

April 8, 2009

H 1280. CLARIFYING CHANGES/WORK FIRST PROGRAM. Filed 4/8/09. *CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Howard, Earle.

GS 108A

April 9, 2009

H 1280. CLARIFYING CHANGES/WORK FIRST PROGRAM. Filed 4/8/09. *CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM.*

Current law confers authority for establishing, supervising, and monitoring the Work First Program on the Department of Health and Human Services (DHHS). It permits counties to submit written notification to DHHS indicating whether they wish to be designated as a Standard Work First Program County, as developed by DHHS, or as an *Electing County*, a county that elects to develop a local Work First Program and that is approved to administer that local program. Current law also provides that the board of commissioners in an Electing County is responsible for the development, administration, and implementation of the Work First Program in that county, and the county department of social services in a Standard Program County is responsible for administering and implementing the Standard Work First Program in that county. The *State Plan* is the biennial Work First Program plan, developed by DHHS, and based upon the aggregate of the Electing County Plans and the Standard Work First Program.

Definitions. Amends GS 108A-24 to make the following changes to terms as used in GS Chapter 108A: (1) clarifies that *county plan* means the biennial Work First Program plan prepared by each Electing County (was, county) and submitted to the Department of Health and Human Services (DHHS) for incorporation into the State Plan, which also includes the Standard Work First Program; (2) provides that a child who is 18 years old, in high school and expected to graduate by the child's 19th birthday may be identified as a *dependent child*, and may receive Work First benefits through the month that the child turns 19 or graduates from high school, whichever comes first; (3) extends the definition of *family* to include additional blood or half-blood relatives and adoptive relatives; (4) deletes the definition for *First Stop Employment Assistance*; (5) expands the definition of *parent* to include a step-parent; (6) provides that *Title IV-A* means the Social Security Act, 42 USC § 601, et seq., as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, as further amended by the deficit Reduction Act of 2005, PL 109-271 (was, Social Security Act as amend by the Reconciliation Act); and (6) requires *work first diversion assistance* to be used to address a specific family crisis or episode of need, prohibits its use for ongoing or recurrent needs, and limits its use to once within a 12-month period.

Authorization and description of the Work First Program. Makes conforming changes to GS 108A-27 to reflect the amended definitions. Requires DHHS and Electing Counties to provide (was, may provide) Work First Program assistance to qualified (was, legal) immigrants on that same basis as citizens to the extent permitted by federal law.

General duties of DHHS with respect to the Work First Program. Amends GS 108A-27.2, clarifying that DHHS is to provide technical assistance to both Electing Counties that are developing and implementing their county plans and Standard Counties implementing their county plans. Directs DHHS to ensure that all families (was, two-parent families) with work eligible parents and parents with children under the age of 12 months receive Work First (WF) benefits in the month after they comply with their Mutual Responsibility Agreement (Agreement). Provides that failure to comply with the Agreements will result in no WF benefits the following month, unless good cause for failing to comply is shown. Deletes provision that provided for cash assistance for three months after qualifying for assistance without being subject to pay for performance requirements. Makes additional clarifying changes to establish consistency in identifying counties with local WF plans as Electing Counties.

Duties of the county boards of commissioners in Electing Counties. Deletes the following duties: (1) to determine and list those who are eligible for WF programs, (2) to monitor and

evaluate the impact of the WF program, and (3) to provide monthly progress reports to DHHS. Provides that the county boards of commissioners in Electing Counties are to authorize (was, make) payments of Work First Diversion Assistance and Work First Family Assistance.

Also amends GS 108A-27.4 regarding county plans for Electing Counties. Deletes the requirement that the county plans include the number of Mutual Responsibility Agreements (MRAs) entered into by the county and the list of community service programs equivalent to full time employment being offered to certain WF program recipients.

Amends GS 108A-27.5, deleting DHHS duty with regards to Electing Counties to coordinate the activities of other state agencies providing technical support to counties developing their county plans.

Standard program counties. Amends GS 108A-27.6 to provide that there are two performance standard goals for the WF program: (1) to meet or exceed the federal Work Participation Rate of 50% for all Work Eligible families and (2) to meet or exceed the federal Work Participation Rate of 90% for all two-parent families. Deletes requirements that county departments of social services in Standard Program Counties: (1) establish performance goals based on economic factors and conditions in that county, (2) monitor and evaluate to impact of the WF program on children and families, (3) provide monthly progress reports to DHHS, and (4) develop the county plans for submission to DHHS. Also deletes requirements that the county board of commissioners: (1) appoint a committee to identify the needs of the population to be served and assist in developing the county plan to respond to those needs and (2) review and approve the county plan for submission to DHHS.

Amends GS 108A-27.7 to delete requirements that imposed a duty on each Standard Program County to submit a biennial county plan to DHHS for approval and provide an opportunity for public review and comment on the plan prior to submitting it to DHHS. Also deletes requirements regarding the content of the county plan of a Standard Program County.

Amends GS 108A-27.8(a) regarding the duties of DHHS with respect to the Standard Work First Program and the Standard Program Counties. Deletes the following duties from the responsibilities of DHHS: (1) establishing the requirements for the content of county plans and reviewing and approving those plans, (2) coordinating the activities of other state agencies in meeting WF program goals, and (3) working with state and county agencies and with private sector organizations and individuals to develop programs and methods to meet WF program goals.

State Plan. Amends GS 108A-27.9 to provide that the State Plan include provisions to ensure that all work-eligible parents and all parents with a child under 12 months of age are subject to *pay for performance requirements*. Provides that pay for work performance means that the family will receive WF benefits in the month following the month that they comply with their MRA. Failure to comply with the MRA will result in no WF benefits in the following month. Deletes provision that ensured that two-parent families received cash assistance for three months without being subject to pay for performance requirements.

Also deletes provisions requiring the inclusion of information on allocations of state and federal funds and maintenance of effort at levels of state and county funding in the section of the State Plan proposing the terms of the WF program in Electing Counties.

Deletes provisions requiring the section of the State Plan that describes the Standard Work First Program to include: (1) allocations of federal, state, and county funds for Standard Work First Programs, including block grants; (2) levels of state and county funding for the Standard program; (3) terms and conditions for repayment of Work First Diversion Assistance; and (4) allocations for funding for administration at the state and local level.

Amends GS 108A-27.13, clarifying that the two performance standards goals as stated in amended GS 108A-27.6 apply to both Standard and Electing Counties.

Amends GS 108A-29, deleting subsection (a), which established a program called First Stop Employment Assistance (First Stop) in the Employment Security Commission (ESC). Makes conforming changes deleting all references to the First Stop program and its implementation. Directs individuals who are not exempt from work requirements and who are applying or reapplying for WF program assistance to register with the ESC for employment services (was, the First Stop program). Also deletes the requirement that each county ESC local or branch office organize a Job Service Employer Committee. Makes conforming changes to delete all references

to any tasks or duties assigned to the Job Service Employer Committee. Deletes requirement that the study of the working poor, titled NC WORKS, be continued.

Makes additional technical corrections and conforming changes.

Intro. by Howard, Earle.

GS 108A

September 1, 2009

SL 2009-489 (H 1280). CLARIFYING CHANGES/WORK FIRST PROGRAM. AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM. Summarized in *Daily Bulletin* 4/9/09. Enacted August 26, 2009. Effective August 26, 2009.