

Because approval depends upon making the application, attending orientation, **completing a** PRC as well as providing verifications, all of which may not be available to the client on the date of application, form DFA-RFA-1 is available to protect the date of application for proration purposes. There must be a full application made subsequent to each DFA-RFA-1. If the client fails to follow through with the application, a RAPIDS entry must be made to withdraw the DFA-RFA-1.

The DFA-RFA-1 may only be used when a DFA-2 is not completed at the time the client expresses an intent to apply for WV WORKS.

D. INTERVIEW REQUIRED

A face-to-face interview is required.

E. WHO MUST BE INTERVIEWED

**NOTE:** Information in this item applies only to the intake interview. While it is possible to have only one parent participate in the intake interview, it will usually be necessary for both parents to be interviewed about the PRC and other WV WORKS requirements. A representative of the specified relative may participate in the intake interview, but the specified relative must be interviewed about the PRC and other WV WORKS requirements.

The specified relative with whom the child lives must participate in the intake interview.

If the child is living with both parents or a parent and a stepparent, both must be interviewed unless:

- One parent or stepparent is hospitalized; or
- One parent or stepparent is employed and his working hours preclude participation in the interview during the agency's normal working hours.

When the specified relative with whom the child lives has a legal committee, the committee must be interviewed.

If the child is living with only one specified relative who is unable to participate in the interview, a representative may participate in the intake interview. A written statement, signed by the specified relative, who gives the representative authority to apply on his behalf, is required.

## F. WHO MUST SIGN

The individual(s) who is interviewed must sign the DFA-2. If the child(ren) lives with both parents or a parent and a stepparent, both must sign, even if separate interviews are conducted.

## G. CONTENT OF THE INTERVIEW

In addition to the requirements outlined in Section 1.2, the following specific requirements apply.

- BCSE - Explain redirection requirements, good cause, penalties for failure to cooperate without good cause, possible referral to BCSE for signature of paternity acknowledgment, and obtain the signature on the DFA-AP-1 of the relative with whom the child lives.
- Non-recipient Work-Eligible Individuals - Explain that non-recipient Work-Eligible Individuals living in the household with an eligible child must complete the PRC, **SSP**, orientation, and be enrolled in a work activity and meet all other program requirements or the AG is ineligible for WV WORKS.
- Work Requirements - Explain the purpose of WV WORKS; DCA payments, if appropriate; TM, child care assistance and job placement.
- Explain that participation in a work activity is an eligibility requirement.
- Personal Responsibility Contract (PRC) - Explanation and completion of the PRC is not required to be part of the intake interview, but it may be done at the same time. See item T below for details about the PRC requirements.
- **Self-Sufficiency Plan (SSP) – Lists the goals of each participant and the tasks necessary to accomplish those goals. See item U below for details about the SSP requirements.**
- Repayments - Discuss any outstanding repayments. See item L below.
- Eligibility - Explain beginning date of eligibility and the importance of establishing eligibility as soon as possible.
- WV WORKS post-employment options – Discuss the 2 types of employment support payments:
  - Option 1 - Up to a 12-month period during which the former WV WORKS participant may be eligible for continued support payments and services; or

- Option 2 - The West Virginia Employment Assistance Program which allows the employed former TANF recipient to continue to receive the TANF payment he received prior to becoming employed for up to a 12-month period.

- Medicaid - Explain that Medicaid eligibility is a separate determination and how and when the medical card is issued, if appropriate.
- Lump Sum - If the client indicates he may be receiving a lump sum payment, explain the lump sum policy.
- Pregnancy - Explain the need for the client to report immediately when anyone in the AG or a non-recipient Work-Eligible Individual becomes pregnant.
- Caretaker Relative Option

**NOTE:** When a parent(s) is included with his own child(ren), the OFS-WVW-10 must not be signed. When the AG includes a parent(s), his child(ren) and other children for whom the parent is a specified relative, the parent is required to be included and form OFS-WVW-10 must not be signed. The form is used only when a caretaker relative receives cash assistance only for children to whom he is not a parent.

For cases in which the caretaker relative is not a natural or adoptive parent, form OFS-WVW-10 must be explained. The form must be signed and completed prior to approval, but not necessarily during the intake interview. The Worker must explain the option of being included or excluded from the AG and answer the client's questions about the consequences of each choice. Refusal, or other failure, of the caretaker relative to sign the form results in denial of eligibility for the caretaker relative for at least 12 months. Eligibility continues to be denied beyond 12 months, for as long as the caretaker fails to choose. The original form must be filed in the case record and the client must be given a copy. See Section 9.21 for details about the limited choice for the caretaker.

- Domestic Violence - Explain that information is available throughout the office and from the Worker regarding domestic violence and that this subject is discussed with all clients. No individual is specifically targeted to receive the information. Disclosure of domestic violence may have an affect on any **SSP** work requirements or time limits the client is expected to meet while a WV WORKS recipient. A referral to the appropriate community resource or domestic violence program must be made to develop a plan to assist the client in meeting any WV WORKS requirements. See Sections 13.8 for temporary exemptions to the WV WORKS work requirements and Sections 15.6 and 15.7 for WV WORKS time limits.
- Earned Income Tax Credit (EITC) - Briefly explain that this is a tax credit for people who work or have worked and had earned income under a specified amount. Pamphlets should be in the local offices to explain the EITC in more detail.

## H. DUE DATE OF ADDITIONAL INFORMATION

The client and the Worker agree on the date by which additional verification must be obtained.

## I. AGENCY TIME LIMITS

By the 10th working day following the date of the initial contact when a client expresses an interest in applying for WV WORKS, the Worker must have completed all of the following duties. The initial contact by the client may be in person or by telephone to start the 10-day period.

- Acceptance of the application or DFA-RFA-1. This must be completed prior to orientation and prior to **completion** of the PRC; and
- The client's orientation, when it appears the AG will be eligible; and
- The initial **SSP negotiation**, when it appears the AG will be eligible.

Data system action must be taken to approve, deny or withdraw the application within 30 days of the same date.

**EXCEPTION:** When the delay is a result of factors outside the control of the Department and the applicant, or when the client requests a delay, any of the above actions may be postponed. When action is postponed due to the client's request, his request must be recorded on CMCC.

**EXAMPLE:** An applicant telephones the office on June 26th to find out how to apply for WV WORKS. At that time, an appointment is scheduled for him to meet with a Worker on July 5th. The next group orientation after the application is completed is July 12th, which is past the 10-day time limit. Therefore, the Worker must complete an individual orientation session for this applicant, preferably at the intake interview on July 5th.

**NOTE:** Only the monthly WV WORKS and CSI benefits may be received by direct deposit.

(3) Dis-enrollment from Direct Deposit

The client must request removal from direct deposit by submitting a written request directly to the Auditor's Office at the address shown on the enrollment form or by calling the Auditor's Office. Identifying information may be requested.

b. Benefits

All benefits which are not issued by direct deposit are deposited into an EBT account. Any newly opened case has an EBT account set up and the WV WORKS, DCA and CSI payments are deposited into the EBT account. This applies to the initial benefit for those AG's who choose direct deposit also. Benefits are accessed with the EBT card. There is no warrant number for an EBT benefit. EBT is indicated on RAPIDS screen IQAD with a B as the issuance method.

c. Initial Benefit

(1) Amount

The initial WV WORKS benefit amount may be different than the ongoing benefit amount.

The initial WV WORKS benefit is prorated from the date of application once all eligibility requirements are met, including signing the PRC **and initial SSP**, and participating in orientation.

The Worker must inform the client of the benefit of returning all necessary information as soon as possible.

The monthly benefit amount is determined according to instructions in Chapter 10 and prorated. Special needs are not prorated. Instead, the full special need amount is added to the prorated amount.

The date eligibility is established must be coded in RAPIDS.

The system's response to approvals includes both the prorated benefit amount for the first month and the full benefit amount for the following month.

**NOTE:** When the individual designated as primary person for the AG has a legal guardian or protective payee coded in RAPIDS, the card for the AG is mailed to that person. In this situation, if the primary person or other individual must have a card, the information must be entered on screen AIRQ as an authorized cardholder. All cards are mailed to the address of the legal guardian or protective payee.

WV WORKS AG's may select only 1 authorized cardholder for WV WORKS. If the AG receives both SNAP and cash assistance, they may select 1 authorized cardholder for each benefit.

The maximum number of cards issued for any case is 3.

Once an authorized cardholder is chosen, the payee may stop the cardholder's access to the EBT account by calling the ARU or DHHR Customer Service Center. Local office staff cannot inactivate a card. However, the DHHR Customer Service Center or local office Worker can change or remove a cardholder. If the client first calls the ARU to stop access to the account, he must still contact the local office to remove or change the cardholder.

#### (4) Cardholder Security

The demographic information sent to the EBT vendor for the primary person in the household is the Social Security Number, Date of Birth and address to which the card is sent.

No demographic information is sent for any authorized cardholder. The authorized cardholder must know the date of birth of the primary person and the address to which the card(s) is mailed.

If the SSN is requested for a PIN change, the primary person provides his own and the authorized cardholder or representative/protective payee must provide zeros.

### T. PERSONAL RESPONSIBILITY CONTRACT (PRC)

The Personal Responsibility Contract (PRC), form DFA-PRC-1, is a contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the Department.

Completion and signature of the **PRC** form **DFA-PRC-1** is required prior to approving the WV WORKS AG. However, when the client reapplies for benefits within 3 months of the last day of the effective month of closure, no new PRC is required. Instead, the client must sign the existing PRC again and put the date of his signature.

**EXAMPLE:** An AG is closed on April 10th. The last day of the effective month of closure is April 30<sup>th</sup>. If he reapplies on or before July 31<sup>st</sup>, no new PRC is required.

Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. See Section 13.9 for information about sanctions.

**NOTE:** A separate PRC is completed for each adult and emancipated minor in a WV WORKS AG, and any non-recipient Work-Eligible Individuals in the household.

**The** PRC is the same for all WV WORKS participants. It states the purpose of the WV WORKS Program and lists the participant's rights and responsibilities. Each adult and emancipated minor AG member and non-recipient Work-Eligible Individual must sign of his own PRC. In addition, the Worker must sign the form as the Department's representative. The participant's signature indicates that he understands and accepts the responsibility inherent in the Program. The Worker's signature indicates that he has explained the participant's rights and responsibilities and the Department's responsibilities to the participant. It also indicates that the Worker has addressed all of the participant's questions and concerns before requesting him to sign it.

Some of the items listed on the PRC duplicate information on the DFA-2. However, the signature on the DFA-2 does not substitute for the signature on the PRC and vice versa.



## U. SELF-SUFFICIENCY PLAN (SSP)

**NOTE:** Guidance for the assessment process which is crucial to the completion of the SSP is found in Section 24.4.

The Self Sufficiency Plan (SSP), form DFA-SSP-1, is a negotiated contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the Department. The SSP is specific to each participant and is the Self-Sufficiency Plan. It lists the goals, as well as the tasks necessary to accomplish the goals, including specific appointments, assignments and activities for the adult/emancipated minor. In addition, the SSP identifies the circumstances which impede attainment of the established goals and specifies the services needed to overcome the impediments. The services listed on the form may be Support Service Payments or any other type of service provided to the client or to which he has been referred. When there are no support services available at the time to appropriately address the barrier, the Worker must note this on the form and periodically review the availability of needed services.

**NOTE:** A separate SSP is completed for each adult and emancipated minor in a WV WORKS AG, and any non-recipient Work-Eligible Individuals in the household.

Completion and signature of the SSP form DFA-SSP-1 is required to be completed within 10 days of the initial contact when the client expresses an interest in applying for WV WORKS. The initial SSP may be completed on a paper form or in eRAPIDS. When the initial SSP is completed on a paper form, eRAPIDS must be updated as soon as possible. Whenever the client reapplies for benefits, a new SSP is required. The participant and Worker must sign and date the initial Self-Sufficiency Plan and each change or addition when they occur. The signatures indicate their agreement to the initial Self-Sufficiency Plan and subsequent changes. The participant's signature indicates that he understands and accepts the responsibility inherent in the Program.

The Self-Sufficiency Plan is a negotiated contract between the Department and the WV WORKS participant. It is a working document and revisions are made when either the participant or the Worker believes it necessary. Frequent changes are expected as the participant progresses toward his goal.

There are 4 additional considerations for the Worker during the negotiation of the Self-Sufficiency Plan, as follows.

1. Initial Self-Sufficiency Plan (SSP)

A full assessment of the family situation is required to complete a valid, long-term Self-Sufficiency Plan (SSP). To prevent a delay in the receipt of benefits to the client, an initial SSP must be completed **within 10 days of the initial contact when a client expresses an interest in applying for WV WORKS**. It is understood that the initial SSP will not be as comprehensive as subsequent plans.

Prior to completion of the initial Plan, the Worker must explore the following with the participant, at a minimum:

- Does the participant state a disability of any kind? The Worker must code Work Programs with the AD component when the participant has a documented disability.
- Is transportation a problem?
- Is child care a problem?
- Does the participant state family problems would interfere with an activity?

These factors, as well as any other information readily available, must be considered when negotiating the initial SSP.

2. First Full Self-Sufficiency Plan (SSP)

After the assessment process described in Section 24.4,B has been implemented, the Worker is required to complete a full SSP. The first full SSP must be completed and signed within 45 days of the date of application and must be based on information determined through the assessment process, including the information obtained from form OFA-WVW-3A.

3. Subsequent Changes to the Self-Sufficiency Plan (SSP)

Changes may be made to the SSP when the participant and the Worker agree that changes are appropriate. These changes may be a result of identifying a new impediment to a goal, acceleration of the progress toward self-sufficiency, or on any other change in the client's circumstances. It may also be changed based on the addition of available services to the area or the loss of such services.

#### 4. Domestic Violence Considerations

During the completion of the SSP, the Worker must make every opportunity available for the individual to disclose domestic violence issues which may affect the participant's particular requirements as a WV WORKS recipient. It must be stressed with the participant that disclosure may be a benefit in the negotiation process.

If, based on observation of a couple during an interview, the Worker suspects domestic violence is a factor, he may attempt to set up a separate interview at a later date. However, any attempt to do so must be done in a manner which insures the client's safety. Under no circumstances must the individual's safety be compromised or is the participant to be penalized for refusal to conduct a separate interview.

**NOTE:** When the participant's SSP involves requirements or exemptions due to domestic violence or plan monitoring with a domestic violence agency, the Worker must take special precautions when recording exemption information on the form or in RAPIDS. No copy of any such plan is filed in the record. The Worker may make phone contacts to monitor the plan and record only general information, i.e.; the name of the individual to whom he spoke, but not the organization; a statement that the current plan is being followed satisfactorily, etc. When monitoring the plan, the Worker must not contact the abuser, his relatives or friends, nor leave any messages regarding domestic violence on any home answering machine. The domestic violence indicator in RAPIDS serves as documentation of the reason for the requirements or exemption.

### V. ORIENTATION

The purpose of Orientation to WV WORKS is to inform all applicants about the Program, the general policies and program requirements.

Orientation is part of the application process. It is an opportunity to make sure that each person understands the services available and the program requirements. It also gives the applicant an easy way to ask questions and receive answers. This will also begin the assessment process by allowing the Worker to determine the issues most important to the applicant

Each adult and emancipated minor in the WV WORKS AG and non-recipient Work-Eligible Individual must receive orientation to the Program. At the discretion of the CSM, orientation may be conducted in groups, individually, or in a combination of the two.

The important point in either process is that information be presented uniformly and the applicant leaves with a good understanding of the Program, his general requirements and services available to him. Not only is it important that each applicant in a District or Region receive the same kind of information, it is equally important that all applicants statewide receive the same kind of orientation information. For that reason, the two forms described below are used to accomplish uniformity. Their use is mandatory.

Attending a WV WORKS orientation and signing the DFA-WVW-4 are eligibility requirements, so eligibility may not be established until these are completed. However, when the AG reapplies for benefits within 3 months of the last day of the effective month of closure, the AG members or non-recipient Work-Eligible Individuals are not required to complete another orientation session.

**EXAMPLE:** An AG is closed on April 10<sup>th</sup>. The last day of the effective month of closure is April 30<sup>th</sup>. If he reapplies on or before July 31<sup>st</sup>, no new orientation is required.

#### 1. DFA-WVW-4, Orientation To WV WORKS

This form contains a brief summary of some of the requirements unique to WV WORKS. The Worker must explain the information included on the form and add additional information in response to specific questions. Under no circumstances may delivery of the form to the client with no discussion of the information substitute for a full, uniform orientation to the Program.

In addition to the information on the form, the following is required: When a **SSP** has not already been completed and will not be completed during the orientation session, provide the client with a blank copy of the **SSP**. This will allow time for him to be prepared for the **SSP** interview.

#### WV WORKS List Of Local Services

The WV WORKS List of Local Services template is included in Appendix D at the end of this Chapter. This is not a form, merely a template to assist local offices in producing a list of local services which the client may need or be required to use. The final list may be prepared by each District office or be prepared regionally, depending upon the availability of the services. It is designed to be developed once and reproduced for use during Orientation. Use of this list including the attachment is mandatory and must be updated as changes occur. Under no circumstances is staff to copy this template exactly as listed in Appendix D for use. With the exception of attachment A, the WV WORKS List of Local Services must be designed to reflect the availability and list of services in a particular District or surrounding area/region.

The template contains information in parentheses after each main heading. This information is what is required to be included on the form or discussed with the client. It should not appear on the final form used by Workers.

When the template states to “list” information, it is expected that the local office will type the information on the form. When the template states “discuss” or “tell” it is expected that the Worker will verbally provide information.

When a particular service is not available locally, the local office may list the nearest location where such services are available or may type on the form: “Not Available Locally.” In some locations in the State, there may be more service locations than it is practical to list on the form. When this is true, list all locations on a separate sheet(s) of paper and on the form, refer to the attachment.

The applicant is expected to initial each item after it is discussed with him, but his eligibility is not affected if he does not. Under no circumstances may delivery of the form to the client substitute for a discussion of all the items on the form.

In addition to the items listed on the WV WORKS List of Local Services, there must be a complete discussion of domestic violence issues which include the following:

A discussion of the Department’s efforts to protect the safety of clients in domestic violence situations by choosing the Family Violence Option included in welfare reform legislation. Explain that literature is available in different locations throughout the office and from the Worker. The discussion should include the benefits of disclosure of domestic violence as it relates to work participation requirements and program time limits. It should also include information about how to disclose, i.e., to the Worker, other individual, etc. It is important that the Worker inform the client that this information is given to everyone who applies and does not indicate the Worker has any knowledge or suspicion of domestic violence. This is especially important when 2 parents or 2 non-parent caretakers are being interviewed.

Information on Attachment A of the template regarding sexual harassment must be discussed by the Worker with the client. Attachment A must be copied exactly as written and included with the WV WORKS List of Local Services provided to the client.

**NOTE:** Emancipated minors excluded from the AG, are not required to attend a group or individual WV WORKS Orientation.

## W. RIGHTS OF APPLICANTS AND PARTICIPANTS WITH DISABILITIES

### 1. Introduction

The West Virginia Human Rights Act, West Virginia Code § 5-11-1, the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 apply to all programs established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) which established the Temporary Assistance to Needy Families (TANF) program. WV WORKS was established as a TANF program, and as such, the laws established under the Acts referenced above apply to WV WORKS.

These Acts provide:

- That no qualified individual with a recognized ADA disability will, by reason of that disability, be excluded from participation in, be denied any of the benefits or be discriminated against by the agency administering the program
- Discrimination by any agency which receives Federal financial assistance to support their TANF program is prohibited.

All TANF agencies are subject to review by the Office of Civil Rights and any complaints regarding discrimination are to be referred to and investigated by that office. See Section 1.2 for directions on filing a complaint.

### 2. Accommodations For The Disabled In WV WORKS

**NOTE:** Under Section 504 of the Rehabilitation Act and the ADA, a disability is “any physical or mental condition, including learning disabilities, mental retardation, a history of drug or alcohol addiction, depression, a mobility impairment or a hearing or visual impairment.” The Worker has the responsibility to inform the Work-Eligible Individual that disclosure of any or all of these conditions is voluntary and may provide any appropriate referrals once the information is provided.

Although disabled individuals may have a temporary barrier or exemption, automatic exemption of individuals with disabilities denies those individuals access to the TANF programs and services. This practice results in the discriminatory exclusion of disabled individuals from participating in the program. Under the law, every effort must be made to modify practices and policy, when appropriate, so disabled individuals may receive modified training and accommodated job opportunities. This policy permits the disabled to participate in the program and benefit from the employment and training opportunities offered to all other participants.

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Application/Redetermination Process

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Two concepts are central to making WV WORKS accessible to all applicants and participants:

- Individualized treatment – All individuals with disabilities must be treated on a case-by-case basis, in a way that is appropriate to accommodate their disabilities.
- Effective and meaningful opportunity – All disabled applicants and participants must be allowed to participate and given the opportunity to benefit from TANF programs in the same manner as all other participants and must be allowed to have meaningful access to the program.

Reasonable accommodations and services, must be available to all disabled participants so all services and programs are accessible to disabled individuals. These types of modifications are required at application and throughout all stages of the WV WORKS program and continue as necessary through employment or even during an extension of the 60 month limit of benefits. Any accommodation and/or modification must be documented in case comments.

Workers must make appropriate referrals to local service agencies that provide the services and assistance necessary to ensure the applicants' successful participation. Referrals are made using the DFA-ADA-1. Only 1 referral is made on each form. Distribution of the form is as follows:

- 1 copy remains in the client file.
- 1 copy to the client.
- 1 copy is for the client to deliver to the referral agency.

The DFA-ADA-1A is the follow-up form. The Worker completes this form to summarize the services that have been received and the outcomes of the services.

**NOTE:** WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes even if a referral to a local service agency is declined by the participant. When this occurs, it must be documented in case comments that a referral was offered and refused.

See Section 1.2,A,4 for the right to fair and equitable treatment of applicants and recipients.