

13.2 GENERAL FOOD STAMP WORK REQUIREMENTS AND EXEMPTIONS

There are 2 separate and distinct policies which define the Food Stamp work requirements. One set of requirements applies to only those individuals who are WV WORKS recipients. The other requirements apply to individuals who:

- Do not receive WV WORKS; or
- Receive Food Stamps in the same Food Stamp AG with WV WORKS recipients; or
- Are disqualified from WV WORKS.

These requirements are detailed below.

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

Work requirements apply to all non-WV WORKS recipients who are mentally and physically fit and over age 15, but not yet age 60.

NOTE: Applications which qualify for Expedited Services could require special considerations in meeting work requirements. See Section 1.4,O,3.

The work requirements in this Section (item A only) also apply to ABAWD's. See Section 9.1,A.

1. Work Requirements

NOTE: When an applicant is ineligible until he meets one of the following requirements, this period of ineligibility does not count as a penalty period.

The following are the work requirements for non-WV WORKS recipients:

- Cooperation with FSE&T. Details are in Chapter 25. FSE&T requirements are met for applicants who agree to cooperate with FSE&T. Failure to agree results in ineligibility of the individual until he complies or reports a change which makes him exempt. Failure to cooperate after referral to WP, results in application of a penalty for failure to meet the work requirement. This is not a requirement for those who live in counties where FSE&T is not operational. If FSE&T is not operational in the client's county of residence, the client must register with BEP

Work Requirements

- 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,O. 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 ineligibility for the non-exempt individual. The applicant who fails to provide such information is ineligible until the information is provided or he reports a change that makes him exempt. A recipient's failure to supply this information results in application of a penalty for failure to provide information about employment and job availability.

Work Requirements

2. Exemptions From Food Stamp Work Requirements

The following Food Stamp recipients are exempt from the Food Stamp work requirements and are not subject to a Food Stamp penalty for failure to comply.

NOTE: When any recipient loses eligibility for an exemption, the Worker must determine if the client meets any other exemption criteria prior to imposing a penalty.

NOTE: When a WV WORKS and Food Stamp recipient loses eligibility for WV WORKS, he becomes subject to the Food Stamp work requirements on the 10th of the month following the effective month of AG or individual ineligibility. This means that he must be meeting the appropriate FS work requirements no later than the 10th of the following month.

NOTE: See the last exemption listed below for recipients of WV WORKS who do not meet any other listed exemption.

- Those under age 16. Those who reach age 16 and lose the exemption become subject to the Food Stamp work requirements at the next redetermination, unless exempt for some other reason.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis. Persons who lose this exemption become subject to the Food Stamp work requirements at the next redetermination, unless exempt for some other reason.
- Those age 60 or over.
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of 6, or of an incapacitated individual. When exempt due to care of an incapacitated person, it does not matter if the person receiving the care resides with the client or not and if the incapacitated person is a member of the Food Stamp AG or not. Unborn children are not considered children under the age of 6. Separate families included in the same AG may have one person from 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.

Work Requirements

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. **See Section 12.15.** 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.

- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis. Any person leaving the treatment program becomes subject to the Food Stamp work requirements 10 calendar days after the change is reported, unless exempt for some other reason.

Work Requirements

- A person enrolled at least half-time in any recognized school or recognized training program, or institution of higher education. If enrolled in an institution of higher education, he must meet one of the exceptions to the restriction on student participation listed in Chapter 9. Any person losing this exemption becomes subject to the Food Stamp work requirements at the next redetermination, unless the client is exempt for some other reason.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours. When the client is employed or self-employed for at least 30 hours per week, no consideration is given to the amount earned.

An employed person who is laid off, fired, goes on strike, quits or changes to employment of less than 30 hours per week, or ceases earning wages equal to the federal minimum wage multiplied by 30, becomes subject to the Food Stamp work requirements 10 calendar days after the change is reported, unless a Food Stamp penalty is applied or the client is exempt for some other reason.

- Individuals who receive WV WORKS, so long as they are subject to and complying with a WV WORKS work requirement. These individuals do not meet any of the other Food Stamp exemptions and, if they did not receive WV WORKS, would be required to meet Food Stamp work requirements. When an individual who is exempt only for this reason becomes exempt from WV WORKS work requirements, he is also considered exempt from Food Stamp work requirements. See Section 13.11 for the effect of a WV WORKS sanction on Food Stamps.

NOTE: When a WV WORKS recipient exempt for this reason, loses eligibility for WV WORKS, he becomes subject to the Food Stamp work requirements on the 10th of the month following the effective month of AG or individual ineligibility. This means that he must be meeting the appropriate FS work requirements no later than the 10th of the following month.

B. FOOD STAMP WORK REQUIREMENTS FOR WV WORKS RECIPIENTS

NOTE: The following requirements apply only to individuals who are WV WORKS recipients. They do not apply to non-WV WORKS recipients who are included in the Food Stamp AG with WV WORKS recipients, or to individuals who would normally be included in the WV WORKS AG, but who have been disqualified or excluded by law.

Work Requirements

A WV WORKS recipient who is exempt from Food Stamp work requirements only because he is subject to and complying with a WV WORKS requirement is subject to a Food Stamp penalty, as found in Section 13.6, if he fails, without good cause, to meet a WV WORKS work requirement. The WV WORKS work requirements are outlined in Sections 24.6 - 24.13.

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.