

## Work Requirements

All benefit reductions due to imposition of a sanction require advance notice. See Chapter 6 for specific information. Unless the client shows good cause for non-compliance, the sanction is imposed. This is true even if the client complies after the notice is sent but before the sanction is effective. **Once the sanction is imposed, the participant is enrolled in the WORKS sanction (WS) component in addition to the activity to which they were assigned.**

Once a reduction in benefits or ineligibility is imposed, i.e. after expiration of the advance notice period, the reduction or ineligibility remains in effect for the pre-determined number of months, regardless of case status.

**B. CONCURRENT SANCTIONS**

When an additional offense for the same or a different requirement occurs during a sanction period, the next level of sanction is imposed, after proper notification. The client must also be given the opportunity to establish good cause, regardless of the length of time remaining for the sanction that is already in effect. Sanctions may, therefore, run concurrently.

When 2 or more offenses, by the same individual or by different individuals occurs prior to the Worker's having mailed the advance notice to the client, it is treated as if only one offense has occurred. Even though all offenses must be addressed in the client notification, only one sanction is imposed. However, if an additional offense, by the same individual or by a different individual(s), occurs after the Worker has mailed the client notification of the preceding offense, an additional sanction may be imposed after proper notification and the opportunity to establish good cause.

**C. BEGINNING OF THE SANCTION PERIOD**

The sanction period begins the month after expiration of the advance notice period. A sanction is not imposed by having the client repay all or part of the benefit he has already received. A reduced benefit amount for 3 months or termination of cash assistance for at least 3 months is the only means by which a sanction is imposed. Imposition of a sanction may be delayed by a Fair Hearing request. When the Department is upheld, the sanction begins in the month following the Fair Hearing decision.

If the decision is reached after the RAPIDS **adverse action** deadline date, the sanction begins 2 months after the decision.

After the 2nd sanction has been imposed, the Worker must make a home visit. The visit may occur anytime after notification that the 2nd sanction has been imposed, but before notifying the client of the 3rd sanction. It is recommended that the visit occur as soon as possible after the 2nd sanction to try to avoid a 3rd sanction. When the 3rd sanction occurs prior to the home visit, the imposition of the 3rd sanction must be delayed until the home visit is completed. The Worker

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must attempt 2 home visits before imposing the 3rd sanction without a home visit. At least one of the visits must be scheduled in writing.

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 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

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offenses occur, his benefit is increased to the full check amount beginning in June.

However, if the client is not notified of the imposition of the sanction prior to case closure, no sanction may be imposed until the client has received proper notice. Therefore, even when the case is closed prior to the mailing of the adverse action notice, the Worker must still notify the client of the imposition of the sanction. Rather than addressing a reduction in current and ongoing benefits, the notification letter must explain that the sanction will be applied upon reapplication if the client chooses to reapply during the sanction period. The letter must specify the dates of the sanction period. The client may request a Fair Hearing on the sanction issue when the notification is received or upon reapplication within 90 days of closure notification.

**EXAMPLE:** On June 22nd, the client calls the Worker to request case closure, but refuses to state the reason for the request. The Worker takes action to close the case, as requested. On June 24th, a client's employer calls the Worker to report that the client has not appeared for work for the last 3 days and has not contacted him to explain. The Worker sends the client an adverse action notice explaining that a sanction will be imposed if he reapplies in August, September or October, unless he can demonstrate good cause for his failure to report for work without notifying his employer of the reason within the advance notice period.

The client does not respond. On September 20th, the client reapplies. He explains that his mother, who lives in Maryland, became very ill suddenly and was hospitalized. Her doctor said that she would be unable to live alone after leaving the hospital, so he and his family left for Maryland with the intention of staying there indefinitely. Since that time, his mother has been placed in a nursing home and his family returned to WV. The Worker accepts his explanation as good cause but explains that, since the advance notice period expired prior to his claim of good cause, he must approve the case with reduced benefits for September and October. The client may request a Fair Hearing on the approval with reduced benefits.

After the 1st and 2nd sanctions end, the Worker must automatically increase benefits without waiting for the client to request the increase. This increase also requires client notification, as found in Chapter 6. However, once cash assistance is stopped due to imposition of the 3rd sanction, the client must reapply to reinstate benefits. The client may reapply at any time, but applications made prior to the expiration of the 3-month sanction are denied.

E. DETERMINING THE NUMBER OF SANCTIONS WHEN THE AG OR NON-RECIPIENT WORK-ELIGIBLE INDIVIDUAL SEPARATES

WV WORKS sanctions are applied to all Work-Eligible members of a WV WORKS case, not only to the individual who causes the sanction. Therefore, the following information is used to determine the number of sanctions when the sanctioned WV WORKS case separates into 2 or more cases or when 1 or more household member leaves the case.