

**CHAPTER 90**

**WORK FIRST NEW JERSEY PROGRAM**

**Authority**

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

**Source and Effective Date**

R.2003 d.226, effective May 5, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 90, Work First New Jersey Program, expires on November 1, 2008. See: 39 N.J.R. 832(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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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, was adopted as R.1982 d.399, effective November 15, 1982. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a).

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

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

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

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

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

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

Chapter 90, Work First New Jersey Program, was readopted as R.2003 d.226, effective May 5, 2003. As part of d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules. See: Source and Effective Date. See, also, section annotations.

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i. When a WFNJ family becomes ineligible for WFNJ for either of the two reasons cited at (a)8i(1) or (2) below, remains employed for a minimum of 90 days, and subsequently reapplies for WFNJ prior to the expiration of the 12 consecutive month period noted in (a)8 above due to the loss of employment through no fault of their own, any child(ren) previously subject to the family cap in accordance with (a)8 above shall now be included in the assistance unit for cash assistance purposes. Such families, however, are not entitled to a new 10-month grace period and any child(ren) born subsequent to the reapplication shall be subject to the family cap provisions and shall be included in the assistance unit for all purposes except the determination of the cash assistance grant.

- (1) Earnings or increased earnings from employment, including earnings from new employment; or
- (2) Increased hours of employment.

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

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

In (a)1, substituted "full months" for "months"; added (a)4i to (a)4ii; and in (a)8i, cited (a)8i(1).

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

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

Deleted (a)9.

#### **10:90-2.19 Refusal to cooperate with Quality Assurance reviews**

An adult assistance unit member shall be determined ineligible for cash assistance if he or she refuses to cooperate in a State Quality Assurance review. If an adult assistance unit member is deleted for refusal to cooperate, without good cause, with a Quality Assurance review, such an individual shall be removed from the assistance unit until such time as the individual cooperates with the review.

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

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

#### **10:90-2.20 Work First New Jersey Post 60-Month Pilot Program: Supportive Assistance for Individuals and Families (SAIF) Program**

(a) The WFNJ Post 60-Month Pilot program, named the Supportive Assistance for Individuals and Families (SAIF) Program, shall provide assistance to WFNJ recipients beyond the 60-month time limit. In order to be eligible for assistance under the pilot program, households shall meet at least one of the extreme hardship criteria delineated at (a)1 through 9 below. Extreme hardship involves situations in which the recipient or the recipient's dependent child(ren) would be subject to extreme hardship or incapacity in the event of a termination of benefits (see N.J.A.C. 10:90-6). Extreme hardship shall be defined as situations that would result:

1. Due to extenuating circumstances, such as a lack of transportation or available child care to support work;

2. When, during a review of the case record, it is determined that periods of temporary incapacity experienced by the individual which resulted in work deferrals of more than 12 months, did not allow him or her sufficient time in which to gain self-sufficiency during the receipt of 60 months of cash assistance;

3. From a situation in which the individual began work activities immediately as scheduled, has cooperated throughout all phases of the WFNJ program, has been fully compliant in the last year, and has no more than one sanction in the prior 12 months for failure to comply with any aspect of the program, but fails at the end of the 60 months to secure employment which renders the assistance unit financially ineligible for continued benefits. This situation will be subject to review by a State appointed panel for a final determination;

4. When the individual experiences a family violence situation which renders the individual temporarily incapable of sustaining the family without continued support;

5. When a current temporary deferral exists in accordance with provisions outlined in N.J.A.C. 10:90-4.10 and 4.11. For example, the period of incapacity may be due to a recent temporary physical incapacity, being in the third trimester of pregnancy, or providing care for a child under 12 weeks of age;

6. When a recipient is engaged in full-time employment but remains eligible for benefits due to earned income disregards;

7. When a recipient has not received an opportunity to engage in work activities as specified in the individual responsibility plan (IRP);

8. When a recipient was engaged in full-time employment and was income-ineligible for benefits, but was terminated from the employment through no fault of the recipient; or

9. When a family has an open DYFS case or child welfare case and does not otherwise meet the criteria for exemption.

(b) Assistance shall be granted for a total period of 24 months. Recipients shall be required to continue to meet financial and non-financial eligibility requirements for the WFNJ program. The pilot program shall serve individuals not otherwise exempt from time limits under N.J.A.C. 10:90-2.4.

(c) Continuations of assistance due to extreme hardship or incapacity shall be evaluated prior to reaching the 60-month time limit on benefit assistance. Assistance of this nature shall require prior approval and authorization by DFD. The assistance unit's case record shall be reviewed to determine if cause exists to grant assistance due to extreme hardship or incapacity.

(d) For the duration of the pilot program, new extensions shall not be granted under N.J.A.C. 10:90-2.5. Instead, all

individuals who have exhausted 60 months of benefits, and who are not exempt from time limits, may be eligible to receive assistance under the pilot program.

(e) Prior to receiving assistance under the pilot program, a recipient shall sign a request to participate in the new program. This document shall include a statement of willingness to comply with program requirements.

(f) Pilot program participants shall cooperate in the development of a new IRP. The IRP shall be updated every six months. See N.J.A.C. 10:90-4.8 regarding the provisions for the IRP.

(g) When a decision is made to sanction a recipient for failure to be in substantial compliance with the IRP, without good cause, the participant is to be notified via a sanction notification letter of his or her non-cooperation, the sanction penalty that will be imposed unless cooperation occurs, and that the individual can avoid the sanction if he or she comes into compliance or demonstrates good cause for not complying.

1. The recipient shall have 10 calendar days from the date of the sanction notification letter to contact the agency worker in order to begin participation in a previously assigned activity, agree to begin a new activity, or provide good cause for the initial non-cooperation.

i. Agreement to begin or continue participation in an assigned activity or the provision of good cause for non-cooperation shall end any further action being taken to impose the original sanction.

ii. Failure, without good cause, to begin or continue to participate in the agreed-upon assigned activity after the conciliation process, shall initiate an immediate sanction imposition process with a 10-day adverse action notice, describing the recipient's continued non-cooperation in the assigned activity and the sanction penalty and duration.

2. Failure, without good cause, to respond to the sanction notification letter shall be considered as refusal to cooperate without good cause. This action shall result in the processing and imposition of the sanction.

i. Imposition of the sanction penalty shall require a 10-day adverse action notice, describing the recipient's non-cooperation in the assigned activity and the sanction penalty and duration.

3. Once a 10-day adverse action has been issued to implement a WFNJ sanction, the sanction shall be imposed unless the recipient provides good cause for failing to comply, or demonstrates compliance by attending the assigned activity prior to sanction penalty imposition, which is effective as of the first day of the following month.

(h) The sanction procedures and penalties for the SAIF program shall be imposed as set forth at N.J.A.C. 10:90-4.13 through 4.18.

(i) During a period of ineligibility, an individual may apply for and receive benefits if eligible under exemption criteria delineated under N.J.A.C. 10:90-2.4.

(j) WFNJ Post 60-Month pilot program participants shall continue to be eligible for WFNJ social and work support services.

(k) As a condition of continued eligibility, participants shall receive and cooperate with individualized and intensive case management, and, if appropriate, substance abuse treatment and mental health services.

(l) An individual who has exhausted 60 cumulative months of WFNJ benefits shall be eligible to reapply for and receive assistance after his or her case has been closed if he or she meets the criteria under this section.

(m) The following concern cases which are in extension status at the beginning of the pilot program:

1. Cases currently in extension status under N.J.A.C. 10:90-2.5 shall remain in extension status until the end of the current extension.

2. As indicated in (b) above, no additional extensions, beyond the SAIF program set forth at N.J.A.C. 10:90-2.20, shall be granted once the current extension has expired.

3. Individuals that enter the pilot program shall be eligible for up to 24 months of assistance regardless of the length of time previously spent in extension status.

(n) The SAIF program shall adhere to all notice and hearing requirements as set forth at N.J.A.C. 10:90-9.

New Rule, R.2003 d.340, effective August 18, 2003 (operative October 1, 2003).

See: 35 N.J.R. 1824(a), 35 N.J.R. 3859(b).

Amended by R.2006 d.137, effective April 17, 2006.

See: 37 N.J.R. 4153(a), 38 N.J.R. 38 N.J.R. 1736(a).

In introductory paragraph (a), updated internal reference to include (a)9; added (a)9; in (b), deleted "in increments not to exceed six months" and "up to".

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

#### 10:90-3.1 General financial eligibility provisions

(a) Benefits for recipients of WFNJ/TANF and WFNJ/GA shall be determined according to standards of countable income (earned and unearned) and countable resources. These standards shall take into account, for the determination of eligibility and provision of benefits, all income and resources of all persons in an assistance unit of which the applicant or recipient is a member, including any income deemed to the assistance unit members as a result of deeming from parents to adolescent parents and from sponsors to eligible aliens.