

SENATE No. 107

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

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:
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>

Denise Provost

27th Middlesex

Elizabeth A. Malia

11th Suffolk

SENATE No. 107

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 107) of Daniel A. Wolf, Chris Walsh, Kenneth J. Donnelly, Michael O. Moore and other members of the General Court for legislation to promote employment. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 is hereby amended by
2 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 labor and workforce
5 development, the Commonwealth Corporation, local workforce investment boards and other
6 local 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 or other language programs; adult basic
10 education programs; high school diploma programs; high school equivalency programs;
11 vocational or occupational skills training programs; and integrated education and training
12 programs. The lists shall be broken out geographically and shall be used in all department local

13 offices and available to all department applicants and recipients. The lists shall include,
14 regarding each program: (i) a description of the program; (ii) whether the program is available at
15 no charge to recipients of transitional aid and, if not, any sources of funding and financial aid
16 available to pay for enrollment in the program; (iii) any criteria that must be met in order to
17 qualify to enroll in the program; (iv) how to obtain more 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 programs, information about the jobs, if any, for which completion of
20 the program would qualify the participant and, regarding such jobs, the program's job placement
21 and retention rates, starting pay, benefits, and typical work schedule.

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

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

32 SECTION 3. Chapter 118 is hereby further amended by inserting after section 20 the
33 following sections:-

34 Section 21. (a) The department shall conduct screening to identify needs, barriers to
35 employment or participation in work activities, possible eligibility for exemptions, and
36 information relevant to vocational planning for recipients of transitional aid to families with
37 dependent children as soon as feasible but in any event before denying, lowering, or stopping
38 benefits for noncompliance with any work-related requirement.

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

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

56 (d) If the screening reveals that the recipient's housing situation or family or other
57 circumstances currently may conflict with job search, employment, or attending a program, the
58 department shall offer the recipient an opportunity to request good cause not to engage in
59 activities to meet work-related requirements.

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

63 (f) The department shall not deny, lower, or stop benefits on the grounds of not meeting
64 work-related requirements unless the department has identified a work activity that is consistent
65 with the results of the screening conducted pursuant to this section, that is actually available to
66 the recipient, and for which there is no cost to the recipient.

67 (g) The department shall not deny, lower, or stop benefits on the grounds that the
68 recipient did not participate in the screening; however, the department may deny, lower, or stop
69 benefits if the recipient refuses to participate in a screening and subsequently does not meet
70 work-related requirements without good cause. The department shall contact the recipient to
71 inquire into good cause before determining that good cause does not exist.

72 SECTION 4. The fourth paragraph of subsection (f) of section 110 of the acts of 1995, as
73 amended by section 26 of chapter 158 of the acts of 2014, is hereby amended by striking out the
74 paragraph and inserting in its place the following paragraph:-

75 The commissioner shall establish criteria to be considered in making a determination that
76 a recipient's benefits should be extended; provided however, that an extension of benefits shall
77 not exceed 3 months. Such criteria shall include, but not be limited to: (i) whether without an

78 extension the recipient's family will lack the resources necessary for basic needs, including, but
79 not limited to, housing, utilities, and clothing; (ii) whether the recipient has rejected offers of
80 employment or quit or otherwise lost a job without good cause; (iii) whether the recipient's
81 current lack of full time employment is attributable to lack of cooperation with the department
82 without good cause; (iv) whether appropriate job opportunities for which the recipient is
83 qualified actually currently exist and the recipient has been assisted in the steps necessary to
84 obtain such a job; however, an employer's decision not to hire the recipient shall not be held
85 against the recipient; (v) whether the recipient has been provided with appropriate education and
86 training opportunities and sufficient time to participate in them as needed to qualify for
87 appropriate and available local full time job openings, however a recipient's lack of success in an
88 education and training program for good cause or due to no fault of the recipient shall not be held
89 against the recipient; (vi) whether the recipient needs child care and appropriate slots in local
90 licensed child care programs are actually available; and (vii) whether circumstances affecting the
91 recipient or a family member pose significant barriers to full time employment. For the purposes
92 of this subsection, "good cause" shall be construed to include the good cause reasons listed in
93 subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended by section 218 of
94 chapter 149 of the acts of 2004, and any other reasons that are acceptable in light of the
95 particular circumstances and characteristics of the recipient and the recipient's family.

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

99 The department may extend the duration of the education or training activity eligible to
100 meet the work requirement if the department determines, using performance standards

101 established by the department, that the individual is making substantial progress towards
102 completion of the program. If the department determines that an individual is not making
103 substantial progress towards completion of the program without good cause, the individual shall
104 no longer be eligible for the extension of the duration of the activity.