

### 13.8 DETERMINING WV WORKS TEMPORARY EXEMPTIONS

**NOTE:** The following are temporary exemptions from meeting the work requirement. These do not automatically exempt the individual from the 60-month or 24-month time limits described in Sections 15.6 and 15.7.

All adults and emancipated minor parents, who are included in a WV WORKS payment, are required to participate in a work activity, unless temporarily exempt. All exemptions are temporary. Those who are temporarily exempt are required to sign a PRC.

The persons in items A - G below may be temporarily exempt from participating in a work activity. In all cases, the exempt individual may choose to participate, but no sanction is applied for failure to do so while exempt. Those who choose to participate are coded according to the activity in which they participate.

Those who do not volunteer are coded based on the reason for the temporary exemption. The appropriate RAPIDS WP component codes are shown in parentheses after each temporary exemption in items A - G.

There are other codes in item H below to be used to account for non-exempt persons who are not coded in an activity.

All adults and emancipated minors are referred to RAPIDS WP, even if they are temporarily exempt.

**NOTE:** To identify minor parents who receive WV WORKS as dependent children and, therefore, are not required to participate, see item H below.

A. AGE OF INDIVIDUAL (TG)

Individuals over age 60 are exempt.

B. PHYSICAL/MENTAL INCAPACITY (TI-Physical, TM Mental Health Issues)

Individuals with a physical or mental health incapacity, or suffering from a temporary debilitating injury are temporarily exempt. The temporary injury must last, or be expected to last, for more than 30 days. The individual's condition must be reevaluated within the time limits specified by his medical practitioner, but no less often than annually. MRT must approve all individuals claiming permanent and total disability. See Section 12.3,C for instructions to determine incapacity. In addition, all adults and emancipated minors who are temporarily exempt due to physical, mental or emotional reasons must be submitted to MRT prior to receipt of their 24th WV WORKS payment. Referral may be made at any time prior to the 24th month. However, approval of an application may not be delayed pending receipt of the MRT decision unless the Worker and/or Supervisor cannot determine that incapacity exists from available medical information. When submitting the individual's information to MRT, the Worker must request that a decision be made about disability, as well as incapacity.

## Work Requirements

## C. AGE OF CHILD (TF)

**NOTE:** This temporary exemption does not apply during the pregnancy. It applies after a child is born and begins the month following the birth or the month following the request for the exemption.

One parent included in the AG with a child under the age of 12 months may be temporarily exempt for 6- months. Once the child attains the age of 12 months, the temporary exemption ends, even if the full 6-month temporary exemption period has not been received. The temporary exemption may be applied when an applicant has already given birth to a child and the child is under 12 months of age at application. Any additional child(ren) born to the family **qualifies one of the included parents for a 6 month temporary exemption period following the birth of the child.**

The parent(s) may choose to participate, but no sanction may be applied for any participation failure during the exemption period. If the parent chooses to participate, the remaining exemption time cannot be used by either parent following the birth of another child.

**The mother or the father may receive the temporary exemption, provided that:**

- **Only one adult is temporarily exempt for this reason at the same time. When there are 2 parents included in the AG, the one who is exempt may be changed at any time. However, when the adult who has not claimed this temporary exemption is sanctioned, changing the exemption to the other adult must not stop the imposition of the sanction. Instead, the other adult may receive the temporary exemption, but the sanction is still imposed; and**
- **The youngest child included in the AG has not attained the age of 12 months. A parent whose AG is closed prior to the expiration of the exemption period is eligible for the remainder of the original exemption upon re-approval of benefits during the original exemption period as long as the child has not attained the age of 12 months.**
- For federal participation purposes, this exemption is limited to **a one time** 12 month lifetime exemption.

## D. CHILD UNDER 6/UNAVAILABLE CHILD CARE (TD)

An individual caring for a child under age 6 is temporarily exempt when the individual is unable to obtain formal or informal child care. The client must accept available child care unless it is an unreasonable distance from the individual's home or work site. Special needs children may require special child care arrangements. If so, the unavailability of suitable and appropriate care must be considered for special needs children.

**E. CHILD WITH LIFE-THREATENING ILLNESS (TS)**

**NOTE:** Providing care for a child, as follows, is a legal, temporary exemption from meeting a work requirement and is listed here for that reason. Providing this care may also meet the work requirement as a community service activity and must be used as such. See Section 24.10,C.

**A parent who is caring for his own dependent child is temporarily exempt when the child has a life-threatening illness.**

**F. CARE FOR A DISABLED FAMILY MEMBER (TW)**

An individual, who is providing for a disabled family member living in the home, is temporarily exempt from the participation requirements. The disabled family member must not be attending school full-time. Medical documentation must be provided to support the need for the parent to remain in the home to care for the disabled family member. This documentation must be reviewed **at least once every six months. This care cannot be counted as participation hours under any activity.**

**G. DOMESTIC VIOLENCE (TV)**

When an individual discloses domestic violence which is a barrier to participation in WV WORKS activities, the individual may receive a temporary exemption from the requirements for up to 6 months as long as the individual:

- Accepts a referral to a local domestic violence agency; and
- Completes a time-limited service plan with the domestic violence agency which will enable him to gain self-sufficiency; and
- Complies with the requirements of the domestic violence agency plan.

If the client refuses the referral to an appropriate agency, he cannot receive this temporary exemption. The case, however, is coded in RAPIDS with the Domestic Violence indicator. See Section 1.2,D.

The Worker must monitor the plan regularly in order insure compliance and to continue the exemption. The Worker must maintain close contact with the DV program and the program's statement that the client is engaged in reasonable efforts to remain safe, as long as the barriers exist, is accepted.

If, at the end of the plan period, barriers to self-sufficiency still exist, the temporary exemption may be continued on a month-by-month basis until the barriers no longer exist, as long as the client continues to comply with the domestic violence agency's plan. Plans may be extended after the 6-month limit when extenuating circumstances exist and counseling continues at the recommendation of the DV counselor.

**H. OTHER BARRIERS TO PARTICIPATION (NA)**

The following circumstances were formerly individually coded in RAPIDS for individuals who are not temporarily exempt and not currently in an activity, or who are not meeting the minimum participation hours:

- Is at home caring for the children while the other parent is participating
- Imminent birth of a child to a WV WORKS female recipient
- No activity available for this client
- Decision pending on eligibility for statutory benefits
- Waiting for transportation to be available. The transportation source must be known.
- Verified job will start within 30 days
- Verified activity will start within 30 days and there is no other activity available in the interim

Case comments in CMIC must document the barrier and household circumstances. See the RAPIDS User Guide for coding information.

**NOTE:** These are not additional temporary exemptions. They are merely reasons why an individual who must meet a participation requirement is not currently in an activity, or is not meeting the minimum participation hours.

This code is still used:

- NQ: Is a minor parent receiving WV WORKS as a dependent child (Evaluate in 6 months). This is a stand alone component and cannot be entered with any other component codes.

For purposes of entering the temporary exemption codes (components) listed in Section 13.8, Items **A-G**, the following procedures are followed in Work Programs (WP):

- The TG temporary exemption component code is stand-alone and cannot be entered with any other component codes.
- Other temporary exemption codes in Section 13.8, Items **A-G** can be entered in conjunction with activity components. These components are:

TI, TM, TF, TD, TW, and TV.