

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1465 Session of
2000

INTRODUCED BY KITCHEN, KUKOVICH, BELL, SCHWARTZ, TARTAGLIONE AND
KASUNIC, JUNE 1, 2000

REFERRED TO PUBLIC HEALTH AND WELFARE, JUNE 1, 2000

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 RESET Program and for program aspects of public assistance;
5 and deleting provisions relating to food stamp program.

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

8 Section 1. Sections 405.1(a.2)(5) and (6) and (a.3)(1) and
9 405.3 of the act of June 13, 1967 (P.L.31, No.21), known as the
10 Public Welfare Code, amended May 16, 1996 (P.L.175, No.35), are
11 amended to read:

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

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

15 * * *

16 (5) An applicant or recipient may fulfill the work-related
17 activity requirement following the initial job search and
18 consultation with the county assistance office by participating
19 exclusively in any one or a combination of vocational education,

1 general education, adult basic education, general educational
2 development preparation, English-as-a-second-language study
3 [or], job skills training, paid or unpaid internship or
4 postsecondary education, as necessary, for a maximum of twelve
5 months. An applicant or recipient who has participated in any
6 one or a combination of these activities for a maximum of twelve
7 months may fulfill the work-related activity requirement in
8 clause (4) by continuing to participate in any one or a
9 combination of these activities. Applicants shall be
10 specifically informed of these options at the time of initial
11 application. Recipients shall be specifically informed of these
12 options at the time of each redetermination. At the time of
13 initial application and at the time of each redetermination,
14 these options shall be specifically listed as such in each
15 agreement of mutual responsibility or similar work-related plan.
16 For a recipient or applicant who is eighteen years of age or
17 older and less than twenty-two years of age and who has not
18 earned a high school diploma or its equivalent, pursuit of a
19 high school diploma or a certificate of high school equivalency
20 can fulfill the work-related activity requirement for a maximum
21 of twenty-four months.

22 (6) A recipient who has received assistance for twenty-four
23 months, whether those months are consecutive or interrupted,
24 must [work,] participate in a work-related activity for at least
25 twenty hours per week, for which at least one-half of these
26 hours the recipient must work or participate in subsidized
27 employment, work experience, on-the-job training, community
28 service or workfare [for an average of at least twenty hours per
29 week.] or a paid or unpaid internship. In addition, a recipient
30 may participate in vocational education, general education,

1 adult basic education, general educational development
2 preparation, English-as-a-second-language, job skills training
3 or postsecondary education to fulfill the remainder of the work-
4 related activity requirement. A person participating in
5 postsecondary education under this clause must:

6 (i) Attend an educational program that has been included on
7 the agreement of mutual responsibility with the county
8 assistance office.

9 (ii) Be in an educational program that will enhance the
10 person's employability.

11 (iii) Make satisfactory progress toward completion of that
12 person's degree or certificate.

13 (7) Information indicating noncompliance with the minimum
14 [twenty-hour] hour per week requirement of clause (6) shall be
15 cause for a review of eligibility.

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

18 (1) The applicant or recipient has been assessed by a
19 physician, certified registered nurse practitioner, licensed
20 physician's assistant or psychologist as having a verified
21 physical or mental disability which temporarily or permanently
22 precludes the applicant or recipient from any form of employment
23 or work-related activity. The verification of the physical or
24 mental disability shall be established by written documentation
25 in a form prescribed by the department and shall be based on
26 acceptable clinical and laboratory diagnostic techniques, rather
27 than a statement of symptoms by the applicant or recipient. The
28 department may also require the applicant or recipient to submit
29 to an independent examination as a condition of receiving
30 assistance. An applicant or recipient with a verified physical

1 or mental disability that is temporary in nature must pursue
2 appropriate treatment as a condition of receiving assistance.

3 * * *

4 Section 405.3. Responsibilities and Obligations of
5 Department, Applicants and Recipients.--(a) Subject to Federal
6 approval, only where necessary, each adult applicant or
7 recipient of cash assistance or other person who is required to
8 sign an application for assistance shall be required as a
9 condition of eligibility to enter into a mutual agreement with
10 the department that will set forth the responsibilities and
11 obligations to be undertaken by the recipient to achieve self-
12 sufficiency, the time frames within which each obligation is to
13 be completed, the penalties for failure to comply and the
14 actions to be taken by the department to support the efforts of
15 the applicant or recipient. Where appropriate, these obligations
16 shall include, but not be limited to:

17 (1) Providing timely and accurate information required under
18 section 432.2.

19 (2) Cooperating in the determination of paternity and
20 enforcement of support obligations as required under section
21 432.7.

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

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

27 (5) Obtaining prenatal care consistent with nationally
28 recognized standards.

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

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

3 (ii) ensuring that children receive immunizations,
4 appropriate health screenings and necessary medical treatment,
5 consistent with nationally recognized standards;

6 (iii) performing any other appropriate activity based on an
7 assessment of the education level, parenting skills and history
8 of parenting activities and involvement of each parent who is
9 applying for assistance;

10 (iv) meeting other requirements as established by the
11 department.

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

15 These obligations include:

16 (i) participating in, maintaining compliance with and
17 satisfactorily completing a drug and alcohol program licensed or
18 approved by the Department of Health or administered by an
19 agency of the Federal Government; or

20 (ii) providing proof of substance-free status by submitting
21 to periodic drug testing by a licensed drug and alcohol
22 treatment provider or appropriate authorized licensed
23 practitioner and testing substance free.

24 (8) Fulfilling all obligations for payment of day-care fees
25 for care provided.

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

28 (d) Nothing in this section shall be interpreted as
29 requiring the department to develop or offer employment,
30 education, training, work-related activities or work experience

1 programs.

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

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

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

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

15 (3) Sanctions for failure to disclose truthful and accurate
16 information as set forth in section 481.

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

21 (5) Before sanctions may be imposed, the department shall,
22 after completion of its internal conciliation and supervisory
23 review, establish a procedure whereby a contracted social
24 service agency or nonprofit corporation is informed of the
25 prospective sanction and will then make personal contact with
26 the person to attempt to resolve the planned adverse action and
27 secure compliance with the requirements. The agency shall have a
28 reasonable time to accomplish its responsibilities. If a
29 sanction has been imposed against the household, a referral
30 shall be made to the agency or organization for the provision of

1 case management to cure the sanction and to prevent future
2 sanctions.

3 Section 2. Section 471 of the act is repealed.

4 Section 3. This act shall take effect as follows:

5 (1) The amendment of sections 405.1(a.2)(5) and (6) and
6 (a.3)(1) and 405.3 of the act shall take effect in 60 days.

7 (2) The remainder of this act shall take effect
8 immediately.