

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 734 Session of
2001

INTRODUCED BY FRANKEL, BELARDI, BELFANTI, BISHOP, BROWNE,
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STURLA, TRELLO, TRICH, WALKO, C. WILLIAMS AND J. WILLIAMS,
FEBRUARY 14, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 14, 2001

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," further defining "work
4 experience"; further providing for establishment of RESET,
5 for work supports, for eligibility for assistance, for
6 failure to comply with employment and work-related activity
7 requirements and for eligibility for medical assistance.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "work experience" in section
11 402 of the act of June 13, 1967 (P.L.31, No.21), known as the
12 Public Welfare Code, amended May 16, 1996 (P.L.175, No.35), is
13 amended to read:

14 Section 402. Definitions.--As used in this article, unless
15 the content clearly indicates otherwise:

16 * * *

17 "Work experience" means subsidized employment or unpaid

1 internship of not more than six months' duration which is
2 combined with classroom study or other training program.

3 * * *

4 Section 2. Sections 405.1(a.2), (a.3), 405.3, 432 and 432.3
5 of the act, amended May 16, 1996 (P.L.175, No.35), are amended
6 to read:

7 Section 405.1. Establishment of RESET.--* * *

8 (a.2) In accordance with RESET, the following requirements
9 shall apply:

10 (1) As a condition of eligibility or continuing eligibility
11 for cash assistance, every individual who is not exempt under
12 subsection (a.3) shall seek employment, accept any offer of
13 employment and maintain employment.

14 (2) As a condition of eligibility or continuing eligibility
15 for cash assistance, a nonexempt applicant or recipient who is
16 not employed for an average of at least twenty hours per week
17 shall be required to participate in a work-related activity.

18 (3) A nonexempt applicant's initial work-related activity
19 shall be to conduct an independent job search for a period not
20 to exceed eight weeks. A person who is on the effective date of
21 this subsection a nonexempt recipient shall be required to
22 conduct an independent job search within eight weeks of the
23 recipient's next redetermination of eligibility. The applicant
24 or recipient must document such efforts and present the
25 documentation to the appropriate county assistance office upon
26 request. Failure to comply with the requirements of this section
27 shall result in the imposition of the sanctions set forth in
28 section 432.3.

29 (4) If the initial job search period concludes without the
30 applicant or recipient obtaining full-time employment or

1 employment for an average of at least twenty hours per week, the
2 county assistance office, in consultation with the applicant or
3 recipient, shall assess the additional measures that may be
4 necessary for the applicant or recipient to seek and obtain
5 employment, including the type of work-related activities that
6 will be used to meet the ongoing work-related activity
7 requirement. These measures shall be incorporated into the
8 applicant's or recipient's agreement of mutual responsibility
9 pursuant to section 405.3.

10 (5) An applicant or recipient may fulfill the work-related
11 activity requirement in clause (4) following the initial job
12 search and consultation with the county assistance office by
13 participating exclusively in any one or a combination of
14 vocational education, general education, English-as-a-second-
15 language study or job skills training, as necessary, for a
16 maximum of twelve months[.]; Provided, however, That an
17 applicant or recipient who has participated in any one or a
18 combination of these activities for a maximum of twelve months
19 may fulfill the work-related activity requirement in clause (4)
20 by continuing to participate in any one or a combination of
21 these activities if the applicant or recipient also participates
22 in any other work-related activity. An applicant and recipient
23 shall be specifically informed of these options at the time of
24 initial application and at each redetermination. For a recipient
25 or applicant who is eighteen years of age or older and less than
26 twenty-two years of age and who has not earned a high school
27 diploma or its equivalent, pursuit of a high school diploma or a
28 certificate of high school equivalency can fulfill [the] work-
29 related activity [requirement for a maximum of twenty-four
30 months] requirements.

(6) A recipient who has received assistance for twenty-four months, whether those months are consecutive or interrupted, must work, participate in subsidized employment, work experience, on-the-job training, community service or workfare for an average of at least twenty hours per week.

Notwithstanding the above, participation in a program of vocational education may fulfill this requirement for a period of up to twelve months. Participation in a full-time program of post-secondary education, provided the recipient is making satisfactory progress, will fulfill this work requirement for a period up to twenty-four months. Information indicating noncompliance with the minimum twenty-hour per week requirement shall be cause for a review of eligibility.

(a.3) An applicant or recipient may be exempt from the requirements of subsection (a.2) if any of the following apply:

(1) The applicant or recipient has been assessed by a physician or psychologist as having a verified physical or mental disability which temporarily or permanently precludes the applicant or recipient from any form of employment or work-related activity. The verification of the physical or mental disability shall be established by written documentation in a form prescribed by the department and shall be based on acceptable clinical and laboratory diagnostic techniques, rather than a statement of symptoms by the applicant or recipient. The department may also require the applicant or recipient to submit to an independent examination as a condition of receiving assistance. An applicant or recipient with a verified physical or mental disability that is temporary in nature must pursue appropriate treatment as a condition of receiving assistance.

(2) The applicant or recipient is a specified relative

1 caring for a child who is under six years of age and for whom
2 alternate child care arrangements are unavailable.

3 (3) The applicant or recipient is under eighteen years of
4 age. An applicant or recipient under this clause shall be
5 required to pursue a high school diploma or a certificate of
6 high school equivalency.

7 (4) The applicant or recipient is a caretaker of a child or
8 another adult who is in need of a caretaker because of chronic
9 illness or disability.

10 (5) The applicant or recipient who, upon reaching the
11 twenty-fourth month on cash assistance, participates in a
12 program of vocational education, general education, English-as-
13 a-second-language study or job skills training, provided that
14 the recipient makes satisfactory progress as determined by the
15 educational institution. This exemption shall apply for twelve
16 months or until completion of the program, whichever comes
17 first.

18 * * *

19 Section 405.3. Responsibilities and Obligations of
20 Department, Applicants and Recipients.--(a) Subject to Federal
21 approval, only where necessary, each adult applicant or
22 recipient of cash assistance or other person who is required to
23 sign an application for assistance shall be required as a
24 condition of eligibility to enter into a mutual agreement with
25 the department that will set forth the responsibilities and
26 obligations to be undertaken by the recipient to achieve self-
27 sufficiency, the time frames within which each obligation is to
28 be completed, the penalties for failure to comply and the
29 actions to be taken by the department to support the efforts of
30 the applicant or recipient. Where appropriate, these obligations

1 shall include, but not be limited to:

2 (1) Providing timely and accurate information required under
3 section 432.2.

4 (2) Cooperating in the determination of paternity and
5 enforcement of support obligations as required under section
6 432.7.

7 (3) Seeking and participating in an educational program
8 leading to a high school diploma or its equivalent, job training
9 or work-related activities as required under section 405.1(a.2).

10 (4) Maintaining employment as a condition for receiving cash
11 assistance as required under section 405.1(a.2).

12 (5) Obtaining prenatal care consistent with nationally
13 recognized standards.

14 (6) Maintaining the health and well-being of his or her
15 children, including:

16 (i) ensuring that children attend school and pursue a high
17 school diploma or its equivalent;

18 (ii) ensuring that children receive immunizations,
19 appropriate health screenings and necessary medical treatment,
20 consistent with nationally recognized standards;

21 (iii) performing any other appropriate activity based on an
22 assessment of the education level, parenting skills and history
23 of parenting activities and involvement of each parent who is
24 applying for assistance;

25 (iv) meeting other requirements as established by the
26 department.

27 (7) Fulfilling obligations for remaining free of alcohol and
28 illegal drugs if it is determined that a person has an ongoing
29 substance-abuse problem that presents a barrier to employment.

30 These obligations include:

1 (i) participating in, maintaining compliance with and
2 satisfactorily completing a drug and alcohol program licensed or
3 approved by the Department of Health or administered by an
4 agency of the Federal Government; or

5 (ii) providing proof of substance-free status by submitting
6 to periodic drug testing by a licensed drug and alcohol
7 treatment provider or appropriate authorized licensed
8 practitioner and testing substance free.

9 (8) Fulfilling all obligations for payment of day-care fees
10 for care provided.

11 (9) Fulfilling all obligations for payment of support
12 service fees for which allowances have been provided.

13 (d) Nothing in this section shall be interpreted as
14 requiring the department to develop or offer employment,
15 education, training, work-related activities or work experience
16 programs.

17 (e) Any person who is required to sign an application for
18 assistance and fails or refuses without good cause to enter into
19 or cooperate in the completion of an agreement of mutual
20 responsibility shall be ineligible for cash assistance.

21 (f) Penalties shall be imposed on an applicant or recipient
22 of cash assistance who fails to comply with the obligations set
23 forth in the agreement of mutual responsibility. Penalties shall
24 include disqualification from receiving assistance as follows:

25 (1) Sanctions for failure to comply with employment and
26 work-related requirements as set forth in section 432.3(a)(1)
27 and (2).

28 (2) Sanctions for failure to cooperate with child support
29 requirements as set forth in section 432.7A.

30 (3) Sanctions for failure to disclose truthful and accurate

1 information as set forth in section 481.

2 (4) Sanctions for failure to cooperate with other aspects of
3 the agreement of mutual responsibility shall include
4 discontinuance or reduction of cash assistance, in addition to
5 other penalties established by the department.

6 (5) Before sanctions may be imposed, the department shall,
7 after completion of its internal conciliation procedures and
8 supervisory reviews, establish a procedure whereby a contracted
9 social service agency or nonprofit organization will be informed
10 of the prospective sanctions and will then make personal contact
11 with the household to attempt to resolve the planned adverse
12 action and secure compliance with the requirements of the law.
13 The agency or organization shall have reasonable time to meet
14 its responsibilities. If sanctions have already been imposed
15 against the household, a referral shall be made to the agency or
16 organization for the provision of case management services.

17 Section 432. Eligibility.--Except as hereinafter otherwise
18 provided, and subject to the rules, regulations, and standards
19 established by the department, both as to eligibility for
20 assistance and as to its nature and extent, needy persons of the
21 classes defined in clauses (1), (2), and (3) shall be eligible
22 for assistance:

23 (1) Persons for whose assistance Federal financial
24 participation is available to the Commonwealth as aid to
25 families with dependent children or as other assistance, and
26 which assistance is not precluded by other provisions of law.

27 (2) Persons who are eligible for State supplemental
28 assistance.

29 (i) State supplemental assistance shall be granted to
30 persons who receive Federal supplemental security income for the

1 aged, blind and disabled pursuant to Title XVI of the Federal
2 Social Security Act.

3 (ii) State supplemental assistance shall also be granted to
4 persons who are aged, blind and disabled, as defined in Title
5 XVI of the Federal Social Security Act, and whose income,
6 pursuant to the standards and income disregards of Title XVI of
7 the Social Security Act, is less than the combined income of the
8 Federal payments under the supplemental security income program
9 and the State supplemental assistance payments established
10 pursuant to the provisions of this act.

11 (iii) In establishing the amounts of the State supplemental
12 assistance, the department shall consider the funds certified by
13 the Budget Secretary as available for State supplemental
14 assistance, pertinent Federal legislation and regulation, the
15 cost-of-living and the number of persons who may be eligible.

16 (iv) Beneficiaries of State supplemental assistance shall be
17 eligible for cash State financial assistance to cover the cost
18 of special needs as defined by statute and regulations
19 promulgated under this act.

20 (v) After the amounts of assistance payments have been
21 determined by the department with the approval of the Governor
22 and General Assembly, the amounts of assistance payments shall
23 not be reduced as a consequence of assistance increases,
24 including but not limited to cost-of-living increases, provided
25 through Federal legislation.

26 (vi) After the amounts of assistance payments have been
27 determined by the department with the approval of the Governor
28 and General Assembly, the amounts of assistance payments shall
29 not be increased without the approval of the General Assembly in
30 accordance with the procedure established by the act of April 7,

1 1955 (P.L.23, No.8) known as the "Reorganization Act of 1955,"
2 and a message to the General Assembly from the Governor for the
3 purposes of executing such function shall be transmitted as in
4 other cases under the Reorganization Act.

5 (3) Other persons who are citizens of the United States, or
6 lawfully admitted aliens who are eligible for general
7 assistance.

8 (i) Persons who may be eligible for general assistance for
9 an indeterminate period as a result of medical, social or
10 related circumstances shall be limited to:

11 (A) A child who is under age eighteen or who is eighteen
12 through twenty years of age and attending a secondary or
13 equivalent vocational or technical school full-time and may
14 reasonably be expected to complete the program before reaching
15 twenty-one years of age.

16 (B) Persons who are parents residing in two-parent
17 households with their child who is under [thirteen] eighteen
18 years of age unless the child is [thirteen] eighteen years of
19 age or older and has a verified disability. Every possible
20 effort shall be made by the department to place these persons in
21 the [AFDC] TANF (Temporary Assistance to Needy Families)
22 program.

23 (C) A person who has been assessed by a physician or
24 psychologist as having a verified physical or mental disability
25 which temporarily or permanently precludes him or her from any
26 gainful employment. The verification of the physical or mental
27 disability must be established by written documentation in a
28 form prescribed by the department and must be based on
29 acceptable clinical and laboratory diagnostic techniques, rather
30 than a statement of symptoms by the applicant or recipient. The

1 department may also require the applicant or recipient to submit
2 to an independent examination as a condition of receiving
3 assistance. An applicant or recipient with a verified physical
4 or mental disability which is temporary in nature shall pursue
5 appropriate treatment as a condition of receiving assistance.

6 (D) A person who is a nonparental caretaker of a child under
7 [thirteen] eighteen years of age or a caretaker of another
8 person because of illness or disability. Such child or other
9 person must be a member of the household and the caretaker must
10 be a person whose presence is required in the home to care for
11 another person as determined in accordance with department
12 regulations. Assistance shall not be granted to a person under
13 this clause if there is another adult in the household who is
14 capable of providing the care without general assistance being
15 required.

16 (E) A person who is currently undergoing active treatment
17 for substance abuse in a drug and alcohol program licensed or
18 approved by the Department of Health or administered by an
19 agency of the Federal Government. A person shall only qualify
20 for general assistance under this clause if the treatment
21 program precludes the person from any form of employment in
22 accordance with standards established by the department. No
23 individual shall qualify for general assistance under this
24 clause for more than nine months in a lifetime.

25 (F) A pregnant woman whose pregnancy has been medically
26 verified.

27 (G) A person who is a victim of domestic violence and who is
28 receiving protective services as defined by the department. No
29 individual shall qualify for general assistance under this
30 provision for more than nine months in that person's lifetime.

1 (ii) General assistance shall continue as long as the person
2 remains eligible. Redeterminations shall be conducted on at
3 least an annual basis, and persons shall be required to seek
4 employment, accept any offer of employment and maintain
5 employment as conditions of eligibility except as otherwise
6 exempt under section 405.1(a.3).

7 (iv) No transitionally needy assistance shall be initially
8 authorized after June 30, 1995. Any person receiving
9 transitionally needy general assistance as of the effective date
10 of this subclause may continue to receive that assistance until
11 sixty days of assistance are exhausted in accordance with
12 subclause (iii). Transitionally needy assistance received after
13 June 30, 1993, shall be applied to the total period of
14 assistance. Transitionally needy general assistance shall cease
15 on the earlier of:

16 (A) the date of the final issuance of assistance; or

17 (B) August 29, 1995.

18 (4) Assistance shall not be granted (i) to or in behalf of
19 any person who disposed of his real or personal property, of the
20 value of five hundred dollars (\$500), or more, without fair
21 consideration, within two years immediately preceding the date
22 of application for assistance unless he is eligible for State
23 supplemental assistance; or (ii) to an inmate of a public
24 institution.

25 (5) (i) Assistance may be granted only to or in behalf of a
26 resident of Pennsylvania. Needy persons who do not meet the
27 residence requirements stated in this clause and who are
28 transients or without residence in any state, may be granted
29 assistance up to seven days in the form of vendor payments, all
30 in accordance with rules, regulations, and standards established

1 by the department.

2 (ii) Cash assistance for applicants and recipients of aid to
3 families with dependent children who have resided in this
4 Commonwealth for less than twelve months shall not exceed the
5 lesser of the maximum assistance payment that would have been
6 received from the applicant's or recipient's state of prior
7 residence or the maximum assistance payment available to the
8 applicant or recipient in this Commonwealth.

9 (6) Aid to families with dependent children shall not be
10 paid to any family for any month in which any caretaker relative
11 with whom the child is living is, on the last day of such month,
12 participating in a strike, and no individual's needs shall be
13 included in determining the amount of aid payable for any month
14 to a family if, on the last day of such month, such individual
15 is participating in a strike.

16 (8) A person who does not meet a definitive condition for
17 aid to families with dependent children solely because of the
18 person's refusal to cooperate in establishing eligibility for
19 aid to families with dependent children shall also be ineligible
20 for general assistance.

21 (9) Assistance may not be granted to any person who has been
22 sentenced for a felony or misdemeanor offense and who has not
23 otherwise satisfied the penalty imposed on that person by law.
24 Notwithstanding any provisions in 18 Pa.C.S. Ch. 91 (relating to
25 criminal history record information), the cooperative agreements
26 provided for in this clause shall provide the department with
27 access to the central repository within the Pennsylvania State
28 Police in order to carry out the objectives of this section. The
29 Pennsylvania State Police and the Pennsylvania Board of
30 Probation and Parole shall have access to the records of the

1 Assistance Recipient Identification Program under section 414
2 within the department in order to carry out the objectives of
3 section 414. For cash assistance applicants and recipients, the
4 department shall enter into cooperative agreements with the
5 Pennsylvania State Police and the Pennsylvania Board of
6 Probation and Parole to ensure that no cash assistance is
7 granted to a person who has been sentenced for a felony or
8 misdemeanor offense. For this purpose, the department may access
9 and provide information available pursuant to section 414. As
10 used in this clause, "satisfied the penalty" means completed the
11 period of incarceration or extension thereof and paid all fines,
12 costs and restitution. Nothing in this clause shall be deemed to
13 exclude from cash assistance any person who has been paroled
14 from a term of imprisonment, or any person who is in compliance
15 with all terms of probation, and who has made either full
16 payment of all fines, costs and restitution or is in compliance
17 with an approved payment plan.

18 (10) Assistance shall not be granted to any applicant or
19 recipient who is under eighteen years of age and who has never
20 been married and is pregnant and/or caring for a dependent child
21 unless the minor parent is residing with a parent, legal
22 guardian or other adult relative or in an adult-supervised
23 supportive living arrangement approved by the department. In the
24 event that the minor parent is residing with a parent, legal
25 guardian or other adult relative or in an adult-supervised
26 supportive living arrangement approved by the department,
27 assistance shall be paid to the parent, legal guardian or other
28 adult with whom the minor parent is residing. Exceptions to this
29 subsection will be granted by the department if it is determined
30 that an exception would best serve the health and safety of the

1 minor parent and the child or if the minor parent can present
2 evidence that the parent, legal guardian or other adult:

3 (i) refuses or is unable to allow the minor parent or child
4 to live in his or her home;

5 (ii) poses an emotional or physical threat to the minor
6 parent or child;

7 (iii) has physically or sexually abused the minor parent or
8 the minor parent's child or any other child in the household or
9 poses a risk of doing so;

10 (iv) has exhibited neglect of the minor parent or the minor
11 parent's child; or

12 (v) has spent the minor parent's assistance in an improper
13 manner.

14 If the minor parent does not meet any of the exceptions set
15 forth in this clause and the parents or legal guardian live
16 within this Commonwealth or another state, the minor parent and
17 child may be given a one-time allowance solely for the limited
18 purpose of reuniting that minor parent and child with a parent,
19 legal guardian or other adult relative at their place of
20 residence. The amount of the allowance shall be limited to the
21 least expensive mode of transportation available.

22 (11) A person who is ineligible for general assistance or
23 medical assistance under this act shall be ineligible for
24 assistance under the act of June 24, 1937 (P.L.2017, No.396),
25 known as the "County Institution District Law," and the act of
26 August 9, 1955 (P.L.323, No.130), known as "The County Code."

27 Section 432.3. Failure to Comply with Employment and Work-
28 Related Activity Requirements.--(a) An applicant or recipient
29 who is not exempt from participation in the employment or work-
30 related activity requirements set forth in section 405.1(a.2)

1 and who without good cause: (i) voluntarily terminates
2 employment or reduces earnings; (ii) fails to apply for work at
3 such time and in such manner as the department may prescribe; or
4 (iii) fails or refuses to accept referral to and participate in
5 a work-related activity, or refuses to accept referral to and
6 work in and retain employment in which the applicant or
7 recipient is able to engage, provided such employment conforms
8 to the standards established for a bona fide offer of
9 employment, shall be disqualified from receiving assistance as
10 follows:

11 (1) A minimum of thirty days for the first violation and
12 continuing thereafter until such time as he or she is willing to
13 comply with the requirements of section 405.1; a minimum of
14 sixty days for the second violation and continuing thereafter
15 until such time as he or she is willing to comply with the
16 requirements of section 405.1; and permanently for a third
17 violation.

18 (2) If the reason for the disqualification occurs during the
19 first twenty-four months that cash assistance is received,
20 whether those months are consecutive or interrupted, only the
21 individual is disqualified. If the reason for the
22 disqualification occurs after the individual has received
23 assistance for more than twenty-four months, whether those
24 months are consecutive or interrupted, [the disqualification is
25 imposed on the entire assistance group] only the individual is
26 disqualified, and, in appropriate cases, the department may
27 provide cash assistance to minors in the assistance group by
28 protective payments.

29 (b) In addition to or in lieu of the sanctions set forth in
30 subsection (a)(1) and (2), the cash assistance grant of an

1 employed person who voluntarily, without good cause, reduces his
2 or her earnings by not fulfilling the twenty-hour per week work
3 requirement set forth in section 405.1(a.2) shall be reduced by
4 the dollar value of the income that would have been earned if
5 the recipient had fulfilled those employment responsibilities.

6 Section 3. This act shall take effect in 60 days.