

SENATE No. 35

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote employment.

PETITION OF:

NAME:

Kenneth J. Donnelly

DISTRICT/ADDRESS:

Fourth Middlesex

SENATE No. 35

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 35) of Kenneth J. Donnelly for legislation to promote employment. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to promote employment.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2B of chapter 18 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (c) the following subsection:-

3 (d) As part of the program, the department of transitional assistance, in consultation with
4 the department of elementary and secondary education, the department of career services, the
5 Massachusetts Rehabilitation Commission, the Commonwealth Corporation, local boards and
6 other entities administering programs pursuant to the federal Workforce Innovation and
7 Opportunity Act, career centers, and other sources of relevant expertise, shall create and maintain
8 up-to-date lists of the following types programs in the Commonwealth: programs for English-
9 language learners, including English as a second language programs; adult basic education
10 programs; high school diploma programs; high school equivalency programs; vocational or
11 occupational skills training programs; vocational rehabilitation programs; and integrated
12 education and training programs. The lists shall be broken out geographically and shall be used
13 in all department local offices and available to all department applicants and recipients. The lists

14 shall include, regarding each program: (i) a description of the program; (ii) whether the program
15 is available at no charge to recipients of transitional aid and, if not, any sources of funding and
16 financial aid available to pay for enrollment in the program; (iii) any criteria that must be met in
17 order to qualify to enroll in the program; (iv) how to obtain information about current or next
18 openings in the program and the details of the program; and (v) in the case of vocational or
19 occupational skills training and vocational rehabilitation programs, information about the jobs, if
20 any, for which completion of the program would qualify the participant and, regarding such jobs,
21 the program's job placement and retention rates, median starting pay, benefits and typical work
22 schedule.

23 SECTION 2. Section 18 of chapter 118 is hereby amended by striking out the first
24 sentence and inserting in place thereof the following sentence:-

25 Notwithstanding any general or special law to the contrary, an education or training
26 activity for the purpose of meeting any work-related requirements of the transitional aid to
27 families with dependent children shall be defined as participation in any of the following: a 4-
28 year college degree program, associate's degree program, or certificate program at a college,
29 university, or other postsecondary educational institution; a program for English-language
30 learners, including an English as a second or other language program; an adult basic education
31 program; a high school diploma program; a high school equivalency program; a vocational or
32 occupational skills training program; a vocational rehabilitation program; or an integrated
33 education and training program.

34 SECTION 3. Chapter 118 is hereby further amended by inserting after section 19 the
35 following section:-

36 Section 20. (a) The department shall conduct screening to identify needs, barriers to
37 employment or participation in work activities, possible eligibility for exemptions, and
38 information relevant to vocational planning for recipients of transitional aid to families with
39 dependent children as part of the assessment process conducted pursuant to section 3C of this
40 chapter and before denying, lowering, or stopping benefits for noncompliance with any
41 applicable work-related, job search or time limit requirements.

42 (b) If the screening reveals that the applicant or recipient has not completed a
43 postsecondary training or education program that provided skills that qualify the applicant or
44 recipient for appropriate and available local full time job openings, the department shall permit
45 the applicant or recipient to meet all applicable work-related, job search, and time limit
46 requirements through a program that provides education or specific vocational or occupational
47 skills training.

48 (c) If the screening reveals possible learning disability, the department shall offer and
49 encourage a learning disability assessment by a trained professional and shall treat the applicant
50 or recipient as having good cause not to meet applicable work-related, job search, or time limit
51 requirements until the assessment is completed and the results are provided in a report to the
52 applicant or recipient. If the screening reveals a possible other disability, instead of or in addition
53 to learning disability, the department shall advise the applicant or recipient of the option to
54 request a disability exemption. If the assessment determines that the recipient has a learning
55 disability, the department shall offer the recipient a referral to an education or training program
56 with staff qualified to work with individuals with learning disabilities; provided that if an
57 appropriate program is not available and the recipient is not exempt from the work requirement,
58 the department shall accord good cause to the recipient for not meeting applicable work-related,

59 job search, and time limit requirements, until and unless a program is identified and available to
60 the recipient.

61 (d) If the screening reveals that the applicant or recipient's housing situation or family or
62 other circumstances currently may conflict with required work, job search, time limit, or other
63 activities, the department shall offer the applicant or recipient an opportunity to request good
64 cause to be temporarily excused from these requirements while the conflict exists.

65 (e) The department, its agents, and vendors that it funds shall take into account the results
66 of the screening of the recipient in establishing economic independence goals or employment
67 development plans and in determining referrals to education and training programs.

68 (f) The department shall not deny, lower, or stop benefits on the grounds of not
69 complying or cooperating with work-related, job search, or time limit requirements unless the
70 department has identified a work activity that is consistent with the results of the screening
71 conducted pursuant to this section, that is actually available to the recipient, and for which there
72 is no cost to the recipient.

73 (g) The department shall not deny, lower, or stop benefits on the grounds that the
74 recipient did not participate in the screening; however, the department may impose the work
75 program sanctions provided in subsection 110(j) of chapter 5 of the acts of 1995, as amended by
76 section 218 of chapter 149 of the actions of 2004, if the recipient refuses to participate in a
77 screening and subsequently does not meet work-related requirements without good cause. The
78 department shall contact the recipient to inquire into good cause before determining that good
79 cause does not exist.

80 SECTION 4. Subsection (f) of section 110 of chapter 5 the acts of 1995, as amended by
81 section 26 of chapter 158 of the acts of 2014, is hereby amended by striking out the fourth
82 paragraph and inserting in place thereof the following paragraph:-

83 The department shall allow recipients to request an extension of benefits up to 3 months
84 before or at any time after termination of benefits under the provisions of this section and in
85 connection with reapplying for benefits at any time after a termination of benefits under this
86 section. The commissioner shall establish criteria to be considered in making a determination
87 that a recipient's benefits should be extended; provided however, that an extension of benefits
88 shall not exceed 6 months without a request for renewal and approval by the department. Such
89 criteria shall include, but not be limited to:

90 (i) whether, without an extension, the recipient's family will lack the resources necessary
91 for basic needs, including, but not limited to, housing, utilities, and clothing;

92 (ii) whether the recipient has rejected offers of employment or quit or otherwise lost a job
93 without good cause;

94 (iii) whether the recipient's current lack of full time employment is attributable to lack of
95 cooperation with the department without good cause;

96 (iv) whether appropriate job opportunities for which the recipient is qualified actually
97 currently exist and the recipient has been assisted in the steps necessary to obtain such a job;
98 provided however, an employer's decision not to hire the recipient shall not be held against the
99 recipient;

100 (v) whether the recipient has been provided with documented, specific and actually
101 available education and training opportunities for which the recipient was qualified and had
102 sufficient time to participate in them as needed in order to qualify for appropriate and available
103 local full-time job openings; provided however, a recipient's lack of success in an education and
104 training program for good cause or due to no fault of the recipient shall not be held against the
105 recipient;

106 (vi) whether the recipient needs childcare and appropriate slots in local licensed childcare
107 programs are actually available; and

108 (vii) whether circumstances affecting the recipient or a family member pose significant
109 barriers to full time employment.

110 For the purposes of this subsection, "good cause" shall include the good cause reasons
111 listed in subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended by section 218
112 of chapter 149 of the acts of 2004, and any other reasons that are acceptable in light of the
113 particular circumstances and characteristics of the recipient and the recipient's family.

114 SECTION 5. Subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended
115 by section 28 of chapter 158 of the acts of 2014, is hereby amended by striking out the fourth
116 paragraph and inserting in place thereof the following paragraph:-

117 The department may extend the duration of the education or training activity eligible to
118 meet the work requirement if the department determines, using performance standards
119 established by the department, that the individual is making substantial progress towards
120 completion of the program. If the department determines that an individual is not making

- 121 substantial progress towards completion of the program without good cause, the individual shall
- 122 no longer be eligible for the extension of the duration of the activity.