

24.6 EMPLOYMENT

The first priority of WV WORKS is placement of the individual into full-time unsubsidized employment. When this is not possible, part-time unsubsidized, part-time or full-time subsidized employment and other activities must be explored.

For the sole purpose of entering full- or part-time designations in RAPIDS, the following definitions apply:

Part-time Employment is working an average of under 30 hours/week.

Full-time employment is working an average of at least 30 hours/week.

The client's entry into employment may be the result of job development by DHHR staff, the efforts of other employment agencies, or the result of the client's own efforts. If the number of hours of employment does not meet the client's work requirement, additional activities must be required. Hours of employment count toward the client's work requirement each month that he actually works and receives a WV WORKS check.

Items A and B below define unsubsidized and subsidized employment and provide other necessary information.

A. UNSUBSIDIZED EMPLOYMENT

Unsubsidized employment is work with earnings provided by an employer who does not receive a subsidy for the creation and maintenance of the employment position.

NOTE: An employer who receives only a tax credit is considered to be providing unsubsidized employment.

1. Displacement/Replacement

There is no consideration of the displacement of other employees when the client is placed in unsubsidized employment.

2. Employment Standards

Unsubsidized employment must meet the following criteria to be considered appropriate. The employment is appropriate when the starting wage is at or above the applicable state or federal minimum

wage. When employment does not meet the criteria, the client has good cause for refusing or failing to take action to secure the employment.

B. SUBSIDIZED EMPLOYMENT

Subsidized employment is work with earnings provided by an employer who receives a subsidy for the creation and maintenance of the employment position.

To place an individual in subsidized employment, the displacement/replacement policy found below and the employment standards found below apply.

1. Displacement/Replacement

Placement of WV WORKS clients into subsidized employment and on-the-job training must not dislocate, displace, or otherwise have an adverse effect on an employer's regular labor force. The following apply:

- The regular employees must not suffer a reduction in work hours, overtime, fringe benefits or the opportunity for advancement.
- The employer must not decline to hire a regular employee in anticipation of a WV WORKS placement.
- The employer must not allow a reduction in his regular labor force by increasing the labor force with WV WORKS placements.
- WV WORKS placements must not cause a relocation of workers from one geographical area to another.
- The regular employees at a work site must be informed that WV WORKS placements may not cause any dislocation and that they may file a grievance if they feel their job has been adversely affected by WV WORKS placements. See Appendix A and B.
- WV WORKS placements must not be made at job sites involved in any abnormal labor condition, such as a strike or lockout.

2. Employment Standards

Subsidized employment must meet the employment standards listed below. When the subsidized employment does not meet all of the criteria, the client has good cause for refusing or failing to take action to secure the position.

- The employer must not be in violation of the Civil Rights Act, the Americans with Disabilities Act or any other law governing the equal treatment of employees in the workplace.
- The employment must not impair existing contracts for service or collective bargaining.
- The starting wage must be at or above the applicable state or federal minimum wage.

C. JOB RETENTION FOLLOW-UP

NOTE: The client has the right to refuse to participate in the job retention follow-up process and is not required to respond to the Worker's request for a visit.

The Worker must interview the employed adult or emancipated minor in the closed AG at 30-, 60-, and 180-day intervals following AG closure. The preferred method to accomplish the 3 interviews is in a face-to-face contact which may be held at the client's home, work site, or at a location agreed upon by the client and the Worker. However, a face-to-face interview is required only for the 30-day retention interview. The 2 additional retention interviews may be accomplished by phone or by mail.

If circumstances prevent a face-to-face interview from being completed at 30 days, the Supervisor may approve a telephone or mail contact. A thorough recording in RAPIDS must be made to explain the unusual circumstances that prompted the change in method. The name of the Supervisor who approved the deviation and the date approved must also be recorded.

Job retention interviews are designed to monitor the client's progress towards self-sufficiency, current employment situation, and to discuss any barriers or challenges being experienced by the client that could result in job loss or fewer work hours. The goal is to prevent the loss of employment and to intervene should the client face any crisis. The results of the interviews are recorded on form OFA-WVW-JR-1. The form must be completed at the 30-day job retention interview and may be simply reviewed with the client during subsequent interviews. At the Supervisor's discretion, a new form may be used for each interview.

The job retention interviews must include, but are not limited to the following: current employment situation, status and progress; concerns such as transportation, child care, ability to pay current living expenses, possible emergencies, health, family's health, other family situations, etc. The Worker must also insure that necessary support services, vision and dental services, and other agency services are being provided as necessary and appropriate. The Worker must provide client with information regarding other agency and community services available to address any identified needs.

Form OFA-WVW-JR-1 must be filed in the client's case record. RAPIDS recordings must be completed by the Worker about scheduling job retention interviews. In addition, any pertinent information not shown on the form must be recorded.

When possible, the Worker must contact the client's employer during the job-retention process. It is recommended the employer contact be made only after discussion with the client. The Worker must not contact the employer if the client expressly asks that this not be done. This prohibition does not apply when the Worker needs to determine the reason a client was terminated from a job or verify employment information such as pay rate, hours scheduled, start date, etc. to determine eligibility for DHHR programs. The Worker must still be careful not to jeopardize the client's job or adversely affect his work environment. A signed Release of Information is recommended.

During the 180-day interview, when the client has continued to receive support service payments, the Worker must emphasize that no additional support service payments will be available to him. Services beyond what is available through the Department or other community resources are to be discussed and additional appropriate referrals made at that time.

The AG's which continue to receive Food Stamps through the job retention follow-up period may have the 180-day interview at the same time the Food Stamp redetermination is completed when the redetermination is due in the 6th month following AG closure. Those who were working prior to WV WORKS AG closure may not be due for redetermination in the 6th month following AG closure. For these families and others which do not receive Food Stamps, a separate interview must be held to complete the job-retention requirements.

The 180-day contact must be made before the case is transferred to an Economic Service caseload. In addition, those AG's due for Food Stamp redetermination in the 6th month after case closure must have the redetermination completed prior to transferring the case to an Economic Service caseload.