

106 CMR: DEPARTMENT OF TRANSITIONAL ASSISTANCE

106 CMR 707.000: TRANSITIONAL CASH ASSISTANCE PROGRAM: EMPLOYMENT SERVICES PROGRAM

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707.000: ESP Overview/Participation Requirements

106 CMR 707.00 contains the regulations for the TAFDC Employment Services Program (ESP), which is administered by the Department.

TAFDC grantees, including a sanctioned or an ineligible grantee who is a parent, excepting an SSI parent, must participate in ESP as follows:

(A) If the youngest child in the assistance unit (or who would be in the assistance unit but is ineligible) in accordance with 106 CMR 704.305(A)(5)(a) through (c), is two years of age or older the grantee must participate in ESP in accordance with 106 CMR 703.150(A): *Requirements*, unless he or she is employed for the required hours per week as provided in 106 CMR 703.150(A)(5).

If there are slots available in any other ESP component, the grantee may be required to participate in one of those components. Also, if the grantee is meeting his or her Work Program requirement by working for pay, participating in community service or in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities, he or she may volunteer to participate in the Full Employment Program.

(B) In accordance with 106 CMR 707.140, a grantee, including sanctioned and ineligible grantees, must participate in the ESP Educational Component (high school or high school equivalency test (HiSET) certificate program) if he or she is a teen parent and has not graduated from high school or does not have a HiSET certificate.

(C) A dependent child 16 or 17 years of age who is not attending school must participate in ESP.

(D) All other clients may volunteer to participate in ESP, subject to appropriations.

707.100: Introduction to Employment Services Program (ESP)/Orientation

TAFDC applicants and clients shall be provided with information about ESP. This shall include information about employment services and activities to help them obtain a job, ESP component requirements and opportunities, information on child care referral services and available Department transportation payments.

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All applicants and clients shall be informed whether they are required to participate in ESP as provided in 106 CMR 707.000, the rights and responsibilities associated with ESP requirements, good cause criteria defined by 106 CMR 701.380: *Good Cause Criteria*, and how to enroll in ESP.

707.110: Completion of an Employment Development Plan (EDP)

(A) Developing an EDP.

- (1) An EDP will be completed every year for:
 - (a) a grantee who the Department determines must participate in an Employment Services Program (ESP) component because there are available component slots;
 - (b) a grantee who volunteers to participate in ESP;
 - (c) all teen parents who have not graduated from high school or do not have a HiSET certificate;
 - (d) a grantee needing support services to work or to participate in ESP or in a self-initiated program not funded by ESP as provided in 106 CMR 707.120;
 - (e) a dependent child 16 or 17 years of age who is not in school and must participate in the ESP Educational Component;
 - (f) a grantee or an ineligible grantee specified in 106 CMR 703.150(A)(2) referred to community service who:
 1. volunteers to participate in community service;
 2. is mandated to participate in community service because he or she did not meet the participation requirements of another ESP component; or
 3. needs support services to participate in community service;
 - (g) a grantee participating in the Full Employment Program; and
 - (h) any other grantee who the Department determines needs an EDP.
- (2) An initial assessment interview shall be conducted by a Department worker at application or the eligibility review and shall include, but not be limited to, the following:
 - (a) the collection of information about the individual's education, skills and employment background;
 - (b) a discussion of the available services to help the individual obtain and maintain a job;
 - (c) a review of the individual's ESP requirement as specified in 106 CMR 707.000; and
 - (d) a discussion of the available ESP components that will best help the individual obtain and maintain a job.
- (3) The following criteria are used to develop an EDP:
 - (a) the initial assessment of the individual's education, skills and work experience;
 - (b) available program resources to support the individual in the ESP activity and his or her employment goal;
 - (c) the individual's need for and the availability of support services as provided in 106 CMR 707.210;
 - (d) the individual's vocational and employment interests;
 - (e) employment opportunities in the northeast regional labor market as found in the *Dictionary of Occupational Titles*, *Occupational Outlook Handbook* and Labor Market Surveys; and
 - (f) the component requirements as provided in 106 CMR 707.120 through 707.180.
- (4) The EDP shall contain:
 - (a) the individual's employment goal and the activities needed to meet the employment goal;
 - (b) ESP component activities in which the individual will participate;
 - (c) necessary support services; and
 - (d) the anticipated start and end dates for the activities.
- (5) An EDP shall be approved when:
 - (a) the EDP is consistent with the regulations found in 703.150: *TAFDC Work Program* and 707.000 through 707.180;
 - (b) the activities in the EDP are consistent with the goal of the individual obtaining a job;

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- (c) the EDP is consistent with the assessment or reassessment of the individual's education, skills and work experience; and
- (d) the component activities and support services, subject to appropriations, are available.

When an EDP is not approved, the Department shall document the reasons.

- (6) Except for individuals who failed to meet their Work Program requirements, the written EDP must be mutually agreed to and signed by the individual and a Department worker. The individual shall be provided a copy of the EDP.

An EDP is not a contract. An EDP is valid for the period stated in the plan, but not for more than 12 months unless, in accordance with 106 CMR 707.110(C), there is a need to reassess the EDP.

- (7) An individual unable to agree with the contents of the EDP may have the EDP reviewed by a Department supervisor to help resolve the matter.

(B) Component Placement and Availability.

- (1) The Department refers individuals for placement in an available component activity. These referrals shall include, but not be limited to, ESP-funded and non-ESP funded component activities.
- (2) If there is no opening in an ESP component chosen by the individual, the EDP will not be approved and the individual will be required to select another component activity.
- (3) An individual may find his or her own community service site which must be approved by the Department.

(C) Reassessment. An individual's EDP will be reassessed by the Department when:

- (1) he or she requests a reassessment;
- (2) the individual has completed the activities in the current EDP;
- (3) an individual participating in the Full Employment Program (FEP) has not found unsubsidized employment; or
- (4) the Department determines that a reassessment is needed.

The reassessment shall include, but not be limited to, exploring the reasons why the individual is not employed or is not able to complete his or her component activity, and a determination of any additional activities needed to meet the employment goal of the current EDP.

707.111: Economic Independence Accounts

Economic Independence Accounts shall be used to help clients save for the first and last month of rent, a security deposit, costs related to education or training or any other expense that the Commissioner determines will aid a client in transitioning off of benefits, which may include health care costs or debt reduction upon approval by the Department. The Department will issue procedures prior to implementation of these Accounts.

707.115: Program Participation

Except as described in 106 CMR 707.170, 707.180 and 707.185, participation in the Employment Services Program (ESP) shall be subject to the requirements in 106 CMR 707.115 and available program resources.

(A) An individual who participates in ESP must:

- (1) attend a program orientation;
- (2) attend an initial assessment interview;
- (3) assist in the development of his or her Employment Development Plan (EDP);
- (4) attend reassessment interviews, when required;
- (5) schedule the minimum hours of participation required for each ESP component activity;
- (6) attend the scheduled hours of his or her ESP component activity, unless good cause exists as defined by 106 CMR 701.380: *Good Cause Criteria*; and
- (7) unless otherwise specified, provide verification of participation at time periods determined by the Department on a form prescribed by the Department. These forms must be signed under the penalties of perjury by providers of the ESP component activity(ies).

707.120: Employment Services Program (ESP) Participation Components

106 CMR 707.130 through 707.190 describe the ESP component activities. Participation in a component is subject to available program resources and the individual's approved Employment Development Plan (EDP). Each individual who completes an EDP must fulfill the activities on the EDP in accordance with 106 CMR 707.110.

ESP participation may include self-initiated educational, vocational, or training programs, not funded by ESP provided the programs are consistent with 106 CMR 707.000 through 106 CMR 707.190 and individual's approved EDP. The individual must meet the Department's participation requirements, including, but not limited to, minimum scheduled hours and attendance requirements established for each ESP component, and the individual must complete the programs in accordance with time frames established by the Department, if any, for a particular component. The individual must be making satisfactory progress in the component, as defined by the service provider. An ESP participant in a self-initiated program who meets the above requirements shall be eligible for ESP Support Services in accordance with 106 CMR 707.210.

707.130: Job Search/Job Readiness Component

The Job Search/Job Readiness component supports individuals in their efforts to obtain and maintain employment; however, the individual has the primary responsibility for finding a job.

Participation in the Job Search/Job Readiness component is subject to available funding and the following criteria:

(A) Eligible Participants.

(1) The following individuals are eligible to participate in Job Search/Job Readiness:

- (a) an applicant;
- (b) a current client; and
- (c) an applicant or client receiving an extension of time-limited benefits.

(B) Job Search/Job Readiness Activities. Activities may include, but are not limited to:

- (1) Orientation;
- (2) Assessment;
- (3) Case Management;
- (4) Job-readiness activities;
- (5) Job search activities; and
- (6) Follow-up services including activities to help the individual transition into employment.

(C) Job Search/Job Readiness Participation Criteria. The following are the participation criteria for individuals in the Job Search/Job Readiness component. He or she must:

- (1) complete an EDP in accordance with 106 CMR 707.110;
- (2) attend the program's scheduled hours per week, unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*;
- (3) be making satisfactory progress as defined by the Job Search/Job Readiness activity provider; and
- (4) provide verification of participation (including, to the extent feasible, names and telephone numbers of employers contacted, activity done, and date of activity), at time periods determined by the Department, in a manner prescribed by the Department.

707.140: Educational Component

The Educational Component provides educational services to individuals to prepare him or her to obtain and maintain employment. Participation is subject to available program resources, the individual's approved Employment Development Plan (EDP), and the criteria in 106 CMR 707.140(A) through (D):

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(A) Teen Parents. A parent younger than 20 years old who has not completed high school or does not have a high school equivalency test (HiSET) certificate is required to participate in elementary, middle, or high school on a full-time basis or in a full-time HiSET certificate program and an approved training or employment-related activity for a total of 20 hours per week. The Department will provide child care and transportation services, if needed, as provided for in 106 CMR 707.210.

(B) Dependent Child 16 or 17 Years of Age. A dependent child 16 or 17 years of age who is not attending an elementary, middle, or high school on a full-time basis or is not in a HiSET certificate program must participate in Basic or Secondary Education Services.

(C) Basic and Secondary Education Services.

(1) Activities may include, but are not limited to:

- (a) high school curriculum;
- (b) basic literacy;
- (c) adult basic education;
- (d) HiSET certificate program;
- (e) English as a Second Language (ESL);
- (f) Young Parents Program (YPP); and
- (g) Department-approved alternative education programs.

(2) Participation. The following are the criteria for individuals participating in basic and secondary educational activities:

- (a) the participant shall be an active client;
- (b) the program chosen by the participant must be scheduled for at least 12 hours of activity per week, except as provided for teen parents in 106 CMR 707.140(A);
- (c) the participant must attend the scheduled hours per week, unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*;
- (d) the participant must be making satisfactory progress as defined by the educational provider;
- (e) the participant must not have a high school diploma or a HiSET certificate or if the participant has a diploma or HiSET certificate, he or she must have limited proficiency in English;
- (f) the participant must provide verification of participation at time periods determined by the Department in a manner prescribed by the Department; and
- (g) for purposes of the Young Parents Program (YPP), the participant must be 14 through 23 years of age. Once a YPP participant reaches 24 years of age, he or she may no longer participate in YPP.

(D) Post-secondary Education. Participation in an education activity shall meet the criteria for participation in the Educational Component when:

- (1) the post-secondary education:
 - (a) equals or is more than a half-time program; and
 - (b) is included in the individual's approved EDP;
- (2) the activities may reasonably be expected to lead to employment in the northeast regional labor market. The northeast regional labor market is defined in the Dictionary of Occupational Titles, Occupational Outlook Handbook and Labor Market Surveys;
- (3) the activities provide credits toward a certificate, an Associate's degree or other degree;
- (4) the participant is making satisfactory progress as defined by the educational provider;
- (5) the participant is attending the scheduled hours per week, unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*;
- (6) the participant provides verification of participation at time periods determined by the Department in a manner prescribed by the Department; and

707.150: Skills Training Component

The Skills Training Component provides vocational training needed by a participant to prepare him or her to find and maintain employment. Participation is subject to available program resources, the individual's approved EDP and the criteria in 106 CMR 707.150(B).

(A) Activities may include, but are not limited to:

- (1) classroom sessions;
- (2) internships;
- (3) workshops; or
- (4) vocational counseling.

(B) Participation Criteria. The following are the criteria for participation in the Skills Training Component:

- (1) the participant shall be an active client;
- (2) except as provided in 106 CMR 707.115, the participant's skills training program must be scheduled for at least 12 hours of activity per week; and
- (3) the participant must attend the scheduled hours per week, unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*.

707.160: Supported Work Component

The Supported Work Component provides education, training, employment and support services that an individual needs to obtain and maintain employment. This component consists of Pre-worksite training and Worksite placement. Participation is subject to available program resources, the individual's approved Employment Development Plan (EDP) and the criteria in 106 CMR 707.160(A)(2) and (B).

(A) Pre-worksite Training. A participant in Pre-worksite training may engage in the following activities to prepare him or her to obtain and maintain employment.

(1) Activities may include, but are not limited to:

- (a) orientation;
- (b) assessment;
- (c) job search training;
- (d) job retention strategies;
- (e) resume preparation;
- (f) job development and placement services; and
- (g) other job related training such as vocational skills training, English for Employment and basic literacy instruction.

(2) Participation Criteria. The following are the criteria for participation in Pre-worksite training:

- (a) a participant shall be an active client as determined by the Department;
- (b) an individual may participate in a Pre-worksite training on a full-time or part-time basis but the training program must be scheduled for at least 20 hours of activity per week; and
- (c) the participant must attend the scheduled hours per week, unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*.

(B) Worksite Placement.

(1) A participant who has completed at least 40 hours of Pre-worksite training shall participate in Worksite employment.

An eligible Worksite participant shall engage in a highly supervised, subsidized or unsubsidized job placement at a public or private sector worksite.

(2) The following are the criteria for participation in Worksite employment:

- (a) the Department requires at least 30 hours full-time work participation on a Worksite job; or
- (b) if 30 hours of Worksite work is not available, full-time participation can be a combination of training or education programs offered by the Supported Work contractor and a minimum of 20 hours of work at a Worksite.

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(3) TAFDC eligibility for Worksite participants shall be determined by considering the following:

- (a) an individual who is participating in Worksite employment shall be paid by the Supported Work contractor, if it is a subsidized placement, or by the Worksite employer, if it is an unsubsidized placement;
- (b) wages received through Worksite employment are countable earned income; and
- (c) the grant of a Worksite participant shall be calculated in accordance with 106 CMR 704.500: *Calculation of the Grant Amount*.

However, if the participant's financial eligibility for TAFDC ends because the participant's Worksite earnings are increased, the TAFDC case will stay as active, but with a "zero" TAFDC payment amount, as long as the participant works at the Worksite Placement.

The participant and all members of the assistance unit shall be considered to be receiving TAFDC.

707.170: Community Service Component

An individual who is eligible for TAFDC may participate in the Community Service Component as provided in 106 CMR 707.170(A) through (C). Participation in community service is subject to available program resources and the individual's approved Employment Development Plan (EDP), if applicable.

(A) Activities.

(1) The required hours per week as provided in 106 CMR 703.150(A)(5): *Requirements* in an unpaid community service placement. A community service placement cannot be in the office of an individual candidate's campaign for public office. Participation in community service is limited by the federal Fair Labor Standards Act (FLSA). Individuals who choose to participate in community service but cannot meet the required hours due to the FLSA shall participate in an additional allowable activity to meet hourly work program requirements. Individuals who are mandated to participate in the Community Service Component may either participate in community service and an additional allowable activity or participate in an allowable activity instead of community service to meet the hourly requirements.

When all the dependent children are mandatory full-time school age, participation hours should be performed during the hours the children are in school.

(2) A combination of employment, education or training and community service when the applicant or client is employed for less hours than the Work Program required hours per week as provided in 106 CMR 703.150(A)(5): *Requirements*. The number of hours of community service and/or education or training required is the difference between the required hours per week of community service and the number of hours the applicant or client is employed.

A participant's community service placement may be changed at the Department's discretion.

(B) Participation Criteria.

(1) The following individuals may participate in the Community Service Component:

- (a) an individual who volunteers;
- (b) an individual who is unable to obtain a job may meet his or her Work Program requirement by participating in community service provided the FLSA calculation for the individual meets or exceeds his or her work required hours; and
- (c) an individual who is mandated to participate in community service because of his or her failure to comply with a prior Work Program requirement.

(2) The Community Service Component participant shall:

- (a) find a community service site and have it approved by the Department;
- (b) select a community service site identified by the Department; or
- (c) accept and enroll in a community service placement assigned by the Department within ten days when no community service site has been selected by the participant.

The Department has the primary responsibility to locate a community service site for the participant.

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- (C) Participation Requirements. The community service participant must:
- (1) participate for the actual scheduled hours per week as provided in 106 CMR 707.170(A); and
 - (2) perform the activity to the satisfaction of the community service site; and
 - (3) provide verification of his or her community service participation at time periods determined by the Department in a manner determined by the Department.

707.180: Full Employment Program

The Full Employment Program (FEP) component provides individuals work experience needed to obtain an unsubsidized job. Participants are paid a subsidized wage in *lieu* of receiving TAFDC.

- (A) Activities. Activities in FEP include:
- (1) full-time employment of 35 to 40 hours per week consistent with the employer's schedule; and
 - (2) completion of an Employment Development Plan (EDP) as provided in 106 CMR 707.110.
- (B) Participation Criteria. The following are the criteria for participation in FEP:
- (1) individuals may volunteer to participate;
 - (2) an individual may meet his or her Work Program requirement by participating in FEP;
 - (3) if after six months the individual has not obtained an unsubsidized job, the EDP may be reassessed;
 - (4) if after nine months the individual has not obtained an unsubsidized job, the EDP shall be reassessed;
 - (5) if after 12 months the individual has not obtained an unsubsidized job, the EDP shall be reassessed and the individual may be reassigned to another FEP employer; and
 - (6) an individual or the FEP employer may terminate the FEP placement by contacting the Department.
- (C) Benefits of the Full Employment Program. A participant in FEP shall:
- (1) receive a per hour wage from the employer that is at least equal to the current Massachusetts minimum wage;
 - (2) remain eligible for MassHealth;
 - (3) have an Individual Asset Account established in which \$1 will be credited each hour the participant works. The money from the Individual Asset Account shall be paid to the participant when he or she leaves FEP. This amount shall be in addition to the wage paid by the employer;
 - (4) receive training experience on the job;
 - (5) be entitled to sick, holiday and vacation leave, and other benefits provided to other employees;
 - (6) be considered to be an employee of the FEP employer and shall be entitled to all benefits required by state and federal law;
 - (7) be eligible for workers' compensation, when appropriate; and
 - (8) be eligible for a Transitional Child Care (TCC) referral in accordance with 106 CMR 707.210(A)(1)(f), transitional medical assistance (TMA) through MassHealth and Transitional Support Services stipends when the TAFDC case is terminated due to earnings.
- (D) Impact on TAFDC Benefits.
- (1) The assistance unit shall receive a supplemental payment when the FEP gross income less 20% and less the allowable dependent care deduction as provided in 106 CMR 704.275: *Dependent Care Deduction*, is less than the TAFDC benefit that the assistance unit would have received, based on the size of the assistance unit and any other income. The amount of the supplemental payment is the result of the above calculation.
 - (2) The Individual Asset Account established for the participant is a noncountable asset for TAFDC until the participant receives the funds from the account after leaving FEP employment.

707.185: Post-employment Services Component

The Post-employment Services component is a voluntary program which provides current and former clients with services that lead to career advancement and employment stability.

Participation is subject to the requirements provided in this regulation and depends on available funding and resources. The Department shall determine eligibility for and authorize Post-employment Services. Post-employment Services may only be provided by provider agencies under contract with the Department, and services may vary by provider.

(A) Eligible Participants. The following individuals are eligible to participate in the Post-employment Services component:

- (1) employed current and former TAFDC clients; and
- (2) current and former clients who are in the job search phase of a Department-approved job readiness or employment activity.

In order to participate, the individual must first be accepted for participation by an authorized Post-employment Services provider.

Eligibility for the Post-employment Services component is limited to up to 12 months from the date the TAFDC case closed.

(B) Services. Services in the Post-employment Services component may include, but are not limited to:

- (1) transition support services;
- (2) employee work force retention services;
- (3) skills and educational advancement services; and
- (4) re-employment and job upgrade services.

(C) Participation Criteria. The following are the criteria for participation in the Post-employment Services component:

- (1) The individual is accepted for participation by the Post-employment Services provider;
- (2) The individual must attend a program orientation required by the service provider;
- (3) The individual must attend case management sessions required by the service provider; and
- (4) The individual must participate in Post-employment Services activities scheduled by the service provider.

The individual may terminate his or her participation by notifying the Post-employment Services provider.

707.190: Vocational Rehabilitation Services

The Vocational Rehabilitation Services component helps increase participation in employment activities and helps clients who have barriers to employment reach self-sufficiency.

Participation in the component is subject to available funding.

(A) Eligible Participants. TAFDC clients determined by the Department to be eligible for Vocational Rehabilitation Services may participate in this component.

(B) Vocational Rehabilitation Services Activities. Activities may include, but are not limited to:

- (1) Orientation;
- (2) Assessment;
- (3) Placement;
- (4) Initial Employment Supports;
- (5) Flexible Supports; and
- (6) Benefits Planning Assistance and Outreach.

(C) Vocational Rehabilitation Services Participation Criteria. The following are the criteria for participation in the Vocational Rehabilitation Services component. Participants must:

- (1) complete an EDP in accordance with 106 CMR 707.110;

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- (2) if Work Program required, participate in a program for the required hours per week as provided in 106 CMR 703.150(A)(5) unless good cause applies as defined by 106 CMR 701.380: *Good Cause Criteria*;
- (3) if exempt from the work requirements, attend the scheduled hours per week required by the Vocational Rehabilitation Services provider;
- (4) be making satisfactory progress as defined by the Vocational Rehabilitation Services provider; and
- (5) provide verification of participation at time periods determined by the Department in a manner prescribed by the Department.

707.200: Failure to Meet Employment Development Plan (EDP) Obligations or Work Program Requirements

An individual who, without good cause as defined by 106 CMR 701.380: *Good Cause Criteria*, fails to meet the Work Program requirements or fails to meet the obligations of the Employment Development Plan (EDP), will be sanctioned, except for a client who is granted an extension of benefits beyond the 24-month period as provided in 106 CMR 703.120: *Time-limited Benefits*. The client granted an extension who fails to meet the obligations of the EDP will be terminated.

Before determining whether an individual has failed to meet the Work Program requirements or failed to meet the obligations of an EDP without good cause, the Department shall review all good cause criteria with the individual to determine if good cause exists. Review of the good cause criteria by the Department with the individual shall be conducted in writing, unless the individual asks that the review take place either in person or by telephone with his or her worker. If there is no good cause, the individual shall be sanctioned as follows.

(A) Consequences for Not Meeting EDP Obligations.

- (1) For the first failure to meet the obligations of the EDP, the individual is given a written warning of the consequences of subsequent failures.
- (2) For a second or subsequent failure to meet the obligations of the EDP, the individual is mandated to participate in TAFDC Community Service. The EDP will be updated with the mandatory community service requirement and ways the individual may meet the Work Program requirement.
- (3) For the first failure to participate in mandated TAFDC Community Service, the individual is not eligible for TAFDC until the individual meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5), begins or resumes participation in TAFDC Community Service, works at a job for pay, participates in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks.
- (4) For a second or subsequent failure of a grantee to participate in mandated TAFDC Community Service, the assistance unit is ineligible for assistance until the individual meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5), begins or resumes participation in TAFDC Community Service, works at a job for pay, participates in other work program activities as provided in 106 CMR 703.150(A)(5) or a combination of these activities for two consecutive weeks.
- (5) Assistance to the remaining members of the assistance unit shall be in the form of vendor payments, when possible.

(B) Consequences for Not Meeting Work Program Requirements.

- (1) For the first failure to meet the Work Program requirements, except for the Full Employment Program, the individual:
 - (a) is mandated to participate in TAFDC Community Service and the EDP will be completed with the mandatory community service requirement; and
 - (b) is ineligible for TAFDC until he or she meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5), begins or resumes participation in TAFDC Community Service, works at a job for pay, participates in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks.

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In a two-parent assistance unit, both parents are ineligible for TAFDC until both parents work at a job for pay and are meeting the required hours per week as provided in 106 CMR 703.150(A)(5) or participate in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks unless only one parent is required to meet the Work Program requirements. In this situation, only the parent who does not meet his or her Work Program requirements is ineligible.

(2) For the first failure to participate in mandated TAFDC Community Service, the individual is ineligible for TAFDC until the individual meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5) or begins or resumes participation in TAFDC Community Service, participates in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks.

(4) Assistance to the remaining members of the assistance unit shall be in the form of vendor payments, when possible.

(C) Consequences for Failure to Obtain a Job through Full Employment Program.

(1) An individual, who, after three failed attempts to obtain a job through the Full Employment Program (FEP), without good cause as defined by 106 CMR 701.380: *Good Cause Criteria*, shall be mandated to participate in the TAFDC Community Service component. The EDP will be updated with the mandatory community service requirement and ways the he or she may meet the Work Program requirements.

(2) For the first failure to participate in mandated TAFDC Community Service, the individual is ineligible for TAFDC until he or she meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5) or begins or resumes participation in TAFDC Community Service, participates in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks.

(3) After the second or subsequent failure by a grantee to participate in mandated TAFDC Community Service, the assistance unit is ineligible for assistance until the individual meets the Work Program requirements for the required hours per week as provided in 106 CMR 703.150(A)(5) or begins or resumes participation in TAFDC Community Service, participates in other work program activities as provided in 106 CMR 703.150(A)(2) or a combination of these activities for two consecutive weeks.

(4) Assistance to the remaining members of the assistance unit shall be in the form of vendor payments, when possible.

707.205: Restoration of TAFDC Benefits and ESP Participation

To restore eligibility for TAFDC when the individual or the assistance unit become ineligible pursuant to 106 CMR 707.200, the individual must begin or resume participation in the ESP component or work at a job for pay for at least the required hours per week as provided in 106 CMR 703.150(A)(5) for two consecutive weeks, unless he or she is exempt in accordance with 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits and Reduced Need and Payment Standards* or has good cause as defined by 106 CMR 701.380: *Good Cause Criteria*.

The Department shall notify the individual as to how the eligibility may be restored. Individuals may request restoration of the TAFDC benefits at any time.

(A) If the request is within five calendar days of the date of ineligibility and the individual or assistance unit is determined eligible, the grant shall be increased or restored retroactive to the date of ineligibility provided that the individual meets the ESP participation requirements or has been working for two consecutive weeks for the required hours.

(B) If the request to restore benefits was made more than five calendar days after the date of ineligibility and the individual or assistance unit is determined eligible, the date of eligibility shall be the date of the request for restoration, if all other eligibility conditions are met, but only after the individual has participated in the ESP component or has been working for at least two consecutive weeks for the required hours.

707.210: Employment Services Program Support Services

(A)(1) Child Care Referral Eligibility. The Department of Transitional Assistance determines eligibility referrals for child care services for individuals who have an approved Employment Development Plan (EDP) or an Extension Agreement and who meet the participation requirements of 106 CMR 707.115, or who are former clients in accordance with 106 CMR 707.210(A)(1)(f). The following individuals shall be eligible for child care referral services:

- (a) an employed TAFDC grantee or a teen parent who is not the grantee who:
 - 1. is included in the assistance unit; or
 - 2. would be included in the assistance unit, but for a sanction due to noncooperation with the TAFDC child support requirements in accordance with 106 CMR 703.500: *TAFDC Cooperation with Child Support Requirements* or immunization requirements in accordance with 106 CMR 703.160: *TAFDC Immunizations* and who is required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*.

Referral for such child care services may be authorized as long as the individual is employed and receives TAFDC;

- (b) a TAFDC grantee, or a teen parent who is not the grantee who is required to participate in an ESP component activity or has volunteered to participate in an ESP component activity, including self-initiated educational activities included on the individual's EDP who:
 - 1. is included in the assistance unit; or
 - 2. would be included in the assistance unit, but for a sanction due to noncooperation with the TAFDC child support requirements in accordance with 106 CMR 703.500: *TAFDC Cooperation with Child Support Requirements* or immunization requirements in accordance with 106 CMR 703.160: *TAFDC Immunizations* and who is required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*;

- (c) a teen parent receiving SSI or a teen parent for whom state and/or federal foster-care maintenance payments are being provided, and the teen parent receives TAFDC for his or her children;
- (d) a grantee who is no longer receiving TAFDC benefits, but is meeting the participation requirements for an ESP education or training activity that began before the TAFDC case closed. These child care services will end on the date the ESP education or training activity ends or six months after the date the TAFDC case closed, whichever date is sooner;

- (e) a TAFDC grantee who is ineligible because of his or her noncitizen status, but who is required by the Department to participate in the ESP TAFDC Community Service component in accordance with 106 CMR 703.150(A): *Requirements*;

- (f) a former TAFDC grantee who is currently employed and whose TAFDC case closed within the prior 12 months. A grantee who is terminated from TAFDC shall be eligible to receive a referral for Transitional Child Care (TCC) services at any time during the 12 consecutive months from the date the TAFDC case closed regardless of his or her ESP participation when:
 - 1. he or she is employed at the time of the TCC referral;
 - 2. he or she cooperates with the child support enforcement requirements, unless good cause for refusing to cooperate is determined to exist in accordance with 106 CMR 703.520: *TAFDC Establishment of Good Cause*; and
 - 3. all necessary information to determine eligibility for a TCC referral is provided; and

- (g) an individual who is ineligible for TAFDC in accordance with 106 CMR 701.110(D), but has a dependent child receiving TAFDC benefits, and the individual is:
 - 1. employed;
 - 2. required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*; or
 - 3. required to participate in an ESP component or has volunteered to participate in an ESP component, including self-initiated educational activities included on the individual's EDP.

- (h) an individual who is ineligible for TAFDC in accordance with 106 CMR 701.110(D), but has a dependent child receiving TAFDC benefits, and the individual is:
 - 1. employed;
 - 2. required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*; or
 - 3. required to participate in an ESP component or has volunteered to participate in an ESP component, including self-initiated educational activities included on the individual's EDP.

- (i) an individual who is ineligible for TAFDC in accordance with 106 CMR 701.110(D), but has a dependent child receiving TAFDC benefits, and the individual is:
 - 1. employed;
 - 2. required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*; or
 - 3. required to participate in an ESP component or has volunteered to participate in an ESP component, including self-initiated educational activities included on the individual's EDP.

- (j) an individual who is ineligible for TAFDC in accordance with 106 CMR 701.110(D), but has a dependent child receiving TAFDC benefits, and the individual is:
 - 1. employed;
 - 2. required to meet the Work Program requirements in accordance with 106 CMR 703.150: *TAFDC Work Program*; or
 - 3. required to participate in an ESP component or has volunteered to participate in an ESP component, including self-initiated educational activities included on the individual's EDP.

If child care payment is provided by some other source, such as child care provided as part of a WIA Title I-funded education, skills training program or VISTA, the individual shall not be eligible for a child care referral from the Department.

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(2) Child Care Referral Authorization While Waiting to Start an Activity. A child care referral may be authorized for no more than two weeks while a client is waiting to start an activity.

A child care referral may be authorized for no more than one month when existing child care arrangements would be lost while the client is scheduled to begin a new component activity or resume a current activity within the month.

These provisions cover:

- (a) individuals who are eligible for child care referral services;
- (b) individuals who are work-sanctioned and trying to cure the sanction; and
- (c) individuals who have applied for an extension of benefits beyond the 24-month period in accordance with 106 CMR 703.210: *TAFDC Dependent Child: Pregnancy* and who are meeting the Job Search/Job Readiness component requirements as provided in 106 CMR 707.130.

(3) Child Care Eligibility for ESP Participants, Employed Clients or Employed Former Clients. An ESP participant, employed client or employed former client may receive a referral for child care services for his or her dependent child, including a foster child, when the child is in the home and is:

- (a) younger than 13 years old;
- (b) 13 years of age or older and physically or mentally incapable of caring for himself or herself, as certified by a competent medical authority as defined in 106 CMR 701.600: *Definition of Terms*;
- (c) under court supervision; or
- (d) a child receiving SSI who, except for SSI eligibility, would be eligible for TAFDC.

(4) Sources, Authorization and Payment of Child Care Services. Child care services are authorized, arranged, and coordinated by designated agencies contracted with the Department of Early Education and Care (EEC). The child care options are explained to the individual by the contracted agencies. Payment for child care services is made by EEC, in accordance with EEC regulations and policies.

(5) Verification. An ESP participant, employed client or former client as described in 106 CMR 707.210(A)(1), must verify his or her ESP participation or wages to the Department at time periods determined by the Department on a form prescribed by the Department and signed by the employed client or former client, or the ESP participant and the ESP component activity provider.

(6) Termination or Reduction of Child Care, or Denial of Child Care Referral. The Department may terminate or reduce child care, or deny a referral for child care services for circumstances including, but not limited to, the following:

- (a) the ESP participant no longer meets the participation requirements as provided in 106 CMR 707.115; or
- (b) the former client is no longer employed.

When the Department terminates or reduces child care, the Department shall send the client or former client and the local agency contracted with EEC a timely notice of the termination or reduction in accordance with 106 CMR 343.140: *Time Limits*. The client or former client may appeal any reduction or termination of child care eligibility, in accordance with 106 CMR 343.230: *Grounds for Appeal* and 106 CMR 343.250: *Continuation of Benefits Pending Appeal*. When an appeal is received within the advance notice period, the benefits may be provided in accordance with 106 CMR 343.250, and 106 CMR 343.640: *Implementation of the Appeal Decision*. Assistance provided pending the appeal is subject to recoupment by EEC. The client or former client may not appeal to the Department any issue regarding payment for child care.

When a referral for child care services is denied, the applicant, client, or former client shall be sent a notice of denial and of the right to appeal in accordance with 106 CMR 343.00: *Fair Hearing Rules*.

The only appealable issue shall be whether or not the applicant, client or former client is eligible for a referral for child care services as provided in 106 CMR 707.210(A).

(B) Transportation Payments.

(1) Eligibility. Transportation payments are available to ESP participants who have an approved EDP, subject to available funding, and the participant is:

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- (a) meeting the participation and verification requirements as provided in 106 CMR 707.115;
 - (b) not receiving or eligible to receive transportation payments for the same costs from some other source, such as a WIA Title I-funded program or an educational loan or grant; and
 - (c) meeting participation requirements in an ESP education or training activity whose duration has lasted beyond the end of his or her 24-month time-limited benefits. These payments shall last no longer than 60 days beyond the end of the 24-month time-limited benefits period.
- (2) Allowable Costs. Allowable costs for transportation payments may be reimbursed to eligible ESP participants.
- (a) Participants who use the Massachusetts Bay Transportation Authority (MBTA) system shall be reimbursed for the verified costs to the participant to go to and from the activity. The payments may also include the participant's verified costs of transporting a dependent to and from child care. A month's reimbursement payment is based on the participant's verified actual participation for that month. The total payment reimbursed for the month, however, shall not exceed an amount allowed by the Department.
 - (b) Participants who do not use the MBTA system, but use, for example, the participant's own or some other person's automobile, shall be reimbursed for the verified transportation costs to and from the activity based on his or her verified participation. The payments may also include the participant's verified costs of transporting a dependent to and from child care. The total transportation payment reimbursed for the month, however, shall not exceed an amount allowed by the Department.
- (3) Verification.
- (a) Transportation costs may be paid to the individual at the start of the activity or employment in advance of their verified participation. The activity or employment scheduled start date shall be verified by the activity provider or employer. An advance transportation payment shall be calculated based on the scheduled start date, the number of days the individual is scheduled to participate in the activity or work for the first month and the MBTA fare or other transportation method costs to and from the activity.
 - (b) Thereafter, for reimbursed transportation payments, verification of participation in the activity as provided 106 CMR 707.210(B)(1) or employment for current clients shall be in a manner prescribed by the Department. An activity participation form must be signed by the participant and by the activity provider.
- (4) Payment of Transportation Costs. Payment of transportation costs shall only be made to the participant provided he or she is responsible for paying transportation costs.
- The total transportation payment is limited to a maximum monthly amount allowed by the Department.

707.230: ESP Educational Component and Child Care Services for Minor Parent Who Receives SSI

Minor parents who are not clients and receive Supplemental Security Income (SSI) may participate in the ESP Educational Component. The minor parent's participation shall be limited to obtaining a high school diploma or a high school equivalency test (HiSET) certificate. Support services shall be limited to an ESP child care referral for his or her dependent child while he or she is attending high school or a HiSet program.

The minor parent must meet all the conditions:

- (A) the minor parent and his or her dependent child must be living with his or her natural or adoptive parents;
- (B) the minor parent is attending high school or a HiSET certificate program full-time;
- (C) in addition to the conditions above, a noncitizen minor parent must have an eligible noncitizen status in accordance with 106 CMR 703.430: *TAFDC Noncitizen Status*; and
- (D) the gross income of the parents of the minor parent with whom he or she lives is not more than 200% of the Federal Poverty Level in accordance with 106 CMR 704.236(A)(1)(b).

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To determine the appropriate Federal Poverty Level Standard, the assistance unit must include the minor parent, his or her dependent child, the natural or adoptive parents of the minor parent with whom he or she is living, and any siblings or half-siblings of the minor parent younger than 18 years old living in the same home. If the minor parent is unable to obtain income verification from his or her parents, the minor parent may provide a written self-declaration that his or her parents refuse to provide the income verification.

707.250: Appeals

If an individual's TAFDC is denied, reduced, or terminated because of a failure or refusal to cooperate with the requirements of the Employment Services Program (ESP), the individual can request a fair hearing in accordance with the provisions of 106 CMR 343.00: *Fair Hearing Rules*.

The individual can request a fair hearing regarding his or her ESP status and/or ESP participation at any time.

REGULATORY AUTHORITY

106 CMR 707.000: M.G.L. c. 18, § 10.

NON-TEXT PAGE