 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.

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

#### 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 (C. 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 (C. 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 (C.34:19-1 et seq.) and the "Worker and Community Right to Know Act," P.L. 1983, c.315 (C.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 sponsor, subject to the provisions set forth below at 10:90-4.6; and

5. The "Family Leave Act," P.L. 1989, c.261 (C.34:11B-1 et seq.) and the recipient shall be entitled to family leave, to the same degree as any similarly-situated employee of the sponsor, as well as family and medical leave pursuant to Federal law.

#### 10:90-4.6 Work activity placement parameters

(a) A recipient shall not be placed or utilized in a position at a particular workplace (including CWEP placements):

1. That was previously filled by a regular employee if that position, or a substantially similar position at that 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 that workplace;

3. In a manner that violates an existing collective bargaining agreement or a statutory provision that applies to that 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;

6. If there is a contractual or statutory recall right to that position at that workplace; or

7. If there is an ongoing strike or lockout at that workplace.

(b) A person who believes that he or she has been adversely affected by a violation of this subsection, or the organization that is duly authorized to represent the collective bargaining unit to which that person belongs, shall be afforded an opportunity to resolve the complaint through a meeting with the designee of the Commissioner of the State Department of Labor.

**10:90-4.7 Employment profile (assessment)**

(a) Each adult recipient, who is not otherwise deferred from the work requirement, shall be evaluated to determine his or her relative employability. This evaluation shall result in an employment profile, and shall include, but is not limited to, the following areas:

1. Past work history, and duration on public assistance;
2. Job interest areas and employability strengths;
3. Marketable employment-related skills; and
4. Education level, including inventory of training received; and.

**10:90-4.8 Individual Responsibility Plan (IRP)**

(a) An individual responsibility plan (IRP) shall be developed jointly by the county or municipal agency representative, as appropriate, and the WFNJ recipient at time of eligibility determination, and shall be jointly reviewed and/or revised at time of redetermination. Interim changes/updates to the IRP shall be made more frequently as appropriate and necessary in accordance with individual progress and/or change in circumstances. The IRP shall be signed and dated by the recipient and the respective agency representative. The original IRP shall be maintained electroni-

cally or in the case record and a copy shall be provided to the recipient. The IRP shall contain:

1. General case information concerning the individual;
2. A specific employment goal and work activity;
3. Supportive services to be provided to enable participation in the work activity, such as child care, transportation allowances and other available supportive services; and
4. Recipient's education level, that is, the highest grade completed.
5. The IRP may also include specific goals concerning a dependent child member of the assistance unit such as, but not limited to:
  - i. Requirements for parental participation in a dependent child's pre-school, elementary and secondary school program activities;
  - ii. Immunizations for a dependent child; or
  - iii. Regular school attendance by a dependent child

(b) The IRP for teen parents shall include all of the requirements listed in (a)1 above, if appropriate, as well as, but not limited to the following:

1. Regular attendance in high school or an equivalent program of study; or
2. Participation in an approved work activity for those teen parents who have completed secondary education;
3. Identification of necessary supportive services which are not available free through another source, including child care and transportation, as needed;
4. Identification of barriers to employment and a plan of action to be taken, including screening and assessment for substance abuse, as appropriate.

(c) The IRP for victims of domestic violence shall include the following, as appropriate:

1. Set goals to move forward toward safety and self-sufficiency. The goals established shall be reviewed with the individual at three month intervals to determine the status and progress the individual has made toward meeting the established goals;
2. Identification of necessary supportive services, such as, but not limited to: information and referral to the Department of Human Services' (DHS) Designated Domestic Violence Programs which provide all core services or to Rape Crisis Programs, as well as referral to any other community services which can assist the victim and any dependent children in the family;

3. If upon disclosure of the domestic violence victimization, the victim expresses a willingness to begin to engage in a work activity prior to the next regular redetermination, this shall be accommodated. For example, the victim may wish to begin work as soon as permanent housing has been secured, the children have been enrolled and settled in school and major court appointments have been kept.

4. At each point of redetermination or three month review, the individual shall be encouraged to engage in work and be provided the supportive services available through the program to support the individual's work efforts. If after a full year (that is, at the second six-month redetermination), the participant continues to be unable to engage in a work or community service activity, referral to a DHS Designated Domestic Violence Program shall be made for an assessment of barriers to enable a plan for specific goals and/or activities to be developed. Goals, such as, domestic violence counseling will be clearly identified on the IRP and the individual will be required to engage in this, or community service, in conjunction with the DHS Designated Domestic Violence Program. The plan will also outline specific constructive movement for the victim and the victim's family to move toward self sufficiency.

5. If at the next three month review, still no constructive movement has occurred, completion of a WFNJ-5S will be required to substantiate the continuing exemption/deferral. An exception to this shall be allowed only if the victim is currently being abused, is in crisis, is being sabotaged, stalked or harassed by the abuser and/or is deemed to be at risk of further abuse and this situation has been confirmed by the DHS Designated Domestic Violence Program or a certified Domestic Violence Specialist (CDVS).

#### 10:90-4.9 Deferrals from the work requirement

(a) Deferrals from WFNJ work requirements shall be limited to:

1. Individuals age 60 or older;
2. Individuals who are unable to engage in regular work activities because they are chronically ill, infirmed, or have a physical and/or mental disability or impairment which is expected to last for more than 12 months and such conditions are certified by an attending physician (including a licensed or certified psychologist, as appropriate) to constitute a permanent disability. Such certification shall be documented through use of Form WFNJ-5(DRS1), Examining Physicians Report, and shall, upon completion by the certifying physician be submitted by the county or municipal agency to the Division of Family Development (DFD) for review and final approval through consultation with the Division of Medical Assistance and Health Services (DMAHS);
  - i. Individuals receiving a work deferral due to a certified permanent disability shall be required to make application for SSI benefits.

3. A person certified by an attending physician (including a licensed or certified psychologist, as appropriate) to be unable, by reason of a physical or mental defect, disease or impairment, to engage in any gainful occupation for any period of less than 12 months. Such certification shall be documented through use of Form WFNJ-5S, Confidential Medical Examining Physician's Report, which, upon completion by the certifying physician, shall be returned to the county or municipal agency worker, as appropriate for review and final determination of deferral from participation from work requirement activities within the WFNJ program. (see N.J.A.C. 10:90-4.9(b))

4. WFNJ/GA single adults or couples without dependent children who are determined unemployable in accordance with provisions set forth at N.J.A.C. 10:90-2.9(a)23. The WFNJ-5S or WFNJ-5(DRS1) medical form will be required.

5. A women in the second trimester, or earlier, of a pregnancy, when it is certified by an attending physician that a medical reason exists;

6. A woman in the third trimester of pregnancy;

7. The parent or relative of a child under the age of 12 weeks who is the individual providing care for that child;

i. This deferral may be extended for an appropriate period of time, when it is certified by the attending physician to be medically necessary for the parent or child.

8. A person who has been determined to be temporarily disabled resulting from his or her participation in a CWEP or AWEP activity.

9. An individual who is participating in a CWEP or AWEP activity and is eligible for leave under the State Family Leave Act and the family and medical leave provisions allowed under federal law.

10. The sole caretaker (parent/relative) of a severely disabled or seriously ill dependent child or the sole caretaker (parent/relative) of a severely disabled or seriously ill family member.

11. Individuals determined to be victims of domestic violence who have requested temporary deferral from work via affidavit due to circumstances/trauma related to the domestic violence incident in accordance with requirements set forth at N.J.A.C. 10:90-41.18(fc).

(b) In all instances when medical documentation is required, the Form WFNJ-5S, Confidential Medical Examining Physician's Report, shall serve as a physician's certification and the following procedures concerning receipt of the completed form shall be adhered to:

1. If the WFNJ-5S states that the incapacity will be for less than 30 days, the agency will approve the deferral and retain the documentation at the agency. At the end of the 30 days the agency worker will review the circumstances of the incapacity with the client and determine if the client is still claiming the same deferral circumstance; if so, another WFNJ-5S is to be completed by the attending physician.

2. If the WFNJ-5S states that the incapacity is expected to last more than 30 days, the county or municipal agency, as appropriate, shall make an approval recommendation and forward a copy of the WFNJ-5S to DFD for final approval which shall be made in consultation with DMAHS.

3. If the WFNJ-5S indicates that the incapacity is expected to last one year or more, the county or municipal agency, as appropriate, shall further require the completion of Form WFNJ-5(DRS1), Examining Physicians Report, which, upon completion by the certifying physician shall be forwarded to DFD for review and final approval which will be in consultation with DMAHS.

(c) Alcohol or drug addiction does not make a recipient unemployable, but shall be considered an impairment if an individual evidences symptoms of alcohol or substance abuse which prevents the individual from securing a job, retaining employment or engaging in a work activity. Such an individual shall be referred for substance abuse treatment. If the individual does not comply with the referral or stops participating in the treatment program, the individual shall no longer be considered deferred from WFNJ work requirement participation.

(d) A recipient shall not be required to engage in a work activity if appropriate child care is necessary and, unavailable in accordance with child care services at N.J.A.C. 10:15 and 10:15A. Child care is unavailable if: from any other source, and the recipients child(ren) is under 13 years of age or up to 18 years of age if a special needs child.

1. Appropriate child care is not available within a reasonable distance from the individual's home or work-site; or
2. Appropriate informal child care from a relative or otherwise, if available, is unsuitable; or
3. Appropriate formal child care arrangements are unaffordable.

**10:90-4.10 Good Cause**

(a) Good cause for failure to participate in WFNJ or refusal to accept or maintain employment, shall be found if:

1. The mandatory WFNJ participant is certified by DFD to be physically or mentally unable to engage in any education, training, community service, employment or other work activity;

2. The conditions of employment are a risk to the WFNJ individual's health and safety (subject to review and determination by the Division of Family Development);

3. Child care is needed and is not available.

(b) Good Cause for temporary excused participation from the WFNJ activity shall be limited to the following:

1. WFNJ participants shall be temporarily excused from participation if the WFNJ activity for which they are scheduled, as set forth in the IRP, is not available. Excused participation is to be reviewed once every week up to once every month, depending on the circumstances surrounding the reason for the excused participation.

i. During the excused period, the WFNJ participant and the county or municipal agency work shall be expected to continue to comply with the other terms of the IRP.

ii. Another WFNJ activity, which is suitable for the participant and for which necessary supportive services are available, may be substituted as an alternative form of participation for that individual.

2. Absence from a particular day of employment or a WFNJ activity scheduled session shall be considered temporarily excused participation under the following circumstances (when appropriate documentation is provided):

i. Illness of the participant, child of the participant, or any other member of the participant's household or immediate family who is or becomes dependent upon the participant because of such illness;

ii. Death of a spouse, parent, child, sibling, or grandparent has occurred within the preceding 10 working days; or

iii. Other circumstances requiring the participant's immediate and personal attention, including but not limited to: jury duty, a court appearance, school conferences concerning a child of the participant, medical diagnosis or testing, and other similarly important matters.

**10:90-4.11 Sanctions**

(a) The failure of a recipient to actively cooperate with the program or participate in work activities, without good cause, shall result in a loss of cash assistance benefits as follows:

1. First offense sanctions:

i. Single adults or couples without dependent children or a single adult with dependent children: In an assistance unit with a single adult or couple without dependent children or a single adult with dependent children, the person in noncompliance shall be subject to a loss of cash assistance benefits as follows:

(1) The cash assistance benefit provided to the assistance unit shall be reduced by the per capita share of the person in noncompliance for a minimum period of one month.

(2) If an intent to comply by the person in noncompliance is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of the parent in noncompliance for two more months.

(3) If an intent to comply by the person in noncompliance is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance benefits, and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

(4) A single custodial parent will not be sanctioned for failure to comply with a work requirement, if the parent proves that failure to participate is due to lack of child care or suitable child care.

ii. Two-parent assistance unit with dependent children: In a two-parent assistance unit with dependent children the following sanctions shall be applied for noncompliance:

(1) If one parent is in noncompliance, the cash assistance benefit amount provided to the assistance unit shall be reduced by the calculated per capita share of the parent in noncompliance for a minimum of one month when the other parent is not otherwise participating in a work activity, or is not otherwise deferred.

(2) If an intent to comply by the parent in noncompliance is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of the parent in noncompliance for two additional months.

(3) If an intent to comply by the parent in noncompliance is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

(4) When both parents are mandatory to participate and are in noncompliance, the following sanctions shall apply:

(A) The cash assistance benefit amount provided to the assistance unit shall be reduced by the calculated per capita share of both parents for a minimum of one month.

(B) If an intent to comply by both parents is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of both parents for two additional months.

(C) If an intent to comply by both parents is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication parents who were sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

iii. Minor Parent: If the noncompliance is due to the inaction of a minor parent in the assistance unit, sanctions shall be applied as follows:

(1) The per capita share of the minor parent and of the minor parent's spouse, if any, in the assistance unit shall be calculated and deducted from the cash assistance benefit provided to the assistance unit for a minimum of one month.

(2) If an intent to comply by the minor parent in noncompliance is not evidenced by the end of the first-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of the minor parent and the minor parent's spouse, if any, in the assistance unit for two additional months.

(3) If an intent to comply by the minor parent in noncompliance is not evidenced by the end of the third month, the cash assistance benefit provided to the assistance unit shall be reduced by the per capita share of the minor parent and the minor parent's spouse, if any, in the assistance unit, as well as the dependent child of the minor parent in the assistance unit until willingness to comply is evidenced by the minor parent in accordance with the provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply).

iv. Dependent child 16 years of age or older: A dependent child 16 years of age or older who fails to comply with the requirement for school attendance or other work activity participation pursuant to this act shall be sanctioned as follows:

(1) The per capita share of the dependent child shall be calculated and deducted from the cash assistance benefit provided to the assistance unit for one month.

(2) If an intent to comply by the dependent child is not evidenced by the end of the one-month period, the cash assistance benefit provided to the assistance unit shall continue to be reduced by the calculated per capita share of the dependent child for two additional months.

(3) If an intent to comply by the dependent child is not evidenced by the end of the third month, the dependent child shall be excluded from the assistance unit for cash assistance benefits until such time as the dependent child demonstrates willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply).

2. Second offense sanctions:

i. Single adult or couple without dependent children or a single adult with dependent children: In an assistance unit with a single adult or couple without dependent children or a single adult with dependent children the following second offense sanctions shall apply:

(1) The cash assistance benefit amount provided to the assistance unit shall be reduced by the per capita share of the person in noncompliance for a minimum period of one month.

(2) When the person in noncompliance evidences the intent to comply by the end of the one-month period, the cash assistance benefit provided to the assistance unit shall continue to be reduced by the per capita share of the person in noncompliance for the following month. Otherwise, if the person does not evidence the intent to comply by the end of the one month period the entire assistance unit shall be subject to a loss of cash assistance benefits for the following month.

(3) If an intent to comply by the person in noncompliance is not evidenced by the end of the second month, the assistance unit's case shall be closed for cash assistance benefits, and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

ii. Two-parent assistance unit with dependent children: In a two-parent assistance unit with dependent children the following second offense sanctions shall apply:

(1) If one parent is in noncompliance, the cash assistance benefit amount provided to the assistance

unit shall be reduced by the calculated per capita share of the parent in noncompliance for a minimum of one month when the other parent is not otherwise participating in a work activity, or is not otherwise deferred.

(2) If an intent to comply by the parent in noncompliance, pursuant to the provisions of this section, is not evidenced by the end of the one-month period, the entire assistance unit shall be subject to a loss of cash assistance benefits for the following month.

(3) If an intent to comply by the person in noncompliance is not evidenced by the end of the second month, the assistance unit's case shall be closed for cash assistance benefits, and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

(4) When both parents are mandatory to participate and are in noncompliance, the following second offense sanctions shall apply:

(A) The cash assistance benefit amount provided to the assistance unit shall be reduced by the calculated per capita share of both parents in noncompliance for a minimum of one month.

(B) If an intent to comply by both parents is not evidenced by the end of the one-month period, the entire assistance unit shall be subject to a loss of cash assistance benefits for the following month.

(C) If an intent to comply by both parents is not evidenced by the end of the second month, the assistance unit's case shall be closed for cash assistance benefits, and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication both parents shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

iii. Minor parent: If the noncompliance is due to the inaction of a minor parent in the assistance unit the following second offense sanctions shall apply:

(1) The per capita share of the minor parent and the minor parent's spouse, if any, in the assistance unit shall be calculated and deducted from the cash assistance benefit provided to the assistance unit for a minimum of one month.

(2) If an intent to comply by the minor parent in noncompliance is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall be re-

duced by the calculated per capita share of the minor parent and the minor parent's spouse, if any, in the assistance unit, as well as the dependent child of the minor parent in the assistance unit for the following month.

(3) If an intent to comply by the minor parent in noncompliance is not evidenced by the end of the second month, the cash assistance benefit provided to the assistance unit shall continue to be reduced by the per capita share of the minor parent and the minor parent's spouse, if any, in the assistance unit, as well as the dependent child of the minor parent in the assistance unit until willingness to comply is evidenced in accordance with the provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply).

iv. Dependent child 16 years of age or older: A dependent child 16 years of age or older who is in noncompliance with the requirement for school attendance or other work activity participation pursuant to this section, shall be subject to the following second offense sanctions:

(1) The per capita share of the dependent child shall be calculated and deducted from the cash assistance benefit provided to the assistance unit for a minimum of two months.

(2) If an intent to comply by the dependent child is not evidenced by the end of the two-month period, the dependent child shall be excluded from the assistance unit for cash assistance benefits, until such time as the dependent child demonstrates intent to comply in accordance with the provisions at N.J.A.C. 10:90-4.13 (Intent to Comply).

v. A person sanctioned for a second offense pursuant to this subsection shall be counseled by the county or municipal agency, as appropriate, prior to the reinstatement of eligibility for cash assistance benefits.

3. Third offense sanctions and sanctions for all subsequent offenses beyond the third offense are as follows:

i. The person(s) in noncompliance and all other members of the person's assistance unit shall be subject to a loss of cash assistance benefits for a minimum of three months. (Exception: see 3ii below for dependent child third offense sanctions)

(1) If an intent to comply by the person(s) in noncompliance is not evidenced by the end of the three-month period, the assistance unit's case shall be closed for cash assistance benefits and reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person(s) who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

ii. Third offense sanctions for a dependent child 16 years of age or older who is in noncompliance with the requirement for school attendance or other work activity participation pursuant to this section, shall be as follows:

(1) The per capita share of the dependent child in noncompliance shall be calculated and deducted from the cash assistance benefit provided to the assistance unit for a minimum of three months.

(2) If an intent to comply by the dependent child is not evidenced by the end of the three-month period, then the dependent child shall be excluded from the assistance unit for cash assistance benefits.

(b) Voluntary quit penalty: An adult recipient who voluntarily quits a job, without good cause, shall render the entire assistance unit ineligible for WFNJ cash assistance benefits for a period of two months from the date the county agency or municipal welfare agency, as appropriate, makes the determination that the recipient quit the job.

1. When a WFNJ recipient reports the loss of earned income, the county or municipal agency, as appropriate, shall determine if any adult household member has quit or terminated his or her most recent job, without good cause (see (c) below for good cause).

2. Changes in employment status that result from a permanent reduction in hours of employment while working for the same employer; terminating a failing self-employment enterprise; or resigning from a job at the demand of the employer shall not be considered a voluntary quit.

(c) Good cause defined as it relates to voluntary cessation of work: The individual who voluntarily ceased employment shall be responsible for providing the necessary information so that a good cause determination can be made. Good cause as it relates to voluntary cessation of work shall exist when:

1. Transportation of any means or modes, if required for the job, is unavailable.

2. Child care is necessary for a child under 13 years of age or for a special needs child up to the age of 18 and is unavailable from any approvable source.

3. The individual has been discriminated against by the employer when a formal complaint, appeal or lawsuit is pending and this has been verified by the State Department of Labor or other appropriate source.

4. Work demands render continued employment unreasonable, such as working without being paid on schedule;

5. Work conditions are in violation of Occupational Safety and Health Act (OSHA) and potentially pose a risk to an individual's health or safety.

6. A resignation is recognized by the employer as retirement when the person is 60 years of age or older.

7. An individual is prevented from working as a result of lawful strike by other employees or lockout by the employer.

8. The individual is physically or mentally unable (unfit) to perform the employment, as established by documentary medical evidence or reliable verified information obtained from other sources.

9. Circumstances beyond the individual's control prevent continued employment such as loss of driver's license or insurance or a change in shift or hours of employment causing loss of the individual's regular means of transportation (when transportation does not exist and is required necessary), break down of transportation or child care arrangements, and client has demonstrated attempts to alleviate problems and temporary illness or disability as determined on a case by case basis.

10. Problems caused by an inability to speak or write English as determined by the employer shall may constitute good cause.

11. The individual is a victim of domestic violence and must leave the job because of harassment or threats by the batterer.

(d) The county agency or municipal welfare agency, as appropriate, shall maintain a record of the number of sanctions which have accrued to an assistance unit.

1. When no member of the assistance unit has incurred a sanction of any kind for a continuous 12-month period, the county agency or municipal agency, as appropriate shall reduce the accrued sanctions by one for that assistance unit. This sanction reduction provision shall be applicable for each continuous 12-month period the members of an assistance unit remain sanction free.

i. Periods in deferred status shall not be counted as sanction free periods.

**10:90-4.12 Effective date of sanctions**

(a) The sanction periods at N.J.A.C. 10:90-4.11 above shall become effective on the first day of the first payment month after the month the decision is made to impose the sanction, subject to timely and adequate notice, as appropriate (see N.J.A.C. 10:90-9 Notice provisions).

**10:90-4.13 Intent to comply**

(a) Anytime prior to the end of the applicable sanction period, the individual(s) in noncompliance may indicate his or her intent to comply by notifying the county or municipal agency, as appropriate, accordingly. The reduction in cash assistance, however, shall remain in effect for the minimum time period for that level of sanction. The individual in noncompliance shall be required to demonstrate willingness

to cooperate with and/or participate in the WFNJ work requirements as follows:

1. The WFNJ individual shall agree to comply with either the activity in which he or she was previously engaged or another activity which is determined appropriate for that individual. In order to demonstrate willingness to comply, the individual shall participate for a period of up to two weeks as determined by the county or municipal agency worker, as appropriate, based on the particular requirement to be satisfied and individual case circumstances.

i. If the individual fails to participate, as designated, during the intent to comply trial period, the individual will again be sanctioned and the sanction will advance to the next sanction offense level, that is those who were sanctioned for a first offense sanction shall be sanctioned in accordance with second offense sanctions and etc., as stipulated at N.J.A.C. 10:90-4.11 (sanctions).

2. When the county or municipal agency, as appropriate, determines that the intent to comply has been satisfied, the agency shall take action to lift the sanction and to calculate the cash assistance payment for the assistance unit from the date the applicable sanction period ended.

3. During the trial period of the intent to comply, the WFNJ individual shall be eligible for supportive services including child care, if appropriate, which the agency determines are necessary for participation.

**10:90-4.14 Appeals**

Any appeals resulting from action taken by the county or municipal agency, as appropriate, to impose sanctions for noncompliance with the WFNJ work requirements shall be handled in accordance with established procedures for fair hearings including eligibility for continued WFNJ benefits at an unreduced level during the appeal process (see N.J.A.C. 10:90-9 Fair hearing provisions). Agency records of action taken by the county or municipal agency designee, as appropriate, on the indicated noncompliance shall be made available to the Administrative Law Judge should a fair hearing be requested by the participant.

**10:90-4.15 Injury Compensation for CWEP and AWEP Participants**

(a) A recipient who participates in a community work experience or alternative work experience shall be regarded as an employee of the State and the sponsor and shall be provided, by the State, with all compensation required and defenses and remedies available pursuant to chapter 15 of Title 34 of the Revised Statutes (Workmen's Compensation) except that:

1. The State shall not provide compensation for temporary disability pursuant to subsection a. of R.S.34:15-12 (see (e) below for temporary disability compensation provisions); and

2. Medical and hospital services shall not be provided pursuant to R.S.34:15-15 unless the recipient becomes ineligible for medical assistance under the "New Jersey Medical Assistance and Health Services Act," P.L. 1968, c.413 (C.30:4D-1 et seq.).

(b) When determining the amount of any compensation provided pursuant to chapter 15 of Title 34 of the Revised Statutes, other than compensation for temporary disability, the amount of compensation shall be calculated as if the recipient's weekly wage was 60 percent of the statewide average weekly wages earned by all employees covered by the Unemployment Compensation Law (R.S.43:21-1 et seq.).

(c) Compensation received for an injury or illness which arises out of and in the course of the CWEP or AWEP and which is permanent in quality and partial or total in character shall not be regarded as earned income and a disregard shall not be applied for that amount in computing the cash assistance benefit provided to the recipient.

(d) Compensation received by a dependent of a recipient for the death of the recipient which is caused by any injury or illness which arises out of and in the course of the CWEP or AWEP shall not be regarded as earned income and a disregard shall not be applied for that amount in computing the cash assistance benefit provided to the dependent.

(e) When it is determined that the recipient has been subject to an injury or illness producing only in a temporary disability, the recipient shall:

1. Receive cash assistance benefits from the WFNJ program;
2. Be deferred from WFNJ activity requirements for the temporary period of the disability; and
3. Notwithstanding any other provision of law, shall be exempted from the 60-month time limit as stipulated at N.J.A.C. 10:90-2.4, during the first 90 days of each period of temporary disability subject to the provisions of this section.

(f) Any recipient participating in a community work experience or alternative work experience, or a dependent of that recipient, who is provided compensation benefits, by the State, for an injury, illness or death arising out of and in the course of the CWEP or AWEP shall be required to surrender any other method, form or amount of compensation or benefits from the sponsor or the State for that injury, illness or death.

(g) The sponsor of the recipient, the State and the employees of the sponsor shall not be liable for the injury, illness or death for which the recipient or dependent of the recipient is provided the compensation, benefits or both, except if it is determined that an intentional wrong has occurred.

(h) A person, other than a recipient or a sponsor, who is injured as a result of an act or omission of a recipient in connection with the recipient's CWEP or AWEP participation shall have the recourse to file an action against the program in a court of competent jurisdiction.

1. The WFNJ program shall have available all of the notice requirements and the defenses available to the State under the "New Jersey Tort Claims Act," N.J.S.A. 59:1-1 et seq. with the exception of the defense that the recipient is not a public employee.

## SUBCHAPTER 5. SUPPORTIVE SERVICES

### 10:90-5.1 Introduction

Certain temporary services shall be available to a WFNJ TANF/GA recipient, as appropriate, in support of the recipient's efforts to work. The rules in this subchapter should not be interpreted as conferring an entitlement to supportive services; likewise, these services shall be provided only as a last resort when no other source of support is available. As it is used in this subchapter, supportive services include, but are not limited to, child care payments, transportation services, a limited allowance to cover necessary work-related expenses and extended medical coverage.

### 10:90-5.2 Child care services

(a) Child care services, including after-school child care in the case of a child over six years of age, shall be available for WFNJ/TANF eligible dependent children during the recipient's period of eligibility and for the 24 consecutive months following ineligibility for cash benefits as a result of earned income. Depending upon the program, child care services will be provided in accordance with N.J.A.C. 10:15 and 10:15A or 10:81-14.18.

1. Payment for child care following eligibility shall be available only if WFNJ benefits were received in at least three of the six months preceding the first month of ineligibility; and

2. There are no other suitable child care arrangements available; and

3. The recipient agrees to accept the available and appropriate child care offered through the program. If the child care offered is refused, then the recipient must demonstrate that other appropriate child care is available and that, by exercising this option, participation in employment shall not be jeopardized. The recipient remains obligated to make the appropriate copayment for child care.