

13.1 INTRODUCTION

This Chapter details work requirements for Food Stamp benefits, WV WORKS and Medicaid. It designates the member(s) of the AG to whom the requirements apply and the penalty for failure to meet the requirements.

For requirements and responsibilities related to the Food Stamp Employment and Training Program (FSE&T), see Chapter 25.

13.2 GENERAL FOOD STAMP WORK REQUIREMENTS AND EXEMPTIONS

All Food Stamp recipients are subject to a work requirement, unless exempt. There are 2 separate and distinct policies which define these work requirements **and the exemptions from these requirements.**

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

The following work requirements apply to all Food Stamp recipients who:

- Do not receive **and/or are disqualified from** WV WORKS; or
- **Do not receive WV WORKS, but do receive** Food Stamp benefits in the same Food Stamp AG with WV WORKS recipients.

The work requirements in **item A of** this Section also apply to ABAWD's. See Section 9.1,A.

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

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.

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- 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 **FSE&T in RAPIDS**, 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
- Registration with BEP. Details are in Section 13.5,A. Failure of an individual to register within the time limits found in Section 13.5,A and 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.

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- 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 the month of application and 2 calendar months following 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.

2. Exemptions From Food Stamp Work Requirements

NOTE: An ABAWD in an ILC who is receiving Food Stamp benefits in either his first or second 3-month period of eligibility without meeting the ABAWD work requirements in Section 9.1,A, is not exempt from the FS work requirements in item A,1 above, unless he meets an exemption listed below.

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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.

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

- **A person** under age 16. Those who reach age 16, and lose **this** 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 not the Food Stamp payee or RAPIDS primary person. Persons who lose this exemption become subject to the Food Stamp work requirements at the next redetermination, unless exempt for some other reason.**

EXAMPLE: An AG consists of two 17 year olds. One is designated as the RAPIDS primary person and FS payee and is, therefore, subject to the work requirements, unless another exemption is met. The other AG member is exempt from the work requirements.

- 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.
- **A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education. If enrolled in an institution of higher education, the student must meet one of the exceptions to the restriction on student participation listed in Section 9.1. This exemption continues through normal periods of vacation, unless the person does not intend to register for the next term, excluding summer terms. Any person losing this exemption becomes subject to the Food Stamp work requirements at the next redetermination, unless exempt for some other reason.**
- **A person** age 60 or over.

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- 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 and/or disabled individual. **The person receiving the care is not required to reside with the AG or be a member of the Food Stamp AG.** 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 **and are in the same AG.** They each have two children under age 6. Both women may be exempt for caring for **a** child under age 6.

EXAMPLE: A man and woman apply for Food Stamp benefits. They have one child, age 5. The man receives RSDI based on his disability and is, therefore, exempt from the Food Stamp work requirements. He is, however, able to care for the child, so the mother is not exempt from the 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 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).

When a client reports the loss of UCI income, the Worker must evaluate the circumstances to determine if a penalty must be applied. A penalty is applied when the individual is exempt from Food Stamp work requirement due solely to the fact that the client was registered with BEP, unless another exemption is met. Good cause for failure to comply with UCI requirements include all situations described in Section 13.3,C for voluntarily quit.

If an individual's UCI benefits are suspended, he becomes subject to the Food Stamp work requirements 10 calendar days after the

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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.
- 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.
- 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 Stamp **benefits**.

NOTE: When a WV WORKS recipient **who is** exempt for this reason, loses eligibility for WV WORKS, 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

The following requirements apply only to **Food Stamp recipients** who are **also** WV WORKS recipients. They do not apply to non-WV WORKS recipients who

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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. **These individuals must meet the work requirements in item A,1 above, unless exempt, disqualified, or excluded by law from the Food Stamp Program.**

1. Work Requirements

The Food Stamp work requirements for WV WORKS recipients are outlined in Sections 24.6 – 24.13. As long as an individual is subject to the WV WORKS work requirement and is meeting his work requirement, he is also meeting his Food Stamp work requirement.

2. Exemptions from Food Stamp Work Requirements**a. Individuals Exempt from WV WORKS Work Requirements**

WV WORKS recipients 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. These individuals are not subject to either a WV WORKS sanction or Food Stamp penalty for not complying with the work requirements when an exemption is met.

b. Individuals Exempt from Food Stamp Work Requirements

WV WORKS recipients who are subject to the WV WORKS work requirement, and who fail, without good cause, to meet a WV WORKS work requirement, are not subject to a Food Stamp penalty for not meeting the work requirement if they meet an exemption listed above in item A,2.

A WV WORKS recipient who is subject to a WV WORKS **work** 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, **unless he also meets an exemption listed in item A,2 above.**

NOTE: An individual who fails to meet a WV WORKS PRC requirement is not subject to a Food Stamp penalty unless that PRC requirement is directly related to the WV WORKS work requirements in 24.6 – 24.13. Some examples of PRC requirements that may result in a WV WORKS sanction include, but are not limited to, enumeration, immunizations and cooperation with BCSE.