

## 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)

**The activity codes in e-RAPIDS for subsidized employment are as follows:**

CODE	COMPONENT
FV	Full-Time Subsidized Private Sector Employment
PV	Part- Time Subsidized Private Sector Employment
FB	Full-Time Subsidized Public Sector Employment
PB	Part-Time Subsidized Public Sector Employment

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.
- A participant must receive the same benefits as a non-subsidized employee who performs similar work.

### 3. Employment Subsidy Program (ESP)

The Employment Subsidy Program is a subsidized employment placement program coordinated by the West Virginia Workforce Investment Board (WIB) in Region 1, Beckley and Region 4, Parkersburg. Eligible WV WORKS participants will be referred by local WV WORKS staff to the designated Regional WIB staff for placement in **full-time** private or public subsidized employment positions. Up to 200 placements will be available through the program, up to 100 per WIB Region. Funding for this program is through the American Recovery and Reinvestment Act (ARRA) of 2009 and is scheduled to end December 31, 2010. Priority is to be given to those WV WORKS participants who require necessary work experience and job skills in order to enter unsubsidized employment. Subsidized employment placements will be for up to 12 months. Reimbursement will be 100% of the individual's wage.

**Only Work-Eligible Individuals in active WV WORKS cases may be referred for ESP placement. Referrals are made by WV WORKS staff to the designated WIB staff by completion of the Referral for Training/Services form, DFA-WVW-70. Staff is to check the box "Other Training/Services" on the form and to write in the following: "WIB-ESP".**

WIB staff will negotiate and sign the ESP Agreement, DFA-ESP-1, when placing individual WV WORKS participants in ESP positions. WIB staff will complete the DFA-ESP-1 in duplicate and will distribute in the following manner:

- 1 original maintained by the WIB
- 1 original provided to the ESP Employer
- 1 copy to local WV WORKS staff
- 1 copy to the DFA, Family Support Policy Unit

Participants **in ESP will be placed in the following components** in e-RAPIDS:

CODE	COMPONENT
FV	Full-Time Subsidized Private Sector Employment
FB	Full-Time Subsidized Public Sector Employment

**All ESP placements will be at least 30 hours per week.**

The Participant Time Sheet, DFA-TS-12, and the Employer Reimbursement Request, DFA-ESP-2, will serve as the employer's request for an ESP reimbursement. Both forms will be provided monthly by the employer to the WIB. The WIB then forwards the original DFA-TS-12 and a copy of the DFA-ESP-2 to the local DHHR staff for payment to the business/vendor via support services with copies going to DFA Family Support Policy Unit. Payment type ES in Work Programs is used. A BA-67 is not required.

The following counties are currently eligible for placements in ESP:

WIB Region 1: Fayette; Greenbrier; McDowell; Mercer; Monroe; Nicholas; Pocahontas; Raleigh; Summers; Webster; and Wyoming.

WIB Region 4: Calhoun; Clay; Jackson; Mason; Pleasants; Ritchie; Roane; Wirt; and Wood.

#### 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.

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 DFA-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. A 30-day Self-sufficient Achievement Bonus of \$100 is issued after completion of the 30-day follow-up and DFA-WVW-JR-1.

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. A 90-day Self-sufficient Achievement Bonus of \$150 is issued after completion of the 30- and 60- day follow-up and DFA-WVW-JR-1 when the participant is still employed after 90 days.

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 SNAP 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.

**NOTE:** See Section 24.7,A,3 for an example of monthly participation hours for a paid work activity.

## 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.