

§4316-A. Work requirement

1. Ineligibility for assistance. An applicant is ineligible for assistance for 120 days in all municipalities in the State when any municipality establishes that the applicant, without just cause:

- A. Refuses to search for employment when that search is reasonable and appropriate; [PL 1985, c. 489, §§7, 14 (NEW).]
- B. Refuses to register for work; [PL 1985, c. 489, §§7, 14 (NEW).]
- C. Refuses to accept a suitable job offer under this section; [PL 1985, c. 489, §§7, 14 (NEW).]
- D. Refuses to participate in a training, educational or rehabilitation program that would assist the applicant in securing employment; [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- E. [PL 1993, c. 410, Pt. AAA, §10 (RP).]
- F. Refuses to perform or willfully fails to perform a job assigned under subsection 2; or [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- G. Willfully performs a job assigned under subsection 2 below the average standards of that job. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- H. [PL 1993, c. 410, Pt. AAA, §10 (RP).]

If a municipality finds that an applicant has violated a work-related rule without just cause, under this subsection or subsection 1-A, it is the responsibility of that applicant to establish the presence of just cause.

[PL 1993, c. 410, Pt. AAA, §10 (AMD).]

1-A. Period of ineligibility. An applicant, whether an initial or repeat applicant, who quits work or is discharged from employment due to misconduct as defined in Title 26, section 1043, subsection 23, is ineligible to receive assistance for 120 days after the applicant's separation from employment. [PL 1993, c. 410, Pt. AAA, §10 (NEW).]

2. Municipal work program. A municipality may require that an otherwise eligible person who is capable of working be required to perform work for the municipality or work for a nonprofit organization, if that organization has agreed to participate as an employer in the municipal work program, as a condition of receiving general assistance. The municipality may also require recipients, as a part of the municipal work program, to participate in a training, educational or rehabilitative program that would assist the recipient in securing employment. The municipal work program is subject to the following requirements.

- A. A person may not, as a condition of general assistance eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person would otherwise receive under municipal general assistance standards. Any person performing work under this subsection must be provided with net general assistance, the value of which is computed at a rate of at least the State's minimum wage. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- B. A person may not be required to work under this subsection for a nonprofit organization if that work would violate a basic religious belief of that person. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- C. An eligible person performing work under this subsection may not replace regular municipal employees or regular employees of a participating nonprofit organization. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- D. An eligible person in need of emergency assistance may not be required to perform work under this subsection prior to receiving general assistance. An applicant who is not in need of emergency assistance may be required to satisfactorily fulfill a workfare requirement prior to receiving the

nonemergency assistance conditionally granted to that applicant. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]

E. Expenses related to work performed under this subsection by an eligible person must be considered in determining the amount of net general assistance to be provided to the person. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]

F. General assistance provided by a municipality for work performed by an eligible person under this subsection must be:

- (1) Included in the reimbursable net general assistance costs; and
- (2) Itemized separately in reports to the Department of Health and Human Services under section 4311. [PL 1993, c. 410, Pt. AAA, §10 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

G. A person may not be required to work under this subsection if that person is physically or mentally incapable of performing the work assigned. [PL 1991, c. 9, Pt. U, §12 (NEW).]
[PL 1993, c. 410, Pt. AAA, §10 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

3. Limitations of work requirement. In no case may any work requirement or training or educational program under this section interfere with a person's:

- A. Existing employment; [PL 1985, c. 489, §§7, 14 (NEW).]
- B. Ability to pursue a bona fide job offer; [PL 1985, c. 489, §§7, 14 (NEW).]
- C. Ability to attend an interview for possible employment; [PL 1985, c. 489, §§7, 14 (NEW).]
- D. Classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or [PL 1993, c. 410, Pt. AAA, §10 (AMD).]

E. Classroom or on-site participation in a training program that is either approved or determined, or both, by the Department of Labor to be reasonably expected to assist the individual in securing employment. This paragraph does not include participation in a degree granting program, except when that program is a training program operated under the control of the Department of Health and Human Services or the Department of Labor. [PL 1993, c. 410, Pt. AAA, §10 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

[PL 1993, c. 410, Pt. AAA, §10 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

4. Eligibility regained. A person who has been disqualified by any municipality for not complying with any work requirement of this section may regain eligibility during the 120-day period by becoming employed or otherwise complying with the work requirements of this section. An applicant who is disqualified due to failure to comply with the municipal work program may be given only one opportunity to regain eligibility during the 120-day disqualification period, except that if an applicant who regains eligibility is again disqualified for failing to comply with the municipal work program within the initial period of disqualification, the applicant is ineligible for assistance for 120 days and does not have the opportunity to requalify during the 120-day period.

[PL 1993, c. 410, Pt. AAA, §10 (AMD).]

5. Just cause defined. Just cause for failure to meet work requirements or the use of potential resources must be found when there is reasonable and verifiable evidence of:

- A. Physical or mental illness or disability; [PL 1985, c. 489, §§7, 14 (NEW).]
- B. Below-minimum wages; [PL 1985, c. 489, §§7, 14 (NEW).]
- C. Sexual harassment; [PL 1985, c. 489, §§7, 14 (NEW).]
- D. Physical or mental inability to perform required job tasks; [PL 1985, c. 489, §§7, 14 (NEW).]
- E. Inability to work required hours or to meet piece work standards; [PL 1985, c. 489, §§7, 14 (NEW).]

- F. Lack of transportation to and from work or training; [PL 1985, c. 489, §§7, 14 (NEW).]
- G. Inability to arrange for necessary child care or care of an ill or disabled family member; [PL 1993, c. 410, Pt. AAA, §10 (AMD).]
- H. Any reason found to be good cause by the Department of Labor; and [PL 1985, c. 489, §§7, 14 (NEW).]
- I. Any other evidence that is reasonable and appropriate. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]

The overseer may not require medical verification of medical conditions that are apparent or are of such short duration that a reasonable person would not ordinarily seek medical attention. In any case in which the overseer requires medical verification and the applicant has no means of obtaining such verification, the overseer shall grant assistance for the purpose of obtaining that verification. [PL 1993, c. 410, Pt. AAA, §10 (AMD).]

SECTION HISTORY

PL 1985, c. 489, §§7, 14 (NEW). PL 1991, c. 9, §§U11-14 (AMD). PL 1991, c. 528, §§OOO3,4 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§OOO3,4 (AMD). PL 1991, c. 622, §§M25,26 (AMD). PL 1993, c. 410, §AAA10 (AMD). PL 2003, c. 689, §B6 (REV).

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