

24.9 WORK EXPERIENCE

Work Experience is defined as a work activity, performed in return for cash assistance that provides an individual with an opportunity to gain the general skills, training, knowledge, and work habit necessary to obtain employment. All Work Experience activities must be supervised by an employer, work site sponsor, or other responsible party, daily.

The Work Experience components are governed by the Fair Labor Standards Act (FLSA). Participants assigned to these components must also be enrolled in the FLSA (FL) component. The actual hours are scheduled using the WV WORKS FLSA Computation Sheet, DFA-WVW-FLSA-1, and are entered in the FL and Work Experience components and documented in **Work Program comments**. The DFA-WVW-FLSA-1 is filed in the participant's case record. At the end of the reporting period, the Worker must record the actual hours completed in the appropriate Core components, CW, JN, or WE and the scheduled hours as assigned by FLSA computations are recorded in the FL component. If the hours reported in the Core component match the number of hours recorded in the FL component, the participant will be deemed to be meeting the Core participation requirement. Work Experience sponsors must provide Workers' Compensation coverage. In addition to other structured Work Experience opportunities that may be available in the community, the following two Work Experience programs are offered by the Department of Health and Human Resources:

A. COMMUNITY WORK EXPERIENCE PROGRAM (CW)

The Community Work Experience Program (CWEP) is a work activity for parents or other caretaker relatives age 18 and older. The primary purpose is to provide work experience and training to assist a client who has limited work experience, is under-employed or has no immediate employment opportunities.

NOTE: WV WORKS clients must not participate as a volunteer with Community Service at any active CWEP contract site regardless of whether or not there is a current CWEP placement at that site.

1. Who May Be A CWEP Sponsor

CWEP sponsors are limited to public agencies, such as federal, local, state and not-for-profit employers. It is limited to public services projects in fields such as health, social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public activities, public safety and child care.

2. Requirements Of The Sponsor

The CWEP sponsor must abide by the following requirements:

- The sponsor must provide the client with guidance and supervision necessary to participate in the work experience project.

- The sponsor must provide safety equipment, special clothing and tools needed to perform the assigned duties.
- The sponsor must assume the cost of any required pre-employment medical examinations.
- The sponsor must guarantee that the client is not expected to work more than 8 hours/day, unless the normal work day exceeds 8 hours.
- The sponsor must schedule the client for a minimum of 4 hours/day. An exception to this is the last day of the contract, the last day of the week or month to even out the work requirement, or a make-up day.
- The sponsor must not schedule the client to work split shifts.
- The sponsor must pay the client for any work in excess of his obligation. The rate of pay and overtime rate must be the same as for regular employees.

The client may not volunteer to work for the assigned sponsor in excess of his obligation without pay.

- The sponsor must adhere to the displacement/ replacement policy in Section 24.6,B,1.
- The sponsor must provide Worker's Compensation or comparable coverage.

3. Standard For Contract Development

The standards for contract development are as follows:

- The nature of the placement must meet the requirements of local employers and must involve skills needed in the local work force.
- Placement at the same site must not exceed 12 consecutive months. Reassignment to another CWEP site may occur immediately. However, reassignment to the same site may only occur after 6 months of not participating in CWEP at that site.
- The contract form, DFA-CWEP-3 with attachments, is an agreement between a sponsor and local WV WORKS staff and establishes the number and type of positions to be filled by the employer.

- The contract number will begin with the word CWEP. Each contract is assigned a 6-digit control number. The first 2 digits are the fiscal year; the second 2 digits are the county number. The last two digits are assigned sequentially beginning with 01.

EXAMPLE: CWEP-04-22-14 (CWEP contract negotiated in FY 2004 by Lincoln County, contract number 14).

- Contracts are completed in triplicate. One copy is distributed to each of the following: the sponsor, the client's case record, and the DFA Family Support Policy Unit.
- A detailed job description, form DFA-JD-1, Job Experience Description, must be attached to each contract for each position.
- All contracts are renegotiated annually. If the circumstances warrant it, a contract may be renegotiated earlier. Renewal (renegotiation) of CWEP contracts are completed using the CWEP Addendum/Renewal, DFA-CWEP-3A. Renewals are to be completed prior to July 1. In addition to the Addendum/Renewal, staff must have Job Experience Descriptions, DFA-JD-1, completed and signed by the sponsor if there are any new or changed job descriptions. These job descriptions must be attached to the Addendum/Renewal. It is not necessary to complete an entire contract, DFA-CWEP-3, on renewals. In addition, the fiscal year and contract sequence number does not change on renewed contracts. Placements must not be continued with a CWEP sponsor past June 30 if there is not a signed CWEP Addendum/Renewal contract with that sponsor. Contracts not negotiated within 90 days after the expiration date of the existing agreement require a new contract, DFA-CWEP-3.
- A contract may be terminated by either party with 30 days written notice.

4. Determining The Hours Of Participation

The Department of Labor (DOL) has mandated that the requirements of the Fair Labor Standards Act (FLSA) of 1938 be applied when determining the maximum hours of CWEP participation. The following procedure is used to determine the monthly maximum number of hours of participation. The monthly CWEP placement obligation is based on the amount of SNAP benefits and WV WORKS cash assistance a family is eligible to receive during a month.

NOTE: A CWEP Individual Participation Agreement, DFA-CWEP-1, must be completed as a condition of placement in a CWEP position. The original DFA-CWEP-1 is provided to the contractor, the second copy is placed in the participant's case record, and the bottom copy is given to the participant. The client must not work more hours for the CWEP sponsor, regardless of the amount calculated below. A new DFA-CWEP-1 is required to increase or decrease hours when the client's WV WORKS and/or SNAP benefits increase, decrease, or there is a change in the state or federal minimum wage used to calculate the number of participation hours assigned. In addition, a new DFA-WVW-FLSA-1 must be completed and filed in the client's case record.

NOTE: The minimum wage used for the calculation is the federal or state minimum wage, whichever is higher.

The maximum monthly participation obligation is based on the following process:

- Step 1: Determine the amount of the WV WORKS check actually received by the benefit group, including any amount withheld from the check to repay a previous overpayment.
- Step 2: Determine the amount of the AG's SNAP entitlement. This is the amount actually received by the AG, plus any amount withheld to repay a previous over-issuance.

NOTE: When the WV WORKS recipients are included in the same SNAP benefit group with non-WV WORKS recipients, a separate calculation must be performed, as follows, to determine the share of the SNAP benefits belongs to the WV WORKS recipients.

- Divide the SNAP allotment by the number of people in the SNAP AG.
- Multiply this amount by the number of people in the WV WORKS AG. Drop all cents. The result is the amount of SNAP benefits used to determine the obligation.

Step 3: Add the WV WORKS benefit and SNAP benefit.

Step 4: Add Child Support Incentive (CSI) and pass-through payment to the result of Step 3.

Step 5: Subtract the amount of current child support retained for the month by the Bureau for Child Support Enforcement (BCSE) from the result of **Step 4**. Only current support payments are

subtracted not arrearages or other payments. Use the amount of child support retained by BCSE 2 months prior to the month for which the obligation is calculated.

Step 6: Divide **the result of Step 5** by the federal or state minimum wage, whichever is higher. This is the client's maximum monthly obligation. The resulting figure is rounded down to the nearest whole number.

NOTE: There may be some fluctuation in the number of hours worked each week to meet the requirements of the contractor. This is acceptable as long as the total number of hours per month is met, **but not exceeded**.

EXAMPLE #1: The household consists of Mr. and Mrs. Smith and their 2 children. Mrs. Smith receives SSI and she is not included in the WV WORKS AG. When determining Mr. Smith's CWEP obligation, Mrs. Smith's portion of the SNAP benefits are not included. The family's total SNAP allotment is divided by the number of people in the SNAP AG and this amount is multiplied by the number of people in the WORKS AG. Drop all cents, and this amount is what is used to determine Mr. Smith's CWEP obligation.

\$542	Smith family's SNAP benefit
$\div 4$	Number of people in the SNAP AG
\$135.50	Individual SNAP allotment
$\times 3$	Number of people in the WV WORKS AG
\$406.50	(Drop all cents)
\$406	SNAP amount used to determine Mr. Smith's CWEP obligation

Add the AG's monthly benefits of:

\$340	WV WORKS Benefit
<u>+\$406</u>	SNAP Benefit Used
$\$746 \div \$7.25 = 102.89 \text{ hours} = 102 \text{ participation obligation hours}$	

EXAMPLE #2:

\$384	WV WORKS Benefit
<u>+\$506</u>	SNAP Benefit
\$890	
<u>+ \$225</u>	CSI and Pass-through
\$1,115	Total
<u>- \$50</u>	Child Support Retained by BCSE
$\$1,065 \div \$7.25 = 146.90 \text{ hours} = 146 \text{ participation obligation hours}$	

Under no circumstances is the client required to participate more than 40 hours in one week.

5. Meeting The Minimum Core Hours in CWEP

	Single Parent Child Under Age 6		All Family Household		Two-Parent Household		Two-Parent Household Receiving Federal Day Care	
	Minimum Monthly Hours	Average Weekly Hours	Minimum Monthly Hours	Average Weekly Hours	Minimum Monthly Hours	Average Weekly Hours	Minimum Monthly Hours	Average Weekly Hours
Core Hour Requirement	85	20	85	20	128	30	215	50
Work Components: Participation Requirements	85	20	128	30	150	35	236	55

The minimum monthly required core hours of **85 (1-parent) and 128 or 215** hours/month (2-parent) are met if the calculation of the CWEP obligation hours equals less than the minimum average core hours requirement. When this occurs, the Worker must assign additional core or non-core work activities not regulated by FLSA to meet the applicable minimum total of **128, 150, or 236** average participation hours/month.

EXAMPLE: The participant is required to complete **85** hours in a Core activity. The participant is assigned 67 hours monthly in CWEP using FLSA calculations. The assigned monthly hours of 67 are entered for the work activity, CW, as well as the FL component. When the timesheet is received, actual hours are entered for the work activity, CW. The scheduled hours are re-entered for the FL component. If the participant completes the 67 hours as scheduled, he is deemed to be meeting his Core requirement.

NOTE: FL is not a work component, it is a RAPIDS reporting mechanism which indicates the point where the individual is deemed to be meeting his Core participation requirements based on the FL calculation. If the FLSA calculation is more than the required core hours, enter the required core hours under the FL component as scheduled hours. The hours scheduled in FL always equal the completed hours in FL. **Refer to the FSPU-12 desk guide.**

EXAMPLE: In the same scenario as above, the participant is assigned 67 monthly hours. He actually participates 50 hours for the month and has 12 hours of excused absence for the month. There were no holidays. The following figures are entered **in RAPIDS:**

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
CW	67	50	12	--
FL	67	67	--	--

Because he did not complete the number of hours scheduled, he is not deemed to be meeting his Core requirement. **If he would have worked the 67 hours as assigned, he would have been deemed to have worked the 85 required core hours.**

EXAMPLE: 1-parent household with children over age 6 for participation purposes:

$$\begin{array}{rcl}
 \$340 & \text{WV WORKS Benefit} & \\
 +\$384 & \text{SNAP Benefit} & \\
 \hline
 \$724 \div \$7.25 = 99.86 \text{ hours} = 99 \text{ participation obligation hours} & &
 \end{array}$$

The required core hours are **85**.

Since the individual in this example is required to participate **128** hours/month, and the FLSA calculations permits this individual to complete 99 hours/month, the participant must be assigned 99 hours/month in the CWEP activity and **29** additional hours in another activity not regulated by the FLSA, such as JT. There were no excused absences or holidays. The individual participates his required hours, the following figures are entered **in RAPIDS:**

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
CW	99	99	--	--
FL	85	85	--	--
JT	29	29	--	--

When the time sheet indicates the client participated the monthly assigned CWEP hours (including applicable excused absences and holidays) and this equals the required average hours per week, the Worker must record that the required core activity hours are deemed to be met. When the actual weekly hours participated are less than required, the Worker must record that the core hours are not deemed to be met. A full recording must be made each month indicating whether or not the required hours were met or deemed to be met.

NOTE: In all cases, the Worker must enter the actual hours participated as a monthly total. Federal holiday or excused absence hours must each be entered separately as a monthly total.

6. Placement In DHHR Offices

The Supervisor to whom the CWEP participant is assigned is responsible for ensuring that the client understands and abides by all agency rules, regulations, and policy regarding confidentiality, security of records, information, and property. The Supervisor must provide an orientation which includes, at a minimum:

- What constitutes confidential information
- Penalties for Breach of confidentiality
- Discussion of public laws dealing with document integrity and penalties for altering, destroying, or concealing or making false statements.
- Responsibilities for maintaining program integrity

CWEP participants may not be assigned to work in areas which provide access to sensitive data as defined in the Common Chapters. These restrictions are as follows:

- May not be assigned to job duties that require face-to-face interaction with other agency clients
- May not handle documents that contain client information other than name, address, and benefit amount
- Not authorized to use computers to transmit data
- May not handle negotiables or be assigned duties in the financial area
- May not be involved in policy decisions

The job description(s) must include the following items:

- Job title
- Minimum educational level required for the position
- Weekly work schedule
- Special licenses required
- Special physical requirements
- Tools required
- Description of the job duties and responsibilities
- Special safety concerns or hazardous conditions
- Name of the supervisor
- Name of the individual responsible for evaluations and time sheets

WV WORKS staff must monitor each placement to ensure that the contractor is in compliance with the contract. Any contract may be canceled with 30-days notice when the contractor does not comply. Any contractor who shows a pattern of non-compliance may be denied future contracts. Renewal (renegotiation) of JOIN contracts are completed using the JOIN Addendum/Renewal form, DFA-J-3A. These renewals are to be completed prior to July 1 or the new state fiscal year. In addition to the Addendum/Renewal, staff must have Job Experience Descriptions, DFA-JD-1, completed and signed by the sponsor if there are any new or changed job descriptions, which must be attached to the Addendum/Renewal. It is not necessary to complete an entire contract, DFA-J-3, on renewals. In addition, the fiscal year and contract sequence number does not change on renewed contracts. Under no circumstances will placements be continued with a JOIN sponsor past June 30 if there is not a signed JOIN Addendum/Renewal contract with that sponsor. Contracts not negotiated within 90 days after the expiration date of the existing agreement require a new contract, DFA-J-3.

4. Determining The Hours Of Participation

NOTE: A JOIN Individual Participation Agreement, DFA-J-1, must be completed as a condition of placement in a JOIN position. The original DFA-J-1 is provided to the JOIN sponsor, the second copy is placed in the participant's case record, and the bottom copy is given to the participant.

The client must not work more hours for the JOIN sponsor, regardless of the amount calculated below (see 24.9,2, sixth dash for hours worked in excess). A new DFA-J-1 is required to increase or decrease hours should the client's WV WORKS benefits increase or decrease, or if there is a change in the minimum wage.

NOTE: The minimum wage used for the calculation is the Federal or State minimum wage, whichever is higher.

The Department of Labor (DOL) has mandated that the requirements of the Fair Labor Standards Act of 1938 be applied when determining the maximum hours of participation. The following procedure is used to determine the monthly maximum number of hours of participation. The monthly JOIN placement obligation is based on the amount of SNAP benefits and WV WORKS cash assistance a family is eligible to receive during a month.

The maximum monthly participation obligation is calculated using the DFA-WVW-FLSA-1 and based on the following process:

- Step 1: Determine the amount of the WV WORKS check actually received by the benefit group, including any amount withheld from the check to repay a previous overpayment.
- Step 2: Determine the amount of the AG's SNAP entitlement. This is the amount actually received by the AG, plus any amount withheld to repay a previous over-issuance.

NOTE: When the WV WORKS recipients are included in the same SNAP benefit group with non-WV WORKS recipients, a separate calculation must be performed, as follows, to determine the share of the SNAP benefits belongs to the WV WORKS recipients.

- Divide the SNAP allotment by the number of people in the SNAP AG.
- Multiply this amount by the number of people in the WV WORKS AG. Drop all cents. The result is the amount of SNAP benefits used to determine the obligation.

Step 3: Add the WV WORKS benefit and SNAP benefit.

Step 4: Add Child Support Incentive (CSI) and pass-through payment to the result of Step 3.

Step 5: Subtract the amount of current child support retained for the month by the Bureau for Child Support Enforcement (BCSE) from the result of **Step 4**. Only current support payments are subtracted not arrearages or other payments. Use the amount of child support retained by BCSE 2 months prior to the month for which the obligation is calculated.

Step 6: Divide **the result of Step 5** by the federal or state minimum wage, whichever is higher. This is the client's maximum monthly obligation. The resulting figure is rounded down to the nearest whole number.

NOTE: There may be some fluctuation in the number of hours worked each week to meet the requirements of the contractor. This is acceptable as long as the total number of hours per month is met, **but not exceeded**.

5. Meeting The Minimum Core Hours In JOIN

The policy for meeting the minimum core hours of participation for JOIN is the same as listed in Section 24.9,A, Item 5 under CWERP.

C. OTHER WORK EXPERIENCE PROGRAMS (WE)

This would include any other Work Experience programs offered in the community. Programs offered by other agencies must be submitted to the DFA Family Support Policy Unit for review and approval to ensure they meet all requirements for the Work Experience component.

The policy for meeting the minimum core hours of participation is the same as listed under CWEP and JOIN.