

B. DETERMINING THE HOURS OF PARTICIPATION

In determining hours of participation for Community Service activities, the Fair Labor Standards Act of 1938 (FLSA) applies. The maximum monthly participation obligation is determined in the same manner as for CWEP and JOIN and calculated using the DFA-WVW-FLSA-1. See Section 24.9. An updated SSP, reporting a change in the number of assigned hours is required anytime there is a change in the applicable minimum wage, the amount of benefits received, or household composition.

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

EXAMPLE: A single parent with a child age 10 has child support collected and retained by BCSE in the amount of \$175 and has a participation requirement of 30 hours/week average, and receives monthly benefits of:

301	WV WORKS Benefit
+284	SNAP Benefit
+ 125	CSI and Pass-through
<u>710</u>	
- 75	Child Support Retained by BCSE
<u>635</u>	
$\div \$8.00 = 79.38 = 79$ participation hours	

Assigned monthly hours of **79** are entered in eRAPIDS the CS and FL component. The Worker must assign this participant an additional minimum of **43** hours per month in an activity not regulated under FLSA to meet the required 128 hours/month. Actual Community Service participation hours must be entered in RAPIDS. See Section 24.3 for participation requirements. (128 required participation hours – 85 FLSA required **core** hours = **43** additional hours required.)

EXAMPLE: A single parent with a 12 year old receives the following:

201	WV WORKS Benefit
+284	SNAP Benefit
+ 125	CSI and Pass-through
<u>610</u>	
- 60	Child Support Retained by BCSE
<u>550</u>	
$\div \$8.00 = 68.75 = 69$ participation hours	

The assigned hours of **69** are entered for CS and FL. As long as the participant attains his hours required by FLSA, he is deemed to be meeting his core requirement of 85 hours. Actual hours completed are entered from the timesheet into the Core CS component. He must be assigned 43 hours per month in another activity not regulated by FLSA to meet the required participation hours. (128 required participation hours – 85 required core hours = 43 additional hours required.)

EXAMPLE: A two parent household with 3 children receives benefits of \$420 TANF and \$793 SNAP. The wife is caring for the children and is not in an activity at the present time. She would be coded in the NA component. The husband has agreed to participate in Community Service. The following FLSA calculation is completed for the husband.

$$\begin{array}{r}
 420 \text{ WV WORKS Benefit} \\
 + 793 \text{ SNAP Benefit} \\
 \hline
 1,213 \div \$8.00 = 151.63 \text{ hours} = 152 \text{ participation hours.}
 \end{array}$$

The scheduled hours would be the same for the CS component as well as the FL component. The actual hours are scheduled using the WV WORKS FLSA Computation Sheet, DFA-WVW-FSLA-1, and are entered in the FL and CS components and documented in Works Programs comments.

In this example, the participant completed 151 hours in Community Service. At the end of the reporting period, the Worker must record the actual hours completed in the CS Core component and the scheduled hours as assigned by FLSA computations are re-entered as completed in the FL component.

Component	Scheduled Hours	Completed Hours	Monthly Excused Hours	Monthly Holiday Hours
CS	150	151	0	0
FL	150	150	0	0

The minimum monthly hours required to meet participation requirements is 150, so no sanction would be applied for not meeting the 152 FLSA calculated hours.

NOTE: The participant's SSP must include the number of monthly obligation hours required while in this activity. The monthly obligation hours must be recalculated whenever benefit amounts or minimum wage changes occur and the PRC must be updated accordingly.