

15.7 REQUIREMENT FOR BEING ENGAGED IN WORK (WV WORKS)

Starting with the first day for which benefits are received, a parent or other caretaker relative who is included in the WV WORKS AG is subject to a work requirement, unless temporarily exempt. See Chapter 13 for the temporary exemptions.

Receipt of any of the benefits listed in Section 15.6 counts as a month of benefits. No month of receipt is exempt from being counted, including months in which the client is temporarily exempt from the work requirement. The 24-month period is the first 24 months of the 60-month lifetime limit described in Section 15.6. To continue to be eligible, the client is required to be engaged in work no later than the beginning of the 25th month of benefit receipt.

Being engaged in a work activity becomes an eligibility requirement after the client has been a recipient of benefits for a total of 24 months unless a determination of good cause is made. The months do not have to be consecutive.

NOTE: For parents or other caretakers who were active cash assistance recipients in 1/97, 1/97 is the first month counted in determining the 24-month limit for being engaged in a work activity. Recipients of TANF cash assistance in other states may have begun the 24-month period on an earlier date and may lose eligibility beginning in 10/98 with the implementation of West Virginia's definition of work for meeting the 24-month work requirement. See Chapter 1, Appendix D to determine the date TANF cash assistance began in states other than West Virginia.

The 24-month work requirement may be met by one or both parents.

Work, for the purpose of meeting the 24-month limit, is defined as participation in one or more activities for a minimum of 5 hours per week (averaged). The activities in which the parent or caretaker may participate and be considered engaged in work include, but are not limited to, the following:

- Unsubsidized employment
- Subsidized public or private sector employment, including on-the-job training programs, such as EIP
- Work experience, such as JOIN, CWEP or other work experience programs available in the community
- Community service programs, such as volunteer work, life skills classes, parenting classes, providing dependent care, job readiness programs, sheltered workshop participation, substance abuse treatment, mental health counseling. Volunteer work may include, but is not limited to, work at churches, hospitals or schools, serving as a block mother or participation in activities such as the Adopt-a-Highway Program.

Specific WV WORKS, AFDC and
AFDC – Related Medicaid Requirements

- Job search. There is no time limit for use of job search to meet the 24-month work requirement.
- Provision of child care or care to any incapacitated or disabled individual.
- Work in exchange for some benefit such as, but not limited to, free rent, utilities, clothing or food. There is no requirement that a monetary amount be assigned to the work for purposes of meeting this requirement.
- Enrollment in any educational activity including high school, high school equivalency training, college, technical or vocational school or job skills training. There is no time or enrollment limit when using an educational activity to meet the 24-month work requirement.
- Any other activity which, in the judgment of the Worker and/or Supervisor serves to provide community benefit or enhance personal responsibility and for which time spent can be documented.

Some of the activities listed above also meet the work participation requirement, but when used to satisfy the 24-month limit, they are not time-limited or restricted to a specific individual. Any activity must be structured so that documentation is possible.

Good cause for not being engaged in work which meets the above definition at the end of the 24-month limit is determined according to the criteria in Section 13.10. **Clients are not automatically exempt from the five hour per week participation requirement due to being in one of the exemption components in Section 13.8. Good cause must be reviewed monthly and documentation is required. (See Section 13.10)**

NOTE: No WV WORKS benefit is to be stopped and no notice of pending stoppage is to be sent for failure to meet the 24-month work requirement without first completing the evaluation procedure outlined below.

The procedure to follow prior to notifying the client of the stoppage of benefits is as follows:

NOTE: FS and Medicaid eligibility must be evaluated separately, based on the policy of those programs.

Step 1: The Worker must conduct a home visit to discuss the 24-month work requirement, explain to the client the consequences of failing to meet this requirement and to gather information described below. An office visit or telephone call may not be substituted for the home visit. See Section 1.2,J for information about the clients rights related to home visits.

**Specific WV WORKS, AFDC and
AFDC – Related Medicaid Requirements**

Step 2: After the home visit, the Worker and/or Supervisor must file a written report in the case record and a detailed recording in CMCC about the circumstances surrounding case closure. This report must contain at a minimum the following information. Any other information deemed appropriate should be included.

- Case name, RAPIDS case number, county of residence, address, telephone number
- Number of parents and number of children in the home
- Number of office visits in the past 12 months
- Number of home/work site visits in the past 12 months
- Number of referrals provided to the AG for help in finding their own placement(s) of 5 hours or more, and date(s) of those referrals
- Number of sanctions that have been or are currently being imposed and information about sanctions still pending.
- Whether or not the client met his work participation requirement in any of the past 12 months, and if so, which months and why the participation ended
- Any special or unusual circumstances in the family
- Worker and/or Supervisor decision, including reason, about whether or not the family should continue to be eligible beyond 24 months without meeting the minimum 5 hour work requirement.

Step 3: If the decision is to close the WV WORKS AG, the appropriate notice procedures are followed.

When the case is closed due to failure to meet the work requirement at the end of the 24-month limit, the parent or caretaker must actually be engaged in work, according to the above definition, prior to approval for the 25th month. See Section 1.25,M to determine the beginning date of eligibility when the client reapplies after losing eligibility because the 24-month work requirement was not met.

When the case is closed at or after the end of 24 months for some reason other than failure to meet the 24-month work requirement, and a reapplication is made, the AG must be approved, if otherwise eligible, and the caretaker(s) given the opportunity to engage in a work activity 5 hours per week. If the AG does not comply, a home visit must be completed prior to case closure.