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DRUG TESTING FOR FIA RECIPIENTS

House Bill 5794 (Substitute H-3) First Analysis (9-24-98)

Sponsor: Rep. Sue Rocca
Committee: Human Services and Children

THE APPARENT PROBLEM:

Under Public Act 223 of 1995, the welfare system in Michigan was reformed to comply with proposed changes in federal entitlement programs. Among other changes, the Department of Social Services (DSS) was redesignated the Family Independence Agency (FIA), and the old Aid to Families with Dependent Children (AFDC) program was replaced with a new FIA program. Under this new program, applicants for assistance must attend orientation sessions conducted by the FIA and the Michigan Jobs Commission within one week after the FIA determines whether they are eligible for assistance. Applicants must then develop a social contract that defines their obligations to seek work or other productive activities. Each adult and child aged 16 or older who is not in school is then required to participate in the Work First employment and training program, and those who do not cooperate with Work First or any social contract requirement can be penalized. These changes were said at the time to represent "the end of welfare as it had existed for decades, and the beginning of an era in which the 'work ethic' would be emphasized." However, while the new program has been largely successful, none of the reforms have been able to overcome one persistent problem: for some people, the major barrier to employment is rooted in substance abuse. The problem is not unique to FIA recipients, of course, and many employers require drug tests as a condition of employment. Many people believe that steps should be taken to identify FIA recipients with drug problems. Once identified, treatment will be provided. Consequently, legislation has been introduced to allow the FIA to screen prospective clients for substance abuse problems.

THE CONTENT OF THE BILL:

House Bill 5794 would amend the Social Welfare Act (MCL 400.57b and 400.57f) to provide that the Family Independence Agency (FIA) could require -- provided that good cause had been demonstrated --

substance abuse testing as a condition for FIA assistance under certain circumstances; that FIA caseworkers be trained to screen Work First participants for substance abuse; and that Work First participants be provided information that would help them recognize problems related to substance abuse.

Legislative Intent. The bill would specify that it is the purpose of, and intent of, the FIA program and the Work First program, and the policy of the legislature, that substance abuse is only one of many potential barriers to employment for welfare recipients; that drug testing and substance abuse treatment for welfare recipients must be one part of a larger strategy to identify and remove barriers to employment; but that the FIA may not institute a drug testing program of FIA recipients under any circumstances unless money is appropriated for fiscal year 1998-99 in an amount that would sufficiently finance substance abuse treatment and other supportive services that might be needed to remove barriers so that each recipient can comply with substance abuse treatment.

FIA Caseworker Training. Under the bill, the FIA would be required to train its caseworkers on the proper method of screening Work First participants for substance abuse and other common barriers to employment. In a situation involving a client who hadn't found a job at the end of the employment search time period the FIA would have to conduct a screening for substance abuse and other common barriers to employment. The provision would include screening for alcohol or other drug abuse; learning disabilities; illiteracy; domestic violence; actual or imminent homelessness; and mental illness.

Drug Testing of FIA Applicants. The bill would allow the FIA to require substance abuse testing (by a certified federal Department of Health and Human Service lab) as a condition for FIA assistance, but only if good cause had been demonstrated under the following circumstances:

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- The participant, or applicant, had been screened for potential substance abuse by a trained FIA caseworker.
- The screening demonstrated probable substance abuse by the participant.
- A trained specialist in substance abuse recommends substance abuse testing for that individual.

The FIA could also require that a Work First participant be tested for substance abuse under these provisions.

Work First Orientation. House Bill 5794 would require that the FIA and the Michigan Jobs Commission provide certain information to each Work First participant as part of the orientation for the Work First program. The information would be designed to help participants recognize problems related to substance abuse; acquaint participants with employer expectations regarding drug and alcohol use; acquaint participants with workplace drug testing requirements; and identify to participants the supportive services that were available to assist them in overcoming common barriers to employment. Information on supportive services would have to include, at least, the following: information on substance abuse services and treatment options available in the participant's community; and information on available supportive services, including child care, during a parent's treatment.

** The participant had been screened for potential substance abuse by a trained FIA caseworker.

** The screening had demonstrated probable substance abuse by the participant.

** A trained substance abuse specialist recommended that the individual be tested.

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill would have an indeterminate impact on state funds, since, at this time, the number of applicants who might require substance abuse testing, as well as the cost of the test, is unknown. Also, the HFA estimates that, if individuals are tested for substance abuse and therapy is recommended, an additional cost in excess of \$1,000 per individual would be incurred. (9-23-98)

ARGUMENTS:

For:

A few years ago, Congress ended federal entitlement programs and, instead, consolidated them into block grants to the states. The reforms meant that welfare recipients must work or lose eligibility. In Michigan, these individuals must participate in the Work First program. Work First recipients, however, face significant barriers to independence and self-sufficiency. One barrier for many is an addiction to drugs. The provisions of the bill would ensure that these individuals get help as a first step to finding employment. Work First participants or applicants for FIA assistance would first be screened by FIA caseworkers trained to assess potential substance abuse. Those who tested positive would be referred for treatment.

In testimony before the House Human Services and Children Committee, a representative of the FIA reported that a few pilot programs would be established in communities where a large number of employers require drug testing, and in other areas. This would allow the department to assess the most effective and least intrusive means of conducting drug testing before the program is established across the state. When the program is established across the state, the FIA would establish a screening process for Work First participants who had not yet found a job at the end of the established employment search time period.

Response:

The bill doesn't go far enough: many argue that all FIA recipients should undergo routine substance abuse testing as a condition for receiving benefits.

Against:

The bill aspires to help individuals become self-sufficient through employment. However, substance abuse is not the only barrier to employment. Many people believe that alcohol abuse is a far more common problem for welfare recipients. In addition, statistics show that nearly half of adult welfare recipients never completed high school. Many more have learning disabilities, and some are mildly mentally retarded. These problems should also be identified and addressed.

Response:

Under the provisions of the bill, the training that FIA caseworkers would receive would prepare them in the

proper method of screening Work First participants for other problems besides substance abuse, including alcohol abuse, learning disabilities, illiteracy, domestic violence, homelessness, and mental illness.

Against:

In testimony before the House committee, a representative from the Department of Community Health (DCH) maintained the proposed program for substance abuse testing should be conducted by the DCH, since many of the individuals who would receive testing under the provisions of the bill could be tested now by that department. In fact, the department representative reported that it currently receives federal funds for such programs. Of greater importance to the department is the fact that the provisions of the bill could result in the transfer of these funds to the FIA.

POSITIONS:

The American Civil Liberties Union (ACLU) supports the bill. (9-22-98)

The Michigan League for Human Services supports the bill. (9-22-98)

The Michigan County Social Services Association supports the bill. (9-22-98)

The Department of Community Health (DCH) opposes the bill. (9-22-98)

The Family Independence Agency (FIA) opposes the bill. The FIA maintains that *all* FIA applicants should be tested. (9-22-98)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.