

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1330 Session of
1983

INTRODUCED BY WACHOB, HOFFEL, R. C. WRIGHT, RYBAK, KOWALYSHYN,
MORRIS, BELFANTI, RICHARDSON, PRESTON, O'DONNELL, ALDERETTE,
BATTISTO, KUKOVICH, SALOOM, TRELLO, ITKIN, KOSINSKI,
PISTELLA, AFFLERBACH, HALUSKA AND MICHLOVIC, JULY 5, 1983

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JULY 5, 1983

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 regulating
4 eligibility for welfare; and transferring responsibilities to
5 the Department of Labor and Industry.

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

8 Section 1. The introductory paragraph of subsection (a) and
9 subsection (e) of section 405.1 of the act of June 13, 1967
10 (P.L.31, No.21), known as the Public Welfare Code, amended April
11 8, 1982 (P.L.231, No.75), are amended to read:

12 Section 405.1. Work Registration Program.--(a) [Prior]
13 Every individual, within ten days after establishing eligibility
14 for public assistance, as a condition of continuing eligibility
15 for aid to families with dependent children or general
16 assistance and prior to the authorization of assistance, [every
17 individual] shall register in accordance with regulations of the
18 [department] Department of Labor and Industry for employment,

1 training and manpower services, unless such individual is:

2 * * *

3 (e) The [department] Department of Labor and Industry
4 shall[, within twelve months of the effective date of this act,]
5 establish a Statewide program which will have as its primary
6 purpose, the obtaining of bona fide employment for non-exempt
7 assistance applicants and recipients. The program may be
8 substituted for the registration required by subsection (a). The
9 program shall include, but not be limited to referral to private
10 employment agencies under contract with the department and the
11 establishment of an employment officer in county board of
12 assistance offices.

13 * * *

14 Section 2. Sections 405.2, 432(3)(iii), 442.1 and 475 of the
15 act, added or amended April 8, 1982 (P.L.231, No.75), are
16 amended to read:

17 Section 405.2. Community Work Program.--(a) The
18 [department] Department of Labor and Industry shall coordinate
19 the establishment of community work projects by departments,
20 agencies or institutions of the Commonwealth or any nonprofit
21 organization or agency located within the Commonwealth or any
22 political subdivision located within the Commonwealth or any
23 agency of the Federal Government and shall assign to these work
24 projects cash assistance recipients for whom the Office of
25 Employment Security has been unable to secure employment. In
26 instances when community work projects are not available for all
27 able-bodied cash assistance recipients, priority shall be given
28 to general assistance recipients for referral to available
29 projects.

30 (b) Every individual who has not received a bona fide offer

1 of training or employment under section 405.1 shall, as a
2 condition of continuing eligibility for cash assistance, report
3 to and work in a community work project established under this
4 section unless such individual is over the age of forty-five or
5 is exempt from the registration requirements of section 405.1.
6 Such individual shall be required to work that number of hours
7 which when multiplied by the applicable minimum wage equals the
8 amount of cash assistance such person receives: Provided,
9 however, That the parent or other caretaker of a child between
10 the ages of six and fourteen who is personally providing care
11 for the child with only very brief and infrequent absences from
12 the child shall not be required to participate in community work
13 projects except on days and at times when the child is in school
14 or when there are adequate day-care arrangements available for
15 the child at no cost to the recipient. No lien shall be imposed
16 against the real property of the individual under the act of
17 June 24, 1937 (P.L.2045, No.397), known as "The Support Law," to
18 recover cash assistance payments paid to that individual for the
19 period that the individual actually works in community work
20 projects.

21 (c) Community work projects established under this section
22 must be approved by the [department] Department of Labor and
23 Industry. To qualify for approval, a work site must conform to
24 appropriate health and safety standards. Cash assistance
25 recipients shall not be assigned to work opportunities available
26 due to a labor dispute, strike, or lockout and shall not be
27 assigned to perform work so as to cause the layoff, downgrading
28 or prevention of return to work of an available competent
29 employe. Cash assistance recipients shall be assigned to
30 community work projects within [twenty-five miles] reasonable

1 proximity of their place of residence.

2 (d) A person who without good cause fails or refuses to
3 accept assignment to and participate in a community work project
4 shall be disqualified from receiving cash assistance for sixty
5 days for the first violation and thereafter until such time he
6 or she is willing to comply. For the second violation and
7 subsequent violations the disqualification period shall be one
8 hundred twenty days. The disqualification period shall commence
9 on the date the department's order imposing disqualification is
10 final.

11 (e) The department shall propose initial rules and
12 regulations for the administration of this section prior to the
13 effective date of this section. Neither initial rules and
14 regulations nor any promulgated thereafter with regard to this
15 section shall take effect without the approval of the General
16 Assembly. The department's proposed initial rules and
17 regulations shall be submitted to, and approved or disapproved
18 by, the Senate and the House of Representatives in the same
19 manner as provided for the consideration of reorganization plans
20 provided for by the act of April 7, 1955 (P.L.23, No.8), known
21 as the "Reorganization Act of 1955." In the event that the
22 General Assembly disapproves the proposed rules and regulations,
23 then the department shall submit new rules and regulations
24 within thirty days.

25 (f) Workmen's compensation insurance premiums shall be the
26 responsibility of the [entity which provides the employment
27 opportunity.] Commonwealth.

28 (g) No person shall be denied general assistance under this
29 section if the office has not been able to establish sufficient
30 community work projects.

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

7 * * *

8 (3) Other persons who are citizens of the United States, or
9 legally admitted aliens and who are chronically needy or
10 transitionally needy persons.

11 * * *

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 continued as long as the person complies with the requirements
18 of this act.

19 * * *

20 Section 442.1. The Medically Needy; Determination of
21 Eligibility.--A person shall be considered medically needy if
22 he:

23 (1) Resides in Pennsylvania, regardless of the duration of
24 his residence or his absence therefrom; and

25 (2) Meets the standards of financial eligibility established
26 by the department with the approval of the Governor. In
27 establishing these standards the department shall take into
28 account (i) the funds certified by the Budget Secretary as
29 available for medical assistance for the medically needy; (ii)
30 pertinent Federal legislation and regulations; and (iii) the

1 cost of living. [Transitionally needy persons who are not
2 eligible for cash assistance by reason of section 432(3)(iii)
3 shall be considered medically needy if otherwise eligible.]

4 Section 475. Grant Increases.--[(a)] On July 1, 1982, the
5 Department of Public Welfare shall raise general assistance and
6 aid to families with dependent children allowances for
7 assistance units of three or more persons by an average of at
8 least five percent.

9 [(b) If the department is prevented by court order from
10 implementing the provisions of section 10 of this amendatory
11 act, the provisions of this section shall be suspended and shall
12 not take effect until the provisions of section 10 are
13 implemented.]

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