

### 13.9 WV WORKS SANCTIONS

When a member of the AG or non-recipient Work-Eligible Individual does not comply with requirements found on his PRC or SSP, a sanction must be imposed unless the Worker determines that good cause exists. Information about development of the SSP is found in Chapter 24. Information about the PRC and SSP as an eligibility requirement is found in Chapter 1.

**NOTE:** When the person whose actions cause a sanction to be imposed becomes an SSI recipient prior to imposition of the sanction, no sanction is imposed. In addition, the offense is not counted when determining the level of subsequent sanctions. If the family has already been sanctioned when the offender becomes an SSI recipient, the sanction is lifted as soon as possible considering RAPIDS deadlines. The partial sanction already served counts when determining the level of the subsequent sanctions.

**NOTE:** If a disabled client chooses to participate, no sanction is imposed for failing to meet the work requirements if the Worker or Supervisor determines the participant failed to meet the SSP requirements due to his disability. WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes.

#### A. DEFINITION OF SANCTION

**NOTE:** Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed.

Sanctions are applied in the form of benefit reductions and, for the 3rd or subsequent offense, termination of benefits. The amount of the benefit reduction is a fixed amount and is determined as follows:

1st Offense = 1/3 reduction in the benefit amount, prior to recoupment, that the AG is currently eligible to receive, for 3 months

2nd Offense = 2/3 reduction in the benefit amount, prior to recoupment, that the AG is currently eligible to receive, for 3 months. If the case is in a 1/3 reduction when the 2nd sanction is applied, the 2/3 reduction is applied to the benefit amount the client would be eligible to receive, prior to recoupment; if it was not already reduced by 1/3.

3rd and All Subsequent Offenses = Ineligibility for cash assistance for 3 months.

**NOTE:** See item C below for information about the mandatory home visit after imposition of the 2nd sanction.

## Work Requirements

During the home visit, the Worker must discuss with the client the reason(s) for the 2nd sanction. The Worker will explore with the client why he has not complied with the PRC **or SSP** or otherwise participated and cooperated. During the visit, the Worker will explore any support services, other Department services or community resources that are available to the client to address any challenges to participation. Appropriate services and referrals will be arranged. The Worker must also discuss the following during the home visit:

- Plans for how the children's needs will be met when the WV WORKS benefit stops.

**NOTE:** Under no circumstances is the Worker to suggest or indicate that the loss of WV WORKS income will result in removal of the children from the home.

- How rent and utilities will be paid while the WV WORKS case is ineligible. Determine how extra expenses, such as, but not limited to, cleaning and laundry supplies, clothing, etc. will be covered.
- Explain that Emergency Assistance is not available for a family serving a sanction.
- Explain that Food Stamp benefits will not increase for 3 months due to the loss of WV WORKS.
- Explain that the client must establish good cause to avoid a 3rd sanction.

The home visit does not substitute for advance notice of any additional sanctions or for any good cause appointments.

#### D. PROCEDURES WHEN THE SANCTION PERIOD ENDS

The 1st and 2nd sanction periods expire when the client has received reduced benefits for three months. The 3rd sanction period ends when the client's WV WORKS benefit has been closed for 3 months. Eligibility cannot begin until the 4th month following the imposition of the sanction. Once the sanction period has started, it runs for the appropriate number of consecutive months, whether the case remains active or not. In addition, once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed.

**EXAMPLE:** A 2/3 reduction is applied to a case for its 2nd sanctionable offense. The sanction begins with the check received in March. In April the client requests his case be closed and the Worker closes the case. In May the client reapplies for cash assistance and he is determined eligible. However, because he would have been sanctioned in May had he not requested case closure, the sanction is applied when the application is approved. Assuming no other offenses occur, his benefit is increased to the full check amount beginning in June.