

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.

1. Work Requirements

- 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: The Food Stamp work requirements are waived for individuals who complete a joint FS/SSI application at the SSA office until SSI eligibility is determined. See Section 1.4,R.

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

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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.

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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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.