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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1455

Session of  
1983

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INTRODUCED BY R. C. WRIGHT, RICHARDSON, CARN, HARPER, TRUMAN,  
OLIVER, DEAL, BROUJOS, LEVIN, BARBER, EVANS, FATTAH, LINTON,  
PRESTON, WIGGINS, WILLIAMS, KUKOVICH, DeWEESE, MANDERINO,  
RAPPAPORT AND LAUGHLIN, SEPTEMBER 20, 1983

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, SEPTEMBER 20, 1983

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AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," repealing the community  
4 work program.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 405.2 of the act of June 13, 1967  
8 (P.L.31, No.21), known as the Public Welfare Code, is repealed.

9 Section 2. The introductory paragraph and clauses 3(i), (ii)  
10 and (iii), (6) and (7) of section 432 of the act, amended or  
11 added April 8, 1982 (P.L.231, No.75), are amended to read:

12 Section 432. Eligibility.--Except as hereinafter otherwise  
13 provided, and subject to the rules, regulations, and standards  
14 established by the department, both as to eligibility for  
15 assistance and as to its nature and extent, needy persons of the  
16 classes defined in clauses (1)[,(2), and (3)] and (2)(i) and  
17 (ii) shall be eligible for assistance:

18 \* \* \*

1 (3) Other persons who are citizens of the United States, or  
2 legally admitted aliens [and who are chronically needy or  
3 transitionally needy persons].

4 [(i) Chronically needy persons are those persons chronically  
5 in need who may be eligible for an indeterminate period as a  
6 result of medical, social or related circumstances and shall be  
7 limited to:

8 (A) A child who is under age eighteen or who is attending a  
9 secondary or equivalent vocational or technical school full-time  
10 and may reasonably be expected to complete the program before  
11 reaching age nineteen.

12 (B) A person who is over forty-five years of age.

13 (C) A person who has a serious physical or mental handicap  
14 which prevents him or her from working in any substantial  
15 gainful activity as determined in accordance with standards  
16 established by the department. The department may require that  
17 documentation of disability be submitted from a physician or  
18 psychologist. The department may also order at the department's  
19 expense a person to submit to an independent examination as a  
20 condition of receiving assistance under this clause. The  
21 department shall determine eligibility within thirty days from  
22 the date of application. Persons discharged from mental  
23 institutions shall be classified as chronically needy in  
24 accordance with department regulations.

25 (D) A person who is a caretaker. This category of persons  
26 shall include persons whose presence is required in the home to  
27 care for another person as determined in accordance with  
28 department regulations.

29 (E) A person suffering from drug or alcohol abuse who is  
30 currently undergoing active treatment in an approved program. No

1 individual shall qualify as chronically needy under this clause  
2 for more than nine months.

3 (F) A person who is employed full-time and who does not have  
4 earnings in excess of current grant levels.

5 (G) Any person who is ineligible for unemployment  
6 compensation and whose income falls below the assistance  
7 allowance level as a result of a natural disaster as determined  
8 by the department.

9 (H) Any person who has previously been employed full time  
10 for at least forty-eight months out of the previous eight years  
11 and has exhausted his or her unemployment compensation benefits  
12 prior to applying for assistance.

13 (I) Any person who does not otherwise qualify as chronically  
14 needy, and who is receiving general assistance on the date this  
15 section is enacted into law and who has not refused a bona fide  
16 job offer or otherwise failed to comply with all employment  
17 requirements of this act and regulations promulgated thereunder.  
18 Such person must comply with all employment requirements of this  
19 act and regulations promulgated thereunder. If after the date  
20 this section is enacted into law a person's general assistance  
21 grants are terminated, then that person may not subsequently  
22 qualify for general assistance under this clause except when  
23 such person has been terminated from employment through no fault  
24 of his own and has not met the minimum credit week  
25 qualifications of the act of December 5, 1936 (2nd Sp.Sess.,  
26 1937 P.L.2897, No.1), known as the "Unemployment Compensation  
27 Law." If it is determined that the classification of persons  
28 according to their status on the date of enactment as provided  
29 in this clause is invalid, then the remainder of this act shall  
30 be given full force and effect as if this clause had been

1 omitted from this act, and individuals defined in this clause  
2 shall be considered transitionally needy if otherwise eligible.  
3 No person shall qualify for general assistance under this clause  
4 after December 31, 1982.

5 (ii) Assistance for chronically needy persons shall continue  
6 as long as the person remains eligible. Redeterminations shall  
7 be conducted on at least an annual basis and persons capable of  
8 work, even though otherwise eligible for assistance to the  
9 chronically needy, would be required to register for employment  
10 and accept employment if offered as a condition of eligibility  
11 except as otherwise exempt under section 405.1.

12 (iii) Transitionally needy persons are those persons who are  
13 otherwise eligible for general assistance but do not qualify as  
14 chronically needy. Assistance for transitionally needy persons  
15 shall be authorized only once in any twelve-month period in an  
16 amount not to exceed the amount of ninety days' assistance.]

17 \* \* \*

18 [(6) Aid to families with dependent children shall not be  
19 paid to any family for any month in which any caretaker relative  
20 with whom the child is living is, on the last day of such month,  
21 participating in a strike, and no individual's needs shall be  
22 included in determining the amount of aid payable for any month  
23 to a family if, on the last day of such month, such individual  
24 is participating in a strike.

25 (7) No person shall be terminated from aid to families with  
26 dependent children or general assistance if otherwise eligible  
27 solely because the department fails to offer a community work  
28 assignment to an individual required under section 405.2 to  
29 participate in the community work program, but individuals may  
30 be terminated for failure to comply with other rules and

1 regulations under section 405.2.]

2 Section 3. Section 432.3 of the act, amended April 8, 1982  
3 (P.L.231, No.75), is amended to read:

4 Section 432.3. Voluntary Termination of Employment.--A  
5 person who is not in a class of persons excluded from mandatory  
6 participation in the [work registration] Pennsylvania  
7 employables program and who without good cause: (i) voluntarily  
8 terminates employment or reduces his earning capacity for the  
9 purpose of qualifying for assistance or a larger amount thereof;  
10 or; (ii) [fails to apply for work at such time and in such  
11 manner as the department may prescribe; or (iii)] fails or  
12 refuses to accept referral to and participate in a vocational  
13 rehabilitation or training program, including the work incentive  
14 program [and the community work program,] or refuses to accept  
15 referral to and work in [and retain] employment in which he is  
16 able to engage, provided such employment conforms to the  
17 standards established for a bona fide offer of employment in the  
18 [work registration] Pennsylvania employables program, shall be  
19 disqualified from receiving assistance for [sixty days for the  
20 first violation and thereafter] thirty days thereafter and until  
21 such time as he is willing to comply with the requirements of  
22 section 405.1. [For the second violation and for each subsequent  
23 violation the disqualification period shall be one hundred  
24 twenty days. The disqualification period shall commence on the  
25 date the department's order imposing the disqualification is  
26 final.]

27 Section 4. Section 24 of the act of April 8, 1982 (P.L.231,  
28 No.75), entitled "An act amending the act of June 13, 1967  
29 (P.L.31, No.21), entitled 'An act to consolidate, editorially  
30 revise, and codify the public welfare laws of the Commonwealth,'

1 further providing for the expedited implementation of  
2 regulations governing Federally subsidized programs; expanding  
3 the investigative powers of the department; changing and  
4 restricting the qualifications for recipients of general welfare  
5 payments, aid for dependent children; medical assistance and  
6 other forms of payments; redefining needy persons; providing for  
7 public work service projects; changing hearing procedures;  
8 further providing for eligibility for certain assistance  
9 payments; providing penalties and increasing certain fines;  
10 providing for the privacy of certain Federal assistance; and  
11 authorizing the use of certain records," is repealed.

12 Section 5. This act shall take effect immediately.