

15.7 REQUIREMENT FOR BEING ENGAGED IN WORK (WV WORKS)**A. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT BY THE 3rd MONTH OF WV WORKS BENEFITS**

WV WORKS is a work participation program and beginning January 1, 2008, unless the participant has good cause for not participating, all applicants must be engaged in a work activity by the end of the 2nd month of benefit receipt as a condition of eligibility. See Sections 13.8 and 13.10 for temporary exemptions and good cause. If good cause is determined, the situation must be reviewed and documented monthly.

Starting on the first day that WV WORKS benefits are received, a Work-Eligible Individual is subject to the work requirement. Therefore, the applicant must be placed in a work activity as soon as possible. This placement should occur when the case is confirmed, concurrently with the initial assessment of the applicant's skill, prior work experience, and determination of employability. If no good cause exists, and the applicant is not in an approved work activity after receipt of WV WORKS benefits for 2 months, the AG is closed.

The activities in which the parent or caretaker may participate and be considered engaged in work are outlined in Sections 24.6 through 24.13.

EXAMPLE: An individual applies for WV WORKS benefits for himself and his two children on August 2nd. He completes the application, orientation and initial PRC on August 6th and the case is confirmed on August 6. Ongoing WV WORKS benefits are approved for August. He must be in an approved work activity by October 1st or is ineligible to receive WV WORKS benefits. Advance notice requirements apply.

Individuals with barriers that may prevent them from meeting full participation must participate in an approved work activity for a minimum of 5 hours per week (averaged). The number of hours assigned should be appropriate based on the assessments completed at the time of application. The Worker must not place a participant who is not required to complete his full participation requirement into time-limited activities such as Job Readiness.

EXAMPLE: A 19 year-old single-parent with one child applies for WV WORKS benefits on September 26th. She completes her application, orientation, and PRC on October 3rd and opts not to receive benefits for September. She completes the assessment process and she has not graduated from high school. The only transportation that she currently has available is a neighbor who has agreed to transport her to the library once a week so she can work on her GED. She can attend the GED class once a

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week for 6 hours. She is assigned to this activity for 6 hours a week. Although this activity does not meet the federal requirements for her work participation hours, she is assigned to this activity because she has good cause for not meeting her required hours. She must attend this activity by November 1st or is ineligible for WV WORKS. Her transportation issues must be reviewed monthly until the situation is resolved and she can meet her full participation requirement.

Good cause for not being engaged in a work activity by the 3rd month of WV WORKS benefits is determined according to the criteria in Section 13.10. Clients are not automatically exempt from the 5-hour per week participation requirement due to being in one of the exemption components in Section 13.8. Good cause must be reviewed monthly and documentation is required. See Section 13.10.

Because the Worker discusses the impact of being in a work activity on the client's eligibility during Orientation, the development of the PRC, and during the initial home visit, a home visit is not required before AG closure due to non-participation.

NOTE: When an AG is closed due to failure to meet the work requirement at the end of the 2-month period, the Work-Eligible Individual must fully be participating in a work activity before the AG is approved for further WV WORKS benefits.

B. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT AT 24 MONTHS OF BENEFIT RECEIPT

All work-eligible parents or caretakers whose households are receiving WV WORKS cash assistance are required to participant in a work activity when the individual is ready to engage in work, or when the individual has received program benefits for 24 months, whichever is earlier. When a participant has received 24 months of WV WORKS benefits, being engaged in work is an eligibility requirement. The months of WV WORKS benefits do not have to have been received consecutively.

NOTE: For parents or other caretakers who were active cash assistance recipients in January 1997. This is the first month counted in determining the 24-month limit for being engaged in a work activity. Recipients of TANF cash assistance in other states may have begun the 24-month period on an earlier date and may lose eligibility beginning in 10/98 with the implementation of West Virginia's definition of work for meeting the 24-month work requirement. See Chapter 1, Appendix D to determine the date TANF cash assistance began in states other than West Virginia.

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NOTE: Although the 60-month lifetime limit does not apply to a non-recipient Work-Eligible parent, if another parent is included in the AG, the time limit applies to the adult AG members. The 24-month work requirement may be met by one or both parents, this includes any non-recipient parent in the household.

Work, for the purpose of meeting the 24-month limit, is defined as participation in one or more activities for a minimum of 5 hours per week (averaged). The Worker must not place those participants who are only completing the minimum number of hours into Job Readiness, **which is a time-limited activity**. The activities in which the parent or caretaker may participate and be considered engaged in work include, but are not limited to, the following:

- Unsubsidized employment;
- Subsidized public or private sector employment;
- On-The-Job Training (OJT) programs, such as Employer Incentive Program (EIP) contracts, may be utilized as long as the participant is assigned a number of hours that will meet his participation requirements;
- Community Work Experience, such as JOIN, CWEP or other work experience programs available in the community;
- Community Service programs are those structured programs in which WV WORKS participants perform work that provides a direct benefit for the community and are supervised directly by a community agency;
- Provision of child care for another TANF recipient engaged in a Community Service activity; or
- Enrollment in any educational activity including high school, high school equivalency training, college, technical or vocational school, or job skills training.

Any activity must be structured so that documentation is possible. **A combination of these activities may be utilized to meet the participation requirements.**

Good cause for not being engaged in work which meets the above definition at the end of the 24-month limit is determined according to the criteria in Section 13.10. Clients are not automatically exempt from the 5-hour per week participation requirement due to being in one of the exemption components in Section 13.8. Good cause must be reviewed monthly and documentation is required. See Section 13.10.

NOTE: The WV WORKS benefit is **not** stopped and no notice of pending **closure** is sent for failure to meet the 24-month work requirement without first completing the evaluation procedure outlined below.

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The procedure to follow prior to **notification of AG closure** is as follows:

NOTE: FS and Medicaid eligibility must be evaluated separately, based on the policy of those programs.

Step 1: The Worker must conduct a home visit to discuss the 24-month work requirement, explain the consequences of failing to meet this requirement and to gather information described below. An office visit or telephone call cannot be substituted for the home visit. See Section 1.2,J for information about the client's rights related to home visits.

Step 2: After the home visit, the Worker and/or Supervisor must file a written report in the case record and a detailed recording in CMCC about the circumstances surrounding AG closure. This report must contain, at a minimum, the following information. Any other information deemed appropriate should be included.

- Case name, RAPIDS case number, county of residence, address, telephone number
- Number of parents and number of children in the home
- Number of office visits in the past 12 months
- Number of home/work site visits in the past 12 months
- Number of referrals provided to the AG for help in finding their own placement(s) of 5 hours or more, and date(s) of those referrals
- Number of sanctions that have been or are currently being imposed and information about sanctions still pending
- Whether or not the client met his work participation requirement in any of the past 12 months, and if so, which months and why the participation ended
- Any special or unusual circumstances in the family
- Worker and/or Supervisor decision, including reason, about whether or not the family should continue to be eligible beyond 24 months without meeting the minimum 5-hour work requirement.

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Step 3: If the decision is to close the WV WORKS AG, the appropriate notice procedures are followed.

When the case is closed due to failure to meet the work requirement at the end of the 24-month limit, the parent or caretaker must actually be engaged in work, according to the above definition, prior to approval for the 25th month. See Section 1.25,M to determine the beginning date of eligibility when the client reapplies after losing eligibility because the 24-month work requirement was not met.

When the **AG** is closed at or after the end of 24 months for some reason other than failure to meet the 24-month work requirement, and a reapplication is made, the AG must be approved, if otherwise eligible, and the caretaker(s) given the opportunity to engage in a work activity for at least the minimum 5 hours per week. If the AG does not comply, a home visit must be completed prior to case closure.