

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., for legislation to further regulate work requirements for recipients of public assistance. Human Services and Elderly Affairs,

The Commonwealth of Massachusetts

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

AN ACT TO FURTHER REGULATE WORK REQUIREMENTS FOR RECIPIENTS OF PUBLIC ASSISTANCE.

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

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

11 (A) For each recipient who is determined not to be exempt from
12 participation in a work-related program in accordance with sub-
13 section (B) of this section, the department shall develop an individ-
14 ualized employability plan setting forth specific occupational
15 goal(s), which give due consideration to the recipient's prior work
16 history, skills and interests and will result in the recipient's prompt
17 placement in self-sustaining employment which give opportuni-
18 ties for career development. Based on these occupational goal(s),
19 the department shall determine, subject to the recipient's rights
20 under section sixteen of this chapter, what form of work, training
21 or job search activity is appropriate or necessary for each recipient.

22 (B) (1) The department shall determine, subject to the recip-
23 ient's rights under section sixteen of this chapter, which recipients

24 are exempt from participation in any work-related program on the
25 following bases:

26 (a) For recipients of benefits under chapter one hundred seven-
27 teen and one hundred eighteen, the exemptions required under 42
28 U.S.C. §602 (a) (19) (A) and implementing regulations; and

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

31 (2) In no event shall a recipient who is the sole caretaker relative
32 responsible for the care of a child under age six be required to
33 participate in a work-related program when the child is away from
34 the home during daytime hours for the purposes of receiving
35 remedial or therapeutic services or attending pre-school activities,
36 including, but not limited to, Head Start.

37 (3) No recipient who is suffering from abuse as defined in sec-
38 tion one of chapter 209A of the General Laws shall be required to
39 participate in a work-related program.

40 (4) No recipient whose primary language is other than English
41 shall be required to participate in a work-related program unless
42 the department provides a worker who is fluent in the primary
43 language of the recipient. Prior to mandating placement of such a
44 recipient in any component of a work-related program, including
45 job-search activities, the department shall give the recipient the
46 option of attending courses in English as a Second Language.

47 (C) A recipient shall have good cause for not participating in a
48 work-related program when:

49 (1) Child care, consistent with the best interest of the dependent
50 child(ren) of the recipient during all hours of required activity is
51 not available from providers who are licensed pursuant to chapter
52 twenty-eight A and regulations promulgated thereunder;

53 (2) The recipient is not reasonably capable of performing the
54 required activity due to physical or mental condition, or prior skills
55 or work history;

56 (3) Travel to the activity is unreasonable in light of the individu-
57 al's circumstances and the compensation from the activity;

58 (4) Accepting such a position (with or without pay) would not
59 be required under section twenty-five (c) of chapter one hundred
60 fifty-one A;

61 (5) Participation is detrimental to the health, safety, or morals
62 or the recipient or is inconsistent with the recipient's rights under
63 chapter one hundred fifty-one B;

64 (6) Remuneration (exclusive of any public assistance benefits) is
65 less than the prevailing wage for similar work in the locality, but in
66 no event less than the federal or state minimum wage, whichever is
67 higher;

68 (7) Participation would interrupt completion of a training
69 program in which the individual is in good standing and which is
70 likely to lead to employment upon completion;

71 (8) Participation would require the recipient to expend any
72 portion of his/her monthly public assistance benefits, without
73 reimbursement, in order to meet any expenses reasonably attribu-
74 table to participation in the work-related program, including, but
75 not limited to, the actual cost of child care for any dependent child,
76 transportation and clothing;

77 (9) Participation would be inconsistent with the recipient's
78 employability plan and the provisions and goals of this section; or

79 (10) Any other reason which, in the recipient's individual cir-
80 cumstances, constitutes a reasonable excuse for failing to partici-
81 pate, including, but not limited to, illness of the recipient or child-
82 ren of the recipient, the breakdown in child care arrangements or
83 transportation.

84 (D) All expenses reasonably attribute to participation in the
85 work-related program, including, but not limited to, child care,
86 transportation, and clothing shall be paid in full and in advance of
87 any required participation by the Department.

88 (E) Prior to notifying any recipient of a proposed termination of
89 public assistance benefits due to an alleged failure to cooperate
90 with the requirements of a work-related program, the department
91 shall, for a thirty-day period, make every effort to resolve the
92 non-cooperation. The thirty-day period shall be intitiated by a
93 written notice sent by the department to the recipient which shall
94 set forth in detail the reason(s) why the department believes the
95 recipient is failing to cooperate with the requirements of the work-
96 related program, and an explanation of the requirements of the
97 program, including the authorized exemptions and good causes for
98 non-participation. During the thirty-day concilitation period, the
99 department shall provide or authorize other agencies to provide
100 the recipient with services and counseling, with the goal of resolv-
101 ing obstacles to the recipient's progress toward placement in self-
102 sustaining employment. If the department determines, after the

103 thirty-day conciliation period, that the recipient is still failing,
104 without good cause, to comply with the requirements of a work-
105 related program, the department may send the recipient notice, in
106 writing, of the proposed termination of eligibility for financial or
107 other public assistance benefit, subject to the provisions of section
108 16 of this chapter.