

106 CMR: DEPARTMENT OF TRANSITIONAL ASSISTANCE

106 CMR 708.000: TRANSITIONAL CASH ASSISTANCE PROGRAM: FULL EMPLOYMENT PROGRAM: EMPLOYER REGULATIONS

Section

708.000: Overview

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

708.110: Limitation on Number of FEP Participants

708.120: Responsibilities of FEP Employers

708.130: Exclusion or Termination from FEP Employer Participation

708.140: Violation of FEP Employer Rules

708.150: Wage Reimbursements to FEP Employers

708.000: Overview

The Full Employment Program (FEP) component provides clients with paid work experience and on-the-job training needed to obtain an unsubsidized job. Clients participating in the Full Employment Program (FEP) will receive a subsidized wage in lieu of TAFDC cash benefits and are subject to FEP criteria in accordance with 106 CMR 707.180: *Full Employment Program*.

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

(A) A Massachusetts employer may request to be a Full Employment Program (FEP) employer. An employer who is accepted for participation must sign an Application Agreement agreeing to the program requirements and responsibilities.

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

(C) The Department may refuse to accept any employer who:

(1) 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;

(2) refuses to sign the Application Agreement or complete any related paperwork; or

(3) has been excluded or terminated from participation in accordance with 106 CMR 708.130.

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

708.110: Limitation on Number of FEP Participants

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

708.120: Responsibilities of FEP Employers

(A) FEP employers must:

(1) 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;

(2) pay FEP participants an hourly wage at least equal to the current Massachusetts minimum wage and wages that are comparable to wages paid for similar jobs in the local economy, with appropriate adjustments for experience and training. They shall withhold from the FEP participant's wages, all required deductions for state and federal income taxes and Social Security taxes;

708.120: continued

- (3) consider FEP participants as employees entitled to all benefits required by state and/or federal law, and provide sick, holiday and vacation in conformity with the FEP employer's existing rules for new employees;
- (4) not require FEP participants to work in excess of the employer's standard full-time work week;
- (5) maintain all applicable federal, state and municipal standards for health, safety and working situations, including all provisions of the Occupational Safety and Health Act (OSHA);
- (6) provide workers' compensation insurance coverage for each FEP participant;
- (7) hire FEP participants as regular members of the employer's work force subject to the same conditions of employment as other regular employees;
- (8) provide a current job description and on-the-job training necessary for the FEP participant to perform his or her duties;
- (9) make placements a positive learning and training experience for FEP participants;
- (10) recruit volunteer mentors from among the current employees to help the FEP participant become oriented to work and the work place;
- (11) keep relevant fiscal and other employee records;
- (12) keep FEP participants' personnel records confidential;
- (13) provide documentation the Department determines necessary for the efficient running of the program;
- (14) cooperate in any financial or programmatic reviews necessary for the efficient administration of the program; and
- (15) keep confidential any information received about a FEP participants' receipt of public assistance.

708.130: Exclusion or Termination from FEP Employer Participation

- (A) Participation by FEP employers is dependent upon the FEP employer following FEP requirements and showing a willingness to meet the stated intent of FEP.
- (B) An employer may be excluded or terminated from FEP participation if:
 - (1) the Department determines that the FEP employer is acting in a manner which is not in the best interests of FEP or a FEP participant;
 - (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, complete any related paperwork provided in 106 CMR 708.100 or fails to comply with any part of the Application Agreement.
- (C) Either the FEP employer or the FEP participant may terminate the assignment. If the assignment is terminated, the appropriate local office must be contacted. However, a pattern of ending FEP participants prior to completing of the FEP employment shall result in the FEP employer being excluded from participation in the program.
- (D) 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 ended. In addition, if there is a pattern of the FEP employer not offering 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.

708.140: Violation of FEP Employer Rules

- (A) If the Department finds that a FEP employer has violated any of the rules or regulations of FEP, the Department:
 - (1) shall withhold any wage reimbursement amounts due the employer;
 - (2) may seek repayment of any wage reimbursement amounts paid to the employer; and
 - (3) may end the FEP employer's participation in the program.

708.150: Wage Reimbursements to FEP Employers

(A) 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 in accordance with 106 CMR 707.180: *Full Employment Program*:

(1) For the first nine months of employment, the FEP employer will receive a net reimbursement of \$2.50 per hour for each FEP participant. This is an initial subsidy of \$3.50 per hour, of which \$1.00 per hour will be diverted to an Individual Asset Account (IAA) held by the Department on behalf of each FEP participant.

(2) For the next three months of employment, the FEP employer will receive a net reimbursement of \$1.50 per hour for each FEP participant. This is an initial subsidy of \$2.50 per hour, of which \$1.00 per hour will be diverted to an IAA held by the Department on behalf of each FEP participant.

(B) An agency contracted by the Department shall hold and manage the IAA for each FEP participant. The total IAA contributions shall be held and be paid to the FEP participant by the Department upon termination of the participant from the FEP program in accordance with 106 CMR 707.180: *Full Employment Program*.

REGULATORY AUTHORITY

106 CMR 708.000: M.G.L. c. 18, § 10