

§ 1107

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's goals and aspirations, circumstances, home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or the community in a way that facilitates progress toward accomplishment of the family development plan, consistent with research on best practices. Case management may be provided to other eligible families. The case manager and family together ~~with the full involvement of the family,~~ shall ~~create recommend, and the Commissioner shall modify as necessary,~~ a family development plan ~~established under the Reach First or Reach Up program~~ for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. ~~The applicant for or recipient of financial assistance under this chapter shall have the burden of demonstrating the existence of his or her condition.~~

(X) Case managers shall utilize a universal engagement model which aims to engage every family to the best of their ability in improving their family's social, emotional, and economic well-being. The universal engagement model approaches work and workforce development as a continuum, where everyone who is able is expected to participate in work or the process of preparing for work, participating in training and education, and increasing one's income. Adults meet who are unable to participate because they are facing extenuating personal or family challenges will be granted good cause until they are able to participate.

§ 1108

§ 1108. Limits on family financial assistance

~~Families that have received more than 60 months of financial assistance shall receive intensive case management services consistent with research on best practices.~~

(a) Except for grants to children in the care of persons other than their parents, only participating families who have received fewer than 60 cumulative months of financial assistance in which they were not granted a deferment, including those months in which any type of cash assistance funded by a TANF block grant was received in other states or territories of the United States, shall be eligible for benefits under the Reach Up program.

(b) ~~Deferment granted~~ The Department shall grant deferments for the following reasons, which shall not count toward the Reach Up program's cumulative 60-month lifetime eligibility period:

- (1) the participant is not able-to-work;
- (2) the participant is a parent or caretaker who is caring for a child under the age of one during the first year of a possible two-year deferment pursuant to subdivision 1114(b)(3) of this chapter, in accordance with criteria established by rule;
- (3) the participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter, in accordance with criteria established by rule; and
- (4) the participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to subdivision 1114(b)(5) of this chapter, in accordance with criteria established by rule.

(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18.

(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment meet any of the criteria under subsection (b) 1114 of this title and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive: continue to receive financial assistance if the participating adult is engaged in any of the work activities listed in subdivision 1101 (28) of this title, with the exception of subdivision (28)(L).

~~(1) a wage equivalent to that of the participating family's cash benefit under the Reach Up program for participation in any of the work activities listed in subdivision 1101(28) of this title, with the exception of subdivision (28)(L); or~~

~~(2) supplemental benefits to the wages of the adult member of the participating family if the work program requirements is are otherwise being met.~~

(e) A participating family that does not qualify for a hardship exemption pursuant to subsection (d) may be eligible to continue receiving benefits under the Reach Up program if the program director, or their designee, determines, on a monthly basis, that the participant is actively participating in universal engagement including but not limited to the process of planning and engaging in goal achievement related to employment, training, education, and addressing obstacles pursuant to subdivision 1113(a) of this chapter.

33 V.S.A. § 1113 is amended to read:

§ 1113. ~~Work Requirements~~ Employment Preparation, Readiness, and Participation

(a) Each participating adult in a family receiving a financial assistance grant shall ~~fulfill a work requirement in accordance with this section. Subject to the provisions of this chapter, and provided that all services required by this chapter are offered when appropriate and are available when needed to support fulfillment of the work requirement, an adult having a work requirement shall obtain employment or participate in one or more work activities, and shall work in accordance with the requirements of this section, in order to maintain continued eligibility for financial assistance and to avoid fiscal sanctions.~~ participate in the process of planning and engaging in goal achievement. These goals may be related to family wellbeing, financial stability, employment, training, education, and addressing obstacles to employment. Families shall participate in following through with establishing goals and steps to achieve those goals, reviewing and revising goals as necessary, and setting new goals as each goal is achieved.

(b)(1) ~~The work~~ Participation requirements shall become effective as soon as the participating adult is work-ready, or upon the family's receipt of 12 cumulative months of financial assistance, whichever is sooner, unless at the end of the 12 cumulative month period the participant's case manager concludes that the participant is unable to meet the hours of the applicable unmodified work requirement, as established in subsection (c) of this section. In such cases, the case manager shall prepare a written request on behalf of the participant for an extension of up to six months. The request shall identify the particular reasons why the participant is unable to meet the work requirement and the remedial actions and services to be provided to the recipient to enable fulfillment of the requirement. The request shall be submitted to the Commissioner or the Commissioner's designee for approval. The request shall be approved unless the participant is able to meet the work requirement or a modified work requirement established in accordance with section 1114 of this title. participating adult becomes eligible for financial assistance.

(2) ~~A participant may meet the work requirement through a combination of work activities until the participant has received 24 months of financial assistance. After that time, the participant shall meet the work requirement through employment.~~

(c) ~~A participating family shall be deemed to~~ may meet the work requirement if program requirements through one or a combination of work, education, training, and other activities that address the employment family's goals and family's well-being.

These activities include:

(1) Employment – full-time or part-time paid employment

(2) Workforce development – activities that develop and enhance the skills employers need their employees to have in the workplace – including:

(A) Career specific training programs

(B) English as a second language

(C) Literacy and math skills

(D) Credentials

(3) Entrepreneurship and business development courses

(4) Job search and career exploration

(A) Work Experience

(B) Job Shadow

(5) Education

(A) High school diploma

(B) Technical training and vocational education

(C) College

(D) Career specific education

(6) Building foundations for employment, including:

(A) Housing search

(B) Arranging transportation

(C) Arranging childcare

(7) Family and financial well-being, including:

(A) Financial capability classes and coaching

(B) Mental health treatment

(C) Treatment for substance use disorder

(D) Working with children's health and school professionals

(E) Applying for Supplemental Security Income

(F) Working with Family Services

(8) Any other activity designated by the Commissioner in according with criteria established in rule.

~~(1) In two-parent families in which neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able to work by the Department is completed. One or both parents may contribute to the completion of the employment or work activities required by this subdivision.~~

~~(2) In a two-parent family in which one parent receives SSI:~~

~~(A) If the family includes a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family includes a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(C) As used in this subdivision (c)(2), "work-eligible parent" means a parent who is not receiving SSI.~~

~~(3) In a single-parent family:~~

~~(A) If the family's youngest child is six years of age or older, the participant shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family's youngest child is under six years of age, the participant shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(4) A pregnant individual who is employed shall continue such employment unless there has been a medical determination that the individual is unable to work, or the individual is exempt from the work requirement based on other criteria established by the Commissioner by rule. A pregnant individual shall not be required to begin new employment.~~

~~(d)(1) A participant~~ required to fulfill a work requirement shall accept any unsubsidized job he or she is capable of performing, even if it pays wages that are less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant. The Commissioner shall establish by rule criteria for jobs that must be accepted if offered, including the criterion that each job must pay at least minimum wage. shall be deemed to meet the program participation requirement if they are participating in activities leading toward employment based on goal setting and active universal engagement.

~~(2) A participating adult who had wages in the three months prior to his or her application for financial assistance that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the participating adult's family shall not be required to accept employment with annualized earnings of less than 150 percent of the federal poverty level applicable to the participating adult's family for the three-month period after being deemed eligible for financial assistance, provided that the participant:~~

~~(A) has not been disqualified within the prior six months from receiving unemployment compensation benefits for failing, without good cause, either to apply for available, suitable work~~

~~when so directed by the employment office or the Commissioner of Labor, or to accept suitable work when offered;~~

~~(B) is not sanctioned within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(C) does not leave an unsubsidized job without good cause within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(D) follows through in a satisfactory manner on all referrals to employment opportunities;~~

~~(E) is engaged in acceptable work activities in accordance with this section; and~~

~~(F) agrees to accept any unsubsidized job if still unemployed after completion of the three-month period immediately following the determination of eligibility to receive financial assistance.~~

~~(3) A postsecondary education program participant who has received a degree and any Reach Up participant who has recently completed specialized vocational training shall not be required to accept an unsubsidized job that is unrelated to his or her training or degree for the three-month period immediately following completion of such education or training, provided that the participant:~~

~~(A) is not sanctioned within that three-month period;~~

~~(B) does not leave an unsubsidized job related to his or her training or degree without good cause within that three-month period;~~

~~(C) follows through in a satisfactory manner on all referrals to employment opportunities related to his or her training or degree;~~

~~(D) is engaged in acceptable work activities in accordance with this section; and~~

~~(E) agrees to accept any unsubsidized job if still unemployed after such three-month period.~~

~~(e) The Commissioner may require a participant to participate in a job search, coordinated by the Commissioner, for the number of hours per week that corresponds to the participant's work requirement hours under subsection (e) of this section, or a lesser amount that in combination with the participant's unsubsidized employment equals the participant's work requirement hours under subsection (e) of this section.~~

(f) Notwithstanding any other provision of this chapter, **a participant's hours of unpaid work activities if a participant engages in unpaid work activities, as defined in 33 V.S.A. § 1101(28),** that are not primarily education, job search, job readiness, or training activities shall not exceed the levels established by the Fair Labor Standards Act. Adjustments required to conform with the Fair Labor Standards Act shall be made pursuant to calculation standards established by the Commissioner by rule.

§ 1114. Deferment from Participation Requirements

~~(a) The Commissioner shall establish by rule criteria, standards, and procedures for granting deferments from or modifications to the work requirements established in section 1113 of this title, in accordance with the provisions of this section and for referring individuals with disabilities to the Office of Vocational Rehabilitation. The participation requirements established in section 1113 of this title shall be deferred for:~~

~~(1) A participating adult age 60 or older.~~

~~(2) A participating adult caring for a child under six weeks of age.~~

~~(b) The work requirements shall be either modified or deferred for:~~

~~(1) A participant for whom no unsubsidized or subsidized job or other equivalent supervised work activity recognized by the Commissioner by rule is available.~~

~~(2) A participant for whom support services that are essential to employment and other work activities and identified in the family development plan cannot be arranged. Such services shall include case management, education and job training, child care, and transportation.~~

~~(3) A primary caretaker parent in a two-parent family in which one parent is able to work part-time or unable to work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for no more than 24 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than 24 months shall cooperate in the development of and participate in a family development plan.~~

~~(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.~~

~~(5) A participant who is needed in the home on a full- or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

~~(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly related to employment for an average of 20 or more hours per week during the month.~~

~~(7) A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.~~

~~(8) A participant who is enrolled in, attending, and making satisfactory progress toward the completion of a full-time vocational training program that has a normal duration of no more than two years and who is within 12 months of expected completion of such program. Such deferment or modification shall continue until he or she has completed the program, he or she is no longer attending the program, or the 12-month expected completion period has ended, whichever occurs first.~~

~~(9) (3) A participant for whom, due to the effects of domestic violence, fulfillment of the work requirement engaging in the participation requirements can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs his or her capacity either to fulfill the work requirement or to care for his or her child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the or child.~~

~~(10) (4) Any other participant designated by the Commissioner in accordance with criteria established by rule.~~

~~(c) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.~~

~~(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able to work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement. A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable to work shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

~~(e) Deferments and modifications granted pursuant to this section shall continue for as long as the grounds for the deferment or modification exist or until expiration of a related time period specified in subsection (b) of this section, whichever occurs first.~~

~~(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement.~~

§ 1116

§1116. Sanctions

(a) The financial assistance grant of a participating family shall be reduced, in accordance with the provisions of this section, if a participating adult ~~fails~~ **does not engage**, without good cause, ~~to fully comply or continue to comply in full~~ with the family development plan or ~~work participation~~ requirements in sections 1112 and 1113 of this title.

(b) Prior to the reduction in a family's financial assistance grant resulting from a sanction imposed under this section, the Department shall provide an independent review of the participant's circumstances and the basis for his or her ~~noncompliance~~ **non-engagement**. The Commissioner or the Commissioner's designee shall perform the review.

(c)(1) For a first, second, and third month in which a participating adult is not ~~in compliance engaged~~ with a family development plan or ~~work participation~~ requirements and has not demonstrated good cause for such ~~noncompliance non-engagement~~, the family's financial assistance grant shall be reduced by the amount of \$75.00 ~~for each adult sanctioned per household~~.

(2) For the fourth and any subsequent month not subject to the reduction required by subsection (e) of this section in which a participating adult is not ~~engaged in compliance~~ with a family development plan or ~~work participation~~ requirements and has not demonstrated good cause for such ~~noncompliance non-engagement~~, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult sanctioned.

(d) A participant may cure a sanction by ~~engaging coming into compliance in accordance~~ with the ~~program's Department's~~ rules. During the first 60 months of the family's receipt of financial assistance, a participating adult may have all previous sanctions forgiven by demonstrating 12 consecutive months of compliance with family development plan requirements or work requirements or any combination of the two. Subsequent acts of noncompliance after a sanctioned adult has completed a successful 12-month sanction forgiveness period will be treated in accordance with subdivisions (c)(1) and (2) of this section without consideration of the sanctions that have been forgiven.

(e) Repealed by 2013, No. 50, § E.323.4, eff. May 1, 2014.

(f)(1) Under no circumstances during the first six months that a family's grant is reduced due to fiscal sanctions imposed pursuant to subsection (c) of this section shall the grant be reduced to less than an amount that in combination with the family's other countable income is less than the family's actual incurred housing costs up to the applicable maximum housing allowance.

(2) The Commissioner shall provide the housing costs by electronic or direct payment to the person to whom housing costs are owed. Any balance of financial assistance remaining after the electronic or direct payment has been deducted shall be paid in two payments, the first to be paid within the first half of the calendar month and the second to be paid within the second half of the calendar month.

(g) The financial assistance grant of a family that has been subject to a fiscal sanction for more than six cumulative months shall be reduced in accordance with the full sanction amounts and without any consideration of the housing costs protection established in subsection (f) of this section. This section shall not apply if the family, after the fiscal sanction period of more than six months, has an intervening period of no less than 36 months before another fiscal sanction and spends those months in a state of program compliance, grant closure, or any combination of the two.

(h) To receive payments during the fiscal sanction period, an adult who is the subject of the sanction shall meet no less than once each month to report his or her circumstances to the case manager or to participate in assessments as directed by the case manager. In addition, this meeting shall be for initial assessment and development of the family development plan when such tasks have not been completed; reassessment or review and revision of the family development plan, if appropriate; ~~and to encourage the participant to fulfill the work requirement. Meetings required under this section may take place in the district office, a community location, or in the participant's home. Facilitation of meeting the participant's family development plan goals shall be a primary consideration in determining the location of the meeting. The Commissioner may waive any meeting when extraordinary circumstances prevent a participant from attending. The Commissioner shall adopt rules to implement this subsection.~~

~~(i) A family sanctioned under this section for failure to meet work participation or family development plan requirements shall remain eligible for Supplemental Nutrition Assistance Program benefits and shall not, because of such failure, be sanctioned under the Supplemental Nutrition Assistance Program for reasons of "failure to comply without good cause" and "voluntary quit without good cause," provided that such eligibility and waivers of such sanctions are consistent with federal law and regulations governing the Supplemental Nutrition Assistance Program.~~