

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2316

Session of
1988

INTRODUCED BY PITTS, IRVIS, R. C. WRIGHT, ITKIN, COWELL, HAYES, LINTON, BURNS, WIGGINS, LEH, DISTLER, MERRY, D. W. SNYDER, LANGTRY, SCHULER, OLASZ, DAWIDA, ROBBINS, BOWSER, TELEK, NAHILL, WESTON, KOSINSKI, SAURMAN, BUNT, VROON, GODSHALL, HECKLER, COHEN, FLICK, JOHNSON, CARN, MAINE, SEMMEL, ARTY, DORR, GLADECK, RYBAK, HERSHEY, BOWLEY, KITCHEN, JACKSON, BIRMELIN, MELIO, DeLUCA, SERAFINI, RAYMOND, BARLEY, E. Z. TAYLOR, HUGHES, VEON, FATTAH, MAIALE, CLYMER, McVERRY, CALTAGIRONE, CESSAR, RITTER, RICHARDSON, LASHINGER, WOZNIAK, FISCHER, McHALE, HAGARTY, FOX, FREIND, SIRIANNI, McCLATCHY, REINARD, LEVDANSKY, HARPER, MARKOSEK, JOSEPHS, TIGUE, GEIST, J. L. WRIGHT, MAYERNIK, PRESSMANN, TRELLO, NOYE, HERMAN, S. H. SMITH, SHOWERS, STAIRS, BLAUM, PICCOLA, WOGAN, ROEBUCK, STUBAN AND WAMBACH, APRIL 6, 1988

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 6, 1988

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 providing for the
4 work registration program for public assistance.

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

7 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,
8 No.21), known as the Public Welfare Code, amended July 15, 1976
9 (P.L.993, No.202), is amended to read:

10 Section 402. Definitions.--As used in this article:

11 "Assistance" means money, services, goods, shelter, burial
12 and medical, chiropractic and other health care, including
13 nursing home care provided from or with State, Federal, county,

1 county institution district or municipal funds, for needy
2 persons who reside in Pennsylvania and need assistance to
3 provide for themselves and their dependents a decent and
4 healthful standard of living, and for needy homeless or
5 transient persons.

6 "Basic literacy skills" means the ability to read at an
7 eighth-grade level.

8 "Benefit period" means, with respect to any individual, a
9 period of consecutive days beginning with the first day not
10 included in a previous benefit period, on which he is furnished
11 inpatient hospital care, and ending with the last day of the
12 first sixty-day period thereafter during each day of which he is
13 not an inpatient in a hospital.

14 "General assistance" means assistance granted under the
15 provisions of section 432(3) of this act.

16 "Home Health Care" means intermittent or part time nursing
17 services or other therapeutic services furnished by a home
18 health agency qualified to participate under Title XVIII of the
19 Federal Social Security Act.

20 "Protective payments" means payments with respect to any
21 dependent child which are made to another individual who (as
22 determined in accordance with standards prescribed by the
23 department) is interested in or connected with the welfare of
24 such child or relative, or made on behalf of such child or
25 relative directly to a person furnishing food, living
26 accommodations, or other goods, services, or items to or for
27 such child. Whenever possible, the protective payee shall be a
28 public child welfare agency.

29 "State supplemental assistance" means assistance granted
30 under the provisions of section 432(2).

1 Section 2. Section 405.1 of the act, added July 15, 1976
2 (P.L.993, No.202), and amended April 8, 1982 (P.L.231, No.75),
3 is amended to read:

4 Section 405.1. Work Registration Program.--(a) Prior to the
5 authorization of assistance, every individual shall register in
6 accordance with regulations of the department for employment,
7 training and manpower services, unless such individual is:

8 (1) a child who is under the age of sixteen or is attending
9 full-time an elementary, secondary or equivalent vocational (or
10 technical) school;

11 (2) a person who has a serious physical or mental handicap
12 which prevents him or her from working in any substantial
13 activity as determined in accordance with the standards
14 established by the department. The department shall require that
15 documentation of disability be submitted from a physician or
16 psychologist. Alcohol or drug dependent persons are obligated to
17 comply with section 9(d), act of April 14, 1972 (P.L.221,
18 No.63), known as the "Pennsylvania Drug and Alcohol Abuse
19 Control Act";

20 (3) required to be present in the home because of illness or
21 incapacity of another member of the household;

22 (4) the parent or other relative of a child under the age of
23 six who is personally providing care for the child with only
24 very brief and infrequent absences from the child;

25 (5) the parent or other caretaker of a child if another
26 adult relative is in the home and not excluded from the
27 requirement to register, unless such other adult relative has
28 failed to register as herein required or has refused without
29 good cause to accept employment or to participate in work
30 experience or training;

(6) actively participating in the Federal work incentive program;

(7) employed full time; [or]

(8) the parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal wage earner) is not excluded by the preceding paragraphs of this subsection[.]; or

(9) an individual who has been tested for basic literacy skills, has been found to lack basic literacy skills and has enrolled in a basic reading program registered with the Department of Education.

(b) Any person excluded from the requirements of registration by reason of subsection (a), may register to participate in the Pennsylvania employables program.

(c) No person registered pursuant to subsection (a) shall refuse to accept a bona fide offer of employment or training. The bona fide offer of employment, training, or work experience must be consistent with the person's physical, mental and emotional capabilities.

In order to be a bona fide offer of employment, there must be reasonable assurances that:

(1) Appropriate standards for the health, safety, minimum wage and other conditions applicable to the performance of work and training in the employment are established and will be maintained.

(2) The offer of employment will not result in any displacement of employed workers.

(3) With respect to such employment, the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, geographical region, and a

1 proficiency of the participant.

2 (4) The employment is not available due to labor dispute,
3 strike or lock-out.

4 (d) Any person required to register pursuant to subsection
5 (a) who wilfully:

6 (1) fails to register; or

7 (2) refuses a bona fide offer of employment or training in
8 violation of subsection (c) shall be ineligible for aid to
9 families with dependent children or general assistance. Where
10 there is no other parent present who is eligible for assistance
11 any aid for which such child is eligible will be provided in the
12 form of protective payment as defined in section 402.

13 (e) The department shall, within twelve months of the
14 effective date of this act, establish a Statewide program which
15 will have as its primary purpose, the obtaining of bona fide
16 employment for non-exempt assistance applicants and recipients.
17 The program may be substituted for the registration required by
18 subsection (a). The program shall include, but not be limited to
19 referral to private employment agencies under contract with the
20 department and the establishment of an employment officer in
21 county board of assistance offices.

22 (f) The department shall take all appropriate measures to
23 obtain any necessary Federal approval and assistance for the
24 Pennsylvania employables program. If the United States
25 Department of Health, Education and Welfare does not approve all
26 or part of the Pennsylvania employables program, that part of
27 the program unapproved shall not apply to persons who are
28 otherwise eligible for aid to families with dependent children,
29 but it shall apply to persons eligible for general assistance.
30 In addition, the department shall take all appropriate measures

1 to secure Federal funding for all or part of the demonstration
2 programs authorized by subsection (e), including but not limited
3 to a request for financial assistance pursuant to section 1110
4 of the Federal Social Security Act.

5 (g) The department shall promptly redetermine eligibility
6 upon receipt of notice of deregistration.

7 (h) No department or agency of the Commonwealth and no
8 vendor delivering social services funded in whole or in part by
9 contracts with or grants from the Department of Public Welfare
10 shall discriminate in any manner including employment or job
11 placement against any person because that person is or was an
12 applicant for or recipient of assistance.

13 Section 3. The act is amended by adding a section to read:

14 Section 405.3. Literacy Testing.--Prior to the authorization
15 of assistance, the department shall offer the applicant an
16 opportunity to be tested for basic literacy skills. This
17 opportunity to be tested shall also be offered to any interested
18 recipient throughout the period of eligibility for assistance.

19 Section 4. The Department of Education shall provide the
20 Department of Public Welfare with testing procedures and
21 materials and registration procedures to implement this act. In
22 developing registration procedures, the department shall make
23 every effort to include the widest array of local education
24 providers. Eligible providers shall include, but not be limited
25 to:

- 26 (1) School districts.
- 27 (2) Intermediate units.
- 28 (3) Area vocational-technical schools.
- 29 (4) Community colleges.
- 30 (5) Literacy councils.

1 (6) Libraries.

2 (7) Community-based private, nonprofit organizations
3 which are representative of communities or significant parts
4 of communities that provide basic education programs.

5 (8) Educational entities registered with the department
6 for providing an effective educational curriculum.

7 Section 5. This act shall take effect in 90 days.