

HOUSE No. 4484

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 5, 2020.

The committee on Children, Families and Persons with Disabilities, to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4484) ought to pass.

For the committee,

KAY KHAN.

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**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 applicants and
19 recipients of transitional aid to families with dependent children before denying, lowering, or
20 stopping 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 training or
23 education program that provided skills that qualify the applicant or recipient for appropriate and
24 available local full time job openings, the department shall permit the applicant or recipient to
25 meet all applicable work-related, job search, and time limit requirements through a program that
26 provides education or specific vocational or occupational skills training.

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

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

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

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

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

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

55 The department shall allow recipients to request an extension of benefits up to three
56 months before or at any time after termination of benefits under the provisions of this section and

57 in connection with reapplying for benefits at any time after a termination of benefits under this
58 section. The commissioner shall establish criteria to be considered in making a determination
59 that a recipient's benefits should be extended; provided however, that an extension of benefits
60 shall not exceed 6 months without a request for renewal and approval by the department. Such
61 criteria shall include, but not be limited to, whether:

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

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

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

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

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

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

78 (vii) circumstances affecting the recipient or a family member pose significant barriers to
79 full time employment. For the purposes of this subsection, “good cause” shall include the good
80 cause reasons listed in subsection (j) of section 110 of chapter 5 of the acts of 1995, as amended
81 by section 218 of chapter 149 of the acts of 2004, and any other reasons that are acceptable in
82 light of the particular circumstances and characteristics of the recipient and the recipient’s
83 family.

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

87 The department may extend the duration of the education or training activity eligible to
88 meet the work requirement if the department determines, using performance standards
89 established by the department, that the individual is making substantial progress towards
90 completion of the program. If the department determines that an individual is not making
91 substantial progress towards completion of the program without good cause, the individual shall
92 no longer be eligible for the extension of the duration of the activity.