

13.10 GOOD CAUSE FOR FAILURE TO PARTICIPATE FOR WV WORKS

All mandatory Work-Eligible Individuals must be placed into a relevant and a current component for tracking and monitoring purposes on approval date. The participant must remain in that component whether or not they are working, cooperating, or sanctioned until either the case is closed or the Case Manager and participant agree to change the component. Not meeting participation requirements or being sanctioned are not reasons to disenroll the participant from their assigned component(s). **Once a sanction is imposed, the participant is enrolled in the WS component in addition to the work activity assignment.**

Some reasons for granting good cause for temporarily not meeting participation requirements, **the beginning date of eligibility, the 5-day eligibility period, and the 24 month eligibility requirement** are life events or problems such as, but not limited to:

- The death of a spouse, parent, child, or stepchild.
- In accordance with the Family and Medical Leave Act (FMLA) of 1993, an acute, life threatening illness of a spouse, parent, or child that requires the client's immediate attention. This does not include individuals who are exempt from participation due to caring for a disabled family member as outlined in section 13.8.
- The minimum suitability standards for the specific activity are not met. See Sections 24.5 – 24.13 for minimum requirements. If none are listed for the activity, the Worker must determine if the activity placed unreasonable requirements on the client. Individuals granted good cause for this reason must be scheduled an appointment or home visit to review the situation and possible SSP update.

The Worker must determine whether or not the client is meeting the requirements, attempting to comply to the best of his ability, understands the requirements, and the sanction process. The Worker has considerable discretion in imposing a sanction. The Worker may determine that the requirement was inappropriate based upon additional assessment. An appointment to update the SSP and place the individual in another component must be scheduled as soon as possible. In addition, the Worker may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction. However, once a sanction has been imposed, it cannot be stopped, until the appropriate time has elapsed.

- The parent, an included non-parent caretaker, or a non-recipient Work-Eligible Individual quits employment or fails to participate in his assigned activity due to enrollment and full-time attendance in school, training, or an institution of higher learning. The SSP must be updated and these individuals should be placed in the VT, AB, or CL components as soon as possible.

Work Requirements

C. CHILD UNDER 6 / UNAVAILABLE CHILD CARE (TD)

A single parent can prove that appropriate child care is unavailable for his child, under age 6. The client must accept available child care unless it is an unreasonable distance from the individual's home or work site. Special needs children may require special child care arrangements. If so, the unavailability of suitable and appropriate care must be considered for special needs children. Circumstances involving unavailable child care must be reviewed monthly.

D. PHYSICAL / MENTAL INCAPACITY (TI – Physical, TM – Mental Health Issues)

An individual is experiencing a physical or mental health condition or he is suffering from a temporary debilitating injury for which a reasonable accommodation cannot be made. The individual's condition must be reevaluated within the time limits specified by his medical practitioner or at least quarterly. For any period of disability or incapacity that is expected to last longer than 6 months, the case must be submitted to MRT for evaluation. MRT must also approve all individuals claiming permanent and total disability. See Section 12.3,C for instructions to determine incapacity.

A Work-Eligible female may be placed in the TI component when her doctor places her on bed rest because of a high-risk pregnancy.

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.

E. **ADDITIONAL PARENT (AP)**

The AP component is only used when one parent is in the home caring for the children while the other parent is participating in a countable work activity for the required number of monthly hours.

F. OTHER GOOD CAUSE REASONS (NA)

The following are circumstances that may be experienced by individuals who are not temporarily exempt and not currently in an activity, or who are not meeting the minimum participation hours while in an activity, but have good cause for failing to participate:

- The 12-week postpartum period following the birth of any additional child after having used the 12 month lifetime Age of Child (TF) period. Anytime other than the usual 12-week period requires medical documentation of the expected return to work date.
- The 12-week period following the placement of a child with the individual for adoption or foster care.

Work Requirements

- A verified activity will start within 30 days and there is no other activity available in the interim
- The individual is required to appear in court or for jury duty.
- A requirement of the Division of Children and Adult Services precludes participation for a specified period of time.
- The individual refuses to accept surgery which would eliminate or significantly improve his condition, even if the refusal precludes participation.
- The individual would be required to travel more than 1 hour round trip to participate, unless it can be shown that local community travel standards exceed the 1 hour limitation.
- There is no transportation currently available to the client and all possible sources of transportation have been explored. He must accept appropriate available transportation in the community.

All of these good cause determinations must be recorded in Work Program comments. All good cause determinations must be reviewed monthly and the Worker must update the case comments with the information on the status of the participant. **The Case Manager must enroll the participant in the Other Work Activities (OW) component to capture time spent with the customer during these monthly reviews. Once the good cause determination has been reviewed and the Case Manager determines that the good cause reason is still appropriate or the customer may be assigned to a countable work activity, the time spent for that review is entered as completed hours for the OW component. Comments are completed, and the participant is disenrolled from the OW component.**