

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By Senator Gary C. Aklestad, on January 17, 1989, at 1:00 p.m. in the State Capitol building.

ROLL CALL

Members Present: All members of the committee were present Senator Tom Keating, Vice-Chairman, Senator Sam Hofman, Senator J.D. Lynch, Senator Gerry Devlin, Senator Bob Pipinich, Senator Dennis Nathe, Senator Richard Manning, Senator Chet Blaylock, Senator Gary C. Aklestad, Chairman.

Staff Present: Mary Florence Erving, Secretary and Tom Gomez, Legislative Council Researcher were present

HEARING ON SENATE BILL 93

Presentation and Opening Statement by Sponsor:

Senator Harry McLane, District 42, sponsor of SB 93, stated the bill requires General Assistance be paid by voucher or vendor payment, instead of check or warrant, for the first 30 days assistance granted to new recipients in the 12 state-assumed counties. The bill also allows state-assumed counties to pay recipients by means of vouchers or vendor payments if the county welfare department finds a recipient is "dissipating general relief assistance allowance instead of using them for the intended purposes". House Bill 93 allows the state-assumed counties to pay by vouchers or vendor payments whenever it is better for the recipient or his family. Senator McLane stated one reason may be when a person needs protective payments. SB 93 is intended to make sure recipients use General Assistance for the purposes intended; to discourage migration of recipients to state-assumed welfare counties; and to eliminate one-time General Assistance payments to transient, nonresident persons who, it is believed, use the state General Assistance program for quick cash and then move on without participating in the state work program or doing anything to improve their life situations.

List of Testifying Proponents and What Group They Represent:

Jim Smith, representing the Montana Human Resource Development Council.

Testimony:

Jim Smith, representing the Montana Human Resource Development Councils Directors Association, submitted written testimony in support of SB 93. (See Exhibit 1)

List of Testifying Opponents and What Group they Represent:

There were no opponents.

Questions From Committee Members:

Senator Lynch stated he agrees with Mr. Smith and the welfare package, but wants to examine the entire package. Senator Aklestad stated the welfare package was discussed at the organizational meeting. The committee's position was: Members will vote on bills according to their convictions of merit. The process must be started so bills can be debated on the Senate floor. Senator Lynch stated he would like to examine the entire package before executive action is taken.

Senator Blaylock asked Senator Aklestad if more staff would be required with passage of SB 93. Senator Aklestad stated the administration would keep expenditures at the current level. There could be some administrative costs, but it is a judgment call. Senator Blaylock stated SRS people will be present at the committee hearings to answer questions.

Closing by Sponsor:

Senator McLane stated there are problems existing because General Assistance is paid by cash or warrant in the 12-state-assumed counties. SB 93 is intended to address the problems. Senator McLane urged the committee to assign a "DO PASS" recommendation.

HEARING ON SENATE BILL 99

Presentation and Opening Statement by Sponsor:

Senator Gary C. Aklestad, District 6, sponsor of the bill, stated the bill passed the interim subcommittee unanimously. The bill has three parts. It will require registration of employment to the state job service, will require maintenance of an active registration file, and will require a work assignment to the county work program. The sanctions being imposed by SB 99 are the same sanctions as AFDC and WIN programs.

List of Testifying Proponents and What Group They Represent:

Lorraine Gillies, Montana Farm Bureau Federation

Jim Smith, Montana Human Resource Development Councils
Directors Association

Elmer Fauth, Great Falls, Montana, self

Testimony:

Lorraine Gillies, Representing the Montana Farm Bureau Federation submitted written testimony in support of SB 99. (Exhibit 2)

Jim Smith, representing the Montana Human Resource Development Councils Directors Association, asked to go on record in support of SB 99. Smith submitted written testimony. (Exhibit 1)

Elmer Fauth of Great Falls, Montana, representing himself, stated the bill is OK, except for penalties which are out of line. The three months penalty is too harsh. There should be a good-cause determination hearing within one month. People have to have a fair chance to be judged concerning jobs they were not able to pursue.

List of Testifying Opponents and What Group They Represent:

There were no Opponents.

Questions From Committee Members:

Senator Blaylock asked Senator Aklestad what person determines good cause. Senator Aklestad replied the department determines good cause. Senator Blaylock asked Lee Tickell to give a department's standing response concerning eligibility decision making. Lee Tickell, Administrator of the Economic Assistance Division of SRS, stated the bill is silent on the precise criteria of defining good cause, but the Food Stamp Regulation information is clear in defining good cause. (see Exhibit 2A)

Senator Blaylock asked if a person was found "not in good cause", would the client be cut off. Tickell stated the bill deals with a General Assistance person who refuses to accept employment. There is another bill which will deal with clients who have a job, but decides to quit. The Food Stamp Federal Regulation defines when a voluntary quit is feasible. For instance, discrimination is a viable job termination, and is not considered voluntary.

Senator Blaylock stated three months is a long time, especially in the winter. According to Tickell, the cut-off time factor is a legislative decision.

Senator Aklestad stated 75 to 80% of General Assistance clients are single, able bodied individuals under the age of thirty-five. Senator Aklestad stated the bill does not identify mothers with children or older individuals, who cannot get a job. According to Senator Aklestad, the three month's period is not out of line, when the 75-80% figure is considered.

Senator B Laylock asked Lee Tickell for an definition of an Eligibility Technician. Tickell replied the eligibility technician is the employee who makes specific guideline decisions.

Closing By Sponsor:

Senator Aklestad stated the bill is an incentive to get people back to work, so they can be productive citizens. Senator Aklestad restated the sanctions are included in the AFDC and the WIN programs.

HEARING ON SENATE BILL 100

Presentation and Opening Statement by Sponsor:

Senator Gary C. Aklestad, Senate District 6, chief sponsor of the bill, stated SB 100 is one of nine welfare bills that will be considered in the Labor and Employment Committee. The bill was adopted unanimously by the Interim Welfare Committee. The bill is an act to deny General Relief Assistance for 3 months to a person who voluntarily leaves employment without good cause, or who is discharged from employment due to misconduct.

Senator Aklestad explained SB 100 would deny General Assistance for 3 months to any person who: (1) has voluntarily quit or left employment without "good cause" connected to such employment; or (2) has been discharged or suspended from employment for misconduct on the job. Aklestad stated the intent of the bill is to establish a policy similar to that under the Montana Unemployment Insurance Law to limit benefits only to persons who have need through no fault of their own. Senator Aklestad stated the bill is also intended to make the General Assistance policy more consistent with the disqualification policies existing under other welfare programs.

List of Testifying Proponents and What Group They Represent:

John Ortwein, The Montana Catholic Conference

Jim Smith, The Montana Human Resource Development Councils
Directors Association

Loraine Gillis, The Montana Farm Bureau

Virginia Jellison, The Montana Low Income Coalition

Testimony:

John Ortwein, representing the Montana Catholic Conference, stated the Conference is concerned the state simply does not have enough jobs to put everyone to work who wants to work. The jobs are not available, and it is the Conference's hope that punitive action is not taken when jobs are not available. The conference is also concerned about the sanctions being carried out on those who are denied benefits. (Exhibit 7)

Jim Smith, representing the Montana Human Resource Development Councils Directors Association, submitted written testimony in favor of SB 100. (Exhibit 1, page 1 and 2)

Loraine Gillis, representing Montana Farm Bureau Federation, submitted written testimony in favor of SB 100. (Exhibit 3)

Virginia Jellison, Representing The Montana Low Income Coalition, stated the Coalition would support SB 93, SB 99, and SB 100, if a hearing process was mandatory and the benefits continued until the hearing determination on "good cause" was made. The Coalition wants a right to be heard why the individual made a particular decision, as to why they left work or why they did not take part in training.

List of Testifying Opponents and What Group They Represent:

Don Judge, Montana AFL-CIO

John Joseph Flynn, Great Falls, Montana, self

Testimony:

Don Judge, representing the Montana AFL-CIO, stated SB 100 must have an appeal due process hearing for recipient who have been denied benefits. Mr. Judge submitted written testimony outlining specific objectives. (Exhibit 4)

John Joseph Flynn, Great Falls, Montana, stated opposition to SB 100.

Questions from the Committee Members:

Senator Blaylock queried Virginia Jellison about specific additions the Coalition would incorporate into the SB 100. Ms. Jellison stated the AFDC Food Stamp Regulation provides for benefit continuation, and the Coalition promotes a similar provision in SB 100.

Senator Aklestad asked for a definition of due process. Senator Aklestad stated there is current due process consideration on the books. Tom Gomez stated there is a provision of the law in 53-3-113, which provides for a contested case hearing, except for the outlined incidence. Any person who is dissatisfied with action taken by SRS, particularly ineligibility determinations for the amount or condition of a payment, may, upon request, seek a fair hearing. This process already exists, codified under Section 4, Chapter 3, part 2.

Senator Lynch asked for a scenario: The hypothetical person has voluntarily left employment, and contests. When does this person get "cut off". Tom Gomez said the law states the person must be informed of contested eligibility rights, and the hearing must be granted within 90 days after the adverse action is taken. During this period, the individual is provided payment, unlike the unemployment insurance law. The individual is continually granted the payment, which the person is entitled until a determination is made. Lee Tickell stated anytime the department extends or reduce benefits, notice must be given in writing. If the individual is on a benefit program, if requested, the benefits are continued until the hearing is completed. If the individual is not on a program, or is a new applicant, the benefits are not continued. If the hearing cannot be held within the federally mandated time requirement, the individual can ask for a continuation of the benefits. The decision can still be appealed to the SRS Board of Appeals and to District Court.

Senator Lynch asked who determines misconduct if someone wants to join a union. Don Judge stated both federal and state laws protect the individual's right to join an union. The laws concerns the process in which the individual is protected.

Senator Lynch asked if the person determining the misconduct is the employer. Don Judge stated the initial emphasis is on the employee by the employer. Under the existing law, the individual would be protected. The procedure would determine misconduct.

Senator Nathe asked if an individual is not satisfied with the court decision and appeals to the SRS Appeal Board, can benefits be continued. Lee Tickell stated the benefits would continue until the individual makes the appeal. Senator Keating asked if the person is working, but not drawing General Assistance and leaves employment for "good cause" and the technician declares the case "not good cause", will the individual be on General Assistance during the appeal process. Tickell stated the individual could be drawing a partial benefit. As a matter of general principal, if an individual is in the program, partially or fully, the individual would have a vested right. If the individual appeals the reduction, the individual would continue receiving the benefits. If the individual is employed and not on the G A Program, the individual can appeal, but would not receive benefits. Should the department decide the individual had a right to benefits, the individual would, more than likely, be retroactively reimbursed.

Closing by Sponsor:

Aklestad closed the discussion stating there are two main purposes of the bill. First, if the individual voluntarily quits, General Assistance would not be available. Second, General Assistance would not be available if misconduct is the reason the individual no longer works. It depends on the interpretation. The employee has protection under the existing laws.

HEARING ON SENATE BILL 101

Presentation and Opening Statement by Sponsor:

Senator Gary C. Aklestad, Senate District 6, sponsor of SB 101 stated the main thrust of the bill is to support the people who are truly in need. An employable person will be eligible for General Assistance for 4 months in any 16-month period, if they participate in a state work program. However, an employable person could receive General Assistance for a maximum of 6 months in any 18-month period if such person: (1) has a serious barrier to employment and is willing to participate in a program to overcome that employment barrier; (2) suffers from drug or alcohol dependence and is undergoing active treatment in an approved program; or (3) is the head of a household that includes minor dependent children. SB 101 is an act to generally revise the laws relating to General Relief Assistance; to establish employability as a classification for determining eligibility for General Relief Assistance; to limit the duration of assistance provided to employable persons; and to job search, training, and work program or other special

program designed to help recipients overcome problems that impair their employment potential. Senator Aklestad stated the bill will revise the current eligibility standards for the state General Assistance Program. Under the revised standard, there will be two classes of persons for eligibility classification purposes: the employable and the unemployable. The "unemployable" person would be considered unable to work or unemployable due to their age or physical, emotional, or mental condition. Such persons would include persons who: (1) are at least 55 years of age and who have a limited ability to obtain or retain suitable employment because of advanced age; (2) have a serious physical, emotional, or mental handicap that prevents them from being employed in and substantial gainful employment; or (3) suffer from a permanent or temporary illness, injury, or incapacity that prevents work in any substantial, gainful employment. "Employable" persons would be persons who are not "unemployable." Senator Aklestad stated the time for Montana to prioritize budgets and programs is now. Money must go to the people who are truly in need.

List of Testifying Proponents and What Group They Represent:

Judith H. Carlson, representing the Montana Chapter of the National Association of Social Workers.

Jim Smith, representing the Montana Human Resource Development Council's Director's Association.

Steward Gosney, Helena, Montana, representing himself.

Virginia Jellison, representing the Montana Low Income Coalition.

Don Judge, Representing the AFL-CIO, Helena, MT.

Testimony:

Judith H. Carlson, representing the Montana Chapter of the National Association of Social Workers, spoke in favor of SB 101. (Exhibit 4)

Jim Smith, Montana Human Resource Development Councils Directors Association, stated SB 101 presents a real opportunity to break the legislative and judicial stalemate, which has been going on for five years. There are certain individuals who believe single males without children are entitled to nothing, even if the individual lacks education, skills, and training to compete and succeed in society. There are, also, other individuals who think the same group of people is entitled to permanent subsistence, even if the individual has skills, education, training and ability to

succeed in society. The conflict has been continuing since 1985. The committee's proposal is a good compromise. SB 101 sets forth a time limited, work oriented General Assistance program with clear expectations spelled out for the recipients. The bill creates a program that offers a reasonable chance for the individual to achieve economic independence and self sufficiency.

Jim Smith stated, in his opinion, SB 101 could withstand a court test, but hopes there will not be a judicial challenge. The people involved in the process must give the legislation time to work. Smith asked the committee to spell out what constitutes the serious barrier to unemployment. What conditions must be present to make someone employable. The program set forth in SB 101, to a large extent, depends on the availability of the project work program. Adult basic education and referrals to drug and alcohol rehabilitation programs are dependent on appropriations necessary to make the programs work.

Steward Gosney, Helena, Montana, supports SB 101 with concerns regarding the drug and alcohol dependency. Gosney stated recovery is based on individual needs. The individual should be re-evaluated by a trained alcoholism Counselor.

Virginia Jellison, Montana Low Income Coalition, stated MLIC is a member based coalition which represents the unemployed, underemployed, AFDC, General Assistance, elderly low income, and children in poverty. The MLIC applauds the efforts the interim subcommittee has made to resolve welfare problem. The MLIC is concerned about the growing number of people who are welfare dependent. The bureaucracy has seemed to be unresponsive and unrealistic, concerning their expectations of people who can not find employment. The educational level of 67% of the General Assistant recipients had high school education or GED, and 52% had participated in at least one job training program. The survey analysis data indicated that neither educational attainment nor participation in job training programs appear to have significant impact on recipient's length of stay on General Assistance. By making it more difficult for General Assistance recipients to qualify for benefits, the problems will probably not solved. The cause of the problem is deeper than the program's use or misuse. The root of the problem stems from lack of employment providing a living wage. Jellison stated it is common for people to migrate while looking for work. The answer is more jobs, not more restrictions.

Jellison submitted written testimony defining specific areas of concern. (Exhibit 6)

Don Judge, representing the AFL-CIO, supported Mrs. Jellison testimony.

QUESTIONS FROM THE COMMITTEE

Senator Manning queried Lee Tickell about unemployable, chemical dependency. Tickell stated there is an implied presumption that alcoholism is a serious barrier to employment, and the department encourages people to get alcohol treatment. The dollar chart coincides with the amount being paid in AFDC. The travel questions were clarified at the request of the interim subcommittee. Mr. Tickell stated the department make a thorough initial application check in order to determine any income. The person has a protected application date.

Senator Lynch stated he is appalled at the compromise bill. The people who compromised are the same people who should be opponents.

Closing by Sponsor:

Senator Aklestad stated SB 101 has compromises, but the bill is the result of hard work by people on both sides of the aisle, working for basis solutions to the Montana Welfare program.

Adjournment At: The meeting was adjourned at 2:47 p.m.



Senator Gary C. Aklestad, Chairman

GCA/mfe

ROLL CALL

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: *January 17, 1989*

	PRESENT	ABSENT	EXCUSED
SENATOR TOM KEATING	X		
SENATOR SAM HOFMAN	X		
SENATOR J.D. LYNCH	X		
SENATOR GERRY DEVLIN	X		
SENATOR BOB PIPINICH	X		
SENATOR DENNIS NATHE	X		
SENATOR RICHARD MANNING	X		
SENATOR CHET BLAYLOCK	X		
SENATOR GARY AKLESTAD	X		

January 17, 1989

Prepared Testimony of the Montana Human Resource Development Councils
Directors Association: Senate Bills 93, 99, 100, 101.

Mr. Chairman and members of the Committee: my name is Jim Smith and I'm appearing before you today on behalf of the Montana Human Resource Council Directors Association (HRDC Directors Association). The HRDCs wish to stand in support of the bills before you today that were developed and that are being introduced at the request of the Interim Subcommittee on Welfare, specifically these are SB 93, SB 99, SB 100, and SB 101. The Senate Labor Committee will be hearing the rest of the legislation being recommended by the Interim Welfare Committee in the near future.

Our Association's position is that the ten (10) bills recommended to the 51st Legislative Assembly by the Interim Welfare Committee comprise a "package" of legislation; a package that if enacted holds the promise of genuine welfare reform in Montana. There are bills recommended in this package that will be unpalatable to some because they represent program expansion and increased outlays. There are bills recommended in this package that will be unpalatable to others because they represent program contraction, reduced outlays and tighter regulations. In short, there are less than ideal proposals being recommended, and bitter medicine to take in this package of legislation, no matter which side of the issue a person happens to support.

The bills before the Senate Labor Committee fall into the category of program contraction, reduced outlays and tighter regulations. The HRDC Association supports them. SB 93 will improve the General Assistance Program by ensuring that transient individuals, with no intention of becoming a resident or of ever becoming a state taxpayer and contributing citizen, do not simply collect a check in Montana on their way to or from someplace else. The Department of SRS and local county welfare offices have pointed out correctly that this move to a system of vouchers in the first month will require more time and paperwork on the part of staff. The Interim Welfare Committee heard that concern, but concluded that the advantages gained by a better controlled program are worth the additional administration.

SB 99 and SB 100 impose stricter penalties and sanctions upon recipients of General Assistance who refuse suitable work when offered, who refuse to comply with and participate in the state's GA Training Program, or who quit a job without good cause. The sanctions will be stiffened to three months of ineligibility for the first refusal and six months of ineligibility for GA following any subsequent refusal

people in need of assistance are placed. It rests on the premise that SB 93, 99, 100, 111 employment is the key to a life of economic independence, and a life free of public assistance. Therefore, SB 101 categorizes individuals seeking General Assistance as either "employable" or "unemployable" for the purpose of determining eligibility for General Assistance. It recognizes that there are individuals who would be employable except for the presence of certain "serious barriers to employment," and establishes a program to address and overcome those barriers. The bill includes durational limits on an individual's eligibility for GA. These limits are necessary and they are reasonable. So, however, are the programs and services required to overcome the barriers that have been identified, and which include things like illiteracy, lack of a work history, emotional disorders, and chemical dependency problems.

SB 101, like SBs 99 and 100 are bitter medicine for low income advocates and for the HRDCs to take. SB 93 is going to be bitter medicine for SRS. There will, however, be other Interim Welfare Committee bills coming before this Committee that will be bitter medicine for the Legislature to take; like the bill to extend Medicaid eligibility for 12 months to the woman who leaves AFDC to accept employment, or the bill to extend day care benefits to the same woman for the same period of time. Our position at this juncture in the session is that we should all take the medicine prescribed by the Interim Welfare Committee, and recognize that the entire prescription will be an improvement in Montana's welfare system.

The Interim Committee began its work and proceeded on the assumption that CA-18 would be approved by the electorate on November 8. As we all know that initiative was passed and the Legislature now has more discretion in dealing with welfare. The Interim Committee's package of bills represents the exercise of that discretion in a firm but in a fair and nondiscriminatory manner. There is simply no need and no reason to go farther than the recommendations of the Interim Welfare Committee. They have brought a workable package to the 51st Legislature. We urge its adoption, starting with the bills before the Senate Labor Committee today. of it this winter

OK The whole package

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 2 page 1 of 1
DATE Jan 17, 1989
BILL NO. SB 99



MONTANA FARM BUREAU FEDERATION
502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

BILL # SB 99 ; TESTIMONY BY: Lorraine Gillies
DATE 1/17/89 ; SUPPORT Support ; OPPOSE _____

For the record, my name is Lorraine Gillies, and I represent 3600 Montana Farm Bureau members.

Farm Bureau policy on welfare supports SB 99's identification of the eligibility of employable welfare recipients. We feel that in order to provide necessary assistance to those unable or incapable of helping themselves, those who are employable must be required to actively seek jobs and participate in the programs designed to enable them to find employment.

SIGNED: Lorraine Gillies

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3 page 1 of 1

DATE JAN 17, 1989

BILL NO. SB100



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

BILL # SB 100 ; TESTIMONY BY: Lorraine Gillies
DATE 1/17/89 ; SUPPORT Support ; OPPOSE _____

For the record, my name is Lorraine Gillies, and I represent 3600 Montana Farm Bureau members.

We support legislation such as SB 100 that identifies reasonable causes for self-termination of employment by those who apply for welfare. This bill protects the employee from undue risks, and also identifies guidelines to protect the employer from the willful misconduct of the employee.

SIGNED: Lorraine Gillies

Testimony of Don Judge, Montana State AFL-CIO, on
Senate Bill 100 - Senate Labor & Employment Relations
Committee 1/17/89

The Montana State AFL-CIO opposes passage of SB 100
as it is currently written. Our specific objections
are as follows:

- (1) page one, line 16 --- the phrase "connected to such
employment." is similar to language contained in Montana's
Unemployment Insurance laws which is "attributable to the
employment". We find that a significant number of
workers are denied UI benefits when the leave week
for good reasons which are not job related. Such
reasons may include: family sickness or injury, to follow
a spouse to better employment, to seek better employment elsewhere.

We believe that this language is too restrictive and that
experience under similar language in our state Unemployment
Insurance laws shows a significant denial of benefits as
a result of such language. (This language should be removed.)

- (2) page two, lines 18-20 --- we believe this language to
be too ambiguous and would allow employers' to be arbitrary
in their decisions. (This language should be removed.)

- (3) There does not appear to be any grievance procedure
or appeals process referred to in this legislation. We
would suggest reference to such a procedure and continuation
of benefits during the hearing and determination stages.

Without these recommended changes we urge you to oppose
Senate Bill 100.

Testimony of Don Judge, Montana State AFL-CIO, on
Senate Bill 100 - Senate Labor & Employment Relations
Committee 1/17/89

The Montana State AFL-CIO opposes passage of SB 100
as it is currently written. Our specific objections
are as follows:

- (1) page one, line 16 --- the phrase "connected to such
employment." is similar to language contained in Montana's
Unemployment Insurance laws which is "attributable to the
employment". We find that a significant number of
workers are denied UI benefits when the leave work
for good reasons which are not job related. Such
reasons may include: family sickness or injury, to follow
a spouse to better employment, to seek better employment elsewhere

We believe that this language is too restrictive and that
experience under similar language in our state Unemployment
Insurance laws shows a significant denial of benefits as
a result of such language. (This language should be removed.)

- (2) page two, lines 18-20 --- we believe this language to
be too ambiguous and would allow employers' to be arbitrary
in their decisions. (This language should be removed.)
- (3) There does not appear to be any grievance procedure
or appeals process referred to in this legislation. We
would suggest reference to such a procedure and continuation
of benefits during the hearing and determination stages.

without these recommended changes we urge you to oppose
Senate Bill 100.

WITNESS STATEMENT

1-17-89

51st LEGISLATIVE SESSION

DATE: 1/17/89

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY !

NAME: LEE BEASLEY Date: 1/17/89

ADDRESS: 124 W Broadway Butte Mont

PHONE: Hsq: 782/0670

REPRESENTING WHOM: SELF

APPEARING ON WHICH PROPOSAL: SB 99 & SB 100

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: I believe SB 99 leaves room for abuse regarding who determines what 'good cause' is defined by, or how. Also, the severity of the '3 month' and '6 month' penalties. I believe that a 1 month penalty is quite adequate.
Same opposition re: SB 100

[page 1 of 1
1-17-89
BILL NO. SB 101



National Association of Social Workers



Testimony on S.B.101
Senate Labor Committee
January 17, 1989

RE: An Act to Generally Revise the Laws Relating to General Relief Assistance;

I am Judith H. Carlson, testifying on behalf of the Montana Chapter of the National Association of Social Workers. We support passage of SB 101. These are needed changes in our present law.

We applaud Sen. Aklestad and his committee for coming up with legislation which recognizes individual differences. Rather than saying everyone on General Assistance should be out working, it recognizes that, indeed, there may be some legitimate reasons at any given time why some cannot go to work. In that conjunction, we appreciate Sec. 3 which defines what it means to be "unemployable." We presume that one part of that definition regarding serious physical, emotional, or mental handicap will include those persons who are brain-injured or who have character disorders. Both of these conditions are invisible to the untrained eye and yet can be fully disabling in the job market.

We support the emphasis on providing help to persons to overcome barriers to work. It has long been our contention that most Americans want to work and pay their own way. For those who have educational or other barriers to finding employment on their own, the workfare programs set up in this state can be helpful when combined with education and supportive services. We further support an increase in the monthly allotment for basic necessities, meager as it is.

Sec. 10 - retrospective income - does not mean no income for 2 months before eligible -

Virginia Jellison
January 17, 1989
January 26, 1989*

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 6 page 1 of 2

DATE 1-17-89

BILL NO. SB 101

MONTANA LOW INCOME COALITION

STATEMENT OF POSITION ON WELFARE LEGISLATION BEFORE
SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

S.B. 67: PROVIDE TRANSITIONAL MEDICAID TO PERSONS WHO
LOSE AFDC DUE TO EMPLOYMENT

MLIC supports this bill. The extension of eligibility for medicaid benefits for AFDC recipients going into employment is crucial to the successful transition from welfare to work. Our position is that eligiblilty be extended for 18 months after employment with another 6 months if health coverage is not available through the employer or affordable to the employee.

S.B. 70: IMPLEMENT THE WORK PROVISIONS OF THE FEDERAL
WELFARE REFORM ACT

MLIC opposes two parts to this bill. It has long been known that very young children need the presence of their nurturing parent in order to develop the emotional security that fosters independence and supports acceptable social values. Participation in work, training or educational programs should be voluntary until the last child is 6 years of age or in the first grade. MLIC understands the restrictions places on states by federal law; therefore, the following amendment is requested:

Section 6. Exemptions: line 20-22: Replace comma after "...3 years of age..." with a period and delete "...except as otherwise provided in administrative rules adopted by the department." Add: "If child care is not available, the parent or other relative who is personally providing care of a child under 6 years of age is exempt from participation in the program."

S.B. 93: REQUIRE PAYMENT OF INITIAL 30 DAYS GENERAL
RELIEF ASSISTANCE BY VOUCHER

Many landlords refuse to accept vouchers for rent because of the paperwork involved. The majority of G.A. recipients are not transients and do not skip the state after receiving their G.A. assistance.

S.B. 99: IMPOSE STRICTER SANCTIONS ON G.A. RECIPIENTS
WHO REFUSE TO WORK

MLIC opposes the sanctions in S.B. 99 for employable recipients who refuse to participate because the sanctions are to severe. This bill will cover all G.A. recipients including families with children. Three months or 6 months without assistance will surely put

innocent children in the streets and create a class of homeless people that the state is not prepared to deal with.

S.B. 100: DENY G.A. FOR 3 MONTHS TO PERSONS WHO QUIT OR ARE DISCHARGED FROM EMPLOYMENT

Benefits must be continued until a hearing is held to determine good cause for leaving employment. The penalty is too severe; one month without benefits is a severe hardship to someone with no resources; 3 months is excessive and will contribute to a growing population of homeless people.

S.B. 101: GENERALLY REVISE THE LAWS RELATING TO GENERAL RELIEF ASSISTANCE

MLIC opposes limiting the duration of assistance to employable G.A. recipients to 4 months because the root of the problem stems from lack of jobs that provide a living wage rather than abuse or misuse of the program.

We request that the language in Sec. 8, referring to exempting someone from participation in the program, if the program is more than 10 miles from his/her residence, remain in the bill. This is especially important to rural areas, such as, Seeley Lake, where available work or training may be in Missoula, 60 miles away.

MLIC recommends that the method of determining an earned income disregard be changed to "30 & 1/3"--the same as AFDC. The current method is a disincentive for G.A. recipients who may find themselves totally destitute 2 months ahead, if they decide to take a spot job in the current month.

S.B. 128:REVISE AND CONTINUE THE G.A. JOB SEARCH. TRAINING AND WORK PROGRAM

MLIC supports S.B. 128 which amends Section 53-3-304, MCA and is similar to Section 8 of S.B. 101.

S.B. 130: ELIMINATE OR MODIFY THE AFDC-UP 100 HOUR WORK RULE

MLIC supports S.B. 130. A demonstration project to see if allowing a 2 parent family to work more than 100 hours and still be eligible for some benefits would assist those families in getting off welfare.

MONTANA LOW-INCOME COALITION



P.O. BOX 1029
HELENA, MONTANA 59624
(406) 449-8801
(406) 443-0012

Ex. # 6 A

1-17-89

SB/01 p. 1062

BUTTE
COMMUNITY UNION
113 HAMILTON
BUTTE 59701 • 782-0670

BOZEMAN
HOUSING COALITION
226 EAST KOCH
BOZEMAN 59715 • 587-3736

CONCERNED CITIZENS
COALITION
825 THIRD AVENUE SOUTH
GREAT FALLS 59402 • 727-9136

LAST CHANCE
PEACEMAKERS COALITION
107 WEST LAWRENCE
HELENA 59601 • 449-8680

✓ OW INCOME
SENIOR CITIZENS ADVOCATES
BOX 897
HELENA 59624 • 443-1630

MONTANA ALLIANCE FOR
PROGRESSIVE POLICY
324 FULLER
HELENA 59601 • 443-7283

MONTANA LEGAL SERVICES
EMPLOYEES ASSOCIATION
801 N. MAIN
HELENA 59601 • 442-9830

MONTANA
SENIOR CITIZENS ASSOCIATION
BOX 423
HELENA 59624 • 443-5341

MONTANANS
FOR SOCIAL JUSTICE
436 NORTH JACKSON
HELENA 59601 • 449-3140 • 227-8694

POWELL COUNTY
NEIGHBORHOOD
SUPPORT GROUP
BOX 342
DEER LODGE 59722 • 846-3437

Mr. Vice Chairman, Members of the Senate Committee on Labor and Employment Relations, my name is Virginia Jellison and I am the Lobbyist for the Montana Low Income Coalition. MLIC is a member-based coalition of approximately 6,000 members that represents the unemployed, underemployed, AFDC, General Assistance, elderly low income and children in poverty.

In general, we support the effort that the Joint Interm Subcommittee on Welfare has made to try to resolve some of the problems plaguing a welfare system that keeps people in poverty rather than helping them out of it. We, too, are concerned about the growing number of people dependent upon a system that seems unresponsive to the needs of those served and unrealistic in its expectations of working people who can not find employment.

To quote the L.F.A.'s budget analysis, an alarming fact is that 30% of the general assistance recipients are not single males under 30 years but 22% of general assistance households had children! Another surprising statistic from the survey conducted in February 1988 is that the educational level of 67% of G.A. households was at high school or G.E.D. level and 52% had been in at least one job training program. I quote "...However, analysis of the survey data indicated that neither educational attainment nor participation in various job training programs appeared to have any significant impact on a recipient's length of stay on the general assistance program..."

What this means is that making it more difficult for a G.A. recipient to qualify for benefits will probably not solve the problem because the cause of the problem is deeper than abuse or misuse of the program. The root of the problem stems from lack of employment that provides a living wage. It's common for people to migrate from one area to another looking for work. My experience with a group of G.A. men last fall, was that many were skilled workers and very specialized in their field and had difficulty adapting to other menial labor. The answer is more jobs, not more restrictions.

There are some real pluses with the welfare reform effort and I want to reemphasize our general support of the Joint Interm Subcommittee's recommendations. In particular, we are pleased to see that "employable", "unemployable" and "serious barriers to employment" are defined.

I want to support Stuart Gosney's testimony that alcoholics need more than 6 months financial support in any 18-month period, as stated in Section 4. line 12 through 14. Successful treatment will take longer before an alcoholic is ready for the workforce.

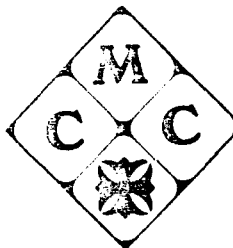
Section 4. lines 7 through 22 refer to the household income and in the case of 2 through 8 member families, there is an increase in the income amount. For the life of us, however, we do not understand why the dollar amounts decrease for 9 and 10 or more member families amount is decreased. It's not been our experience that larger families need less food or clothing!

In Section 7, lines 18 through 23, the medical assistance is figured on a month to month basis which does not allow for any long-term health care planning, so estential in treating many disorders afflicting general assistance recipients.

Section 8 on page 19, lines 23 through 25 and lines 1 through 4 on page 20 delete the provision that exempts someone, who lives further than 10 miles from work, from participating in the programs. MLIC recommends this language be retained in the bill. This is important for people living in a rural community like Seeley Lake in Missoula County when the only appropriate work may be in Missoula 60 miles away.

Lastly, but not least, MLIC recommends that the method of determining one's amount of assistance in the case of his/her working is a disincentive for someone on general assistance. If someone takes a spot job or temporary work and makes more that the amount allowed, they will loose their assistance 2 months ahead rather than the next month. They will have no means of support even though they did work at what was available and reported their earnings honestly. We recomend that the assistance amount be figured in the same way as AFDC is figured with the "30 & 1/3rd" disregard. This will encourage someone to accept the work that is available.

Thank you for the opportunity to testify before the Senate Labor and Employment Relations Committee.



Montana Catholic Conference

SENATE
DATE *Jan 17, 1989*
BILL NO. *SB 1004/01*

January 17, 1989

SENATOR AKELSTAD AND MEMBERS OF THE COMMITTEE

I am John Ortwein, representing the Montana Catholic Conference.

I would like to thank the members of the Interim Subcommittee on Welfare for their work on this issue.

The basic concern the Montana Catholic Conference has on limiting the benefits to the unemployed is that this State simply doesn't have the jobs to put everyone to work that would like to work. SB 101.

Our second concern is that the sanctions on those who are denied benefits are not carried out in a punitive manner. It would be our hope that both parties--employee and employer be given fair hearing on issues. SB 100.

The Montana Catholic Conference applauds the effort of the Interim Subcommittee to come to some reasonable approaches to the welfare issue.



Submitted By
Pickell

Department of Social and
Rehabilitation Services

SECTION:
GENERAL PROGRAM REQUIRE-
MENTS NON-FINANCIAL
ELIGIBILITY FACTORS

FOOD STAMPS

SUBJECT:
Employment & Training
Registration

References: 7 CFR 273.7

GENERAL RULE--Unless otherwise exempt, all household members between the ages of sixteen (16) and sixty (60) must register for the Employment and Training Program (E&T). Registration is accomplished by completing Form SRS-EA-148, "Employment and Training Registration", at the time of application, at recertification and whenever participation/exemption status changes. Certain registered individuals will be required to participate in the Employment and Training (E&T) Program (FS 111-7 and FS 111-8).

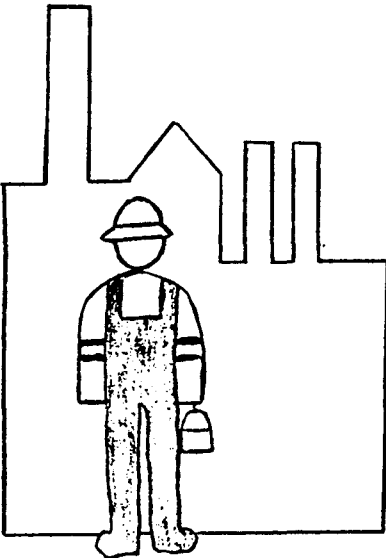
NOTE: Strikers and those involved in a lock-out are required to register.

INDIVIDUALS
EXEMPT FROM E&T
REGISTRATION:

Do not register individuals who are:

1. Physically or mentally unable to work (when this is not evident, verify with a doctor's statement);
2. Working at least thirty (30) hours per week or, if working less than thirty (30) hours per week, the weekly earnings are at least equal to the federal minimum wage times thirty (30) hours;
3. Caring for a dependent household member under six (6);

NOTE: If a child has its sixth (6th) birthday within a certification period, the individual responsible for the care of the child shall register at the next scheduled recertification.



Supercedes FS 111-5 (8/15/87)

DATE 1-17-89BILL NO. SB 99

FS 111-5

SECTION: GENERAL PROGRAM REQUIRE-
MENTS NON-FINANCIAL
ELIGIBILITY FACTORSSUBJECT:
Employment & Training
Registration

4. Caring for an incapacitated person;
5. Enrolled in and complying with work requirements of any Title IV Programs including WIN;
6. Participating in a program for chemical dependency treatment;
7. Receiving or have applied for unemployment compensation;
8. Age sixteen (16) or seventeen (17) and not a head of household;
9. Students age sixteen (16) and over attending high school or enrolled in employment training at least half time; or
10. Students age eighteen (18) or older enrolled at least half time in any school, training program or college and who meet the criteria of an eligible student (FS 444-7).

LOSS OF EXEMPTION
STATUS:

Persons losing exemption status due to any changes in circumstances that are subject to the reporting requirements shall register for employment when the change is reported.

Such changes would include, but are not limited to:

- . A loss of employment;
- . Departure from the household of the sole dependent child.

Provide the participant with a work registration form when the change is reported. Participants shall be responsible for returning the form to the County Office within ten (10) calendar days from the date the form was handed to the household member reporting the change in person, or the date the County mailed the form.

SECTION: GENERAL PROGRAM REQUIRE-
MENTS NON-FINANCIAL
ELIGIBILITY FACTORS

SUBJECT: Employment & Training
Registration

If the household fails to return the form, the County shall issue a notice of adverse action stating that the household is being terminated and why, but that the household can avoid termination by returning the form prior to the effective date of closure.

Those persons who lose their exemption due to a change in circumstances that is not subject to the reporting requirements (such as a child turning sixteen (16) and not otherwise exempt) shall register for employment at their household's next recertification.

NOTIFICATION OF
E&T REGISTRATION:

Upon reaching a determination that an applicant and/or a household member is required to register, the County will provide to each registrant a written explanation of the work requirements, rights and responsibilities and the consequences of failure to comply (FS-5).

REGISTRANT
REQUIREMENTS:

Those registered individuals who are referred to either Project Work or Job Search must:

1. Participate as assigned.
2. Respond to a request for information regarding employment status or availability for work.
3. Report to employer to whom referred if the potential employment is suitable. (See "Unsuitable Employment", page 4.)
4. Accept a bona fide offer of suitable employment at a wage not less than the state or federal minimum wage, whichever is greater.
5. Continue suitable employment to which referred until:
 - a. The employment is no longer considered suitable;

DATE 1-17-89

FS 111-5

BILL NO. SB 99

SECTION: GENERAL PROGRAM REQUIRE-
MENTS NON-FINANCIAL
ELIGIBILITY FACTORS

SUBJECT: Employment & Training
Registration

- b. The employment is terminated due to circumstances beyond the employee's control; or
- c. The individual becomes exempt from the work registration requirements.

6. Register within ten (10) days at a new location if moving from one project area to another. (If the move is within the project area, the county will notify Job Service of the address change.)

UNSUITABLE
EMPLOYMENT:

A job is not suitable if:

1. It pays less than the Federal minimum wage or less than eighty percent (80%) of the Federal minimum wage if the job is not covered by minimum wage laws;
2. It is offered on a piece-rate basis and the average hourly pay does not meet the requirements of "1." above;
3. It is dangerous to health or safety;
4. It requires a daily commuting time of more than two (2) hours or the distance to the place of employment prohibits walking and no transportation is available;
5. It is work that the individual is physically or mentally unable to do as documented by medical evidence;
6. It requires that the individual join or resign from a union or prohibits joining a union;
7. There is a strike or lock-out at the work site (unless the strike has been enjoined under the Taft-Hartley Act or the Railway Labor Act);

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3A page 5 of 16

DATE 1-17-89

BILL NO. SB 99

FS 111-5

SECTION: GENERAL PROGRAM REQUIREMENTS NON-FINANCIAL ELIGIBILITY FACTORS

SUBJECT: Employment & Training Registration

8. Employment offered in the first thirty (30) days of registration is not in the major field of experience; or
9. The type of work or hours interfere with religious beliefs.

FAILURE TO COMPLY:

Mandatory registrants who (without good cause) fail to comply with E&T registration and participation requirements shall be subject to disqualification.

GOOD CAUSE FOR FAILURE TO COMPLY:

A person may have good cause for failing to comply with E&T requirements if he/she:

1. Has a change in circumstances which makes him/her exempt;
2. Becomes ill or incapacitated;
3. Is required to be with another household member who is ill;
4. Is required to appear in court or is incarcerated;
5. Is required to care for a dependent child who has reached age six (6) but is under age twelve (12), because adequate child care is not available;
6. Has a family crisis or household emergency; or
7. Is prevented from traveling to or participating in a required activity when inclement weather prevents other persons similarly situated from such travel or participation.

DISQUALIFICATION:

The principal wage earner shall be considered the head of household for purposes of disqualification.

SECTION:

GENERAL PROGRAM REQUIRE-
MENTS NON-FINANCIAL
ELIGIBILITY FACTORS

SUBJECT:

Employment & Training
Registration

Disqualify the entire household for two (2) months if the head of the household fails to meet the work registration or Employment and Training Program requirements without good cause.

EXCEPTION:

If an individual has failed to comply with WIN or unemployment compensation job search responsibilities, determine whether the requirements are comparable with Food Stamp responsibilities. If not comparable, do not disqualify. Do not continue a WIN or unemployment compensation exemption from E&T registration.

If a member other than the head of household does not meet the registration requirements, that member alone is to be disqualified for two (2) months. The disqualification will follow that individual if he/she becomes a member of another household.

NOTE:

Non-heads of households sanctioned for non-compliance with the work requirements are excluded as household members when determining household size. All income and resources of these individuals are also excluded when computing household income and resources for eligibility and benefit purposes.

If the disqualified individual becomes the head of another household, that entire household becomes ineligible for the remainder of the disqualification period.

Begin the disqualification period the first month following the expiration of a Notice of Adverse Action.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2A page 7 of 16

DATE 1-17-89

BILL NO. SB 99

FS 111-5

SECTION: GENERAL PROGRAM REQUIREMENTS NON-FINANCIAL ELIGIBILITY FACTORS

SUBJECT: Employment & Training Registration

PRINCIPAL WAGE EARNER:

The principal wage earner is the member (including excluded members) who was the greatest earner in the two (2) months prior to the month of violation. The principal wage earner must have been employed twenty (20) hours or more per week or must have had earnings equivalent to the federal minimum wage times twenty (20) hours.

No person of any age shall be considered head of household if the person is living with a parent and that parent is:

1. Registered for work; or
2. Exempt from E&T registration because of participating in a Title IV program; or
3. Receiving unemployment compensation; or
4. Employed thirty (30) hours per week; or
5. Receiving weekly earnings equal to the Federal minimum wage times thirty (30).

If there is no principal source of income in a household, the household may designate a head of household.

ENDING DISQUALIFICATION:

Eligibility May Be Re-Established Within A Disqualification Period--If the member who caused the disqualification:

- . Becomes exempt from the work registration; or
- . Is no longer a member of the household; or
- . Complies with the requirement that has been violated.

o o o

Department of Social and Rehabilitation Services

SECTION:
GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

FOOD STAMPS

SUBJECT:
Voluntary Quit

Reference: 7 CFR 273.7(n)

GENERAL RULE--Sanction applicant households whose head of household quit the most recent job without good cause:

- Within sixty (60) days prior to the date of application; or
- Any time after the date of application but prior to certification.

These households are ineligible for benefits for ninety (90) days starting from the date of the quit.

If the head of a participating household voluntarily quits, disqualify the entire household for three (3) months beginning with the first of the month after all normal procedures for taking adverse action have been followed.

PRINCIPAL WAGE EARNER:

The principal wage earner is considered the head of household for purposes of disqualification.

The principal wage earner is an individual sixteen (16) years or over who was the greatest earner in the two (2) months prior to the month of violation. He/she must have been employed a minimum of twenty (20) hours a week or must have received earnings equal to the federal minimum wage multiplied by twenty (20) hours.

If there is no principal source of income in a household, the household may designate a head of household.

Consider a government employee who is fired for participation in a strike as a voluntary quit without good cause.

Supersedes FS 111-6 (8/15/87)



DATE 1-17-89

FS 111-6

BILL NO. SB99

SECTION:
GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT:
Voluntary Quit

EXCEPTIONS/
GOOD CAUSE:

The voluntary quit rule does not apply when the head of household:

1. Is exempt from work registration rules unless the exemption is for working a minimum of thirty (30) hours per week;
2. Quit because of discrimination by the employer on the basis of race, religious belief, national origin or political beliefs;
3. Was subject to work demands or conditions which were unreasonable (such as working without being paid on schedule);
4. Was employed in a job which does not meet the definition of suitable employment, FS 111-5;
5. Was required to leave employment because of acceptance into an institution of higher education at least half-time (FS 444-7);
6. Was required to move to another community because another household member accepted employment, education or training;
7. Retires before age sixty (60);
8. Quit a job to accept a bona fide offer of more than twenty (20) hours a week which either did not materialize or resulted in fewer than twenty (20) hours a week, or equivalent pay of hours times the minimum wage; or
9. Leaves a job in connection with patterns of employment such as construction or migrant farm worker.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 2A page 10 of 16

DATE 1-17-89

BILL NO. SB 99

FS 111-6

SECTION: GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT: Voluntary Quit

PROCEDURE:

Responsibility

ACTION

. Eligibility
Technician

1. Determine whether any unemployed member who is required to register for work voluntarily quit a job within the sixty (60) days prior to application or anytime thereafter;
2. Determine whether any member who quit was the head of household;
3. If the head of household quit, review the circumstances to determine good cause;
4. If good cause does not exist, deny or terminate benefits for the entire household;
5. Document the case file.

NOTE: There is no sanction if a non-head of household quits a job.

ENDING A VOLUNTARY
QUIT DISQUALI-
FICATION:

Eligibility may be reestablished during a disqualification period if the head of household who caused the disqualification:

1. Secures new employment which is "comparable" in salary and hours to the job which was quit. ("Comparable" may entail fewer hours or a lower net salary than the job the person quit); or
2. Becomes exempt from the work registration requirements (other than the WIN or unemployment compensation exemptions); or
3. Leaves the household.

SECTION: GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT: Voluntary Quit

CHANGES IN
HOUSEHOLD
COMPOSITION:

If a household which has been disqualified should split into more than one (1) household, the sanction will follow the head of household who caused the disqualification.

If the violator joins another food stamp household as a head of household, that household shall be ineligible for the balance of the disqualification period. The sanction ends for the first household.

If the violator joins a new household and is not the head of household, the sanction will end.

SANCTIONS:

If a person who is not under sanction joins a household which is disqualified and the new person becomes head of household, the sanction ends.

If a household leaves the program before the sanction can be imposed, the sanction will begin the first of the month after adverse action procedures are completed. The sanction will be for ninety (90) days without interruption or until it is cured.

CERTIFICATION
PERIOD ENDS:

HOUSEHOLD APPLIES FOR RECERTIFICATION IN THE LAST MONTH OF CERTIFICATION--Deny recertification for a period of ninety (90) days beginning the day after the old certification period ended when:

- . The quit occurred during the last month of the certification period; or
- . The quit is determined too late in the certification period to follow adverse action procedures.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 21 page 12 of 16

DATE 1-17-89

BILL NO. SB 99

FS 111-6

SECTION:
GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT:
Voluntary Quit

HOUSEHOLD DOES NOT APPLY FOR RECERTIFICATION IN THE LAST MONTH OF CERTIFICATION--Establish a claim for benefits received during the ninety (90) days after the first day of the month following the month of quit. If benefits were received for less than ninety (90) days after the first of the month following the month of quit:

- . Establish a claim for the number of days benefits were received; and
- . Disqualify the household for the number of days remaining to account for a full ninety (90) days.

EXAMPLE--

August 15 - Quit
October 31 - Certification Period Ends

- . Establish a claim for benefits received in September and October (61 days).
- . Disqualify for twenty-nine (29) days in November.
- . If the household reapplies in November prorate benefits for November from November 30th.

o o o

EXHIBIT NO. 28 page 13 of 16DATE 1-17-89

FS 111-7

BILL NO. SB 99

SECTION:

GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT:

Job Search

Department of Social and
Rehabilitation Services

FOOD STAMPS

References:

7 CFR 273.7(f) and 49 FR 193 (10-3-84)

GENERAL RULE--Individuals who must register for work and have no barriers to employment must apply for Job Search Services where available. Use Form SRS-FS-53, "Referral for Job Search Services" (EA 902).

Job Search Services are available at the Job Search Office (JSO) in the following counties:

Cascade
Flathead
Lewis & Clark
Missoula
Silver Bow
Yellowstone

BARRIERS TO EMPLOYMENT--Do not refer someone for "Job Search" services when they:

- . have no available transportation and the distance to potential employment prohibits walking;

NOTE: If it is difficult to determine have the person apply for Job Search.

- . live more than fifty (50) miles from the labor market;
- . have medical, language or family problems affecting availability for work or ability to seek or obtain employment;
- . are job attached such as temporary lay-off or expect to return to work in sixty (60) days;
- . are migrant farm workers following the job stream;

SECTION:

GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT

Job Search

- . have only a general delivery address unless they have a permanent residence; and
- . have already applied for Job Search Services (within the past twelve (12) months) at the JSO in the county where they currently live and have been unemployed and receiving Food Stamp benefits continuously during this period.

INDIVIDUALS WHO MUST APPLY FOR JOB SEARCH SERVICES ARE REQUIRED TO--

1. report for an interview;
2. respond to a JSO request for additional information;
3. contact potential employers as directed by the JSO;
4. accept a bona fide offer of employment;
5. continue suitable employment to which they are referred by the JSO; and
6. participate in training as agreed upon between the individual and the JSO.

PROCEDURE:

Responsibility

ACTION

. Eligibility Technician

1. At application and recertification, screen household members and refer those who must apply (FS 53);

. Household Member

2. Take original FS-53 to JSO.

. JSO Interviewer

3. Advise County Office if person doesn't apply for services.

SECTION:
GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

SUBJECT:
Job Search

- . Eligibility Technician
 - 4. If JSO gives notice of failure to apply, send the household Form FS-11(b) "Work Registration/Notice of Disqualification" (EA 902).
- . JSO Interviewer
 - 5. Inform County Office if individual does not apply.
- . Eligibility Technician
 - 6. Send a Notice of Disqualification (FS 11(b)).

FAILURE TO COOPERATE AFTER APPLICATION FOR SERVICES--The JSO will monitor cooperation with "Job Search" rules and:

- . JSO Interviewer
 - 7. When an individual fails to cooperate without good cause after being given a second chance, recommend disqualification, send the individual notice and the County Office a copy.
- . Eligibility Technician
 - 8. When a notice of "Recommended Disqualification" is received, complete Form FS-11(b).

DISQUALIFICATION--Disqualify the entire household for two (2) months beginning with the first month following expiration of the Notice of Adverse Action for failure to meet Job Search requirements without good cause.

DETERMINE GOOD CAUSE--

- . Eligibility Technician
 - 9. Notify JSO when individual claims good cause with new information. Good cause may include but is not limited to:
 - a. a change which makes them exempt from job search;

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 27Page 16 of 16

FS 111-7

DATE

1-17-89

SECTION:

GENERAL PROGRAM REQUIREMENTS
NON-FINANCIAL ELIGIBILITY
FACTORS

BILL NO.

SUBJECT:

SB 99
Job Search

- b. illness or incapacity;
- c. court-required appearance or incarceration;
- d. lack of adequate child care for children who have reached age six (6) but are under age twelve (12).
- e. family crisis or change in individual or family circumstances;
- f. inclement weather which prevented other persons similarly situated from traveling to or participating in the prescribed activity.

ELIGIBILITY MAY BE RE-ESTABLISHED WITHIN A DISQUALIFICATION PERIOD--If the member who caused the disqualification:

- . becomes exempt from the work requirement; or
- . is no longer a member of the household (any new household containing this member is subject to disqualification for the remainder of the disqualification period); or
- . the member secures employment of at least thirty (30) hours per week or, if less than thirty (30) hours, with a weekly wage equal to the minimum wage times thirty (30).

o o o

Feb. 15, 1985

ECONOMIC ASSISTANCE

4

Department of Social and
Rehabilitation Services

AID TO FAMILIES WITH
DEPENDENT CHILDREN

SECTION:

WORK PROGRAM

SUBJECT:

Failure to Comply (WIN)

References:

45 CFR 224.50; ARM 46.10.310 and 311

GENERAL RULE--If a WIN-referred applicant or recipient fails to comply with the work requirements (AFDC 1101-3) without good cause, he/she will, after a thirty (30) day conciliation period, be deregistered for a period of:

1. Three (3) months for the first incidence of noncooperation; and
2. Six (6) months for the second and subsequent incidents.

GRANT ADJUSTMENT:

See AFDC 1101-10 for information on grant adjustment after deregistration from WIN participation.

GOOD CAUSE:

In determining whether good cause exists for failure to comply, the WIN/ES Office will consider all facts and circumstances, including those submitted by the county welfare office at the time of the alleged failure. "Good cause" includes circumstances beyond the person's control, such as, but not limited to:

1. Illness of the WIN participant;
2. Illness of another household member sufficiently serious to require the presence of the person;
3. Unavailability of transportation; and
4. Unanticipated emergency.

SECTION:

BILL NO. SB 99

SUBJECT:

WORK PROGRAM

Failure to Comply (WIN)

NOTE: The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration". This conciliation period may begin no later than ten (10) days following the date of failure or refusal to participate and may continue for a period not to exceed thirty (30) days.

PROCEDURE:

Responsibility

ACTION

DETERMINING GOOD CAUSE--Upon client's refusal to participate:

- . WIN/ES Office
 1. Determine whether client refused to participate with or without good cause.
 2. If Determination is "Without Good Cause"
 - a. Notify the client of intent to deregister for refusal to participate, indicating that he/she has ten (10) days to request a WIN Hearing on the decision.
 - b. Notify county welfare office of intent to deregister, using WIN-102, "WIN Status Change Notice".
 3. If, after ten (10) days, the client has not requested a fair hearing, proceed with deregistration.

REQUESTING WIN HEARING--

- . Client
 1. If Dissatisfied With Determination of "Without Good Cause"--Within ten (10) days of mailing date of Notice of Intent to Deregister, request a WIN Hearing at the WIN/ES Office.

BILL SUMMARY

SENATE BILL NO. 101

Prepared for the Senate Labor and Employment
Relations Committee

By Tom Gomez, Staff Researcher
Montana Legislative Council

January 17, 1989

This bill will generally revise the laws relating to general relief assistance. As introduced, the bill contains the following main provisions:

- provides a statement of legislative findings and legislative policy and intent, which express a "rational basis" for using employability as a classification of eligibility for general assistance;
- establishes an eligibility classification that distinguishes between the employable and the unemployable;
- defines an "unemployable" person as an individual who is chronically needy and who:
 - (1) is 55 years of age and has a limited ability to obtain or retain employment because of advanced age;
 - (2) has a serious physical, emotional, or mental handicap that prevents the person from being employed in any substantial, gainful employment; or
 - (3) suffers from a permanent or temporary illness, injury, or incapacity that prevents work in any substantial, gainful employment.
- defines an "employable" person as an individual who is not "unemployable" and who is transitionally needy;
- provides that unemployable persons, because they are chronically needy, must be granted general relief assistance for as long as they remain eligible for such assistance;

SB 101
1-17-89
P. 2 of 2

BILL SUMMARY
SB 101

- limits nonmedical general assistance for employable persons to 4 months in a 16-month period; however, an employable individual may receive general assistance for a maximum of 6 months in an 18-month period if such person:
 - (1) has a serious barrier to employment and is willing to participate in a program to overcome that employment barrier;
 - (2) suffers from drug or alcohol dependency and is undergoing active treatment in an approved program; or
 - (3) is the head of a household that includes minor dependent children.
- requires employable persons to work or prepare for employment as a condition of eligibility for general assistance; and
- authorizes special treatment services for persons who have serious employment barriers, or who suffer from drug or alcohol dependency, in order to help such persons overcome problems that impair their employment potential.

The bill also contains a number of other proposed changes in the General Assistance laws which were requested by the Department of Social and Rehabilitation Services. These proposed changes include:

- (1) retrospective determination of GA benefits except during the first two months of eligibility;
- (2) changes in the definition of "household" to better define persons who are legally responsible for one another;
- (3) a revision of the state GA benefit standard to conform with the state AFDC standard;
- (4) elimination of the income spenddown requirement for eligibility to receive state general relief medical assistance; and
- (5) a requirement that medical providers accept state reimbursement for general relief medical services as payment in full.

SB 101

1-17-89

January 17, 1989

I Pat Pitches have worked
in the Restaurant Business
off and on for years.

I have attended the PWP
Program as required and
have learned alot about myself.

I feel that the time allowed
for this program is not
long enough for some people
to learn a new career
if there is a problem in
learning.

I graduated two years ago
I have always worked until
October 1988 at the fall
of my courage to go and apply
for a new job in a hotel, because
of my wife.

Thanks to PWP I now
have made a decision to
go to Beauty School.

Thank you

Pat Pitches
1000 S. 1st St. # 2
Helena, MT 59601

1-17-89

I Joe Bower am an ex-Loyger. I fight Pneuonia 9 times in four years. I have attended PWP. and learned a great deal about myself. The Program dose people a lot of good. I need a new occupation, But that takes time. The time you are trying to glow is not enough time. My wife works and has medical problems and may have to go into the hospital that will take what income out of our house. We paid taxes for years and never ask for help. Now we need This help you can not live on minimum wadges with a lot of hospital or doctor Bills.

You cause people like me into filing Bankruptcy. my family Comes first no matter what, When I got married my wows said for better or worse, in sickness or health. I am going to stand for my wife no matter what.

Thank-you.

Joe Bower

3653 US Hwy 12 E.

East Helena

59635

LABOR COMMITTEE

VISITORS' REGISTER

51st LEGISLATIVE SESSION

DATE: January 17, 1989 pg 10 of 2

LEAVE PREPARED STATEMENTS WITH SECRETARY! PLEASE!!!

PRINT: NAME	REPRESENTING Address	Check One	
		Support	Oppose
Steve Reitz	Self 512 Wyoming Blvd S 9101	N/A	N/A
Ray Fisher	Box 214 Capitol Station		
Mike Nelson	Box 961 ^{MAPD} Helena		
Mike Wingard	Office of the Legislative Auditor	N/A	→
Jim Smith	HRDC Assoc.	✓	
Jim Tutwiler	MT CHAMBER COMMERCE JOS 99,100, 101 HELENA	✓	
JUDITH CARLSON	NASW	✓	
JOHN ORTWEIN	MT CATHOLIC CONF	✓	
Stanley Goswami	Self Helena MT		✓
Marshall Kukul	MT Falls MT Self		✓
Bob Flynn	" " "		✓
Elnor Faulk	" " "		✓
J C Moot	CCC Great Falls		
Virginia Jenson	MLIC - Helena		
Jeri Beth Duggan	U of M	✓	
Joseph Moore	Montana Rainbow Coalition		
Loraine Gillies	Montana Farm Bureau	✓	
Faurie Lamson	Dept of Labor + Industry	✓	
Sandra Kuchlis	Box 64, Basin		✓
William Riley			
LEE BEASLEY	Butte MT		99

