

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 173		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
31 - 44	1	5/2000	31 - 43	1	1/01
		4/2000	44	1	4/2000
117 - 120	1	5/2000	117 - 120	1	1/01
			120a	1	1/01
129 - 130	1	5/200	129 - 130	1	1/01
i - ii	4	1/2000	i - ii	4	1/01
7 - 8	4	1/2000	7 - 8	4	1/01
17 - 18	4	1/2000	17 - 18	4	1/01
			18a	4	1/01
					1/01
i - ii	13	5/98	i - ii	13	1/01
1	13	3/97	1	13	1/01
2 - 4	13	5/98	2 - 4	13	1/01
4a	13	5/98	4a	13	1/01
			4b - 4e	13	1/01
5 - 12	13	12/96	5 - 10	13	1/01
13 - 23	13	5/98	13 - 23	13	1/01
24	13	1/2000	24	13	1/01
25 - 36	13	5/98	24 - 27	13	1/01
			28	13	1/01
			29 - 35	13	1/01
			36	13	5/98

DATE: JANUARY, 2001

TO: ALL INCOME MAINTENANCE MANUAL HOLDERS

Changes are being made to incorporate clarifications and changes to policy based on questions received by the OFS Policy Unit. There are a few changes to Chapters 1 and 4, but most of the changes are in Chapter 13.

1. Section 1.25,M has been updated to show how to treat an individual whose WVW AG is closed due to earnings and he quits and reapplies within 30 days.

9. Section 13.8 was clarified by including another criteria in the definition of First Child. In addition:
  - ✓ The 2<sup>nd</sup> dash in item 13.8,C,2 was changed because it is impossible for a woman to choose to be exempt in the last trimester of pregnancy when one of the requirements is that she be a recipient during the month the child is born. Thanks to the Regional Trainers for finding this.
  - ✓ Sections 13.8,E and F were changed to indicate that providing these kinds of care **may** meet the work requirement. Previous language indicated that they always would.
  - ✓ Any parent who is granted a temporary exemption from meeting the work requirement due to pregnancy or age of a child, must be at least age 18 or be emancipated. This requirement was added.
10. Section 13.9 was updated to show how to treat a sanctioned individual who becomes an SSI recipient.
11. Section 13.10 was updated to show that once a WVW sanction is imposed, it must continue. While there is significant latitude in whether a sanction is applied or not, once it is applied, it cannot be arbitrarily removed before it expires.
12. Section 4.2,E was changed to add BEP registration as a routinely verified item. In addition, some earlier paging problems in Chapter 4 were corrected.
13. Section 13.3,D was changed to match the routine verification requirements for Good Cause in Chapter 4.
14. A part of Expedited Service policy which was removed earlier in error has been restored to Section 1.4,0,3. It pertains to work registration for those eligible for Expedited Services. A reference to this Section was added to Section 13.2,A.
15. Section 1.4,0,3,a was changed to add back text that was inadvertently removed earlier about work registration requirements for expedited service AG's.
16. Section 1.2,Q was restored.
17. Section 4.2,B,1 and 2 were updated with new requirements for verifying income. This includes prohibiting the use of year-to-date amounts on pay stubs except when all pay stubs included in the year-to-date total except one are viewed so that the correct amount for the missing stub may be determined. DO NOT USE THE YEAR-TO-DATE AMOUNT DIVIDED BY THE NUMBER OF PAY PERIODS. To do this may result in an incorrect average pay period which may result in an incorrect converted amount. This was also added to the unearned income section for those few unearned income sources that issue stubs.

from the date the Worker discovers the entitlement, not from the date of application.

AG's requesting, but not entitled to Expedited Service, have their applications processed according to normal standards.

The OFS-2 or CMCC must show that the application was screened for Expedited Service and the justification for the Worker's decision at application. Any changes in the original decision are recorded on CMCC.

3. Variations In Usual Procedures

AG's which qualify for Expedited Service are entitled to receive faster service. To ensure faster service, some exceptions to standard procedures apply.

a. Verification/Work Requirements

Only verification of identity is required prior to approval. Verification of eligibility requirements is temporarily waived, unless it can occur within the Expedited Service time frame. This does not mean that eligibility requirements are waived prior to approval, only that the routine verification of them is postponed. This also applies to the verification of and the application for an SSN. All reasonable efforts must be made to meet all routine verification requirements prior to confirmation. See Chapter 4.

Postponed verification must be received prior to the second issuance.

**EXCEPTION:** Combined issuance procedures require verification be received prior to the third issuance.

If the applicant is able to verify identity, before, or at the same time, the additional information for which the case was pending is received, procedures for Expedited Service apply. The client also qualifies for Expedited Service if the verification of identity is received at the same time the pending information is received. In addition, if the pending information is received, but not acted on, and then the verification of identity is received, Expedited Service procedures are appropriate. This must be explained to the client.

c. Combined Issuance

When a Food Stamp applicant meets all the following criteria, his first prorated CA and first full CA must be issued at the same time.

- The client applies for an initial month's benefits. Initial month is defined as the first month for which the AG is certified for Food Stamps following any period of time during which the AG was not certified.
- Application is made on or after the 16th of the month.
- The client is eligible for the initial month and the next subsequent month.
- The client is eligible for Expedited Service.

To reduce the time period between the receipt of the Combined Issuance and the third month's issuance, the approval must be confirmed on the first working day of the third month if the client continues to be eligible.

The policy regarding Combined Issuance applies when the applicant is also a WV WORKS applicant. The procedures used to accomplish the Combined Issuance must not delay the processing of WV WORKS AG's.

The client must be told during the intake interview that his Combined Issuance must last until his next issuance is received and the date his next issuance will be mailed. He must also be told that no additional Food Stamps are available should he use them all prior to receipt of the next issuance.

RAPIDS notifies each client who receives a Combined Issuance.

P. CLIENT NOTIFICATION

See Chapter 6. In addition, for Expedited Service the ES-FS-15, Notification of Denial of Expedited Service must be used for each Food Stamp applicant who requests Expedited Service, but does not qualify for it. The ES-FS-15 is a Worker-requested notice in RAPIDS. When

procedures worked out between the CSM and the SSA contact person. See Section 1.2,N.

- Complete an SSA/DHS-1 for a redetermination when the client requests this service. SSA may initiate this action. Since SSA accepts the client's statement that his case is due for redetermination, the county office may receive, SSA/DHS-1 for persons who are not actually due for redetermination. The county office completes the redetermination when the SSA/DHS-1 is received, whether it is due or not.
- A redetermination is indicated by Recertification written in red at the top of the SSA/DHS-1.
- All procedures and time limits which apply to applications accepted by SSA, apply to redeterminations accepted by SSA.

b. Worker Responsibilities

- Screen and, if eligible, process the application for Expedited Service.

**NOTE:** The date of application for the Expedited Service time limits is the date the application is received in the county office.

- Screen the SSA/DHS-1 to determine if further information is necessary.

If the form is incomplete, any needed information must be supplied by the client. The form is not returned to SSA, and, under no circumstances, is the client required to visit the county office for completion of the form. The client can be requested to visit the office, but the application cannot be denied solely because he does not. Needed information may be obtained by telephone, mail or home visit.

If verification not provided by SSA is needed, the Worker must notify the client of the required information within 3 working days of the date the application is received from SSA.

eligible. Authorized to receive means the AG is coded in the data system as active for a benefit whether they are receiving it or not.

**EXAMPLE:** A WV WORKS case was closed 9 months ago but is still enrolled in WP as the AG is still eligible for support service payments. The AG last received a payment 4 months ago, but is still categorically eligible.

**EXAMPLE:** A WV WORKS case is closed for the third sanction in June. In July, the AG applies for WVSCA and is eligible. The AG is categorically eligible from July through October, when the clothing vouchers expire.

The TANF programs and the time period for which an AG is categorically eligible are listed below.

- WV WORKS: Any month for which benefits are received
- DCA: 4 months beginning with the month of approval
- Support Service Payments: As long as actively enrolled in Work Programs (WP)
- SCA and WVSCA: Until the voucher expiration date

(2) Pure AG's

When the AG contains only recipients of SSI, or SSI and one of the TANF-funded benefits above, the AG is categorically eligible. This also includes the following:

- Persons determined eligible for SSI even though benefits have not been paid yet.
- Persons determined eligible, but who receive zero benefits, such as:
  - SSI recipients whose benefits are withheld for repayment
  - Persons whose SSI payments are suspended.
- The presence of any of the following people does not prevent the remaining AG members from being categorically eligible.

d. Special Processing Requirements

The following special processing requirements apply:

(1) TANF Benefit Applicants

- To determine if an AG is categorically eligible due to its status as a recipient of TANF-funded benefits, the Worker may temporarily postpone, within the 30-day processing limit, the Food Stamp eligibility determination if the AG is not eligible for Expedited Service and appears categorically eligible.
- The Worker must not deny an AG that could be categorically eligible until the 30th day to determine if the AG is eligible to receive a TANF-funded benefit.
- Workers must be certain that the denied application of a potentially categorically eligible AG is easily retrievable.

This applies to AG's that:

- Have an application for TANF-funded benefits pending; and
- Are denied Food Stamps; and
- Are later determined eligible for TANF-funded benefits; and
- Are otherwise categorically eligible.

The Worker must provide benefits using the original application and any information supplied later. Benefits are issued from the date for which TANF-funded benefit eligibility is established or the date of the original Food Stamp application, whichever is later. The client cannot be required to complete a new OFS-2 or another interview. The Worker may contact the client to update the OFS-2 information by mail or by telephone.

The appointment may be scheduled anytime during the last month of certification. However, if the client's appointment is scheduled after the 15th, he may request and must be granted an appointment for the 15th or earlier. The client must be given 15 days from the date of the appointment letter before any penalties are applied for failure to keep the appointment.

- Redeterminations for pure SSI benefit groups may be initiated by SSA staff and completed by the Worker. The AG is notified of this service by form ES-FS-3. See item R.
- Failure to keep a redetermination appointment, or to reapply, results in case closure.

#### 4. Completion

A Food Stamp redetermination is a reapplication for benefits. Under no circumstances are benefits continued past the month of redetermination, unless a redetermination is completed and the client is found eligible.

If the recipient is no longer eligible, the case is closed.

Clients who reapply in a timely manner, complete the interview and provide requested verification within the Worker's deadline must receive uninterrupted benefits or have lost benefits restored if the Department's delays cause benefits to be interrupted. The client does not lose the right to uninterrupted benefits if the Worker establishes a deadline for verification which extends into the new certification period. Uninterrupted benefits means benefits are received within 30 days of the last issuance. For longer certifications, uninterrupted benefits means benefits are received at the usual time in the issuance cycle.

**EXCEPTION:** Cases which have met all redetermination requirements are entitled to uninterrupted benefits. When this cannot be done due to the time frame for submitting missing verification, the Worker must take action to reinstate benefits so that the client receives benefits within five working days after supplying the missing verification, if eligible.



initial benefit due the recipient is based on the number of days left in the approval month from the date of application as compared to the full month's benefit. The amount of the prorated CA is determined by comparing the benefit group's full month CA to the day of the month of application. Use Appendix D of Chapter 10. An initial prorated CA of \$1-\$9 is not issued.

b. Method of Issuance

The method of issuance of the initial Food Stamps depends on when the benefits are confirmed. If the confirmation occurs prior to deadline for the current month, RAPIDS issues a prorated amount for the current month. If the current month's benefit is not confirmed until after deadline, RAPIDS issues the prorated amount for the initial month and the full amount for the on-going month.

2. Ongoing Benefits

a. Amount

Once eligibility is established, the AG is eligible to receive Food Stamps for a full month. See Chapter 10.

b. Method of Issuance

Food Stamps are mailed alphabetically on a staggered schedule, according to the client's last name. The State Office mails them during the first 9 working days of each month. For security reasons, the schedule is not released to the public and is, therefore, not included in this Manual.

U. PERSONAL RESPONSIBILITY CONTRACT (PRC)

The PRC is not used for Food Stamp purposes.

V. ORIENTATION

Attending WV WORKS orientation is not an eligibility requirement for Food Stamps.

stepparent, the parent is the payee. When the child lives with one relative other than a parent, the specified relative is the payee. When a child lives with two specified relatives other than a parent, they must choose who will be the payee.

**NOTE:** Payments are not issued to minor parents. Instead, the parent or other responsible adult with whom the minor parent lives, or who supervises the minor parent's living arrangement, is the payee.

When a substitute payee is appropriate at application, see Chapter 2.

L. REPAYMENT AND PENALTIES

Before the case is approved, the Worker must determine if there is a WV WORKS, TANF or AFDC/U claim outstanding against any member of the AG. If so, the Worker must initiate appropriate repayment procedures prior to approval.

If the client has been making voluntary payments, he must be informed that repayment must be made, when possible, from his check, i.e., recoupment.

When the AG has been sanctioned for failure to cooperate with WV WORKS, the case is subsequently closed and a reapplication made, that AG remains sanctioned until the sanction ends.

M. BEGINNING DATE OF ELIGIBILITY

Eligibility begins on the first day that the AG meets all eligibility requirements, including signing the PRC (See item T below) and participating in orientation (See item U below). There are other circumstances which also impact on the beginning date of eligibility.

- When a parent or other caretaker relative included in the payment quits or refuses employment or training for employment, without good cause, in the 30-day period prior to the date of application, the AG is ineligible until 45 days after the employment or training is no longer available. See Chapter 13 for the determination of good cause.

**NOTE:** This applies to full-time or part-time employment.

**EXCEPTION:** AG's which meet all of the following criteria are not subject to the 45-day ineligibility period. Instead, the AG is reopened and a sanction subsequently applied.

**EXAMPLE:** A parent has been working 25 hours per week at a fast-food restaurant. He quits and it is established he did not have good cause. The 45-day waiting period applies.

- When a client, who became ineligible due to receipt of a lump sum payment, requests recomputation of the period of ineligibility, the beginning date of eligibility can be no earlier than the date of the request. See Section 10.21.
- When an assistance group becomes ineligible due to failure of a parent or caretaker, without good cause, to meet the 24-month work requirement, the beginning date of eligibility cannot be any earlier than the first day on which he participates in an activity which meets the 24-month work requirement. If the non-parent caretaker is no longer in a 12-month period for which he chose to be included, eligibility for the otherwise eligible child(ren) may begin as soon as the 12-month period ends, so long as the caretaker chooses exclusion from the assistance group.

**NOTE:** When a non-parent caretaker's 12-month period for which he opted inclusion ends, he may again receive WV WORKS for the otherwise eligible child(ren), even when not meeting the 24-month work requirement, as long as he chooses to be excluded from the AG. If he reapplies during the 12-month period for which he chose inclusion, or after the 12-month period ends and he again chooses to be included, he must meet the 24-month work requirement to receive WV WORKS for the child(ren).

Because eligibility for WV WORKS has no bearing on Medicaid eligibility, the beginning date of Medicaid eligibility must be determined according to the coverage group(s), if any, under which WV WORKS recipients receive Medicaid. See Sections 1.6 through 1.22.

#### N. REDETERMINATION SCHEDULE

Cases are normally redetermined annually. The redetermination schedule is set automatically by the data system, unless the Worker and Supervisor agree that a redetermination must be completed earlier. When a case is reopened without an OFS-2, the Worker must ensure that the client continues in the same redetermination cycle.

Cases may be redetermined more frequently at the discretion of the Worker and Supervisor when any of the following occur:

redetermination was completed. If the client is no longer eligible, the case is closed after proper notification.

4. Overdue Redeterminations

For AG's which do not close automatically, RAPIDS issues an alert when the redetermination has not been completed. Upon receipt of the alert the Worker must redetermine eligibility immediately. A case is overdue if changes are not transmitted by the last day of the month in which the redetermination was due, regardless of the effective date.

S. THE BENEFIT

The following explains about the WV WORKS benefit and how it is issued. The initial benefit and any benefit other than the ongoing monthly benefit is a check, as described in item a below. The ongoing WV WORKS benefit may also be received by direct deposit into an individual's own bank account. The direct deposit process and procedures are outlined in item b below.

1. The WV WORKS Benefit

a. The Check

A check is made payable to the individual designated as payee and is mailed to the address in the data system. The check cannot be forwarded to a different address.

The check cannot be assigned to someone else, nor can it be attached for payment of debts by any person outside the DHHR.

The check must be endorsed by the payee. The endorsement must show the name of the payee as it appears on the face of the check. When the payee endorses the check by his mark, the endorsement must be witnessed by two persons whose names and addresses are written below the payee's mark.

WV WORKS checks are received on approximately the first day of the month. Initial checks are received a week to 10 days after the approval transaction. To determine the check amount, see Chapter 10.

A check is indicated in RAPIDS on screen IQAF with a warrant number which begins with a 3. Screen IQAD shows an N in the EFT field.



Refusal or other failure, without good cause, to participate in the development of the self-sufficiency plan (Part 2 of the PRC) or to sign the plan once it is developed, results in ineligibility for the entire AG.

Refusal or other failure, without good cause, to adhere to the self-sufficiency plan, results in the imposition of a sanction. See Chapter 13 for information about appropriate sanctions.

During the completion of the PRC, the Worker must make every opportunity available for the individual to disclose domestic violence issues which may affect the client's particular requirements as a WV WORKS recipient. It must be stressed with the client that disclosure may be a benefit in the PRC process. If, based on observation of a couple during an interview, the Worker suspects domestic violence is a factor, he may attempt to set up a separate interview at a later date. However, any attempt to do so must be done in a manner which insures the client's safety. Under no circumstances must the individual's safety be compromised or is the client to be penalized for refusal to conduct a separate interview.

**NOTE:** When the client's plan involves requirements or exemptions due to domestic violence or plan monitoring with a domestic violence agency, the Worker must take special precautions when recording exemption information on the PRC or in RAPIDS. No copy of any such plan is filed in the record. The Worker may make phone contacts to monitor the plan and record only general information, i.e.; the name of the individual to whom he spoke, but not the organization; a statement that the current plan is being followed satisfactorily, etc. When monitoring the plan, the Worker must not contact the abuser, his relatives or friends, nor leave any messages regarding domestic violence on any home answering machine. The domestic violence indicator in RAPIDS serves as documentation of the reason for the requirements or exemption.

#### U. ORIENTATION

Each adult included in the WV WORKS AG must receive orientation to the Program. At the discretion of the CSM, orientation may be conducted in groups or individually.

The orientation session must explain the following items:

- The purpose of WV WORKS
- That work is the first priority of the Program

4.1 INTRODUCTION . . . . . 1

    A. CLIENT RESPONSIBILITY . . . . . 2

    B. WORKER RESPONSIBILITIES . . . . . 2

4.2 VERIFICATION REQUIREMENTS . . . . . 4

    A. ASSETS . . . . . 4

        1. Vehicles, Including Recreational Vehicles. . . . . 4

        2. Trust Fund Or Other Similar Device,  
           Including Burial Trusts . . . . . 4

        3. Bank Accounts, CD's And Other Liquid Assets . . . . . 4

        4. Value Of Business Equipment And Livestock . . . . . 4

        5. Good-Faith Effort To Sell Real Property . . . . . 5

        6. Savings Bond Bought From Clients Own Funds . . . . . 5

        7. Bona Fide Loan . . . . . 5

        8. Uniform Gifts To Minors Act Funds . . . . . 5

        9. PASS Account . . . . . 5

        10. Funds Received For Replacement Or Repair  
            Of An Asset . . . . . 6

        11. Funds Received From Sale Of An Excluded Home . . . . . 6

        12. Dedicated Account For SSI Recipient . . . . . 6

    B. INCOME . . . . . 7

        1. Earned Income . . . . . 7

        2. Unearned Income . . . . . 8

        3. Savings Bond Received As A Gift . . . . . 9

        4. Lump Sum Payment . . . . . 9

        5. IRS Information . . . . . 9

    C. INCOME DEDUCTIONS . . . . . 10

        1. Educational Fund . . . . . 10

        2. Medical Expenses . . . . . 10

        3. Shelter Expenses . . . . . 11

        4. Utility Expenses . . . . . 12

        5. Child Support . . . . . 12

    D. DEPRIVATION FACTOR INFORMATION . . . . . 13

        1. Incapacity . . . . . 13

        2. Attachment To The Labor Force . . . . . 13

        3. Good Cause For Leaving Or Refusing  
           Employment . . . . . 13

        4. Release Date Of Incarcerated Parent . . . . . 14

B. INCOME

ITEM	PROGRAMS	WHEN TO VERIFY	POSSIBLE SOURCES OF VERIFICATION
<p>1. Earned Income.</p> <p>Verify source and amount.</p> <p><b>NOTE:</b> All income used in calculating eligibility and the amount of the benefit must be verified. However, income considered, but not used, need not be verified.</p> <p><b>NOTE:</b> The year-to-date amounts on pay stubs may only be used when the client has verification of all of the other pay amounts whether used or not, but is missing one.</p>	<p>All Programs and coverage groups with an income test</p>	<p>Prior to approval, at redetermination. Medicaid: When a change in the amount is reported.</p> <p>FS; WORKS: When a change is reported in rate of pay, or job status, verify the change. When a change is reported in the source, verify rate of pay, job status and source.</p>	<p>Pay stubs, written statement from employer, self-employment records, Work Record Sheet ES-17</p>



ITEM	PROGRAMS	WHEN TO VERIFY	POSSIBLE SOURCES OF VERIFICATION
2. An Individual Needed In The Home To Care For An Ill, Handicapped Or Disabled Person	FS, WV WORKS	Prior to exempting the individual from participation, at redetermination	Definitive statement from physician, licensed psychologist; MRT decision for WV WORKS
3. Pregnant	FS, WV WORKS	Prior to exemption  FS only: Exemption applies only to ABAWD time limits.	Statement from physician or other licensed health care provider, which shows the expected date of delivery.
4. Good Cause For Leaving Or Refusing Employment	FS, AFDC Medicaid and WV WORKS	When an AG member leaves or refuses employment and claims he had good cause.	Employer's statement, grievance board decisions, statements of witnesses, BEP decision, employee associations, union representatives.

ITEM	PROGRAMS	WHEN TO VERIFY	POSSIBLE SOURCES OF VERIFICATION
7. Domestic Violence	WV WORKS	When the applicant or recipient alleges domestic violence and requests an exemption from work participation requirements or program time limits	<p>Protective orders, hospital records, statements from legal services or domestic violence counseling or shelter staff or witnesses. Paper work from law enforcement agencies, i.e., criminal charges.</p> <p><b>NOTE:</b> To insure the safety of the individual, the Worker must never contact the abuser, his relatives or friends in an attempt to verify domestic violence.</p>
8. BEP Registration	FS	<p>When the applicant or recipient</p> <ul style="list-style-type: none"> <li>- Is not exempt from FS work requirements; and</li> <li>- Lives in a county not covered by FSE&amp;T;</li> </ul> <p style="text-align: center;">or is</p> <p>An ABAWD who is not referred to FSE&amp;T and who is not exempt from the FS work requirements,</p> <p>He is required to register at the original application and only every 12 months after that. See Section 13.4</p>	Information from BEP



Table of Contents

13.1 INTRODUCTION . . . . . 1

13.2 GENERAL FOOD STAMP WORK REQUIREMENTS AND EXEMPTIONS . . 2

    A. FOOD STAMP WORK REQUIREMENTS FOR NON-WV WORKS  
        RECIPIENTS . . . . . 2

    B. FOOD STAMP WORK REQUIREMENTS FOR WV WORKS RECIPIENTS  
        . . . . . 4b

13.3 FOOD STAMP VOLUNTARY QUIT . . . . . 5

    A. VOLUNTARY QUIT DEFINITION . . . . . 5

    B. ACTIONS WHICH ARE NOT VOLUNTARY QUILTS . . . . . 5

    C. GOOD CAUSE FOR VOLUNTARILY QUITTING . . . . . 6

    D. ESTABLISHING GOOD CAUSE . . . . . 8

13.4 FOOD STAMP EMPLOYMENT AND TRAINING (FSE&T) . . . . . 10

13.5 OTHER FOOD STAMP WORK REQUIREMENTS . . . . . 13

    A. WORK REGISTRATION . . . . . 13

    B. INFORMATION ABOUT EMPLOYMENT STATUS AND JOB  
        AVAILABILITY . . . . . 13

    C. REFUSAL OF EMPLOYMENT OFFER . . . . . 13

13.6 FOOD STAMP WORK REQUIREMENT PENALTIES . . . . . 14

13.7 WV WORKS REQUIREMENTS: EFFECT OF THE WORK ASPECT ON  
ELIGIBILITY . . . . . 16

13.8 DETERMINING WV WORKS TEMPORARY EXEMPTIONS . . . . . 17

    A. AGE OF INDIVIDUAL . . . . . 17

    B. PHYSICAL/MENTAL INCAPACITY . . . . . 17

    C. PREGNANCY/AGE OF CHILD . . . . . 17

### 13.1 INTRODUCTION

This Chapter details work and training requirements for Food Stamps, WV WORKS and Medicaid. It designates the member(s) of the AG to whom the requirements apply and the penalty for failure to meet the requirements.

For requirements and responsibilities related to the Food Stamp Employment and Training Program (FSE&T), see Chapter 25.

- Registration with BEP. Details are in Section 13.5,A. Failure to register prior to approval results in ineligibility of the individual until he complies or reports a change which makes him exempt, unless the application is subject to expedited services. See Section 1.4,0. Failure of a recipient to register each 12 months results in application of a penalty for not meeting the work requirement. This is not a requirement for those who are referred to FSE&T.
- Voluntary Quit, including Voluntary Reduction in hours. Details are in Section 13.3. Not having voluntarily quit or reduced hours of employment is an eligibility requirement for non-exempt applicants, as well as a work requirement for non-exempt recipients. The applicant who takes either of these actions without good cause, is ineligible for 3 months after the month of application, or until he reports a change which makes him exempt from the Food Stamp work requirement, whichever is earlier. This 3-month-ineligibility period is not counted as one of the applicant's Food Stamp penalties.

Voluntarily quitting employment after becoming a recipient results in application of a Food Stamp penalty for failure to meet the work requirement. Neither an applicant nor a recipient may be required to return to the same or comparable employment before eligibility is reestablished. Work-requirement eligibility is reestablished at the end of the 3-month ineligibility period for applicants, or at the end of the appropriate penalty period for recipients, unless they report their exempt status earlier.

- Refusal of Employment. Details are in Section 13.5,C. Applicants who refuse an offer of employment are ineligible to be included in the AG until they accept employment, or until they report a change that makes them exempt from the Food Stamp work requirement, whichever is earlier. Refusal of employment by non-exempt recipients results in application of a penalty for failure to meet the work requirement.
- Providing Information about Employment Status and Job Availability. Details are in Section 13.5,B. Refusal to provide this information results in

each family exempted. Separate families, not in the same AG, but living together, may also have one person from each family exempted.

**EXAMPLE:** Two sisters live together. They each have two children under age 6. They are in the same AG. Both women may be exempt for caring for children under the age of 6.

**EXAMPLE:** Mr. and Mrs. B apply for Food Stamps. They have 4 children, 2 from her previous marriage and 2 from his. All the children are under age 6. He is receiving Black Lung benefits and is exempt from meeting the work requirement, but is able to care for the children. She is mandatory for meeting the Food Stamp work requirements.

**NOTE:** An individual needed to care for an incapacitated person becomes subject to the Food Stamp work requirements within 10 calendar days after reporting a change, such as when the disabled person recovers or leaves the home. When an AG member is exempt because of the age of a dependent child, and the child has his 6th birthday during the certification period, the individual becomes subject to the Food Stamp work requirements at the next regularly scheduled redetermination, unless exempt for some other reason.

- Individuals receiving UCI, as a result of registering with BEP. This includes persons receiving benefits under the Trade Readjustment Act (TRA).

If an individual's UCI benefits are suspended, he becomes subject to the Food Stamp work requirements 10 calendar days after the change is reported, unless a Food Stamp penalty is applied, or unless exempt for some other reason.

- Individuals who are physically or mentally unfit to engage in full-time employment. Should the client become able to work, he becomes subject to the Food Stamp work requirements at the next redetermination, unless exempt for some other reason.

**EXAMPLE:** A man and woman apply for Food Stamps. They have one child, age 5. The man receives RSDI based on his disability and is, therefore, exempt from meeting the work requirements. He is, however, able to care for the child, so the mother becomes mandatory.

The Food Stamp work requirements for WV WORKS recipients are the same as the WV WORKS work requirements which are found in Section 24.5. This means that failure, without good cause, to meet a WV WORKS work requirement also results in application of the Food Stamp penalty found in Section 13.6.

The same individuals who are temporarily exempt from meeting a WV WORKS work requirement, as found in Section 13.8, are also exempt from meeting the Food Stamp work requirements as long as they receive cash assistance.

**EXAMPLE:** A Food Stamp AG consists of: Mr. X, his 2 children (ages 3 and 4), Mr. X's brother and sister-in-law and their newborn child. Mr. X receives a WV WORKS check and must meet the WV WORKS work requirements, unless temporarily exempt. The brother and sister-in-law do not receive WV WORKS and must meet the Food Stamp work requirements. The brother is 17 years old and just graduated from high school. At the last redetermination, the brother was exempted from the Food Stamp work requirement due to high school attendance. The sister-in-law, who is on extended maternity leave from her employment, is planning to return to work in 3 months. In October, Mr. X and his brother are both offered jobs at the same work site. The work is manual labor and pays minimum wage. Both Mr. X and his brother are able to perform the work, but they believe they can find better jobs; both refuse the employment. The Worker determines that neither had good cause for the refusal and applies the following penalties:

For Mr. X: A sanction is imposed for WV WORKS and the check amount is reduced by 1/3. In addition, since his work requirement for each Program was the same, a Food Stamp penalty is imposed. Mr. X is removed from the Food Stamp AG for a minimum of 3 months and the amount by which his WV WORKS check is reduced due to the sanction is counted as income for Food Stamp purposes.

For the brother: No Food Stamp penalty is applied for the brother's offense because he was exempt at the last redetermination and is not subject to the Food Stamp work requirements until the next redetermination.

**EXAMPLE:** Ms. A receives a WV WORKS check for herself and 3 children. She refuses without good cause to pursue child support for her last child and her WV WORKS case is sanctioned. Even though cooperation with BCSE is a PRC requirement, it is not a work-related requirement. Therefore, a Food Stamp penalty is not



requirements, she is a WV WORKS recipient and her Food Stamp work requirements are the same as they are for the WV WORKS Program. Therefore, the 3<sup>rd</sup> Food Stamp sanction is applied.



### 13.3 FOOD STAMP VOLUNTARY QUIT

#### A. VOLUNTARY QUIT DEFINITION

An applicant who voluntarily quit employment is ineligible for 3 months; a penalty is applied to an active recipient. See Section 13.2,A.1 and 13.6.

A voluntary quit has occurred when all of the following conditions exist:

- The individual left full-time employment, other than self-employment, of his own volition, or the individual voluntarily reduced his work hours to below 30 hours/week.
- The individual who left employment was not exempt from the work requirement at the time of the quit.

**NOTE:** An individual who is exempt from the work requirement due to employment loses this exemption immediately upon leaving employment. The client is, therefore, subject to the work requirement penalty even though he was exempt while employed, or while working 30 hours/week.

**NOTE:** Those persons exempt from the work requirement at the time of the quit due to receipt of, or registration for, UCI benefits are exempt from the Food Stamp penalty. However, failure to comply with UCI requirements without good cause results in the penalties listed in Section 13.6.

- The individual quit the most recent job within 60 days prior to the date of application, or anytime thereafter, without good cause. See Section 13.3,C.

**NOTE:** An individual who meets the above conditions and is an employee of federal, state or local government is considered to have voluntarily quit a job without good cause when the individual participates in a strike against such government and is dismissed because of participation in the strike.

#### B. ACTIONS WHICH ARE NOT VOLUNTARY QUILTS

The following actions are not considered Voluntary Quit actions:

- Leaving a job of less than 30 hours per week.
- Reduction in the number of hours of employment for the same employer, at the request of the employee, as

- The wage offered is less than the highest of:
  - The applicable federal minimum wage,
  - The applicable State minimum wage, or
  - Eighty (80) percent of the federal minimum wage, if neither the federal nor the State minimum wage is applicable.
- The employment in question is on a piece-rate basis and the average hourly yield the employee can reasonably expect is less than the applicable hourly wages specified above.
- The individual, as a condition of employment, is required to join, resign from or refrain from joining, any legitimate labor organization.
- The work is at a site subject to a work stoppage as a result of a strike or lockout at the time of the offer, unless the strike has been enjoined under section 208 of the Labor Management Relations Act (Taft-Hartley Act) or Section 10 of the Railway Labor Act.

In addition, employment is considered suitable unless the AG member can demonstrate or the Worker otherwise becomes aware that:

- The degree of risk to health and safety is unreasonable.
- The individual is physically or mentally unfit to perform the employment, as established by documented medical evidence or reliable information provided by another identifiable source.
- The employment offered is not in the client's major field of experience. This is applicable only within the first 30 days of becoming subject to the work requirements.
- The distance travelled to the employment from the client's residence is unreasonable, considering the expected wage and the time and cost of commuting. Employment is not considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Nor is employment considered suitable if the

resulted from circumstances that, for good reason, cannot be verified, such as a resignation from employment due to discrimination, unreasonable demands by an employer, or because the employer cannot be located, the individual must not be penalized. The situation must be thoroughly recorded on the appropriate RAPIDS screen.

## 13.5 OTHER WORK REQUIREMENTS (FS)

### A. WORK REGISTRATION

All individuals must register with BEP for employment at the time of the original application, unless exempt according to Section 13.2, or unless referred to FSE&T. They must register every 12 months thereafter, regardless of the length of time that BEP considers the registration valid. The client cannot be required to register with BEP more often than every 12 months, even when the benefit is opened and closed within the 12-month period.

**EXAMPLE:** A family is approved for Food Stamps in February. The father registers with BEP as required. In April, the father's parents move in with the family. Counting the income of the parents makes all of them ineligible. When the parents move out in September, the original family reapplies. Because the father registered with BEP in February, he cannot be required to register again until the following January.

If the client agrees to be referred to FSE&T the registration requirement is met by the agreement. Otherwise, he must register with BEP, even when there is no BEP office in the client's county of residence. When possible, the Worker must direct the client to the closest BEP office.

### B. INFORMATION ABOUT EMPLOYMENT STATUS AND JOB AVAILABILITY

All individuals must provide the Department and BEP with sufficient information to allow the determination of their employment status and their availability for a job, unless exempt according to Section 13.2,A,2, or they have good cause for not doing so.

### C. REFUSAL OF EMPLOYMENT OFFER

No non-exempt applicant or recipient may refuse without good cause to accept an offer of employment unless the employment does not meet the suitability requirements outlined in Section 13.3,C.

3 months is applied. The second penalty begins after expiration of the first penalty taking into consideration advance notice requirements.

A WV WORKS offense that involves a work requirement results in application of a WV WORKS sanction also results in a Food Stamp penalty. See Section 13.2,B. When no WV WORKS sanction is imposed, but the offense is counted and used to determine the next WV WORKS sanction level, no Food Stamp penalty is applied and the offense is not counted as a Food Stamp offense when determining the next Food Stamp penalty level.

Following the end of the 1st or 2nd penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible. See Section 1.4. Those who have had the 3rd penalty applied must reapply.

13.8 DETERMINING WV WORKS TEMPORARY EXEMPTIONS

**NOTE:** The following are temporary exemptions from meeting the work requirement. These do not automatically exempt the individual from the 60-month or 24-month time limits described in Sections 15.6 and 15.7.

All adults and emancipated minor parents, who are included in a WV WORKS payment, are required to participate in a work activity, unless temporarily exempt. All exemptions are temporary. Those who are temporarily exempt are required to sign a PRC.

The following persons are temporarily exempt from participating in a work activity. In all cases, the exempt individual may choose to participate, but no sanction is applied for any failure to do so while exempt. Even when the client does not volunteer to participate, he must be referred to WP. The appropriate RAPIDS component code is TB for those who do not choose to participate. Those who do choose to participate are coded according to the activity in which they participate.

A. AGE OF INDIVIDUAL

Individuals over age 60 are exempt.

B. PHYSICAL/MENTAL INCAPACITY

Individuals with a physical or mental incapacity, or suffering from a temporary debilitating injury are temporarily exempt. The temporary injury must last or be expected to last for more than 30 days. The individual's condition must be reevaluated within the time limits specified by his medical practitioner, but no less often than annually. MRT must approve all individuals claiming permanent and total disability. See Section 12.3,C for instructions to determine incapacity.

C. PREGNANCY/AGE OF CHILD

**NOTE:** Any parent who is temporarily exempt from meeting the work requirement due to pregnancy or age of a child must be at least age 18 or an emancipated minor.

A woman is exempt as follows due to her own pregnancy, or either parent is exempt as follows due to the age of his own child(ren).

1. Definition of First Child



Child because neither parent was a cash assistance recipient during the month the child was born. Had they been eligible for any amount for February, the child would have met the definition.

**EXAMPLE:** A woman applies for WV WORKS for herself and 2 children, ages 4 and 2 months. She has never received TANF or WV WORKS before. There is no child in the home who meets the definition of First Child.

2. Who May Be Exempt

The exemptions are as follows:

- An applicant or recipient woman who is pregnant with a First Child, or a man who is the father of this First Child, is exempt from the date the child is born until the month following the month in which the child reaches age 1, provided the parent who is to be exempted is a recipient during the month the child is born and is at least age 18 or emancipated.

The exemption for a First Child does not include any time prior to the birth of the child for either parent, unless one of the other exemptions from meeting the work requirement is met, such as temporary incapacity for the pregnant woman who is having complications during the pregnancy. The parent may choose to participate, but no sanction is applied for any failure during the exemption period. If the parent chooses to participate, no amount of the exemption time remaining after participation begins may be used by either parent during or following the birth of any other child.

**NOTE:** When there are 2 parents in the home, only 1 at a time is exempt under this provision. The parents may change the decision about which parent is exempt at any time, but may not change the previous decision to avoid a sanction once the advance notice period begins.

- An applicant or recipient woman who is pregnant with a child who is not a First Child, is exempt from meeting the work requirement for a total of 6 consecutive

- An applicant parent whose cash assistance benefits were stopped prior to the expiration of any exemption period as described above, is eligible for the remainder of the original exemption upon reapplication and reapproval of benefits during the original exemption period.
- An applicant parent who has a newborn child under 6 months of age is exempt until the month following the month the newborn child reaches age 6-months provided the parent is at least age 18 or emancipated. The parent may only be exempt for more time if he meets one of the other exemptions from meeting the work requirement. The parent may choose to participate, but no sanction may be applied for any failure during the exemption period. If the parent chooses to participate, no amount of the exemption time remaining from this child may be used by either parent during or following the birth of any other child.

**NOTE:** When there are 2 parents in the home, only 1 at a time is exempt under this provision. The parents may change the decision about which parent is exempt at any time, but may not change the previous decision to avoid a sanction once the advance notice period begins.

### 3. Examples

**EXAMPLE:** A WV WORKS recipient has 2 children, ages 2 and 3, when her case is approved. After receiving cash assistance for 6 months, she becomes pregnant. The child meets the definition of First Child and her exemption is based on this. She is exempt until the child reaches age 1.

**EXAMPLE:** A woman received AFDC for 3 years. When the Department converted AFDC to TANF in 1/97, she became a TANF recipient. See Section 15.1. She gave birth to no children while she was an AFDC recipient, but, in 2/97, she gave birth to another child while she was a TANF recipient. In 3/98 she gives birth to another child. Her case is converted to WV WORKS in 4/98 and she wants to be exempt from meeting a work requirement until this youngest child reaches age 1. However, the youngest child does not meet the definition of First Child. The First Child is the one born in

F. IN-HOME CARE FOR RELATIVE

**NOTE:** Providing care for a relative, as follows, is a legal, temporary exemption from meeting a work requirement and is listed here for that reason. Providing this care may also meet the work requirement as a community service activity and must be used as such. See Section 24.10,C.

An individual who provides care in his own home for a relative is temporarily exempt when such care prevents institutionalization.

G. DOMESTIC VIOLENCE

When an individual discloses domestic violence which is a barrier to participation in WV WORKS activities, the individual may receive a temporary exemption from the requirements for up to 6 months as long as the individual:

- Accepts a referral to a local domestic violence agency; and
- Completes a time-limited service plan with the domestic violence agency which will enable him to gain self-sufficiency; and
- Complies with the requirements of the domestic violence agency plan.

If the client refuses the referral to an appropriate agency, he cannot receive this temporary exemption. The case, however, is coded in RAPIDS with the Domestic Violence indicator. See Section 1.2,D.

The Worker must monitor the plan regularly in order insure compliance and to continue the exemption. The Worker must maintain close contact with the DV program and the program's statement that the client is engaged in reasonable efforts to remain safe, as long as the barriers exist, is accepted.

If, at the end of the plan period, barriers to self-sufficiency still exist, the temporary exemption may be continued on a month-by-month basis until the barriers no longer exist, as long as the client continues to comply with the domestic violence agency's plan. Plans may be extended after the 6-month limit when extenuating circumstances exist and counseling continues at the recommendation of the DV counselor.

All benefit reductions due to imposition of a sanction require advance notice. See Chapter 6 for specific information. Whether or not a check reduction is imposed or the client's non-compliance counts as an offense, depends upon the client's actions as follows:

Client's Action During Advance Notice Period		
Action	Check Reduction Applied?	Counts As Offense?
Client does not comply	Yes	Yes
Client complies, no good cause for original non-compliance	No	Yes
Client complies, establishes good cause for original non-compliance	No	No

Client's Actions After Advance Notice Period		
Action	Check Reduction Applied?	Counts As Offense?
Client does not comply	N/A-Check already reduced	N/A-already counted
Client complies, no good cause for original non-compliance	Yes	Yes
Client complies, establishes good cause for original non-compliance	Yes	Yes

**EXAMPLE:** Mr. Bill does not appear for a scheduled employment interview and the Worker determines that he did not have good cause. The Worker issues a notice of adverse action on December 1st. On December 5th, the client contacts the Worker and agrees to attend another interview with the same employer. The Worker explains that agreement to keep the appointment does not constitute compliance and that he must arrange for the interview and keep the appointment by December 13th or the sanction will be imposed. Mr. Bill contacts the employer and arranges for an appointment on December 12th. He notifies the Worker that his new appointment date is within the advance

If the decision is reached after the RAPIDS deadline date, the sanction begins 2 months after the decision.

D. PROCEDURES WHEN THE SANCTION PERIOD ENDS

The 1st and 2nd sanction periods expire when the client has received reduced benefits for three months. The 3rd sanction period ends when the client complies. However, if he complies before he has missed 6 checks, eligibility cannot begin until the 7th month following the imposition of the sanction. Once the sanction period has started, it runs for the appropriate number of consecutive months, whether the case remains active or not. In addition, once a sanction has been imposed, it cannot be stopped until the appropriate action is taken or the appropriate time has elapsed, whichever is later.

**EXAMPLE:** A 2/3 reduction is applied to a case for its 2nd sanctionable offense. The sanction begins with the check received in March. In April the client requests his case be closed and the Worker closes the case. In May the client reapplies for cash assistance and he is eligible. However, because he would have been sanctioned in May had he not requested case closure, the sanction is applied when the application is approved. Assuming no other offenses occur, his cash assistance is raised to the full check amount beginning in June.

However, if the client is not notified of the imposition of the sanction prior to case closure, no sanction may be imposed until the client has received proper notice. Therefore, even when the case is closed prior to the mailing of the adverse action notice, the Worker must still notify the client of the imposition of the sanction. Rather than addressing a reduction in current and ongoing benefits, the notification letter must explain that the sanction will be applied upon reapplication if the client chooses to reapply during the sanction period. The letter must specify the dates of the sanction period. The client may request a Fair Hearing on the sanction issue when the notification is received or upon reapplication.

**EXAMPLE:** On June 22nd, the client calls the Worker to request case closure, but refuses to state the reason for the request. The Worker takes action to close the case, as requested. On June 24th, a client's employer calls the Worker to report that the client has not appeared for work for the last 3 days and has not contacted him to explain. The Worker sends the client an adverse action notice explaining that a sanction will be imposed if he reapplies in August, September or October, unless he can demonstrate good cause for his failure to report for work without

- When an adult or emancipated minor leaves the home, he takes his assigned sanctions with him. Those adults and emancipated minors remaining in the home retain their assigned sanctions.

**EXAMPLE:** Continuation of the previous example. After application of the sanction, Mr. Tony leaves the home. Mrs. Tony is the only adult remaining in the AG. She carries the sanction that was assigned to her when Mr. Tony refused a job, so the sanction continues.

- When an adult or emancipated minor leaves the home of one WV WORKS AG and joins another one, all members of the new AG are assigned the same number of sanctions. This number is determined by assigning each adult/emancipated minor the highest number of sanctions assigned to any one of the adults/emancipated minors in the new AG.

**EXAMPLE:** Continuation of previous example. When Mr. Tony leaves Mrs. Tony, he moves in with a former fiancée, Nellie. Mr. Tony is the father of 2 of Nellie's children. Nellie and her 3 children are WV WORKS recipients. Nellie previously failed, without good cause, to cooperate with BCSE in obtaining support for her third child. In addition, she failed, without good cause to continue her CWEP placement. Nellie's case has been sanctioned twice. When Mr. Tony joins her AG, he is assigned 2 sanctions, since Nellie has the higher number of sanctions. After 6 months, Mr. Tony decides to return to his wife. When he leaves, Nellie continues to have 2 sanctions. When Mr. Tony returns to his wife, he now has 2 sanctions that were assigned to him from Nellie's case. Therefore, the case which includes Mr. and Mrs. Tony now has been assigned 2 sanctions. The next offense by Mr. or Mrs. Tony results in application of the 3rd sanction, case closure. Upon learning of his sanction status, Mr. Tony goes back to live with Nellie. Mr. Tony and Nellie each continue to have 2 assigned sanctions. Shortly after his return, Nellie fails to keep an appointment with a prospective employer. She tells the Worker that she wanted to stay home to be with the father of her children. The Worker determines that she did not have good cause and applies the 3rd sanction. Mr. Tony immediately returns to his wife. This makes his wife and children ineligible since he was included in Nellie's case when the 3rd sanction was applied.

- Sanctions applied to a case are never assigned to dependent children.

### 13.10 GOOD CAUSE FOR FAILURE TO PARTICIPATE FOR WV WORKS

When the client fails or refuses to meet his work requirement and/or adhere to his PRC requirements, the Worker must determine the reason for such failure or refusal.

Failure or refusal without good cause results in imposition of a sanction. When the Worker discovers the failure or refusal, a notice of adverse action is issued. See Sections 6.3,D and E. A manual letter, OFS-WVW-NL-1 is used.

**NOTE:** A good cause determination is not required when the client is exempt from participation. See Section 13.8 for exemptions.

**NOTE:** To avoid imposition of a sanction due to good cause, the good cause must be established during the advance notice period. See item 13.8, A. Once a sanction has been imposed it cannot be stopped until the appropriate time has elapsed or the appropriate action is taken, whichever is later.

The client has good cause for failure to participate when:

- A single parent can prove that appropriate child care is unavailable for his child, age 6 or younger.
- He is required to appear in court or for jury duty.
- He is experiencing a family crisis such as, but not limited to:
  - Death of his spouse, parent, child or stepchild.
  - A life-threatening illness of a spouse, parent or child requires the client's immediate attention.
  - Domestic violence and/or the need to protect abused children makes participation impossible, dangerous or embarrassing and the client accepts a referral to Social Services or a Domestic Violence center for assistance.
  - The minimum suitability standards for the specific activity are not met. See items 24.5 - 24.13 for minimum requirements. If none are listed for the activity, the Worker has the discretion to determine if the activity placed unsuitable requirements on the client.
  - Based on knowledge of the client and his life circumstances, the Worker determines that the client

13.11 EFFECT OF WV WORKS SANCTION ON FOOD STAMPS

A WV WORKS sanction results in application of the Food Stamp penalty when the WV WORKS sanction results from failure to comply with a requirement related to an activity that is listed in Section 24.5. See also Section 13.2,B.

When no WV WORKS sanction is imposed, but the offense is counted and used to determine the next WV WORKS sanction level, no Food Stamp penalty is applied and the offense is not counted as a Food Stamp offense when determining the next Food Stamp penalty level.

The appropriate Food Stamp penalties are described in Section 13.6 and are applied only to the individual who committed the offense, not to the AG. Even though the WV WORKS check amount decreases due to the sanction, Food Stamp benefits must not increase. See Section 10.4,D,8,b.



13.13 MEDICAID WORK REQUIREMENTS

There are no work requirements for the Medicaid Program.