

24.9 WORK EXPERIENCE

Work Experience is defined as a work activity, performed in return for cash assistance that provides an individual with an opportunity to gain the general skills, training, knowledge, and work habit necessary to obtain employment. All Work Experience activities must be supervised by an employer, work site sponsor, or other responsible party, daily.

The Work Experience components are governed by the Fair Labor Standards Act (FLSA). Participants assigned to these components must also be enrolled in the FLSA (FL) component. The actual hours are scheduled using the WV WORKS FLSA Computation Sheet, DFA-WVW-FLSA-1, or in eRAPIDS and are entered in the FL and Work Experience components and documented in Work Program comments. The DFA-WVW-FLSA-1 is filed in the participant's case record. At the end of the reporting period, the Worker must record the actual hours completed in the appropriate Core components, CW, JN, or WE and the hours scheduled by FLSA computations are re-entered in the FL component as completed hours. The scheduled and completed hours entered for FL component will be the same as the FLSA calculation. The scheduled hours in eRAPIDS must not exceed the minimum monthly participation rate requirements. The parent may be required on their **SSP** to participate for the FLSA computed hours but no sanction may be imposed as long as the minimum level is met. Thorough case comments must be made. If the hours reported in the Core component match the number of hours assigned in the FL component, the participant will be deemed to be meeting the Core participation requirement, and no additional core hours may be required.

Work Experience sponsors must provide Workers' Compensation coverage. In addition to other structured Work Experience opportunities that may be available in the community, the following two Work Experience programs are offered by the Department of Health and Human Resources.

A. COMMUNITY WORK EXPERIENCE PROGRAM (CW)

The Community Work Experience Program (CWEP) is a work activity for parents or other caretaker relatives age 18 and older. The primary purpose is to provide work experience and training to assist a client who has limited work experience, is under-employed or has no immediate employment opportunities.

NOTE: WV WORKS clients must not participate as a volunteer with Community Service at any active CWEP contract site regardless of whether or not there is a current CWEP placement at that site.

- The contract number will begin with the word CWEP. Each contract is assigned a 6-digit control number. The first 2 digits are the fiscal year; the second 2 digits are the county number. The last two digits are assigned sequentially beginning with 01.

EXAMPLE: CWEP-04-22-14 (CWEP contract negotiated in FY 2004 by Lincoln County, contract number 14).

- Contracts are completed in triplicate. One copy is distributed to each of the following: the sponsor, the client's case record, and the DFA Family Support Policy Unit.
- A detailed job description, form DFA-JD-1, Job Experience Description, must be attached to each contract for each position.
- All contracts are renegotiated annually. If the circumstances warrant it, a contract may be renegotiated earlier. Renewal (renegotiation) of CWEP contracts are completed using the CWEP Addendum/Renewal, DFA-CWEP-3A. Renewals are to be completed prior to July 1. In addition to the Addendum/Renewal, staff must have Job Experience Descriptions, DFA-JD-1, completed and signed by the sponsor if there are any new or changed job descriptions. These job descriptions must be attached to the Addendum/Renewal. It is not necessary to complete an entire contract, DFA-CWEP-3, on renewals. In addition, the fiscal year and contract sequence number does not change on renewed contracts. Placements must not be continued with a CWEP sponsor past June 30 if there is not a signed CWEP Addendum/Renewal contract with that sponsor. Contracts not negotiated within 90 days after the expiration date of the existing agreement require a new contract, DFA-CWEP-3.
- A contract may be terminated by either party with 30 days written notice.

4. Determining The Hours Of Participation

The Department of Labor (DOL) has mandated that the requirements of the Fair Labor Standards Act (FLSA) of 1938 be applied when determining the maximum hours of CWEP participation. The following procedure is used to determine the monthly maximum number of hours of participation. The monthly CWEP placement obligation is based on the amount of SNAP benefits and WV WORKS cash assistance a family is eligible to receive during a month; **including any amount withheld from the check to repay a previous overpayment and any amount not paid due to a sanction.**

NOTE: A CWEP Individual Participation Agreement, DFA-CWEP-1, must be completed as a condition of placement in a CWEP position. The original DFA-CWEP-1 is provided to the contractor, the second copy is placed in the participant's case record, and the bottom copy is given to the participant. The client must not work more hours for the CWEP sponsor, regardless of the amount calculated below. A new DFA-CWEP-1 is required to increase or decrease hours when the client's WV WORKS and/or SNAP benefits increase, decrease, or there is a change in the state or federal minimum wage used to calculate the number of participation hours assigned. In addition, a new DFA-WVW-FLSA-1 must be completed and filed in the client's case record.

NOTE: The minimum wage used for the calculation is the federal or state minimum wage, whichever is higher.

The maximum monthly participation obligation is based on the following process:

Step 1: Determine the amount of the WV WORKS check **prior to any previous overpayments and any amount not paid due to a sanctions being applied to the current benefit.**

Step 2: Determine the amount of the AG's SNAP entitlement. This is the amount actually received by the AG, plus any amount withheld to repay a previous over-issuance.

NOTE: When the WV WORKS recipients are included in the same SNAP benefit group with non-WV WORKS recipients, a separate calculation must be performed, as follows, to determine the share of the SNAP benefits belongs to the WV WORKS recipients.

- Divide the SNAP allotment by the number of people in the SNAP AG.
- Multiply this amount by the number of people in the WV WORKS AG. Drop all cents. The result is the amount of SNAP benefits used to determine the obligation.

Step 3: Add the WV WORKS benefit and SNAP benefit.

Step 4: Add Child Support Incentive (CSI) and pass-through payment to the result of Step 3.

Step 5: Subtract the amount of current child support retained for the month by the Bureau for Child Support Enforcement (BCSE) from the result of Step 4. Only current support payments are

NOTE: FL is not a work component, it is a RAPIDS reporting mechanism which indicates the point where the individual is deemed to be meeting his Core participation requirements based on the FL calculation. Required hours based on the FLSA calculation are entered as scheduled hours for the FL component unless the FLSA calculation exceeds the minimum participation requirements. The hours scheduled in FL always equal the completed hours in FL. Refer to the FSPU-12 desk guide.

EXAMPLE: In the same scenario as above, the participant is assigned 67 monthly hours. He actually participates 50 hours for the month and has 12 hours of excused absence for the month. There were no holidays. The following figures are entered in RAPIDS:

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
CW	67	50	12	--
FL	67	67	--	--

Because he did not complete the number of hours scheduled, he is not deemed to be meeting his Core requirement. If he would have worked the 67 hours as assigned, he would have been deemed to have worked the 85 required core hours.

EXAMPLE: 1-parent household with children over age 6 for participation purposes:

$$\begin{array}{rcl}
 \$340 & \text{WV WORKS Benefit} & \\
 +\$384 & \text{SNAP Benefit} & \\
 \hline
 \$724 \div \$7.25 = 99.86 \text{ hours} = 99 \text{ participation obligation hours} & &
 \end{array}$$

The required core hours are 85. The required total participation hours are 128.

Since the individual in this example is required to participate 128 hours/month, and the FLSA calculations permits this individual to complete 99 hours/month, the participant must be assigned 99 hours/month in the CWEP activity and 29 additional hours in another activity not regulated by the FLSA, such as JT. There were no excused absences or holidays. The individual participates his required hours, the following figures are entered in RAPIDS:

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
CW	99	99	--	--
FL	99	99	--	--
JT	29	29	--	--

C. OTHER WORK EXPERIENCE PROGRAMS (WE)

This would include any other Work Experience programs offered in the community. Programs offered by other agencies must be submitted to the DFA Family Support Policy Unit for review and approval to ensure they meet all requirements for the Work Experience component.

The policy for meeting the minimum core hours of participation is the same as listed under CWEP and JOIN.

EXAMPLE: The TANF AG consists of a single mother and two children under the age of 6. Her benefits are \$340 TANF and \$463 SNAP and she has agreed to participate in JOIN.

\$340 TANF

\$463 SNAP

$\$803 / \$7.25 = 110.75 \text{ hours} = 110 \text{ participation obligation hours.}$

She actually participated 95 hours in JOIN. The following figures are entered in RAPIDS.

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
JN	85	95	0	0
FL	85	85	0	0

The minimum monthly hours required to meet participation requirements is 85, so no sanction would be applied for not meeting the 110 **obligation** hours.