

Section

208.XXX

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208.000: Overview

The Full Employment Program (FEP) provides recipients with paid work experience and on-the-job training needed to obtain an unsubsidized job. Recipients participating in the Full Employment Program (FEP) will receive a subsidized wage in lieu of TAFDC cash benefits and food stamps and are subject to FEP criteria in accordance with 106 CMR 207.180.

208.100: Participation Requirements for Full Employment Program (FEP) Employers

An employer within the Commonwealth may request to be a Full Employment Program (FEP) employer; however, no employer shall be required to participate. An employer who is accepted for participation must sign an Application Agreement agreeing to the program requirements and responsibilities.

The Department will accept an employer requesting to participate in FEP who offers training and experience for FEP participants to improve the FEP participant's competitive position for finding unsubsidized employment. Acceptance as a FEP employer does not guarantee placement of a FEP participant.

The Department may refuse to accept any employer who:

- (A) has been found guilty of violating any laws or regulations governing employment or who has current charges pending for violation of any laws or regulations governing employment;
- (B) refuses to sign the Application Agreement or complete any related paperwork; or
- (C) has been excluded or terminated from participation in accordance with 106 CMR 208.130.

The Department will at its sole discretion determine which employers may participate in the program.

208.110: Limitation on Number of FEP Participants

The maximum number of positions made available under the Full Employment Program (FEP) shall not exceed the number designated under M.G.L. c.118 as amended.

The maximum number of FEP participants that an individual FEP employer shall be authorized to accept at any one time shall not exceed 10 percent of the total number of the employer's current employees; however, a FEP employer may employ one participant. The Commissioner of the Department of Transitional Assistance may waive the limit in special circumstances at his or her sole discretion. The Commissioner's decision is not subject to review.

208.120: Responsibilities of FEP Employers

FEP employers must:

- (A) hire FEP participants for new positions; not use FEP participants to displace regular employees or fill unfilled positions previously established, and shall not impair existing contracts for service or collective bargaining agreements;
- (B) pay FEP participants a per hour wage equal to the current state minimum wage or current federal minimum wage, as applicable; pay wages that are comparable to wages paid for similar jobs in the local economy, with appropriate adjustments for experience and training; and withhold from the FEP participant's wages, and pay in accordance with all state and federal laws, all required deductions for state and federal income tax and social security tax;
- (C) consider FEP participants as employees entitled to all benefits required by state and/or federal law, and provide sick, holiday and vacation leave in conformity with the FEP employer's existing rules for new employees;
- (D) not require the FEP participant to work in excess of the employer's standard full-time work week (35 - 40 hours per week);
- (E) maintain all applicable federal, state, municipal and local standards for health, safety and working situations, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments;
- (F) provide Workers' Compensation Insurance Coverage which meets Massachusetts law, for each FEP participant;
- (G) hire FEP participants as regular members of the employer's work force subject to the same conditions of employment as other regular employees, including pay increases, opportunities for advancement, or termination for unsatisfactory performance;
- (H) provide a current job description and on-the-job training necessary for the FEP participant to perform his or her duties;
- (I) endeavor to make placements a positive learning and training experience for FEP participants;
- (J) recruit volunteer mentors from among the regular employees to assist the FEP participant in becoming oriented to work and the work place;
- (K) maintain pertinent fiscal and other employee records;
- (L) maintain the confidentiality of FEP participants' personnel records;

- (M) submit to the Department such documentation as the Department determines is necessary for the efficient administration of the program;
- (N) cooperate in any financial or programmatic reviews necessary for the efficient administration of the program; and
- (O) maintain the confidentiality of any information received regarding an individual's receipt of public assistance.

208.130: Exclusion or Termination from FEP Employer Participation

Continuation of participation by FEP employers is dependent upon the FEP employer's abiding by the program requirements and demonstrating a willingness to comply with the stated intent of FEP.

- (A) An employer may be excluded or terminated from participation if:
 - (1) the Department determines that the FEP employer is acting in a manner which is not in the best interests of the Full Employment Program or a FEP participant(s);
 - (2) if the employer has been found guilty of violating any laws or regulations governing employment or has current charges pending for violation of any laws or regulations governing employment; or
 - (3) if the employer refuses to sign the Application Agreement or complete any related paperwork as specified in 106 CMR 208.100 or fails to comply with any part of the Application Agreement.
- (B) Either the FEP employer or the FEP participant may terminate the assignment. If the assignment is terminated, the appropriate Department office must be contacted. However, a pattern of terminating FEP participants prior to the completion of the FEP employment shall result in the FEP employer being excluded from participation in the program.
- (C) After 12 months in a placement, regardless of whether the FEP participant has been hired for an unsubsidized position, the subsidy to the FEP employer shall be discontinued. In addition, if there is a pattern of the FEP employer failing to offer unsubsidized employment to FEP participants who have successfully completed the FEP employment with that employer, the FEP employer shall be excluded from participation in the program.

208.140: Violation of FEP Employer Rules

If the Department finds that a FEP employer has violated any of the rules or regulations of the FEP program, the Department:

- (A) shall withhold any wage reimbursement amounts due the employer,
- (B) may seek repayment of any wage reimbursement amounts paid to such FEP employer, and
- (C) may terminate the FEP employer's participation in the program.

208.150: Wage Reimbursements to FEP Employers

Once a FEP participant begins working in a subsidized FEP position, the Department shall pay FEP employers the following amounts as partial reimbursements for wages paid to FEP participants:

- (A) \$3.50 per hour for the first nine months that the FEP participant is employed by the FEP employer in a subsidized FEP position; however, \$1 per hour of this reimbursement shall be diverted to an Individual Asset Account (see 106 CMR 207.180) maintained by the Department for each FEP participant, for a net reimbursement to the FEP employer of \$2.50 per hour; and
- (B) \$2.50 per hour for the next three months that the FEP participant is employed by the FEP employer in a subsidized FEP position; however, \$1 per hour of this reimbursement shall be diverted to an Individual Asset Account maintained by the Department for each FEP participant, for a net reimbursement to the FEP employer of \$1.50 per hour.

The Department shall hold and manage the Individual Asset Accounts (IAA) for FEP participants. The total IAA contributions shall be held and disbursed to the FEP participant by the Department.