

HOUSE No. 105

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|-----------------------|------------------|
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/18/2019</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>1/23/2019</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>2/1/2019</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>1/24/2019</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>2/1/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/25/2019</i> |

HOUSE No. 105

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 105) of Marjorie C. Decker and others relative to education or training activities for purposes of meeting work requirements. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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 18 of chapter 118 of the General Laws, as appearing in the 2016
2 Official Edition is hereby amended by striking out the first sentence and inserting in place of it
3 the following sentence:-

4 Notwithstanding any general or special law to the contrary, an education or training
5 activity for the purpose of meeting any work-related requirements of the transitional aid to
6 families with dependent children shall be defined as participation in any of the following: a 4-
7 year college degree program, associate’s degree program, or certificate program at a college,
8 university, or other postsecondary educational institution; a program for English-language
9 learners, including an English as a second or other language program; an adult basic education
10 program; a high school diploma program; a high school equivalency program; a vocational or
11 occupational skills training programs; a vocational rehabilitation program, or an integrated
12 education and training program.

13 SECTION 2. Chapter 118 is hereby further amended by inserting after section 19 the
14 following sections:-

15 Section 20. (a) Notwithstanding prior screening or assessment, which may have been
16 done at application or an eligibility review, the department shall conduct a contemporaneous
17 screening to identify needs, barriers to employment or participation in work activities, possible
18 eligibility for exemptions, and information relevant to vocational planning for recipients of
19 transitional aid to families with dependent children before denying, lowering, or stopping
20 benefits for noncompliance with any applicable work-related, job search, or time limit
21 requirements.

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

28 (c) If the screening reveals possible learning disability, the department shall offer and
29 encourage a learning disability assessment by a trained professional and shall treat the applicant
30 or recipient as having good cause not to meet applicable work-related, job search, or time limit
31 requirements until the assessment is completed and the results provided in a report to the
32 applicant or recipient. If the screening reveals a possible other disability, instead of or in addition
33 to learning disability, the department shall advise the applicant or recipient of the option to
34 request a disability exemption. If the assessment determines that the recipient has a learning

35 disability, the department shall offer the recipient a referral to an education or training program
36 with staff qualified to work with individuals with learning disabilities; provided that if an
37 appropriate program is not available and the recipient is not exempt from the work requirement,
38 the department shall accord good cause to the recipient for not meeting applicable work-related,
39 job search, and time limit requirements, until and unless a program is identified and available to
40 the recipient.

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

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

48 (f) The department shall not deny, lower, or stop benefits on the grounds of not
49 complying or cooperating with work-related, job search, or time limit requirements unless the
50 department has identified a work activity that is consistent with the results of the screening
51 conducted pursuant to this section that is actually available to the recipient at no cost to the
52 recipient.

53 (g) The department shall not deny, lower, or stop benefits on the grounds that the
54 recipient did not participate in the screening; however, the department may impose the work
55 program sanctions provided in subsection 110(j) of chapter 5 of the acts of 1995, as amended by
56 section 218 of chapter 149 of the actions of 2004, if the recipient refuses to participate in a

57 screening and subsequently does not meet work-related requirements without good cause. The
58 department shall contact the recipient to inquire into good cause before determining that good
59 cause does not exist.

60 SECTION 3. The fourth paragraph of subsection (f) of section 110 of the acts of 1995, as
61 amended by section 26 of chapter 158 of the acts of 2014, is hereby amended by striking out the
62 paragraph and inserting in its place the following paragraph:-

63 The department shall allow recipients to request an extension of benefits up to three
64 months before or at any time after termination of benefits under the provisions of this section and
65 in connection with reapplying for benefits at any time after a termination of benefits under this
66 section. The commissioner shall establish criteria to be considered in making a determination
67 that a recipient's benefits should be extended; provided however, that an extension of benefits
68 shall not exceed 6 months without a request for renewal and approval by the department. Such
69 criteria shall include, but not be limited to, whether:

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

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

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

76 (iv) appropriate job opportunities for which the recipient is qualified currently exist and
77 the recipient has been assisted in the steps necessary to obtain such a job; however, an
78 employer's decision not to hire the recipient shall not be held against the recipient;

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

84 (vi) the recipient needs child care and appropriate slots in local licensed child care
85 programs are actually available; and

86 (vii) circumstances affecting the recipient or a family member pose significant barriers to
87 full time employment. For the purposes of this subsection, "good cause" shall include the good
88 cause reasons listed in subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended
89 by section 218 of chapter 149 of the acts of 2004, and any other reasons that are acceptable in
90 light of the particular circumstances and characteristics of the recipient and the recipient's
91 family.

92 SECTION 4. The fourth paragraph of subsection (j) of section 110 of chapter 5 of the
93 acts of 1995, as appearing in section 28 of chapter 158 of the acts of 2014, is hereby amended by
94 striking out the paragraph and inserting in place of it the following paragraph:-

95 The department may extend the duration of the education or training activity eligible to
96 meet the work requirement if the department determines, using performance standards
97 established by the department, that the individual is making substantial progress towards

98 completion of the program. If the department determines that an individual is not making
99 substantial progress towards completion of the program without good cause, the individual shall
100 no longer be eligible for the extension of the duration of the activity.