

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 1043

(Delegate Valentino-Smith)

Appropriations

Finance

Family Investment Program – Eligibility, Work Experience, Community Service, and Reports – Alterations

This bill requires the Department of Human Services (DHS) to allow an applicant or recipient in the Family Investment Program (FIP) to meet the work activity requirement through “work experience” and “community service” and establishes minimum work activity hours for specified individuals. DHS may not reduce the Temporary Cash Assistance (TCA) of an individual if the individual is meeting the minimum work activity participation requirement and participating in work activity for less than 40 hours per week. The bill also requires DHS to report additional information to the General Assembly each year.

Fiscal Summary

State Effect: Any change in work activity requirements does not materially affect State finances. DHS can submit additional information in its annual report using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Community service” means a structured program with embedded activities in which individuals perform unpaid work (1) for the direct benefit of the community and (2) under the guidance and support of a public or nonprofit organization.

“Work experience” means unpaid work activity, performed in return for TCA, that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.

Work Participation

DHS may require a work-eligible individual to participate in work activity for a maximum of (1) 30 hours per week for an individual with a child at least six years old; (2) 20 hours per week for a single parent or caretaker relative with a child younger than age six; (3) a combined average of 35 hours per week for a family with two work-eligible parents who do not receive federally funded child care assistance; or (4) a combined average of 55 hours per week for a family with two work-eligible parents who receive federally funded child care assistance, provided that an adult in the family does not have a disability or is not caring for a child with a disability.

A work-eligible individual may choose to participate in work activity for more than the required weekly hours, up to a maximum of 40 hours per week, provided that working the additional hours does not violate the federal Fair Labor Standards Act.

DHS must accept verification of an individual’s work activity participation through multiple methods, including electronic submission.

Work Experience as Work Activity

The purpose of work experience is to improve the employability of individuals who cannot find unsubsidized full-time employment. DHS may refer an individual to work experience for work activity if:

- private sector employment is not available;
- the maximum work experience placement for the individual does not exceed 90 days in a three-year period;
- DHS offers the individual at least three work activity options that include only one work experience option and at least one option that is work activity or a program funded by the federal Workforce Innovation and Opportunity Act;
- the individual chooses the work experience for work activity;
- DHS informs the individual that the individual may subsequently change to different work activity; and
- the work experience provides skills that match the individual’s personal, career, and family goals to support economic mobility.

If work experience is offered as a work activity, DHS may not offer community service as work activity. If at any time these requirements are not met, an individual may request a transfer to different work activity.

Community Service as Work Activity

The purpose of community service is to improve the employability of individuals who cannot find unsubsidized full-time employment. Community service must (1) be limited to projects that service a useful community purpose in fields including health, social service, environmental protection, education, urban and rural development, welfare, recreation, public facilities, public safety, and child care and (2) be supervised on an ongoing basis at least once each day in which the individual is scheduled to participate in the community service. DHS may refer an individual to community service for work activity if:

- private sector employment is not available;
- the maximum community service placement for the individual does not exceed 90 days in a three-year period;
- DHS offers to the individual at least three work activity options that must include only one community service option and at least one work activity option or a program funded by the federal Workforce Innovation and Opportunity Act;
- the individual chooses the community service for work activity;
- DHS informs the individual that the individual may subsequently change to different work activity;
- the community service provides skills that match the individual's personal, career, and family goals to support economic mobility; and
- when making appropriate community service assignments, DHS has considered the individual's prior training, experience, and skills.

If DHS offers community service as work activity, DHS may not also offer work experience as work activity. If at any time these requirements are not met, an individual placed in community service may request a transfer to different work activity.

Required Report

By October 1 each year, DHS must include in its annual report to the General Assembly, for the preceding fiscal year, information on work experience and community service work activity placements, as specified.

Other Provisions

The criteria the Secretary of Human Services establishes for exemptions from the work activity requirement must include exemptions for adults who have not received assistance

for at least six months. An exemption based on an adult's requirement to care for a child younger than age one may not be restricted to a maximum number of months in the adult's lifetime.

Current Law: The Family Investment Administration (FIA) within DHS is the central coordinating and directing agency of all public assistance in the State. FIA administers cash benefits and other grant programs that provide assistance to individuals and families in financial need as well as employment programs to promote self-sufficiency.

DHS must provide assistance to a family that includes a pregnant individual, or a minor who resides with a custodial parent or a relative. Assistance will be provided if the applicant or recipient (1) resides in the State; (2) has applied for child support services, if appropriate; (3) has engaged in job search activities as requested by DHS; (4) participates in work activity, as required; and (5) meets any requirements established by [regulations](#).

Family Investment Program Work Requirements

FIA must assess each applicant or recipient, except a single child, to consider (1) the reasons for applying for or continuing to rely on assistance; (2) an evaluation of appropriate work activities based on educational level, job skills and readiness, and interests; and (3) personal and family resources available to facilitate independence. Welfare avoidance grants may be established as DHS considers appropriate to meet immediate needs and allow an applicant or recipient to avoid requiring TCA.

Pursuant to Chapter 457 of 2020, FIP must include in its evaluation of appropriate work activities the applicant's literacy, health, mental or physical impairments, housing stability, child care needs, transportation needs, and history of domestic or family violence. FIP must also consider whether the applicant or recipient qualifies for an exemption from work requirements or has good cause not to participate in a work activity.

An FIP agreement between DHS and the recipient specifies required work activities. However, certain individuals are exempt from work activity requirements as a result of providing care for a child who is less than one year old or has a severe disability. Chapter 457 of 2020 also established that FIP assistance may not be reduced or terminated for noncompliance with work activity requirements if the individual has "good cause" under the criteria established by the Secretary of Human Services.

Chapter 476 of 2019 established that, effective July 1, 2020, DHS must allow an applicant or recipient in a FIP case to meet the work activity requirement for a maximum of 24 months by engaging in (1) a minimum of 20 hours per week of vocational education that leads to an associate degree, a diploma, or a certificate or (2) an average of at least

20 hours per week of education directly related to employment, which may include an adult basic education program, an English as a second language program, or a GED program.

Temporary Cash Assistance

TCA is Maryland's TANF Program. TCA is provided to families with dependent children when available resources do not fully address the family's needs and while preparing program participants for financial independence. Given the program's extensive work requirements, TCA is intended to create an incentive for individuals to seek employment opportunities, rather than rely on benefits.

A recipient who meets the requirements of FIP is entitled to TCA benefits. TCA is not intended to create an incentive for individuals to seek benefits instead of employment. TCA provides monthly cash grants to needy children and their parents or caretakers and is funded with general funds, TANF funds, and certain child support collections.

Required Report

Annually by October 1, DHS must report to the General Assembly the following information for the preceding year: (1) the number of recipients who engaged in vocational education or education directly related to employment; (2) the number of recipients who completed vocational education or education directly related to employment; (3) the number of recipients who obtained or maintained employment after completing vocational education or education directly related to employment, as specified; and (4) the average earnings of recipients after completing vocational education or education related to employment, as specified. The information must be broken down by the types of vocational education or education programs in which the recipients engaged, as specified.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 828 (Senator Klausmeier) - Finance.

Information Source(s): Department of Human Services; Department of Legislative Services

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