

[Similar Matter Filed During Past Session —
See Senate No. 632 of 1982]

SENATE No. 827

By Mr. Shea, a petition (accompanied by bill, Senate, No. 827) of Philip L. Shea and Susan F. Rourke for legislation to provide the right to training and work opportunities to mothers with dependent children. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT TO PROVIDE THE RIGHT TO TRAINING AND WORK OPPORTUNITIES TO MOTHERS WITH DEPENDENT CHILDREN.

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

1 Chapter 18 of the General Laws is hereby amended by inserting after section 28 the following new section:—

2
3 *Section 29.* The department shall design program(s) to assist the recipients of public assistance (hereinafter “recipients”) to attain the capability independently to support themselves and their families, consistent with the maintenance of continuing parental care and protection for dependent children. Such programs shall be subject to the requirements of this section and section three of chapter one hundred eighteen as well as any applicable requirements of federal law.

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11 (A) For each eligible recipient, the department shall develop an individualized employability plan setting forth specific occupational goal(s), which gives due consideration to the recipient’s family and children, prior education, vocational training skills, interests and opportunities for career development. Based on these goal(s), the department shall help en-

17 able the recipient to determine, subject to the recipient's
18 rights under section sixteen of this chapter, what form of edu-
19 cation, training and job goals activity is appropriate or neces-
20 sary for each recipient.

21 (1) There shall be consideration of whether any educa-
22 tional or training program will provide the type of education,
23 experience and training reasonably likely to lead to regular,
24 self-sustaining employment of the recipient in the private or
25 public sectors and which will contribute to the growth and
26 development of minor children of the recipient.

27 (2) The department shall enable the recipient where ap-
28 propriate to exercise options of attending: —

29 (a) courses in English to any recipient whose primary lan-
30 guage is other than English;

31 (b) courses to obtain a General Education Diploma (GED),
32 or equivalent vocational training, to any recipient who has
33 not obtained a high school degree; and

34 (c) training or educational program(s) necessary to pro-
35 vide the recipient with skills and/or education to obtain self-
36 sustaining employment, consistent with subsection A of this
37 section.

38 (3) The department shall assist recipients in job search
39 activity.

40 (B) No work-related program established by the depart-
41 ment shall conflict directly or indirectly with provisions of
42 the General Laws enacted to protect the health, safety, and
43 welfare of minor children or the elderly, including but not
44 limited to chapters eighteen B, nineteen A, twenty-eight A,
45 seventy-one B, one hundred nineteen, and the child custody
46 provisions of chapters two hundred eight and two hundred
47 fifteen.

48 (C) No work-related program shall result in the displace-
49 ment from regular employment of any person currently em-
50 ployed or currently on layoff, or in the filling of any position
51 which had been in existence, whether filled or unfilled, as of
52 January 1, 1981.

53 (D) (1) The department shall determine: —

54 (a) For recipients of benefits under chapters one hundred
55 seventeen and one hundred eighteen, the exemptions required

56 under 42 U.S.C. §602(a)(19)(A) and implementing regula-
57 tions; and

58 (b) For recipients of food stamps, the exemptions required
59 under 7 U.S.C. 2015(d)(2) and implementing regulations.

60 (2) In any event, every recipient who is the sole caretaker
61 relative responsible for the care of a child under the age of
62 twelve shall be provided with day care opportunities appro-
63 priate for the needs, education, training, safety and well-being
64 of the child.

65 (E) A recipient shall have a right and the children of
66 every recipient shall have a right at the option of the parent
67 to: —

68 (1) Child care, consistent with the best interest of the de-
69 pendent child(ren) of the recipient during all hours of work-
70 related, education or training, from child care providers who
71 are licensed pursuant to chapter twenty-eight A and regula-
72 tions promulgated thereunder;

73 (2) Opportunity for education and training for all handi-
74 capped persons due to physical or mental condition, or lack of
75 prior skills or work history;

76 (3) Compensation or allowances for travel to the activity
77 in light of the individual's circumstances and the compensa-
78 tion from the activity;

79 (4) Work and education and training which is inconsistent
80 with the health, safety and morals of the recipient and with
81 the recipient's rights under chapter one hundred fifty one
82 B;

83 (5) Remuneration (exclusive of any public assistance bene-
84 fits) at the prevailing wage for similar work in the locality,
85 but in no event less than the federal or state minimum wage,
86 whichever is higher.

87 (6) Participation without interruption and completion of a
88 training program in which the individual is in good standing
89 and which is likely to lead to employment upon completion,
90 or is consistent with subsection (A)(2) of this section;

91 (F) The recipient shall not be required to expend any por-
92 tion of his/her monthly public assistance benefits, without re-
93 imbursement, in order to meet any expenses reasonably at-
94 tributable to participation in the work-related program, in-

95 cluding, but not limited to, the actual cost of child care for
96 any dependent child, transportation and clothing; and

97 (G) No program requirement shall be inconsistent with the
98 recipient's employability plan and the provisions and goals of
99 this section.

100 (H) (1) Prior to notifying any recipient of a proposed ter-
101 mination of public assistance benefits due to an alleged failure
102 to cooperate with any educational, training or work-related
103 program, the department shall, for a thirty-day period, make
104 every effort to resolve the non-cooperation. The thirty-day
105 period shall be initiated by a written notice sent by the de-
106 partment to the recipient which shall set forth the reason(s)
107 why the department believes the recipient is failing to co-
108 operate with the requirements of the training, education or
109 work-related program, and an explanation of the requirements
110 of the program, including the authorized exemptions and good
111 causes for non-participation. During the thirty-day concilia-
112 tion period, the department shall provide or authorize other
113 agencies to provide the recipient with services and counseling,
114 with the goal of resolving obstacles to the recipient's progress
115 toward placement in self-sustaining employment.