

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 two children, Monday through Friday from 8 a.m. to 5 p.m. The neighbor pays Ms. B \$170 per week. Ms. B claims no business expenses. Ms. B received \$731 pay for August. Her hours of participation are: $\$731 \div \$7.25 = 100.83$ (rounded up to 101 hours.) In this example Ms. B has a work requirement of 128 hours per month; therefore, she must participate in another core or non-core work activity for no less than 27 hours per month.

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 **or EAP starting date**. 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.