

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1052*
Committee Substitute Favorable 6/5/95

Short Title: AFDC Emp./Workfare/Funds.

(Public)

Sponsors:

Referred to:

May 8, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT
3 CHILDREN (AFDC) TO PARTICIPATE IN EMPLOYMENT/WORKFARE AND
4 TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 2 of Chapter 108A of the General Statutes is amended by
7 inserting a new Part to read:

8 **"PART 5A. AFDC EMPLOYMENT/WORKFARE PROGRAM.**

9 **"§ 108A-53.10. AFDC Employment/Workfare.**

10 (a) The General Assembly finds that all eligible Aid to Families with Dependent
11 Children (AFDC) recipients shall participate in an employment/workfare program.

12 (b) Effective July 1, 1995, the Department of Human Resources shall, jointly with
13 the Employment Security Commission, establish the AFDC Employment/Workfare
14 Program.

15 Effective October 1, 1995, the Department shall begin the operation of the AFDC
16 Employment/Workfare Program by notifying all current AFDC recipients and applicants
17 for AFDC assistance that all AFDC recipients are required to participate in the AFDC
18 Employment/Workfare Program if not declared exempt. After that date, the Department

1 shall ensure that all applicants for AFDC assistance are notified that all AFDC recipients
2 are required to participate if not declared exempt.

3 The Employment/Workfare Program shall consist of three major components:

- 4 (1) Job Search;
- 5 (2) Job Preparedness; and
- 6 (3) Community Service.

7 (c) The local department of social services shall determine whether an AFDC
8 recipient is temporarily or permanently exempt from the Employment/Workfare Program.

9 A recipient shall be considered exempt if:

- 10 (1) The recipient is younger than 16 years of age or recipient 65 years of
11 age or older;
- 12 (2) The recipient is physically or mentally unfit for employment;
- 13 (3) The recipient is a parent or other household member who is responsible
14 for the care of a dependent child under five years of age, or for the care
15 of an incapacitated person;
- 16 (4) The recipient is a regular participant in a drug addiction or alcohol
17 treatment and rehabilitation program;
- 18 (5) The recipient is employed or self-employed and is working a minimum
19 of 30 hours weekly or is receiving earnings equal to the federal
20 minimum wage multiplied by 30 hours;
- 21 (6) The recipient is a student who is enrolled full time in any recognized
22 public or private school, training program, or institution of higher
23 education; or
- 24 (7) The recipient is working and in school a total of 30 hours per week with
25 a minimum of six class hours per week.

26 (d) An Employment Security Commission interviewer shall evaluate every
27 nonexempt AFDC recipient to place the recipient in any of the three components of the
28 Employment/Workfare Program that the interviewer considers appropriate based upon
29 the evaluation's assessment of the recipient's job readiness or need for other assistance
30 before being considered competitive in the local labor force.

31 (e) Once the Employment Security Commission interviewer has placed the
32 recipient in the appropriate component of the Employment/Workfare Program, the
33 Employment Security Commission shall register the recipient.

34 (f) The recipient placed in the Job Search component of the
35 Employment/Workfare Program shall look for work and shall accept any suitable
36 employment. The Employment Security Commission shall refer recipients to current job
37 openings and shall make job development contacts for recipients. Recipients shall be
38 required to keep a record of their job search activities, which activities shall be monitored
39 by the Employment Security Commission. The Job Search component shall last a
40 maximum of eight weeks and shall include at least one contact weekly with the
41 Employment Security Commission.

42 The Employment Security Commission shall provide the recipient placed in the Job
43 Preparedness component of the Employment/Workfare Program with a job-seeking skills

1 workshop, employment counseling, and other assessment tools, such as testing and
2 interest inventories. If the Commission considers it necessary, the Commission shall also
3 make referrals of recipients placed in the Job Preparedness component of the
4 Employment/Workfare Program to the local community college for enrollment in
5 General Education Development (GED), Adult Basic Education (ABE), or Human
6 Resources Development (HRD) programs that are already in existence. Additionally, the
7 Commission shall refer the recipient to the literacy council. Whenever recipients are
8 referred to the community college or the literacy council, the Commission shall monitor
9 the recipients' progress through close communications with those agencies.

10 The Job Preparedness component of the Employment/Workfare Program shall last a
11 maximum of eight weeks.

12 (g) A recipient who has not found a job within eight weeks of being placed in the
13 Job Search component of the Employment/Workfare Program or who is not job ready
14 within eight weeks of being placed in the Job Preparedness component shall be placed in
15 the Community Service component, in order to enable recipients to gain valuable skills
16 such as work experience and positive work habits that will eventually enable them to gain
17 employment while allowing the community to benefit from the support of these
18 recipients. This component shall use the services of AFDC recipients and other
19 recipients of assistance available under this Article to provide uncompensated assistance
20 to public or nonprofit, private agencies in the recipients' communities. Recipients shall
21 work without compensation in their local communities for the number of hours monthly
22 that equals the amount of their AFDC assistance divided by the appropriate minimum
23 wage. The Department of Human Resources shall ensure that the number of hours
24 worked per month does not exceed this number of hours.

25 When the recipient requires transportation to community service of more than two
26 miles from where the recipient lives, the Program shall reimburse the recipient up to
27 twenty-five dollars (\$25.00) per month.

28 (h) The Department of Human Resources shall ensure that a recipient's continued
29 AFDC assistance is contingent upon satisfactory participation in the
30 Employment/Workfare Program unless the Department finds that one or more of the
31 following 'good cause failure to comply' situations have occurred, in which case AFDC
32 assistance shall continue:

- 33 (1) Illness of the recipient or a household member for whom the recipient is
34 responsible;
- 35 (2) Household emergency, such as death;
- 36 (3) Necessity for a recipient parent or other responsible household member
37 to care for a child between the ages of five and 12 when other adequate
38 child care is not available;
- 39 (4) Emergence of exempting condition, as prescribed in subsection (c) of
40 this section;
- 41 (5) Household moving out of the area of the Program; or
- 42 (6) If notification is spoken or written only in English, the inability to speak
43 or write English.

1 (i) The Department of Human Resources shall, jointly with the Employment
2 Security Commission, adopt rules to implement this section, including rules to ensure that
3 all AFDC recipients and applicants for AFDC assistance are notified of all the
4 requirements of the Employment/Workfare Program and that all community services
5 employing agencies operate fairly and in full cooperation with the Employment/Workfare
6 Program."

7 Sec. 2. The Department of Human Resources shall immediately, as of the
8 effective date of this act, prepare and apply for any waiver from the federal government
9 required to implement Section 1 of this act. If, before the effective date of Section 1 of
10 this act, the federal government denies the waiver or has not accepted the waiver, then the
11 Department and the Employment Security Commission, when appropriate, shall
12 implement Section 1 of this act to the extent that implementation is not inconsistent with
13 any federal law.

14 Sec. 3. There is appropriated from the General Fund to the Department of
15 Human Resources the sum of one hundred thousand dollars (\$100,000) for the 1995-96
16 fiscal year and the sum of one hundred thousand dollars (\$100,000) for the 1996-97 fiscal
17 year to implement this act. The Department shall direct the appropriate amount of these
18 funds to the Employment Security Commission for its implementation.

19 Sec. 4. Except for and subject to the conditions set forth in Section 2 of this
20 act, unless otherwise stated, Section 1 of this act becomes effective October 1, 1995, and
21 applies to AFDC assistance issued beginning with the month following that date. Section
22 3 becomes effective July 1, 1995. This section is effective upon ratification.