

24.16 CONTINUATION OF SERVICES

Effective February 2010, any Work Eligible Individual currently in a post-employment option will have their continuation of services period extended for up to 6 additional months under provisions of the American Recovery and Reinvestment Act (ARRA) of 2009. Any individual whose current period of eligibility ends on January 31, 2010 is not eligible for this extension. There will be a total of up to 12 months of eligibility for either post-employment option. The family may decide at any time during the extension period that they no longer wish to receive the EAP payment, and may not receive PL services instead. This extension of post-employment services will end when ARRA funds are exhausted. The Worker must indicate on the DFA-WVW-15 the total number of months that the family will receive post-employment services.

Beginning January 2008, Work-Eligible Individuals may choose between 2 employment support options any time WV WORKS cash assistance is closed and the participant reports employment. The closure may be at the client's request or may be due to excess income, but the participant must be employed the required number of hours. See Section A below. When the client accepts employment and the WV WORKS benefit is closed, the Worker advises the client regarding the benefits of each option and the participant chooses the one best suited to the needs of his family. The participant signs the WV WORKS Post-Employment Services Option form, DFA-WVW-15, to document the decision. The Case Manager must note which option the individual has chosen in Work Programs comments. The participant receives 1 copy of the form and another is placed into the case record. This participant's decision is binding for the post-employment period. Both options may receive bonuses.

Option 1 – This option is a continuation of support services and payments any time WV WORKS cash assistance is closed due to employment which meets the requirements outlined below. Services include case management; support service payments; continuation of and payment for activities such as, but not limited to, job search, job readiness, and skills training. Employed former WV WORKS participants must apply to receive continued support service payments, see Section 24.14.

Option 2 – This option is the West Virginia Employment Assistance Program (EAP). This program enables the employed former WV WORKS recipient to continue to receive the TANF payment he received prior to becoming employed by use of a 100% earned income disregard for the EAP period. The family must elect to receive the Employment Assistance payment instead of continued support service payments. Participation hours for this employment may be projected for up to 6 months by using either pay stubs or a written statement from the employer. If it is apparent that the hours may vary substantially, the EAP participant must provide a time sheet or pay stubs each month to verify the hours.

EXAMPLE: A WV WORKS client reports employment. The income reported is over the program limit so the WV WORKS benefit closes for March. The Worker contacts the client and explains the 2 employment support options and the client chooses the EAP. The Worker mails the DFA-WVW-15 to the client to obtain his signature but the client fails to return the completed form. The client is ineligible to receive either employment support option until the form is returned. In May the client comes in for a SNAP review and completes the form and returns it to the Worker. The client is eligible for EAP benefits from May through August since August is the end of the 6-month period that began in March.

When the AG is closed due to imposition of the 3rd or subsequent sanction or a reason other than employment, no continued support service payments are issued. Because the participant was not employed at the time the benefits ended, he is not eligible for either employment option even if he later becomes employed during the continuation of services period.

NOTE: If he meets all eligibility requirements, an employed, non-recipient Work-Eligible Individual who was living with a child who was receiving assistance is also eligible to choose one of these employment support options. These services, support payments, and employment assistance are handled in the same manner as for former recipients who were included in the WV WORKS AG.

EXAMPLE: Mr. Johnson has been living in a WV WORKS AG since July 2005. The AG includes his wife and 2 children. He is not included in the AG due to a drug felony conviction in 2001. Mr. Johnson found employment in January 2008 and the WV WORKS AG is closed. Because Mr. Johnson was a non-recipient Work Eligible Individual in the household, the family is eligible for and may choose either of the employment support options. The eligibility period extends from February 2008 through July 2008, if they meet all other eligibility requirements.

NOTE: An individual who was in a PL period as of January 1, 2008, may be eligible for PL payments through the end of their 6-month period if he becomes employed during that period.

A. ELIGIBILITY REQUIREMENTS FOR EMPLOYMENT SUPPORT OPTIONS

Individuals who meet all of the following requirements may choose a post employment option:

- Gross family income is 150% or less of the current FPL, excluding SSI income; and
- The family resides in West Virginia; and

- One adult in the family, who lives in the household, meets all of the following requirements:
 - Is employed ,

For the EAP, this must be full-time employment defined for a 1-parent family as 128 hours or more per month or 85 hours for a single parent with a child under 6; and defined for a 2-parent family as 150 hours or more per month or 236 hours when the family receives federally funded child care. For a 2-parent household, the hours required may be met by combining the work hours of both parents.
 - Due to employment, the AG exceeds the program income limit or requested the benefit be closed due to employment;
 - Received a monthly WV WORKS benefit, not solely a DCA payment, as a Work-Eligible Individual or was in the household as a non-recipient Work-Eligible Individual; and
 - Has a dependent child in the home. Dependent child is defined in the WV WORKS parts of Sections 15.2,A,C and D.

EXAMPLE: A woman receives WV WORKS for herself and her 2 children. She marries a man who is employed and his earnings close the case effective April. The 6-consecutive-month period begins on May 1st and ends October 31st. In August the family requests support services to fix the husband's car. Even though the family is within the continuation of services period, the request must be denied. The household is not eligible for either of the employment support options because the working adult has not received a WV WORKS benefit.

EXAMPLE: A man has been receiving WV WORKS for himself and 2 children. He acquires some equipment and begins his own lawn service. He begins receiving income from his business and requests that his benefits be closed. He reports his weekly income and the Worker determines that he is working the equivalent of 15 hours per week. Since he is a single parent with a child under 6, he must be working at least 20 hours to qualify for EAP, but he is still eligible to receive support services through the support services option after he signs the DFA-WVW-15.

EXAMPLE: The parent in a WV WORKS AG reports employment and requests that her WV WORKS benefits close. She signs the DFA-WVW-15 and chooses the EAP. She is currently in the 1st month of a 2nd sanction so her benefits had been reduced by two-thirds. Even though she has gone to work, she must complete her sanction period so her EAP benefits are reduced by two-thirds for the 1st 2 months. When the sanction period is completed, the EAP benefits will

be increased to the original grant amount based on the 100% earned income disregard.

EXAMPLE: A husband and wife receive WV WORKS for their 4 children. The 16-year-old child quits school and moves out on his own effective October. He starts working at a fast-food restaurant in October and requests support services to help maintain his employment. Even though he is within the time frame for receipt of employment support services and is working, he is ineligible for either program because he was not included in the AG as an adult and there is no dependent child living with him.

EXAMPLE: A woman receives WV WORKS for herself and her 2 children. She is working part-time and marries a man who is working full-time. Counting his income makes the AG ineligible for WV WORKS effective November. She signs the DFA-WVW-15 and opts to receive employment support payments. The 6-consecutive-month period begins December 1st and continues through May 31st.

In February, the husband has a wreck and they request support services to repair the vehicle. He meets all of the requirements except that he was not a WV WORKS recipient. However, because the wife was working and was a Work-Eligible Individual, she meets all of the requirements, so the family qualifies for support services to repair his vehicle.

B. DETERMINING THE CONTINUATION OF SERVICES PERIOD

The post-employment services eligibility period begins the month after the effective month of closure and continues through the end of the 6th month. Case management services must be provided throughout the continuation of support services or employment assistance period. However, only cases eligible for WV WORKS support service payments or EAP must remain in the WV WORKS caseload.

EXCEPTION: From February 1, 2010 individuals may receive up to 12 months of eligibility for post-employment services. This extension of post-employment services will end when ARRA funds are exhausted.

EXAMPLE: A WV WORKS AG is first closed effective November. The client chooses the Support Service Payment option. He receives support service payments for transportation for December and January. In March, he begins riding with another employee and support service payments for transportation stop. The employee who was providing transportation to the client leaves his job in April and the client has no reliable transportation to get to work. The Worker and the client agree to repairs to the vehicle he drove before he began car-pooling. He receives a support service payment for repairs and begins receiving transportation payments again in late April. In June, his car needs new brakes and he requests help to pay for the repairs. His 6 consecutive months ended on May 31st so his request for payment must be denied. Transportation payments also end in May.

EXAMPLE: An AG is closed effective May 30th due to the receipt of a lump sum payment. At the time of closure, it is determined that the family will remain ineligible for WV WORKS through September. The family has already spent all of the lump sum payment by the end of June. The parents reapply for WV WORKS in June and are denied. In July, the mother and father both begin working part-time. They both request support services in July to help with transportation. Neither is eligible because the family remains in a period of ineligibility due to receipt of the lump sum payment. They ask for assistance again in August and September and remain ineligible for support services. In October, they again request assistance, although their period of WV WORKS ineligibility is over, they are ineligible to receive support payments because they do not meet the eligibility requirements as outlined in Section A.

NOTE: All support service payments for the post-employment services period must be entered in RAPIDS by the last work day in the month following post-employment services closure. Payment may be made in the month after post-employment services closure for expenses from the final month of post-employment eligibility. Payment may not be made for any expenses from the month following post-employment closure.

NOTE: For clients who choose the Employment Assistance option, the EAP payments must be stopped before adverse action in the final month so that no payment is issued for the next month. Advance notice requirements apply. Once an individual is no longer eligible for EAP due to job loss or reduction in hours the AEAP screen must be updated in RAPIDS.

C. SUPPORT SERVICE PAYMENTS

Although the client must actually request support services and apply for a support payment prior to the issuance of the payment, it is the Worker's responsibility to insure that the client is aware he is eligible for continued support service payments and inform the client of the services available. The Worker must note in Work Programs comments that the individual has opted to receive support service payments and place the DFA-WVW-15 into the case record. The decision is binding for the post-employment period.

When case management services are provided, the Worker is responsible for identifying or for soliciting from the client his statement of need.

All requests for continued support service payments must be made on application form DFA-SS-2. Multiple payments of the same type of support service require a DFA-SS-2 for each payment. Multiple payments of different types of support services may be requested using one DFA-SS-2 form.

EXCEPTION: Payments for transportation require completion of a DFA-TS-12.

1. Application Form, DFA-SS-2

Form DFA-SS-2 may be completed in a face-to-face interview, mailed, faxed, or left at the front desk to give to the Worker. A supply of these forms must be available to the client without having to see a Worker. It is suggested that a supply of forms be provided to the client to mail in as needed. Any additional information may be obtained by telephone or by mail.

Except for ongoing transportation needs, the Worker is required to talk to the client prior to acting on the DFA-SS-2 to confirm the identity of the person making the request and to discuss the need for the payment. Failure to be available at a pre-determined time for these confirmations does not result in application of a sanction; it results only in denial of the requested payment.

NOTE: Although non-recipient Work-Eligible Individuals are not included in the AG, they are eligible to receive continued support services and payments as long as they meet all other eligibility requirements.

2. Client Notification, DFA-WVW-NL-3

If any support service payment is issued to, or on behalf of the client, the client is sent a notice at the end of that month that identifies all payments made to the client, or on behalf of the client. This letter is automatically generated and sent from the RAPIDS system. (Form WPL2)

However, if payment is denied the client must be notified using form DFA-WVW-NL-3.

The Worker must provide a narrative explanation of the reason the payment is denied, in terms that are easily understood by the client.

EXAMPLE: A non-recipient Work-Eligible Individual's family last received a WV WORKS check in January and applies for payment for vehicle repairs in August.

The Worker includes the following statement in the letter: Your last WV WORKS check was for January _____. Payments may be made to former WV WORKS recipients for only 6 months after the last check. Since you applied for the payment in August _____, you are not eligible to receive this payment. Your eligibility for these payments ended in July.

EXAMPLE: A former recipient last received a WV WORKS check 4 months ago. Five months ago his youngest child had his 19th birthday. The Worker includes the following statement in the letter: Our records show that Andrew is your youngest child and that he turned 19 on _____. Since he is now an adult, you do not meet the requirement of having a dependent child in your home.

Under no circumstances is it correct to give or mail a DFA-WVW-NL-3 to a client without a narrative Worker-composed explanation of the reason for the denial.

The DFA-WVW-NL-3 offers the client the right to a Fair Hearing on this denial and must be mailed or given to the client with a Hearing request form.

NOTE: Continued support service payments are made to those who exhaust 60 months receipt of cash assistance if an adult in the household was employed during the 60th month of receipt and they otherwise meet the qualifications in this section.

D. EMPLOYMENT ASSISTANCE PROGRAM (EAP)

The Employment Assistance Program allows the employed former WV WORKS recipient to continue to receive cash assistance benefits through a 100% earned income disregard for the post-employment period following WV WORKS closure. Child support must continue to be redirected while receiving the EAP payment.

The Worker must explain that EAP payments count against the 60-month time limit for receiving WV WORKS and the effect of the EAP on other benefits the family may receive. The Worker must note in CMIC this is the option that the individual has chosen, and place the DFA-WVW-15 form in the case record. The family may decide at any time during the post-employment period that they

no longer wish to receive the EAP payment, and may not receive PL services instead. Once the EAP is discontinued, no additional EAP may be issued unless the individual is found eligible for a new post-employment period. Families choosing this option are not eligible for support service payments, with the exception of car repairs and vehicle insurance, during the post-employment period. They may still receive bonuses.

EXCEPTION: When a participant's hours are reduced by the employer to below what is required for EAP, the participant may receive PL services for the remainder of his original post-employment period only when the following conditions are met:

- He remains over income for WV WORKS benefits; and
- His hours were reduced through no fault of his own.

NOTE: Any participant who is currently enrolled in the PL component for January 2008 cannot move to the EAP for the remainder of his 6-month period. The EAP is only available for closures occurring in January 2008 or after.

1. Projecting Hours Of Participation In The EAP

The hours of participation for participants in the EAP may be projected for up to 6 months. The number of hours projected are based on the 30 days of pay stubs or signed wage statements from the employer. These hours may be used to project the participant's hours for up to the 6-month limit, unless the Worker becomes aware of a change or the participant reports a change in circumstances that requires recalculation. The pay stubs or wage statements must be from the preceding 30-day period and may include hours for which the individual was paid, but did not work, including paid leave and paid holidays. If the wage statements/pay stubs available are not representative of continuing circumstances, the actual hours must be reported each month by using a time sheet, employer's statement, or pay stubs and participation hours are not projected. See Section 10.24,A for WV WORKS budgeting methods.

EXAMPLE: Ms. Jones has been receiving WV WORKS for 15 months and obtains employment and requests that her WV WORKS benefits be closed for February. The Worker receives an employer's statement that Ms. Jones is expected to work 30 hours/week at \$6.50/hour. She chooses to receive the EAP and signs the DFA-WVW-15. The Case Manager enters 30 hours weekly in the FU component for each of the 6 months that Ms. Jones remains in the EAP. She is also entered into the EA component. Any car repair payments or bonuses are issued through the EA component.

2. Calculating the EAP Benefit Amount

The amount of child support pass-through is excluded as unearned income for EAP. See Section 10.24,B,2.

- Step 1: Add the non-excluded unearned income of the AG and any disqualified person(s). The resulting amount is the countable income.
- Step 2: Determine the maximum WV WORKS benefit amount for the AG size, using Appendix A.
- Step 3: If the amount arrived at in Step 1 equals or exceeds the amount in Step 2, the AG is ineligible. If the amount arrived at in Step 1 is less than the amount in Step 2, the AG is income eligible and the amount from Step 1 is subtracted from the amount in Step 2.
- Step 4: Subtract any repayment amount from the amount remaining. This amount is found on EAWG in RAPIDS. The result is the EAP benefit amount. The Worker must send an e-mail to the Repayment Investigator for his county so that the repayment amount will be credited to the participant's account.

EXAMPLE: Mr. Smith was eligible for a WV WORKS payment of \$340, but was receiving a payment of \$306 due to a repayment amount of \$34 shown on EAWG. When calculating his EAP benefit amount, \$34 is subtracted in Step 4 and an e-mail is sent to the Repayment Investigator for that county.

NOTE: This program is not available to participants who will reach their 60-month time limit within the post-employment period of eligibility.

Once the participant has chosen the EAP benefit and has signed the DFA-WVW-15, the Worker must complete the Employment Assistance Program screen in RAPIDS to lock in the post-employment period. If the participant reports a reduction of hours or a job loss and no longer meets the requirements of Section 24.16,A, then the Worker must adjust the months of eligibility on the Employment Assistance Program screen to end the EAP benefit. The Worker enters the last month of EAP eligibility, taking adverse action deadlines into consideration.

E. WORK PROGRAMS CODING

During a continuation of support services and payments period, individuals are enrolled in Work Programs component PL.

During the period for the EAP the participant must be placed in a Work Programs component for unsubsidized employment, FU or PU. See Section 24.6, A. He must also be placed in the EA component for vehicle repair, vehicle insurance, and bonus payment processing and for tracking purposes.

If the WV WORKS case is reopened prior to the end of the continuation of services period, the component code is changed to the appropriate work component and the AEAP screen in RAPIDS is updated.

In a two-parent household, both Work-Eligible Individuals must be placed in the same post-employment option component.

F. APPROVAL OF SUPPORT SERVICES PAYMENTS

Only certain support service payments are made to individuals who choose the EAP. See Section 24.14,C. Up to the limit of \$2,000 in vehicle repair may be made to individuals who chose the EAP as long as all other requirements in Section 24.14 C,9 are met. The car repair payment, RC, paid through the EA component is a different payment than that used for WV WORKS support payments or PL payments, CR, and is available even when the AG has used the vehicle repair lifetime limit. See Section 24.14,C,9.

EXAMPLE: Mr. and Mrs. Smith choose to receive the EAP. They have requested vehicle repair and submitted an estimate for \$500 for tires and an alignment. The Worker checks IQWH for support payment disbursement history for each of their PINs and notes they have previously used their lifetime limit for vehicle repair. Because they have chosen the EAP, they are approved for payment of the \$500 and have an additional \$1,000 available for future vehicle repair needs while in EAP.

EAP support service payments for vehicle repair must be approved by a Family Support Supervisor or a person designated to complete supervisory functions in RAPIDS (back-up Supervisor). All PL support service payments, except transportation, must be approved by a Family Support Supervisor or a person designated to complete supervisory functions in RAPIDS (back-up Supervisor). Supervisors and back-up Supervisors cannot approve support payments which they have entered into the system themselves. A back-up Supervisor may not approve payments entered by a Supervisor. Payments entered by a Supervisor must be approved by another Supervisor. Each Supervisor, back-up Supervisor, or Worker may cancel his own payment requests in RAPIDS. If a Family Support Supervisor must cancel a support payment for a Worker, other than his own, he must use Manage Payments screens.