

- The importance of choosing an authorized cardholder who can also access the EBT account
- Services are available by calling the Automated Response Unit (ARU) or by talking with a Customer Service Representative (CSR). These services include, but are not limited to, activation of a new card, replacing a lost/stolen/damaged EBT card, obtaining a new or different PIN, cancellation of an authorized cardholder and checking an account balance(s).

#### H. DUE DATE OF ADDITIONAL INFORMATION

The client and the Worker agree on the date by which additional verification must be obtained.

#### I. AGENCY TIME LIMITS

By the 10th working day following the date of the initial contact when a client expresses an interest in applying for WV WORKS, the Worker must have completed all of the following duties. The initial contact by the client may be in person or by telephone to start the 10-day period.

- Acceptance of the application or DFA-RFA-1. This must be completed prior to orientation and prior to negotiation of the initial PRC; and
- The client's orientation, when it appears he will be eligible; and
- The initial PRC, when it appears he will be eligible.

Data system action must be taken to approve, deny or withdraw the application within 30 days of the same date.

**EXCEPTION:** When the delay is a result of factors outside the control of the Department and the applicant, or when the client requests a delay, any of the above actions may be postponed. When action is postponed due to the client's request, his request must be recorded on CMCC.

**EXAMPLE:** An applicant telephones the office on June 26th to find out how to apply for WV WORKS. At that time, an appointment is scheduled for him to meet with a Worker on July 5th. The next group orientation after the application is completed is July 12th, which is past the 10-day time limit. Therefore, the Worker must complete an individual orientation session for this applicant, preferably at the intake interview on July 5th.

**EXAMPLE:** An applicant contacts the office by telephone on September 10th to find out how to apply for WV WORKS. At that time an appointment is scheduled for him to meet with a Worker on September 13th and to attend group orientation on Sept. 19th. The applicant is caring for his mother until she can be placed in a nursing home. Placement is expected on September 25th, so he requests that his appointments be rescheduled for later that same week. He is then scheduled to meet with the Worker on September 26th and to attend group orientation later that same day. Although the application process is completed outside the time limit, it is due to the client's request which is recorded on CMCC.

#### J. AGENCY DELAYS

If an application has not been acted on within the required time limit due to agency error, corrective action must be taken immediately.

#### K. PAYEE

The payee is the individual in whose name the WV WORKS benefit is issued. The payee must use his legal name whenever possible, unless there is some circumstance that justifies the use of another name. If so, the decision to allow use of another name is made by the Policy Unit, based on information submitted by the local office. See below for the EBT payee.

The parent with whom the child is residing is the payee. When the child lives with 2 parents, the parents choose the payee. When the child lives with a parent and a 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.

For EBT purposes, certain information about RAPIDS primary person is automatically sent to the EBT vendor in what is called a demographic record. This information is used to set up the EBT account, mail the EBT card and to identify the payee and authorized cardholders for security purpose when a call is made to the ARU. See Chapter 21 for card replacement procedures. The card is sent to the payee, regardless of whether or not he is the primary person. A primary person who is not a payee is issued an EBT card as an authorized cardholder. See item T.

**NOTE:** Payments are not issued to **unemancipated** 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. The minor parent is not a cardholder for EBT benefits.

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 monthly benefit, 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 period ends.

## M. BEGINNING DATE OF ELIGIBILITY

Once eligibility is established, i.e., the date all eligibility requirements are met, the application is approved. If the first benefits must be prorated, they are prorated from the date of application. See item C above. There are other circumstances which also affect 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. Benefits may not be issued for any part of the 45-day waiting period. See Chapter 13 for the determination of good cause.

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

**NOTE:** The 45-day waiting period applies only to the AG at application.

**EXAMPLE:** A WV WORKS adult recipient marries an individual who quit a job in the 30-day period prior to the request to add him to the AG. There is no 45-day waiting period in adding him and no sanction is applied.

**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.

- The AG was closed due to earnings of a parent, or a non-parent caretaker included in the payment; and
- The parent, or included non-parent caretaker, quits his job without good cause; and
- The quit occurs within the effective month of closure; and

## Application/Redetermination Process

- The parent, or non-parent caretaker, reapplies for a monthly WV WORKS check during the effective month of closure.

Because the parent, or included non-parent caretaker, is a recipient until the last day of the effective month of closure, his violation is treated as it would be for any other active recipient, i.e. a sanction is imposed. If another sanction(s) has been previously imposed, this sanction is imposed at the next highest level.

The AG is approved for the month following the effective month of closure and then is notified of the imposition of the sanction at the next level. As any other active recipient, he must be provided an opportunity to establish good cause and/or comply during the 13-day advance notice period prior to imposition of the sanction.

**EXAMPLE:** A parent is placed in full-time employment on March 5th. His anticipated earnings make him ineligible and the AG is closed on March 7th, effective March. On March 22nd the parent comes to the office to ask for WV WORKS benefits again and states that he quit his job on March 19th. The Worker determines that he did not have good cause for quitting, but that he met all other eligibility requirements. His eligibility starts April 1st since he already received benefits for March. There is no sanction applied to the April benefits for this offense, but the Worker notifies him immediately about the imposition of a sanction beginning in May and schedules a good cause hearing.

**EXAMPLE:** A parent is placed in full-time employment with a produce shipping company. Two months later, he is laid off. The 45-day waiting period does not apply.

**EXAMPLE:** A caretaker relative included in the payment is hired by a temporary agency. Three months later the temporary job ends. The 45-day waiting period does not apply.

**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.

The DCA benefit is deposited into the EBT cash account.

For applications approved on or after July 1, 2000 the DCA does not count toward the 60- month lifetime limit or the 24-month limit.

Transitional Medicaid is available only when all the requirements in Section 16.5,C are met. Eligibility is not **based on receipt of DCA**.

DCA payments are not subject to repayment unless fraud is established.

a. Determining Financial Eligibility for the DCA

Financial eligibility for the DCA is determined by comparing the gross, non-excluded, countable income of the AG to 100% of the Standard of Need (SON), based on the number of people in the AG.

If the income is equal to or less than the appropriate SON, the Worker must determine the AG's countable income. See Section 10.24,C,3.

If the countable income is less than the maximum WV WORKS benefit amount for the AG size shown in Appendix A, the AG is eligible for DCA.

b. Determining the DCA Amount

The DCA amount is determined as follows:

- Determine the maximum WV WORKS amount that is payable to a family of the same size.

**NOTE:** No incentives or reductions are applied when determining the DCA amount.

- Multiply the amount by 3. This result is the maximum DCA payment which may be issued.
- Determine the amount needed to meet the temporary financial need. The amount may include expenses related to future employment needs and ongoing household expenses.

**NOTE:** Because payment is limited to one-time-only, the Worker must be certain to include all such needs in this determination. Supplemental payments may not be issued, even if the maximum amount was not used for the first DCA and even if the transaction can be made the same day.

## Application/Redetermination Process

**NOTE:** Regardless of the amount of the DCA payment, acceptance of DCA does not count toward the 60-month lifetime limit or the 24-month limit. This applies only to applications on or after 7/1/00. An application approved prior to 7/1/00 has all 3 months counted, even if the payment includes months on or after 7/1/00.

- Compare the amount of the temporary financial need to the maximum DCA amount. If the DCA is sufficient to meet the need, payment is issued for the amount of the temporary need. If the DCA is not sufficient to meet the need, the Worker and the client may determine that the amount that can be met by the DCA is sufficient and that other arrangements can be made to meet the remainder of the need. Support services must not be considered to be a resource that can be used to meet the additional need not covered by the DCA. When there is no other resource available to meet the need, or when support service payments are the only alternative to meeting the need, DCA is not appropriate.

The client is approved for an ongoing WV WORKS check. There are no circumstances under which the maximum DCA payment amount may be exceeded.

- **A child that is included in any DCA payment is considered to receive the benefit of that payment for 3 months. The child cannot be included in any other DCA AG for any month for which he received the benefit in another DCA AG.**

**EXAMPLE:** Ms. Smith obtains employment in Ohio and receives a DCA payment in the appropriate amount in 4/06. This AG is not eligible for WV WORKS for 4/06 through 6/06. In 5/06, the child goes to live with her father who applies for WV WORKS but has a job offer in Pennsylvania and is issued a DCA payment by the Worker instead. In determining the appropriate DCA amount, the family size must exclude the child for 5/06 and 6/06. The child can be included in the AG for 7/06. (See Section 1.25,S,2,b to determine the appropriate DCA amount.)

## c. Determining if DCA is Appropriate

The following guidelines are used to determine if DCA is appropriate.

- The AG must demonstrate a need which cannot be met with current or anticipated family resources.
- A member of the AG must be employed or have a verified promise of employment or other verified source of income within two months of application.
- The AG must be eligible for a WV WORKS check based on the applicant's declaration and the best judgment of the Worker. See Chapter 4 for verification requirements.
- The applicant must agree to accept DCA by signing the Diversionary Cash Assistance Agreement, IM-WVW-3, which lists conditions and expectations.

b. EBT Card Issuance

(1) Initial Card Issuance

The EBT card is issued when the first benefit to be issued into an EBT account is approved. It is mailed the day after the approval in RAPIDS. If an active AG moves from a non-EBT area into an EBT area, the card is issued after the RAPIDS deadline date for the change to the EBT area. The PIN is mailed within 2 days after the card is mailed. Once the benefit account is set up and benefits are deposited into the EBT account, they are accessed with the EBT card. The client must call the vendor's ARU to activate the initial card prior to use.

All cards and PINS are mailed to the payee following the address hierarchy in RAPIDS. See the RAPIDS User Guide. See item (2) below when the AG has a legal guardian or protective payee coded in RAPIDS. This includes the card(s) for any additional authorized cardholder(s). It is the responsibility of the payee to distribute the cards to any other cardholder(s).

(2) Effect on Card Distribution of Legal Guardian or Protective Payee Coded in RAPIDS

When the Worker indicates in RAPIDS that the AG has a legal guardian or protective payee, all cards are mailed to the address of that individual. Current policy contains no reference to a specified legal guardian as a payee.

Any other representative or protective payee is indicated in RAPIDS as a protective payee.

(3) Authorized Cardholder

The AG may designate an additional individual(s) as an authorized cardholder for EBT. The authorized cardholder has his own card and PIN and accesses the EBT account for the specified benefit(s) without restriction. For this reason the choice of an authorized cardholder and its importance must be stressed with the applicant or recipient. The authorized cardholder is designated, changed or removed on RAPIDS screen AIRQ.



**NOTE:** When the individual designated as primary person for the AG has a legal guardian or protective payee coded in RAPIDS, the card for the AG is mailed to that person. In this situation, if the primary person or other individual must have a card, the information must be entered on screen AIRQ as an authorized cardholder. All cards are mailed to the address of the legal guardian or protective payee.

WV WORKS AG's may select only one authorized cardholder for WV WORKS. If the AG receives both Food Stamps and cash assistance, they may select one authorized cardholder for each benefit.

The maximum number of cards issued for any case is 3.

Once an authorized cardholder is chosen, the payee may stop the cardholder's access to the EBT account by calling the ARU or DHHR Customer Service Center. Local office staff cannot inactivate a card. However, the DHHR Customer Service Center or local office Worker can change or remove a cardholder. If the client first calls the ARU to stop access to the account, he must still contact the local office to remove or change the cardholder.

(4) Cardholder Security

The demographic information sent to the EBT vendor for the primary person in the AG is the Social Security Number, Date of Birth and address to which the card is sent.

No demographic information is sent for any authorized cardholder. The authorized cardholder must know the date of birth of the AG's primary person and the address to which the card(s) is mailed.

If the SSN is requested for a PIN change, the AG's primary person provides his own and the authorized cardholder or representative/protective payee must provide zeros.

T. PERSONAL RESPONSIBILITY CONTRACT (PRC)

**NOTE:** Guidance for the assessment process which is crucial to the completion of the PRC is found in Section 24.4.

The Personal Responsibility Contract (PRC), form OFA-PRC-1, is a negotiated contract between **each of** the adult or emancipated minor members of the WV WORKS AG and the Worker, as the representative of the Department.

These factors, as well as any other information readily available, must be considered when negotiating the initial SSP.

b. First Full Self-Sufficiency Plan (SSP)

After the assessment process described in Section 24.4,B has been implemented, the Worker is required to complete a full SSP. The first full SSP must be completed and signed within 45 days of the date of application and must be based on information determined through the assessment process, including the information obtained from form OFA-WVW-3A.

c. Subsequent Changes to the Self-Sufficiency Plan (SSP)

Changes may be made to the SSP when the client and the Worker agree that changes are appropriate. These changes may be a result of identifying a new impediment to a goal, acceleration of the progress toward self-sufficiency, or on any other change in the client's circumstances. It may also be changed based on the addition of available services to the area or the loss of such services.

d. Domestic Violence Considerations

During the completion of the SSP, 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 negotiation 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 SSP 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 form 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

The purpose of Orientation to WV WORKS is to inform all applicants about the Program, the general policies and program requirements.

Orientation is part of the application process. It is an opportunity to make sure that each person understands the services available and the program requirements. It also gives the applicant an easy way to ask questions and receive answers. This will also begin the assessment process by allowing the Worker to determine the issues most important to the applicant

Each adult and emancipated minor in the WV WORKS AG must receive orientation to the Program. At the discretion of the CSM, orientation may be conducted in groups, individually, or in a combination of the two. The important point in either process is that information be presented uniformly and the applicant leaves with a good understanding of the Program, his general requirements and services available to him. Not only is it important that each applicant in a District or Region receive the same kind of information, it is equally important that all applicants statewide receive the same kind of orientation information. For that reason, the two forms described below are used to accomplish uniformity. Their use is mandatory.

Attending a WV WORKS orientation and signing the **OFA-WVW-4** are eligibility requirements, so eligibility may not be established until these are completed. However, when the client reapplies for benefits within 3 months of the last day of the effective month of closure, he is not required to complete another orientation session.

**EXAMPLE:** An AG is closed on April 10th. The last day of the effective month of closure is April 30th. If he reapplies on or before July 31st, no new orientation is required.

### 1. **OFA-WVW-4**, Orientation To WV WORKS

This form contains a brief summary of some of the requirements unique to WV WORKS. The Worker must explain the information included on the

form and add additional information in response to specific questions. Under no circumstances may delivery of the form to the client with no discussion of the information substitute for a full, uniform orientation to the Program.

In addition to the information on the form, the following is required: When a PRC has not already been completed and will not be completed during the orientation session, provide the client with a blank copy of the PRC. This will allow time for him to be prepared for the PRC interview. Appropriate distribution is listed on the form.

## 2. WV WORKS List Of Local Services

**The WV WORKS List of Local Services template is included in Appendix D at the end of this Chapter. This is not a form, merely a template to assist local offices in producing a list of local services which the client may need or be required to use. The final list may be prepared by each District office or be prepared regionally, depending upon the availability of the services. It is designed to be developed once and reproduced for use during Orientation. Use of this list including the attachment is mandatory and must be updated as changes occur. Under no circumstances is staff to copy this template exactly as listed in Appendix D for use. With the exception of attachment A, the WV WORKS List of Local Services must be designed to reflect the availability and list of services in a particular District or surrounding area/region.**

The template contains information in parentheses after each main heading. This information is what is required to be included on the form or discussed with the client. It should not appear on the final form used by Workers.

When the template states to “list” information, it is expected that the local office will type the information on the form. When the template states “discuss” or “tell” it is expected that the Worker will verbally provide information.

When a particular service is not available locally, the local office may list the nearest location where such services are available or may type on the form: “Not Available Locally.” In some locations in the State, there may be more service locations than it is practical to list on the form. When this is true, list all locations on a separate sheet(s) of paper and on the form refer to the attachment.

The applicant is expected to initial each item after it is discussed with him, but his eligibility is not affected if he does not. Under no circumstances may delivery of the form to the client substitute for a discussion of all the items on the form.

In addition to the items listed on the **WV WORKS List of Local Services**, there must be a complete discussion of domestic violence issues which include the following:

A discussion of the Department's efforts to protect the safety of clients in domestic violence situations by choosing the Family Violence Option included in welfare reform legislation. Explain that literature is available in different locations throughout the office and from the Worker. The discussion should include the benefits of disclosure of domestic violence as it relates to work participation requirements and program time limits. It should also include information about how to disclose, i.e., to the Worker, other individual, etc. It is important that the Worker inform the client that this information is given to everyone who applies and does not indicate the Worker has any knowledge or suspicion of domestic violence. This is especially important when 2 parents or 2 non-parent caretakers are being interviewed.

**Information on Attachment A of the template regarding sexual harassment must be discussed by the Worker with the client. Attachment A must be copied exactly as written and included with the WV WORKS List of Local Services provided to the client.**

## V. RIGHTS OF APPLICANTS AND PARTICIPANTS WITH DISABILITIES

### 1. Introduction

The West Virginia Human Rights Act, West Virginia Code § 5-11-1, the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 apply to all programs established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) which established the Temporary Assistance to Needy Families (TANF) program. WV WORKS was established as a TANF program, and as such, the laws established under the Acts referenced above apply to WV WORKS.

These Acts provide:

- That no qualified individual with a recognized ADA disability will, by reason of that disability, be excluded from participation in, be denied any of the benefits or be discriminated against by the agency administering the program
- Discrimination by any agency which receives Federal financial assistance to support their TANF program is prohibited.

All TANF agencies are subject to review by the Office of Civil Rights and any complaints regarding discrimination are to be referred to and investigated by that office. (See Section 1.2 for directions on filing a complaint.)

## 2. Accommodations For The Disabled In WV WORKS

**NOTE:** Under Section 504 of the Rehabilitation Act and the ADA, a disability is “any physical or mental condition, including learning disabilities, mental retardation, a history of drug or alcohol addiction, depression, a mobility impairment or a hearing or visual impairment.” The Worker has the responsibility to inform the client that disclosure of any or all of these conditions is voluntary but provide any appropriate referrals once the information is provided

Although disabled individuals may be temporarily exempt from participation, if they meet the required exemption criteria, automatic exemption of individuals with disabilities denies those individuals access to the TANF programs and services. This practice results in the discriminatory exclusion of disabled individuals from participating in the program. Under the law, every effort must be made to modify practices and policy, when appropriate, so disabled individuals may receive modified training and accommodated job opportunities. This policy permits the disabled to participate in the program and benefit from the employment and training opportunities offered to all other participants.

Two concepts are central to making WV WORKS accessible to all applicants and participants:

- Individualized treatment – All individuals with disabilities must be treated on a case-by-case basis, in a way that is appropriate to accommodate their disabilities.
- Effective and meaningful opportunity – All disabled applicants and participants must be allowed to participate and given the opportunity to benefit from TANF programs in the same manner as all other participants and must be allowed to have meaningful access to the program.

Reasonable accommodations and services, must be available to all disabled participants so all services and programs are accessible to disabled individuals. These types of modifications are required at application and throughout all stages of the WV WORKS program and continue as necessary through employment or even during an extension of the 60 month limit of benefits.

Workers must make appropriate referrals to local service agencies that provide the services and assistance necessary to ensure the applicants' successful participation. Referrals are made using the DFA-ADA-1. Only one referral is made on each form. Distribution of the form is as follows:

- One copy remains in the client file.

- One copy to the client.
- One copy is for the client to deliver to the referral agency.

The DFA-ADA-1A is the follow-up form. The Worker completes this form to summarize the services that have been received and the outcomes of the services.