

13.10 GOOD CAUSE FOR FAILURE TO PARTICIPATE FOR WV WORKS

All mandatory Work-Eligible Individuals must be placed into a relevant and a current component for tracking and monitoring purposes. The participant must remain in that component whether or not they are working, cooperating, or sanctioned until either the case is closed or the Case Manager and participant agree to change the component. Not meeting participation requirements or being sanctioned are not reasons to disenroll the participant from their assigned component(s).

If a parent or other caretaker relative included in the payment or a **non-recipient Work-Eligible Individual** quits or refuses employment within the 30 day period prior to the date of application or when the client fails or refuses to meet his work requirement and/or adhere to his PRC requirements, the Worker must determine the reason for such failure or refusal. **Appropriate documentation must be provided and the circumstances must be recorded in CMIC and CMCC where applicable. The appropriate RAPIDS component code for the good cause reasons below must be entered in Work Program. All good cause determinations must be reviewed monthly. Work-Eligible Individuals who participate in countable activities must be placed in that activity in addition to the good cause component.**

Failure or refusal to comply, without good cause, results in imposition of a sanction. When the Worker discovers the failure or refusal, a notice of adverse action must be issued. **When a letter is mailed scheduling the good cause interview, the Worker must allow no less than 7 calendar days. This period begins the day following the date the letter is requested in RAPIDS, or the day following the date a manual letter is sent. If the letter is hand delivered, case comments must be made indicating the date the letter was given to the client. If the appointment is scheduled for a date prior to the 7 calendar days, the participant and the Worker must agree on the appointment date.** See Section 6.3, Items D and E. A Worker generated letter from RAPIDS or a manual letter, OFS-WV WORKS-NL-1 is used.

NOTE: A good cause determination is not required when the client is exempt from participation **in a work activity**. See Section 13.8 **for these exemptions**. However, documentation is required for not being able to meet the minimum 5 hours per week work requirement **or for referrals for assessment testing, or referrals to other appropriate services**. (See Section 15.7)

NOTE: To avoid imposition of a sanction due to good cause, the good cause must be established during the advance notice period. Once a sanction has been imposed it cannot be stopped until the appropriate time has elapsed.

The client has good cause for failure to participate when:

A. AGE OF CHILD (TF)

An individual is caring for a child under the age of 1. This is a one time good cause period for a maximum of 12 months lifetime. This period ends once the child attains the age of 12 months and does not apply during the pregnancy period. This good cause reason applies to only 1 parent or step-parent at a time and any remaining time does not apply following the birth of another child. This good cause reason may be applied when an applicant has already given birth to a child and the child is under 12 months of age at application. This policy began October 1, 2006 and does not apply to children born before this date.

B. DOMESTIC VIOLENCE (TV)

Domestic violence and/or the need to protect abused children make participation impossible, dangerous, or embarrassing and the client accepts a referral to the **Division of Children and Adult Services** or a local domestic violence agency. The participant must comply with the requirements of the domestic violence agency plan. This period is limited to 6 months but may be extended when extenuating circumstances exist and counseling continues at the recommendation of the Domestic Violence counselor. The Worker must maintain close contact with the Domestic Violence agency and monitor this plan regularly.

C. CHILD UNDER 6 / UNAVAILABLE CHILD CARE (TD)

A single parent can prove that appropriate child care is unavailable for his child, age 6 or younger. 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. Circumstances involving unavailable child care must be reviewed monthly.

D. PHYSICAL / MENTAL INCAPACITY (TI – Physical, TM – Mental Health Issues)

An individual is experiencing a physical or mental health condition or he is suffering from a temporary debilitating injury for which a reasonable accommodation cannot be made. The individual's condition must be reevaluated within the time limits specified by his medical practitioner or at least quarterly. For any period of disability or incapacity that is expected to last longer than 6 months, the case must be submitted to MRT for evaluation. MRT must also approve all individuals claiming permanent and total disability. See Section 12.3,C for instructions to determine incapacity.

NOTE: A 2-parent family with a disabled Work-Eligible Individual is not considered to be a two-parent family for participation rate purposes, but is considered in the all family rate.

E. OTHER GOOD CAUSE REASONS (NA)

The following are circumstances that may be experienced by individuals who are not temporarily exempt and not currently in an activity, or who are not meeting the minimum participation hours while in an activity but have good cause for failing to participate:

- **Is at home caring for the children while the other parent is participating in a work activity the required average weekly hours**
- **Imminent birth of a child to a WV WORKS female, requires medical documentation**
- **Verified job will start within 30 days and there is no other activity available in the interim**
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- The parent, included non-parent caretaker, **or non-recipient Work-Eligible Individual** quits employment or fails to participate in his assigned activity due to enrollment and full-time attendance in school, training, or an institution of higher learning. College is defined as a 2- or 4-year undergraduate degree program.
- He is required to appear in court or for jury duty.
- A requirement of the **Division of Children and Adult Services** precludes participation for a specified period of time.
- He refuses to accept surgery which would eliminate or significantly improve his condition, even if the refusal precludes participation.
- He would be required to travel more than 1 hour round trip to participate, unless it can be shown that local community travel standards exceed the 1 hour limitation.
- **There is no transportation currently available to the client and all possible sources of transportation have been explored. He must accept appropriate available transportation in the community.**

Work Requirements

- He is experiencing a family crisis such as, but not limited to:
 - The death of his spouse, parent, child, or step child.
 - A life threatening illness of a spouse, parent, or child requires the client's immediate attention.
 - The minimum suitability standards for the specific activity are not met. See items 24.5 – 24.13 for minimum requirements. If none are listed for the activity, the Worker has the discretion to determine if the activity placed unsuitable requirements on the client.
 - Based on knowledge of the client and his life circumstances, the Worker determines that the client has not met the requirement, but has complied to the best of his ability, understanding of the requirement, understanding of the sanction process, and/or level of motivation. The Worker has considerable discretion in imposing a sanction. The Worker may determine that the requirement was inappropriate based upon additional assessment. In addition, the Worker may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction. However, once a sanction has been imposed, it cannot be stopped, until the appropriate time has elapsed.

All good cause determinations must be recorded in **CMIC and CMCC**. The recording must include the reason the Worker did or did not impose a sanction. **All good cause determinations must be reviewed monthly and the Worker must update the case comments with the information on the status of the participant.**