

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, **or in eRAPIDS** 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 hours scheduled by FLSA computations are re-entered in the FL component as completed hours. The scheduled and completed hours entered for FL component will be the same as the FLSA calculation. **The scheduled hours in eRAPIDS must not exceed the minimum monthly participation rate requirements. The parent may be required on their PRC to participate for the FLSA computed hours but no sanction may be imposed as long as the minimum level is met. Thorough case comments must be made.** If the hours reported in the Core component match the number of hours assigned in the FL component, the participant will be deemed to be meeting the Core participation requirement, and no additional core hours may be required.

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.

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. Required hours based on the FLSA calculation are entered as scheduled **hours** for the FL component **unless the FLSA calculation exceeds the minimum participation requirements**. 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. The required total participation hours are 128.

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	99	99	--	--
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 hours, the Worker must record that the required core activity hours are deemed to be met. When the actual 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 core 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

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.

EXAMPLE: The TANF AG consists of a single mother and two children under the age of 6. Her benefits are \$340 TANF and \$463 SNAP and she has agreed to participate in JOIN.

\$340 TANF

\$463 SNAP

$\$803 / \$7.25 = 110.75 \text{ hours} = 110 \text{ participation obligation hours.}$

She actually participated 95 hours in JOIN. The following figures are entered in RAPIDS.

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
JN	85	95	0	0
FL	85	85	0	0

The minimum monthly hours required to meet participation requirements is 85, so no sanction would be applied for not meeting the 110 **obligation** hours.