

13.10 GOOD CAUSE FOR FAILURE TO PARTICIPATE FOR WV WORKS

If a parent or other caretaker relative included in the payment quits or refuses employment within the 30 day period prior to the date of application or 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 to comply, without good cause, results in imposition of a sanction. When the Worker discovers the failure or refusal, a notice of adverse action must be issued. See Section 6.3, Items D and E. A Worker generated letter from RAPIDS or a manual letter, OFS-WV WORKS-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. **However, documentation is required for not being able to meet the minimum five hours per week work requirement. (See Section 15.7)**

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:

- The parent or included non-parent caretaker quits employment or fails to participate in his assigned activity due to enrollment and full-time attendance in school, training or an institution of higher learning. College is defined as a 2- or 4-year undergraduate degree program.
- 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.

Work Requirements

- 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 has not met the requirement, but has complied to the best of his ability, understanding of the requirement, understanding of the sanction process and/or level of motivation. The Worker has considerable discretion in imposing a sanction. The Worker may determine that the requirement was inappropriate based upon additional assessment. In addition, the Worker may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction. However, once a sanction has been imposed, it cannot be stopped, until the appropriate time has elapsed, or the appropriate action is taken.
- A requirement of the Office of Social Services precludes participation for a specified period of time.
 - He refuses to accept surgery which would eliminate or significantly improve his condition, even if the refusal precludes participation.
 - He would be required to travel more than one hour round trip to participate, unless it can be shown that local community travel standards exceed the one-hour limitation.

All good cause determinations must be recorded in RAPIDS. The recording must include the reason the Worker did not or did impose a sanction.