

2. Employment Standards

Unsubsidized employment must meet the following criteria to be considered appropriate. The employment is appropriate when the starting wage is at or above the applicable state or federal minimum wage. When employment does not meet the criteria, the client has good cause for refusing or failing to take action to secure the employment.

3. Self Employment

The calculation of monthly participation hours for self-employed Work-Eligible Individuals, i.e. those who own/operate 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 does not meet the minimum required hours, additional activity placement must be made by the Worker.

EXAMPLE: Ms. B provides child care for her neighbor's 2 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 at least 6 hours per week.

B. SUBSIDIZED PRIVATE AND PUBLIC SECTOR EMPLOYMENT (FV, PV, FB, PB)

Subsidized employment is work with earnings provided by an employer who receives a subsidy for the creation and maintenance of the employment position.

To place an individual in subsidized employment, the displacement/replacement policy found below and the employment standards found below apply.

1. Displacement/Replacement

Placement of WV WORKS clients into subsidized employment must not dislocate, displace, or otherwise have an adverse effect on an employer's regular labor force. The following apply:

- The regular employees must not suffer a reduction in work hours, overtime, fringe benefits or the opportunity for advancement.
- The employer must not decline to hire a regular employee in anticipation of a WV WORKS placement.

- The employer must not allow a reduction in his regular labor force by increasing the labor force with WV WORKS placements.
- WV WORKS placements must not cause a relocation of workers from one geographical area to another.
- The regular employees at a work site must be informed that WV WORKS placements may not cause any dislocation and that they may file a grievance if they feel their job has been adversely affected by WV WORKS placements. See Appendix A and B.
- WV WORKS placements must not be made at job sites involved in any abnormal labor condition, such as a strike or lockout.

2. Employment Standards

- Subsidized employment must meet the employment standards listed below. When the subsidized employment does not meet all of the criteria, the client has good cause for refusing or failing to take action to secure the position.
- The employer must not be in violation of the Civil Rights Act, the Americans with Disabilities Act or any other law governing the equal treatment of employees in the workplace.
- The employment must not impair existing contracts for service or collective bargaining.
- The starting wage must be at or above the applicable state or federal minimum wage.

C. JOB RETENTION FOLLOW-UP

NOTE: The client has the right to refuse to participate in the job retention follow-up process and is not required to respond to the Worker's request for a visit.

The Worker must complete a follow-up contact with the employed Work-Eligible Individual in the closed WV WORKS case at the 30-, 60-day intervals following AG closure. The 30-day follow-up contact may be made by a face-to-face contact which may be held at the client's home, work site, at a location agreed upon by the client and the Worker or by phone. The Worker will decide if the 30-day job retention follow-up is done face-to-face or by phone. If after three attempts the Worker is unable to reach the client by phone, a full case recording must be made. The 60-day job retention contact will be accomplished by a letter which the Worker requests in RAPIDS.

Job retention interviews are designed to monitor the client's progress towards self-sufficiency, current employment situation, and to discuss any barriers or challenges being experienced by the client that could result in job loss or fewer work hours. The goal is to prevent the loss of employment and to intervene should the client face any crisis. The results of the interviews are recorded on form OFA-WVW-JR-1. The form must be completed at the 30-day job retention interview and may be simply reviewed at the 60-day retention period. At the Supervisor's discretion, a new form may be used for each interview.

The 30-day job retention interview must include, but is not limited to the following: current employment situation, status and progress; concerns such as transportation, child care, ability to pay current living expenses, possible emergencies, health, family's health, other family situations, etc. The Worker must also insure that necessary support services, vision and dental services, and other agency services are being provided as necessary and appropriate. The Worker must provide client with information regarding other agency and community services available to address any identified needs.

If the client calls or responds in writing to the 60-day follow-up letter indicating he needs additional assistance or services, the Worker must contact the client to address these issues.

Form DFA-WVW-JR-1 must be filed in the client's case record at the 30- and 60-day interval. RAPIDS recordings must be completed by the Worker. In addition, any pertinent information not shown on the form must be recorded.

When possible, the Worker must contact the client's employer during the job-retention process. It is recommended the employer contact be made only after discussion with the client. The Worker must not contact the employer if the client expressly asks that this not be done. This prohibition does not apply when the Worker needs to determine the reason a client was terminated from a job or verify employment information such as pay rate, hours scheduled, start date, etc. to determine eligibility for DHHR programs. The Worker must still be careful not to jeopardize the client's job or adversely affect his work environment. A signed Release of Information is recommended.

The 60-day follow-up review must be made before the case is transferred to an Economic Service caseload. In addition, those cases due for Food Stamp redetermination in the 2nd month after case closure must have the redetermination completed prior to transferring the case to an Economic Service caseload.

EXCEPTION: WV WORKS cases which are eligible for continued support services payments must remain in the WV WORKS caseload.

24.7 ON-THE-JOB TRAINING

On-the Job Training (OJT) means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance on the job. OJT programs must be supervised by an employer, work site sponsor, or other responsible party, daily. Upon satisfactory completion of the training, the employer is expected to retain participants as regular employees without receiving a subsidy. There are two types of OJT programs:

A. EMPLOYER INCENTIVE PROGRAM (EIP)

The Employer Incentive Program (EIP) is administered by the West Virginia Department of Health and Human Resources. EIP contracts are negotiated by local WV WORKS staff.

The EIP provides clients, hired by either public or private employers, with subsidized training and employment. Prior to the placement, the employer must make a commitment to retain the employee after the completion of the contract. It is, then, a hire-first program, with training paid for by the Department.

EIP provides participants with structured skill training, the opportunity to improve skill level, and provides those who are marginally-employable with an opportunity to become employed. The expected outcome at the conclusion of the contract is unsubsidized employment.

1. Who May Be An EIP Employer

Any employer, including a public agency, not-for-profit organization, and private business which is licensed to conduct business in West Virginia is eligible to be an EIP employer, provided all business tax payments are current. In addition, the employer must agree to the requirements specified below in item B.

2. Requirements Of The Employer

To become an EIP employer, the employer must abide by the following requirements:

- The employer must guarantee appropriate standards for employment. See Section 24.6,B,2.
- The employer must guarantee there will be no displacement/replacement. See Section 24.6,B,1 for the definition of displacement/replacement. Also see Appendix A and B.