

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 91		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
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DATE: October, 1997			TO: All Income Maintenance Manual Holders		

The Fair Labor Standards Act of 1938 must be applied to JOIN and CWEP placements effective October 1, 1997. The WV WORKS counties, including the counties that implemented WV WORKS in October, must immediately make sure that individuals who are currently in JOIN and CWEP activities meet the requirements described in this change. Each sponsor who has a participant must be contacted by telephone or in person about the reduction in hours for each individual affected.

At the time the contact is made, also tell the sponsor that other changes are forthcoming and that details will be provided as soon as they are available. Do not discuss details or speculate about the details of future changes with the sponsors. Information will be released to you as soon as possible. An addendum to JOIN contracts is necessary to reduce the number of hours. All counties must use the following criteria when determining the monthly obligation of the JOIN and CWEP placement.

A monthly placement obligation must be based on the amount of Food Stamp benefits and WV WORKS cash assistance a family receives during a month.

The monthly participation obligation is determined as follows:

1. Determine the amount of the WV WORKS check actually received by the client.
2. Subtract the amount of current child support received for the month by the Bureau for Child Support Enforcement (BCSE). Only current support payments are subtracted, not arrearages or other payments. To determine October's obligation, use child support received by BCSE in August.

Supportive payment, EA and payments other than the cash assistance check from TANF funds are not added to the check amount when determining the obligation. The amount subtracted from the check for repayment is also not added to the check amount to determine the obligation.

24.11 JOIN

The Joint Opportunities for Independence Program (JOIN) is a state operated employment program available for eligible WV WORKS participants. The purpose of the JOIN program is to enable WV WORKS enrollees to participate in a work program that closely resembles full time employment. The participant will receive work experience to improve their present job skills, or to train them in new job skills. The work experience shall meet local labor market demands so that a participant can become competitive within a specified occupational field. A six hour per week job search will run concurrently with JOIN.

A participant will be eligible for JOIN if they have the necessary motivation, employment potential, education, previous work history and skills to benefit from this activity. The placement should match the participant's interests as determined during the assessment process. Participation in JOIN must be listed on the self-sufficiency plan jointly developed by the WV WORKS case manager and the participant. JOIN placements will be limited to 32 hours of work participation per week, six hours job search per week, and no more than 12 months in duration per placement. Prior to placement in JOIN a participant agreement will be completed. The participant will be given copies of the job description and informed of the job requirements and general working conditions.

To monitor the participant's progress, a review must be conducted at the end of the first six months of participation to determine satisfactory progress towards employment. The expected outcome of JOIN is employment, either at the JOIN training site or with another employer. The possibility of obtaining employment at the JOIN training site must be evaluated. The participant will be given the opportunity to evaluate his/her own placement and shall be involved in the review process.

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24.12 CONTRACTORS ELIGIBILITY

Employers meeting the following requirements are eligible to participate in JOIN.

- Must be licensed to do business in the State of West Virginia and tax payments are current.
- JOIN placements may not exceed the number of full-time employees already on the contractor's payroll.
- The contractor must provide an orientation for the participant that outlines the work schedule, job description, employer expectations and the pay schedule. The orientation should also include the employer workplace standards for special clothing, reporting absences, holidays, breaks and lunches.
- The contractor must report all attendance problems immediately to the WV WORKS case manager.
- The contractor may not assign the participant to work more than an eight hour day, unless the normal work day for that employer exceeds eight hours.
- The contractor may not schedule split shifts.
- The contractor must schedule JOIN contract requirement of 32 hours per week. Any hours worked in excess of 32 per week must be paid solely by the employer, at the prevailing wage rate. All such income must be reported to the WV WORKS case manager.

A contract will be negotiated between the WV WORKS program and the employer. The contract will be completed in triplicate, signed by the authorized representatives of the employer and the WV WORKS program. The original will be placed in the participant's case file, a copy will be forwarded to the Central Office, and the employer shall be provided a copy.

- A contract number of six digits will be assigned. The first two digits will be the current fiscal year, the second two digits will be the county number of the contract, and the last two digits will be a consecutively assigned number beginning with 01.
- A job description will be attached to each contract. The job description must be as precise as possible, it must be written by the employer, and it must describe a

E. WORK OBLIGATION

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3. Determine the amount of Food Stamp benefits actually received by the client.

NOTE: When the WV WORKS recipients are included in the same Food Stamp benefit group with non-WV WORKS recipients, a separate calculation must be performed as follows to determine the share of the Food Stamp benefits that belong to the WV WORKS recipients.

- Divide the coupon allotment actually received by the number of people in the Food Stamp benefit group.
- Multiply the result of the division by the number of people in the WV WORKS benefit group. Drop all cents. The result of this multiplication is the amount of Food Stamp benefits used to determine the obligation.

4. Add the results of items 2 and 3 together and divide by the minimum wage, which is currently \$5.15/hr.

F. WORK HOURS

Any work in excess of the participant's obligation must be paid by the sponsor at the regular or overtime rate

national origin, religion, age or handicapping condition.

J. SAFETY EQUIPMENT, TOOLS AND MEDICAL

Any items of safety equipment, special clothing, tools and/or pre-employment medical requirements needed by participant are the responsibility of the sponsors.

K. SUPERVISION

The sponsor must provide participants the guidance and supervision necessary to complete the work experience duties.

L. PLACEMENT IN DHHR OFFICES

When placing participants in DHHR Offices, it is imperative the agency ensure the program is operated properly and that an adequate orientation procedure is available for participants. It is the responsibility of the supervisor utilizing CWEP to ensure compliance with all agency rules, regulations and policy regarding confidentiality, security of records, information and property. The orientation shall include:

1. Information that is considered confidential.
2. Penalties for breach of confidentiality.
3. Discussion of public laws dealing with document integrity and penalties for altering, destroying or concealing or making false statements.
4. Responsibilities for maintaining program integrity.