

**Question:** “I was told if a person left a job we can deny aid to them. Is this accurate? The gentlemen who apparently lost his license due to a past DUI and was stopped with a revoked license out of Mass. He states he had no idea it was revoked but now cannot drive to work due to being stopped and now learning his license was suspended so he left his job. He states he is working to correct it but cannot pay his bills until such time he can return to work again. He is behind on utilities and rent. He is coming in for an appointment with an application for assistance from the town. I feel that he qualifies and need to provide the aid but I have others in the office who have told me in the past if a person leaves a job on their own then they do not qualify.”

Other things to consider.

## TITLE XII PUBLIC SAFETY AND WELFARE

### CHAPTER 165 AID TO ASSISTED PERSONS

#### Section 165:1-d

##### **165:1-d Disqualification for Voluntary Termination of Employment. –**

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

- (a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.
- (b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.
- (c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.
- (d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.
- (e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

- (a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.
- (b) Work demands or conditions that render continued employment unreasonable.
- (c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.
- (d) Employment which becomes unsuitable following the applicant's acceptance of such employment.

(e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.

(f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.

(h) Termination of employment for other good cause.

III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.

IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.

V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.

VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.

VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

**Source.** 1995, 221:1, eff. Aug. 11, 1995.