

### 13.3 FOOD STAMP VOLUNTARY QUIT

#### A. ACTIONS WHICH ARE VOLUNTARY QUILTS

An applicant who voluntarily quit employment is ineligible for 3 months; a penalty is applied to an active recipient. See Section 13.2,A.1 and 13.6.

A voluntary quit has occurred when all of the following conditions exist:

- The individual left full-time employment **of at least 30 hours per week**, other than self-employment, of his own volition, or the individual voluntarily reduced his work hours to below 30 hours/week.
- The individual who left employment was not exempt from the work requirement at the time of the quit.
- The individual quit the most recent job of at least 30 hours per week within 60 days prior to the date of application, or anytime thereafter, without good cause. See Section 13.3,C.

**NOTE:** An individual who is exempt from the work requirement due to employment loses this exemption immediately upon leaving employment. The client is, therefore, subject to the work requirement penalty even though he was exempt while employed, or while working 30 hours/week.

**NOTE:** Those persons exempt from the work requirement at the time of the quit due to receipt of, or registration for, UCI benefits are exempt from the Food Stamp penalty. However, failure to comply with UCI requirements without good cause results in the penalties listed in Section 13.6.

**NOTE:** An individual who meets the above conditions and is an employee of federal, state or local government is considered to have voluntarily quit a job without good cause when the individual participates in a strike against such government and is dismissed because of participation in the strike.

#### B. ACTIONS WHICH ARE NOT VOLUNTARY QUILTS

The following actions are not considered Voluntary Quit actions:

- Leaving a job of less than 30 hours per week.
- Reduction in the number of hours of employment for the same employer, at the request of the employee, as long as after the reduction, he is **still** employed 30 hours or more per week.

## Work Requirements

- Termination of a self-employment enterprise.
- Resignation or termination from the employment at the demand of the employer for any reason, including lay-offs and firings. Even when the reason for firing is failure of the client to follow rules that the employer can reasonably expect to be followed, being fired is not of the client's own volition and is not, therefore, a voluntary quit. See **NOTES** in item A above.
- Leaving employment by a person who was exempt from work requirements at the time of the quit. See **NOTES** in item A above.
- For applicants: The quit did not occur within the 60-day period prior to the date of application **and/or** did not involve the most recent job of at least 30 hours per week.
- **For recipients: The quit did not involve the most recent job of at least 30 hours per week and/or the client is exempt from the work requirements at the time of the quit or at the time the voluntary quit is determined.**

## C. GOOD CAUSE FOR VOLUNTARILY QUITTING

Once a determination is made that the client voluntarily quit, the Worker determines if the individual had good cause for leaving employment. If any of the following are met, good cause is established.

- The individual was discriminated against by the employer based on age, race, sex, color, disability, religious beliefs, national origin or political beliefs.
- The work demands or conditions were unreasonable, such as, but not limited to, working without being paid on schedule.
- The enrollment by the individual at least half-time in any recognized school, training program or institution of higher learning, which requires the individual to leave employment.
- The acceptance by any AG member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher learning in another area which requires the AG to move and, thereby, requires the individual to leave employment.
- The employment does not meet the suitability requirements.

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Work Requirements

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Employment is considered unsuitable if any of the following conditions exist:

- The wage offered is less than the highest of:
  - o The applicable federal minimum wage,
  - o The applicable State minimum wage, or
  - o Eighty (80) percent of the federal minimum wage, if neither the federal nor the State minimum wage is applicable.
- The employment in question is on a piece-rate basis and the average hourly yield the employee can reasonably expect is less than the applicable hourly wages specified above.
- The individual, as a condition of employment, is required to join, resign from or refrain from joining, any legitimate labor organization.
- The work is at a site subject to a work stoppage as a result of a strike or lockout at the time of the offer, unless the strike has been enjoined under section 208 of the Labor Management Relations Act (Taft-Hartley Act) or Section 10 of the Railway Labor Act.

In addition, employment is considered suitable unless the AG member can demonstrate or the Worker otherwise becomes aware that:

- The degree of risk to health and safety is unreasonable.
- The individual is physically or mentally unfit to perform the employment, as established by documented medical evidence or reliable information provided by another identifiable source.
- The employment offered is not in the client's major field of experience. This is applicable only within the first 30 days of becoming subject to the work requirements.
- The distance traveled to the employment from the client's residence is unreasonable, considering the expected wage and the time and cost of commuting. Employment is not considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Nor is employment considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the individual to the job site.

## Work Requirements

**NOTE:** Clients who move to a residence which renders the distance to the place of employment unreasonable are not subject to the work requirement penalty. This includes those who move to WV from another state or country and those who move within the state.

- The working hours or nature of the employment interferes with the client's religious observances, convictions or beliefs.
- The acceptance of a bona fide offer of employment of more than 30 hours per week which, through no fault of the individual, either does not materialize or results in employment of less than 30 hours per week.
- The client left a job in connection with patterns of employment in which workers frequently move from one employer to another, such as construction work or migrant farm labor.

There may be times when a Food Stamp AG applies for benefits between jobs, particularly in cases where work may not be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment is considered to have been with good cause when it is part of the pattern of that type of employment.

- Resignations by persons under the age of 60, which are recognized by the employer as retirement.
- The client left employment due to circumstances beyond his control, such as, but not limited to: illness, illness of another AG member requiring the presence of the client, a household emergency, the unavailability of transportation, or lack of adequate child care for a child who is at least age 6, but not yet age 12.

#### D. ESTABLISHING GOOD CAUSE

See Section 4.2 for possible sources of verification of the reason for the quit. Verification of the reason is routinely required when the client claims good cause except as follows.

If the individual and the Worker are both unable to obtain the needed verification because the cause for the quit resulted from circumstances that, for good reason, cannot be verified, such as a resignation from employment due to discrimination, unreasonable demands by an employer, or because the employer cannot be located, the individual must not be penalized. The situation must be thoroughly recorded on the appropriate RAPIDS screen.

## **E. WHEN TO APPLY A FOOD STAMP PENALTY FOR VOLUNTARY QUIT**

**NOTE:** The applicant or recipient may not be required to return to the same or comparable employment before eligibility is reestablished.

Once a determination is made that the client voluntarily quit a job of at least 30 hours per week and did not have good cause for quitting, he may be subject to a Food Stamp penalty as described below.

### **1. Applicants**

When the Worker determines that an applicant has voluntarily quit a job without good cause, he is ineligible in 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 a penalty for the applicant.

Eligibility for the individual is reestablished when an exemption is established or at the end of the 3-month ineligibility period.

### **2. Recipients**

#### **a. Voluntary Quit Discovered During the Certification Period**

##### **(1) Simplified Reporting AG's**

When the Worker discovers that the recipient may have voluntarily quit employment, he must wait until the next redetermination to determine if the client is subject to a Food Stamp penalty. At the time the quit is discovered, if sufficient information exists to determine that the client had good cause, this information is recorded in case comments and on the appropriate RAPIDS screens. If sufficient information is not available to determine whether or not the client had good cause, the Worker must record the available information in case comments and explore the potential for good cause at the next redetermination. The client is not required to report that he quit a job and/or that he had good cause for quitting during the certification period.

If the Worker determines at redetermination that the client voluntarily quit without good cause at any time during the certification period and is not currently

working 30 hours a week and is not exempt from the work requirements, a penalty is applied. See Section 13.6.

Eligibility for the individual is reestablished when an exemption is established or at the end of the appropriate penalty period.

**(2) Change Reporting AG's**

When the Worker discovers that the recipient may have voluntarily quit employment, he must contact the client as soon as the new employment and/or quit is discovered. The Worker must determine whether or not the client remains exempt from the work requirements or is subject to a Food Stamp penalty. The Worker must not delay action until the next redetermination.

**b. Voluntary Quit Discovered At Redetermination**

**(1) Simplified Reporting AG's**

When the Worker determines at redetermination, based on information available in case comments and new information reported by the client during the normal redetermination process, that the recipient voluntarily quit employment without good cause during the prior certification period, he must determine if the client is subject to a Food Stamp penalty.

If the Worker determines at redetermination that the client did voluntarily quit without good cause at any time during the certification period and he is not currently working 30 hours a week and is not or exempt from the work requirements, a penalty is applied. See Section 13.6.

The Worker must only explore the potential for voluntary quit using information previously recorded in case comments and information that the client reported in order to update the current information in RAPIDS. Neither the Worker nor the client is required to explore the potential for voluntary quit when the job is not previously known to the Department.

Eligibility for the individual is reestablished when an exemption is established or at the end of the appropriate penalty period.

**(2) Change Reporting AG's**

When the Worker determines at redetermination, based on any available information, that the recipient voluntarily quit employment without good cause during the prior certification period, he must determine if the client is subject to a Food Stamp penalty.

If the Worker determines at redetermination that the client voluntarily quit without good cause at any time during the certification period and is not currently working 30 hours a week and is not exempt from work requirements, a penalty is applied. See Section 13.6.