

24.2 PARTICIPATION RATES

West Virginia must meet established work participation requirements. Statewide standards are prescribed by federal law and rates increase over time.

- A. ALL FAMILIES – 50%
- B. TWO-PARENT FAMILIES – 90%

NOTE: No more than 20% of individuals, regardless of the number of parents in the home, may be considered to meet the work requirement by participation in Vocational Educational Training, Job Skills Training Directly Related to Employment, Education Directly Related to Employment, or Satisfactory Attendance at Secondary School or GED Program. Parents under the age of twenty, described in Section 24.3,A,1,b, are included in the count.

The State's participation rate is determined by the Administration for Children and Families (ACF), based on the information from a random sample of cases submitted by the State Office.

24.3 MINIMUM HOURS OF PARTICIPATION

Each adult and emancipated minor who receives WV WORKS benefits and non-recipient Work-Eligible Individual must meet a work requirement at a minimum rate of participation. The work requirement does not necessarily mean that the participant must be employed. Work, however, is the focus of WV WORKS. The activities that meet the work requirement are listed in Sections 24.6 – 24.13.

Work-Eligible Individuals describe those whose participation in work activities contributes in determining if the family counts in the calculation of the work participation rate. A Work-Eligible Individual is defined as one of the following:

- An adult or emancipated minor child head-of-household receiving cash assistance
- A non-recipient parent living with a child receiving assistance, unless the parent is excluded for 1 of the following reasons:
 - Minor parent who is not a head-of-household
 - Alien who is ineligible due to his immigration status
 - SSI recipients

In addition, the following Work-Eligible Individuals do not count in the calculation of the work participation rate:

- Parent providing care for a disabled family member living in the home who does not attend school on a full-time basis. Medical documentation must be provided to substantiate the need for the parent to provide this care.
- Single parent with a child under the age of 1 year. This is an exemption for a maximum of 12 months lifetime.
- Families subject to a sanction may be excluded for a maximum of 3 months in a 12 month period.

A. REQUIRED PARTICIPATION

Federal TANF reports require information about 2-parent families to be reported to determine the State's participation rate.

NOTE: A fixed calendar year is not used (i.e. January – December). The running total of excused absence hours credited for the most recent 12 months (defined as the most recent month plus the preceding 11 months) must be calculated each month.

For each month the Worker must record in Work Program comments the number of hours of excused absences counted towards participation for the current month and the absence hours credited for the preceding 11 months. Each month, the preceding 11 months plus the current month must be reviewed to ensure the 80-hour limit is not exceeded in any 12-month period.

EXAMPLE: The timesheet for October 2009 is received. To determine the number of absence hours that may be used for October, the Worker must review all absence hours reported from November 2008 through September 2009.

NOTE: Additional days/hours of absence may be considered excused if appropriate, but must not count as hours of participation. Inclement weather and states of emergency are included in the 16 hours per month, maximum 80 hours/year excused absences which may count as participation.

EXAMPLE: During October, Mr. Foxworthy attended vocational training 18 days at 7 hours per day for a total of 126 hours. The school observed 1 federal holiday, Columbus Day. Mr. Foxworthy missed 2 days. He was ill 1 full day, 7 hours, and had a doctor's statement to verify the illness; he missed the 2nd day because he overslept. Since the excused absence may be counted and credited as participation hours, his total hours for October are 126. Seven hours are entered for holiday and 7 hours are entered for excused absences. These are separate entries.

EXAMPLE: Ms. Crump participates in a CWEP assignment 128 hours per month. She works 8 hours per day the first 4 weeks of each month, Monday through Thursday. There were no observed holidays during the month. In October, Ms. Crump had medical appointments and was absent on the following dates: 10/3, 2 hours; 10/11, 4 hours; 10/17, 2 hours; and 10/23, 4 hours. These absences are considered excused, the total that can be credited towards her participation for October are 12 hours for these days. Her total participation hours are 116. Twelve hours are entered for excused absences.

NOTE: Any ongoing cases will begin a new absence look-back period as of October 1, 2008.

NOTE: Because use of excused absences is limited to 16 hours per month / 80 hours per 12-month period, the Case Manager should use his discretion when counting these hours. If the participant will not meet the participation requirement when including the absence hours, it may not be in the best interest of the client to count these absence hours for participation.

Unexcused absences that cannot be made up during the month are not counted as hours of participation. Only the hours actually worked are used.

Record the results of all contacts with the employer/contractor concerning this issue in RAPIDS. At the end of the month the timesheet must correctly identify any absence. Any inconsistency or irregularity on the timesheet must be worked out with the employer/contractor. Absences that are made up during the month are not reported as excused or unexcused.

3. Holidays

Only federally designated holidays may be counted as days worked when the client would normally have been scheduled. These include New Year's, Martin Luther King Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. Paid Vacation/Sick Leave

When the Work-Eligible Participant is on paid vacation, paid sick leave, or paid annual leave from work, the time he would normally have spent at work during that time is counted as hours worked.

C. PARTICIPANT DOCUMENTATION

1. Methods Of Documenting Participation Hours

All hours of participation in activities must be verified. The Participant Timesheet, DFA-TS-12, is the standard timesheet used to document participation. When used, it is given to providers to report attendance and satisfactory progress in the activity. These timesheets may also be given to the client to have providers complete. Some employers/sponsors have their own timesheets. These are acceptable means of verification as long as these timesheets provide the necessary information and are signed by

the site supervisor. Documentation is required and must be available from the activity site at least monthly to support what is reported for participation and may include electronic records. Monthly timesheets must be filed in participants' case records.

For Work-Eligible Participants who are employed, other documents and methods may be used to verify work hours. Although timesheets and written confirmation from the employer may be used, the following alternative methods may also be used to document these hours:

- Pay stubs
- Time cards signed by the employer
- Sign-in/sign out sheets signed by the employer
- Work schedules signed by the employer

For employment, based on valid documentation, hours may be projected for 6 months unless there is a change in the number of work hours. When this happens, then actual hours must be documented and prospectively reported for 6 months. At the end of 6 months, current hours must be re-verified. The preferred method of verification of hours is 30 days of pay stubs to be used to project the client's participation for up to a six month period.

To receive support service payments, employed participants who continue to receive cash assistance must submit a timesheet signed by the employer listing the days worked. Pay stubs cannot be used for this purpose. Employed participants who no longer receive cash assistance must submit the application for continued support service payments, DFA-SS-2. In addition, a timesheet signed by the client listing the days worked must be submitted.

2. Participation Calculation

The calculation of monthly participation hours for self-employed Work-Eligible Individuals (those owning/operating 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 fall short of 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: $\$731 \text{ divided by } \$7.25 = 100.83$ (rounded up to 101 hours.) In this example Ms. B has a work requirement of 128 hours month week; therefore, she must participate in another core or non-core work activity for no less than 27 hours/month.

To receive support service payments, self-employed Work Eligible Individuals must complete and sign a self-reported timesheet, DFA-TS-12, to determine the days actually worked.

College attendance must be verified by provision of a timesheet, DFA-TS-12, signed by the client to determine days and hours of actual attendance.

The calculation of hours of participation for other allowable activities is based on the following process:

Step 1: Determine the client's total monthly hours of participation, as reported on his timesheet.

Step 2: Add hours for paid vacation and paid sick leave. Do not include excused absences in this figure.

The result is the monthly participation hours which are entered by the Worker and recorded in Work Program comments.

Time for excused absences as found in Section 24.3,B, up to 16 hours is entered separately. Time for federally designated holidays is entered separately and is not converted to a weekly average.

For informational purposes, we consider EI, FB, FU, FV, OJ, PB, PU, and PV as paid work components. All other components are considered non-paid work components. For paid work components, RAPIDS will add actual monthly participation hours to the monthly excused absence hours and monthly holiday hours and then divide the result by 4.33. Round that result to obtain the weekly average for TANF reporting purposes. For non-paid work activities, RAPIDS will divide monthly completed hours by 4.33, excused absence hours and holiday hours by 4, and then round the number for each entry. These items will not be added together but will be reported as individual items for TANF reporting purposes. **This process is completed for each component separately.**

EXAMPLE: Kelly participated 41 hours in JR and 88 hours in VT.

JR = $41 / 4.33 = 9.46 = 9$

VT = $88 / 4.33 = 20.32 = 20$

29 hours participation average / week

EXAMPLE: The participant is required to complete 128 hours in a core activity. He actually participates 103 hours in JR and will receive 8 hours for federally designated holiday. Attached to his time sheet were 2 doctor's statements for 16 hours of excused absences. Hours will be entered on as follows:

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
JR	128	103	16	8

$$\begin{array}{rcl}
 103 \div 4.33 = 23.79 = 24 & \text{average hours/week attended} \\
 16 \div 4 = 4 & \text{average hours/week excused absence} \\
 8 \div 4 = \underline{2} & \text{average hours/week for federal holidays} \\
 30 & \text{weekly average}
 \end{array}$$

3. Case Recordings

Appropriate case recordings are required in documenting participation hours for Work-Eligible Individuals and how support service payments are calculated (Example, transportation).

4. System Coding Of Participation Hours

Participation hours for months in which WV WORKS benefits were received must be entered in RAPIDS Work Programs as soon as possible but no later than the last day of the following month. The Worker must be certain to enter the hours of participation for the correct month.

For entry of participation hours after the deadline, please refer to the RAPIDS Work Programs Desk Guide, "Expansion of Component Entry and Work Hours Entry Deadlines".

D. DISABILITY/INCAPACITY – DEFINITION ONLY FOR TEMPORARY GOOD CAUSE

NOTE: A two-parent family with one parent disabled or incapacitated according to this section is still considered a two-parent family for minimum participation rate requirements. The family may be temporarily granted good cause for not meeting the minimum requirements. See Section 13.10. Meeting either definition does not automatically exempt the family or individual from the 60-month or 24-month time limits described in Section 15.6 and 15.7.

Disability and incapacity for a Work-Eligible Individual may be established with or without a physician's statement as follows:

1. Establishing Disability Without A Physician's Statement

When the disability is obvious to the Worker, no verification is required. The Worker must record his findings and the reason for his decision in case comments.

If the disability is not obvious to the Worker, disability may be established according to other criteria below. If disability cannot be established according to this item (1), see item 2 below.

- The individual receives benefits from a governmental or private source, and these benefits are based on his own illness, injury or disability.

This includes, but is not limited to: Workers' Compensation, RSDI, SSI, Veteran's Administration (VA) benefits, Black Lung benefits, Medicaid (incapacity, blindness or disability), private insurance, sickness benefits, etc. However, if any of these conditions are questionable, such as a low percentage disability for VA benefits, a physician's statement may still be required.

For SSI and RSDI purposes, being certified for these benefits (approved, but not yet receiving payment withheld to repay, etc.) is the same as receiving them.

- The individual is a veteran with a service-connected or non-service connected disability, rated or paid as total, under Title 38 of the United States Code.
- The individual is a veteran who is considered by the VA to be in need of regular aid and attendance, or permanently housebound, under Title 38 of the United States Code.
- The individual is a surviving spouse of a veteran and is considered by the VA to be in need of aid and attendance, or permanently housebound, under Title 38 of the United States Code.
- The individual is a surviving child of a veteran and is considered by the VA to be permanently incapable of self-support, under Title 38 of the United States Code.
- The individual has one of the following conditions:
 - Permanent loss of use of both hands, both feet or one hand and one foot