

## 24.2 PARTICIPATION RATES

West Virginia must meet established work participation requirements. Statewide standards are prescribed by federal law and rates increase over time.

- A. ALL FAMILIES – 50%
- B. TWO-PARENT FAMILIES – 90%

**NOTE:** No more than 20% of individuals, regardless of the number of parents in the home, may be considered to meet the work requirement by participation in Vocational Educational Training, Job Skills Training Directly Related to Employment, Education Directly Related to Employment, or Satisfactory Attendance at Secondary School or GED Program. Parents under the age of twenty, described in Section 24.3,A,1,b, are included in the count.

The State's participation rate is determined by the Administration for Children and Families (ACF), based on the information from a random sample of cases submitted by the State Office.

### 24.3 MINIMUM HOURS OF PARTICIPATION

Each adult and emancipated minor who receives WV WORKS benefits and non-recipient Work-Eligible Individual must meet a work requirement at a minimum rate of participation. The work requirement does not necessarily mean that the participant must be employed. Work, however, is the focus of WV WORKS. The activities that meet the work requirement are listed in Sections 24.6 – 24.13.

Work-Eligible Individuals describe those whose participation in work activities contributes in determining if the family counts in the calculation of the work participation rate. A Work-Eligible Individual is defined as one of the following:

- An adult or **emancipated** minor child head-of-household receiving cash assistance
- A non-recipient parent living with a child receiving assistance, unless the parent is excluded for the following reasons:
  - Minor parent who is not a head-of-household or a spouse of head-of-household
  - Alien who is ineligible due to his immigration status
  - SSI recipients

In addition, the following Work-Eligible Individuals do not count in the calculation of the work participation rate:

- Parent providing care for a disabled family member living in the home who does not attend school on a full-time basis. Medical documentation must be provided to substantiate the need for the parent to provide this care.
- Single parent with a child under the age of 1 year. This is a one-time only exemption for a maximum of 12 months lifetime.
- Families subject to a sanction may be excluded for a maximum of 3 months in a 12 month period.

#### A. REQUIRED PARTICIPATION

Federal TANF reports require information about 2-parent families to be reported to determine the State's participation rate.

For federal TANF purposes, all AG's with 2 parents or 2 non-parent caretakers included, whether married to each other or not, are 2-parent families. With that starting point, those families with 2 parents/non-parent caretakers that meet certain requirements could then be exempt from meeting the 2-parent family requirements. This also includes non-recipient Work-Eligible Individuals.

The definitions below are used only for the Worker to determine the required level of participation, based on the family's circumstances, and should not be used for any other purpose.

- A 2-parent family, for these purposes only, meets all of the following criteria:
  - There are 2 parents with a common child living together and included in the same WV WORKS payment; or
  - There are 2 parents with a common child living together and one or both is excluded from the WV WORKS payment unless the exclusion is due to one of the following reasons:
    - Minor parent who is not the head-of-household or spouse of the head-of-household;
    - Ineligible alien due to immigration status;
    - SSI recipient; and
  - Neither parent is incapacitated or disabled according to item D below.
- A 1-parent family, for these purposes only, is a family that does not meet all of the 3 criteria above, regardless of the number of parents or other adults included in the household.

One-parent families include, but are not limited to, the following situations:

- Families with only 1 parent living in the home, whether he is included in the AG or is a non-recipient Work-Eligible Individual;
- Families with 2 parents with a common child living together and one is excluded from the WV WORKS payment due to one of the following reasons:
  - Minor parent who is not the head-of-household or spouse of the head-of-household

## WV WORKS Activities/Requirements

- Ineligible alien due to immigration status
- SSI recipient
- Families with 2 parents included in the WV WORKS payment when one or both parents is incapacitated or disabled according to item D below;
- Families with 1 parent and 1 stepparent included in the check when they have no common child;
- Families with 1 or 2 non-parent caretaker relatives included in the WV WORKS payment;

The minimum requirements for each group are found below.

Required average weekly participation hours listed in this section are minimum hours only. **The number of required participation hours must be included on the participant's PRC, on RAPIDS screen WPCS, and in CMIC.** Additional hours of participation may be assigned when appropriate. However, no sanction is applied if the minimum average weekly hours are met.

#### 1. One-Parent Families

The minimum hours of participation are 30 hours / week average.

There are 2 special considerations for a 1-parent family which do not apply to households with 2 parents even when only 1 is included in the AG.

##### a. Parent of a Child Under Age 6

A single Work-Eligible parent with a child under age 6 meets the work participation requirement by participating an average of 20 hours/week. The parent may be required to participate more than 20 hours, or may volunteer to participate more than 20 hours, but no sanction may be imposed as long as the average 20 hours/week level is met.

##### b. Parent Under Age 20

A Work-Eligible parent who is under age 20 and who does not have a high school diploma or the equivalent meets the family's work requirement as long as he:

- Maintains satisfactory attendance at a secondary school, or the equivalent, during the month for at least 20 hours per week; or

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WV WORKS Activities/Requirements

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- Participates in vocational education for at least 20 hours per week.

Individuals scheduled to attend class but who do not attend may not be credited with hours of participation. Actual hours of participation must be reported.

**When class is not available for 20 hours per week, an additional activity assignment must be made to meet the minimum required hours.**

## 2. Two-Parent Families

The minimum hours of participation for 2-parent families depend upon the receipt of federally funded child care. The participation requirement may be met by one or both parents. There is no requirement that each parent participate equally.

When the family does not receive federally funded child care, the minimum number of hours of participation is 35 hours/week. When the family receives federally funded child care, the minimum number of hours of participation is 55 hours/week.

**NOTE:** In a two parent family in which a parent under the age of 20, who does not have a high school diploma, that parent must maintain satisfactory attendance at a secondary school (or the equivalent) or be enrolled in a vocational education program. If both parents are under the age of 20 and do not have high school diplomas, both must meet this requirement.

## B. ABSENCES

Workers must determine whether absences are excused or unexcused. Participation for Work-Eligible Individuals is calculated on the actual hours of attendance or participation each month and converted to a weekly average. The following guidelines are used to determine actual hours of attendance/participation for planned school breaks or individual absences.

When excused absences are used in the total number of hours of participation, according to the instructions below, the Worker includes the excused absences on WP screen WPSC and records on CMIC how the total was computed.

### 1. Planned School Breaks and Holidays

School breaks are not counted as participation hours. Only Federally designated holidays which occur during the regular school year are counted as participation hours. The participant must have been scheduled to attend on those holidays in order to receive participation credit. See item 3 in this Section.

**EXAMPLE:** A participant is scheduled Monday through Thursday in his activity. A federal holiday falls on a Friday. He must not receive participation credit for this holiday.

## 2. Individual Absences

This policy establishes the guidelines for the treatment of hours missed in participation under WV WORKS. All missed time whether excused or unexcused, must be made up within the month in which it is missed. When it is impossible to make up time missed, the Worker must decide if the absence is excused or unexcused.

Excused absences of up to 2 days/month, maximum of 10 days per calendar year (January through December), may be counted as hours worked in the month. The hours worked include the excused hours when participation did not actually occur. An excused absence includes illness or other good cause which prevented participation. It is the responsibility of the Worker to determine if the absence is excused or unexcused. Close contact must be maintained with the employer/contractor to ensure that the determination is made timely. A determination of good cause may only be made by the WV WORKS staff.

For each month the Worker must record in CMIC the number of days of excused absences counted towards participation for that month and the total days credited for that calendar year. Each month, the period that began January 1 must be reviewed to insure the 10 days per year of excused absences credited as participation is not exceeded.

**NOTE:** Additional days of absence may be considered excused if appropriate, but may not count as hours of participation. Inclement weather and states of emergency are included in the two days per month, maximum 10 days/year excused absences which may count as participation. A partial day of absence counts as one day towards the two days maximum.

Should there be more than two days of excused absences during the month, the Worker should use the two days in which the most hours were missed for participation hours credit.

- Pay stubs
- Time cards signed by the employer
- Sign-in/sign out sheets signed by the employer
- Work schedules signed by the employer

For employment, based on valid documentation, hours may be projected for 6 months unless there is a change in the number of work hours. When this happens, then actual hours must be documented and prospectively reported for 6 months. At the end of 6 months, current hours must be re-verified. The preferred method of verification of hours is 30 days of pay stubs to be used to project the client's participation for up to a six month period.

To receive support service payments, employed participants who continue to receive cash assistance must submit a time sheet signed by the employer listing the days worked. Pay stubs cannot be used for this purpose. Employed participants who no longer receive cash assistance must submit the application for continued support service payments, DFA-SS-2. In addition, a time sheet signed by the client listing the days worked must be submitted.

## 2. Participation Calculation

The calculation of monthly participation hours for self-employed Work-Eligible Individuals (those owning/operating their own business/service, providing child care, etc.) is determined in the following manner: Gross income minus business expenses divided by the federal minimum wage. If the number of recordable participation hours fall short of the minimum required hours, additional activity placement must be made by the Worker.

**EXAMPLE:** Ms. B provides child care for her neighbor's two children, Monday through Friday from 8 a.m. to 5 p.m. The neighbor pays Ms. B \$125 per week. Ms. B claims no business expenses. Ms. B received \$600 pay for August. Her hours of participation are: \$600 divided by **\$5.85 = 102.57 (rounded up to 103 hours.)** The conversion chart indicates this equals **24** hours per week. In this example Ms. B has a work requirement of 30 hours per week; therefore, she must participate in another core or non-core work activity for no less than **6** hours per week.

To receive support service payments, self-employed Work-Eligible Individuals must complete and sign a self-reported time sheet, DFA-TS-12, to determine the days actually worked.

College attendance must be verified by provision of a time sheet, DFA-TS-12, signed by the client to determine days and hours of actual attendance.

The calculation of hours of participation for other allowable activities is based on the following process:

- Step 1: Determine the client's total monthly hours of participation, as reported on his time sheet.
- Step 2: Add time for excused absences as found in Section 24.3,B, up to 2 days.
- Step 3: Add hours for federally designated Holidays.
- Step 4: Add hours for paid vacation and paid sick leave.
- Step 5: Convert total monthly hours to weekly average hours using the conversion chart.

The result is the average weekly participation hours.

Average weekly hours are determined by using the "TANF Participation Hours Conversion Chart" on the DFA Intranet site. The current calculation used on the chart in converting to weekly hours is 4.33 weeks for each month of the year. To determine the average weekly hours or participation for the first month of receipt of WV WORKS in any activity, refer to the "Participation Rate Chart - Prorated for First Month of Participation" on the DFA Intranet site.

### 3. Case Recordings

Appropriate case recordings in CMIC are required in documenting participation hours for Work-Eligible Individuals and how support service payments are calculated (transportation for example).

### 4. System Coding Of Participation Hours

Participation hours for months in which WV WORKS benefits were received must be entered in RAPIDS Work Programs screen WPSC as soon as possible but no later than the day before BI Pulldown of the following month. The Worker must be certain to enter the hours of participation for the correct month.