

15.7 REQUIREMENT FOR BEING ENGAGED IN WORK (WV WORKS)

A. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT

WV WORKS is a work participation program. An individual who applied and is approved for WV WORKS benefits must have good cause for not participating in a work activity or be engaged in an activity no later than the end of the 2nd month of benefit receipt or is ineligible. See Sections 13.5 and 13.10 for temporary exemptions and good cause. If the recipient is determined to have good cause, the situation must be reviewed and documented monthly.

Starting on the first day that WV WORKS benefits are received, a Work-Eligible Individual is subject to the work requirement. Therefore, the individual must be placed in a work activity as soon as possible. This placement should occur when the benefit is approved, concurrently with the initial assessment of the recipient's skill, prior work experience, and determination of employability. If the individual initially has a documented good cause for not participating, he is temporarily excused from participating. The Worker approves the benefit, enrolls the individual in the appropriate component, and makes any referrals needed to overcome the exemption or good cause reason. Any temporary exemption must be reviewed at least monthly to determine if the situation continues. If the Worker determines that the person is ready to participate at application, the Worker approves the benefit, enrolls the participant, requests any necessary support payments, and makes any necessary referrals. The participant must then begin his work activity as scheduled and complete all assigned hours for 5 consecutive assigned work days to meet his participation eligibility requirement. If he fails to participate as specified on his PRC, the WV WORKS benefit is closed. If the Work-Eligible Individual reapplies, he must meet his assigned work hours for 5 consecutive assigned work days before the benefit for the subsequent month is approved. To ensure he is meeting his requirements, the Worker must follow up with the placement on a daily basis during the initial 5-day eligibility period, beginning on the first day assigned.

The activities in which the individual must participate are outlined in Sections 24.6 through 24.13.

EXAMPLE: An individual applies for WV WORKS benefits for himself and his 2 children on August 2nd. He completes the application, orientation and initial PRC on August 6th and the case is confirmed on August 6th. The Worker determines that the individual needs to arrange child care; he states that his mother will provide child care for his children while he completes his activity. He is given 2 working days to arrange for child care and he is assigned to begin a CWEP activity on August 8th. On the 1st day of his scheduled placement, his Worker contacts the CWEP sponsor and finds that he did not report for his placement.

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The Worker schedules a good cause interview for August 19th. The Worker continues to follow up with the sponsor and determines that the participant failed to report. The client comes in for his good cause interview and states his son had a cold and he chose to stay home with him. Since the grandmother was available to provide care and he failed to contact the sponsor or his Worker regarding his absence, and there is no verification of the illness, he is determined not to have good cause. The advance notice requirements apply and his WV WORKS benefit is closed.

EXAMPLE: A Work-Eligible Individual applies for WV WORKS on January 3rd. The PRC, orientation, and application are completed on January 10th. The benefits are confirmed and backdated to January 3rd. The client shows up for his placement on January 14th and 15th and then fails to report again. A good cause appointment is scheduled for January 26th. The client fails to keep the good cause appointment and the WV WORKS benefit is closed. Since it is after adverse action deadline, February benefits are issued. The client receives a closure notice and comes in to reapply on Feb 5th. The Worker explains that he must attend his activity and complete all his scheduled hours for at least 5 full work days before his WV WORKS benefits may be reopened. He goes to the placement as scheduled beginning February 7th. If he does not continue to go to the placement each day for the full 5-day period, his application is denied. Because the client has already received February benefits, the Worker has time to check on his progress and ensure the client is attending the activity before March benefits are approved. If he fails to participate and complete his assigned hours, the benefits are not approved for March.

NOTE: The 5-hour requirement that applies to 24-month cases does not apply to applicants who have received less than 24 months of WV WORKS benefits. See Section D. If an individual demonstrates good cause for not meeting his work requirement, the situation must be re-evaluated monthly. If he does not continue to have good cause for not meeting his participation hours, he must be assigned to an activity and meet his required participation hours or the sanction process begins.

EXAMPLE: A 19 year-old single-parent with one child applies for WV WORKS benefits on September 26th. She completes her application, orientation, and PRC on October 3rd and opts not to receive benefits for September. She completes the assessment process and she has not graduated from high school. The only transportation available is a neighbor who has agreed to transport her to the library once a week so she can work on her GED. She can attend the GED class once a week for 6 hours. She is scheduled to this activity for 6 hours a week. Although this activity does not meet the federal requirements for her work participation hours, she is assigned to this activity because she has good cause for not meeting her required hours. She must attend this activity by

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November 1st or is ineligible for WV WORKS. Her transportation issues must be reviewed monthly until the situation is resolved and she can meet her full participation requirement.

Good cause for not being engaged in a work activity is determined according to the criteria in Section 13.10.

Because the Worker discusses the impact of being in a work activity on the client's eligibility during Orientation, the development of the PRC, and during the initial home visit, a home visit is not required before AG closure due to non-participation.

B. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT AT 24 MONTHS OF BENEFIT RECEIPT

All work-eligible parents or caretakers whose households are receiving WV WORKS cash assistance are required to participate in a work activity when the individual is ready to engage in work, or when the individual has received program benefits for 24 months, whichever is earlier. When a participant has received 24 months of WV WORKS benefits, being engaged in work is an eligibility requirement. The months of WV WORKS benefits do not have to have been received consecutively.

NOTE: For parents or other caretakers who were active cash assistance recipients in January 1997, this is the first month counted in determining the 24-month limit for being engaged in a work activity. Recipients of TANF cash assistance in other states may have begun the 24-month period on an earlier date and may lose eligibility beginning in 10/98 with the implementation of West Virginia's definition of work for meeting the 24-month work requirement. See Chapter 1, Appendix D to determine the date TANF cash assistance began in states other than West Virginia.

NOTE: Although the 60-month lifetime limit normally does not apply to a non-recipient Work-Eligible parent, if another parent is included in the AG, the time limit applies to the adult AG members. The 24-month work requirement may be met by one or both parents, this includes any non-recipient parent in the household.

Work, for the purpose of meeting the 24-month limit, is defined as participation in one or more activities for a minimum of 5 hours per week (averaged).

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The activities in which the parent or caretaker may participate and be considered engaged in work include, but are not limited to, the following:

- Unsubsidized employment;
- Subsidized public or private sector employment;
- Job Search and Job Readiness Assistance;
- On-The-Job Training (OJT) programs, such as Employer Incentive Program (EIP) contracts, may be utilized as long as the participant is assigned a number of hours that will meet his participation requirements;
- Community Work Experience, such as JOIN, CWEP or other work experience programs available in the community;
- Community Service programs are those structured programs in which WV WORKS participants perform work that provides a direct benefit for the community and are supervised directly by a community agency;
- Provision of child care for another TANF recipient engaged in a Community Service activity; or
- Enrollment in any educational activity including high school, high school equivalency training, college, technical or vocational school, or job skills training.

Any activity must be structured so that documentation is possible. A combination of these activities may be utilized to meet the participation requirements.

Good cause for not being engaged in work which meets the above definition at the end of the 24-month limit is determined according to the criteria in Section 13.10. Clients are not automatically exempt from the 5-hour per week participation requirement due to being in one of the exemption components in Section 13.8. Good cause must be reviewed monthly and documentation is required.

NOTE: The WV WORKS benefit is not stopped and no notice of pending closure is sent for failure to meet the 24-month work requirement without first completing the evaluation procedure outlined below.

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The procedure to follow prior to notification of AG closure is as follows:

NOTE: FS and Medicaid eligibility must be evaluated separately, based on the policy of those programs.

Step 1: The Worker must conduct a home visit to discuss the 24-month work requirement, explain the consequences of failing to meet this requirement and to gather information described below. An office visit or telephone call cannot be substituted for the home visit. See Section 1.2,J for information about the client's rights related to home visits.

Step 2: After the home visit, the Worker and/or Supervisor must file a written report in the case record and a detailed recording in CMCC about the circumstances surrounding AG closure. This report must contain, at a minimum, the following information. Any other information deemed appropriate should be included.

- Case name, RAPIDS case number, county of residence, address, telephone number
- Number of parents and number of children in the home
- Number of office visits in the past 12 months
- Number of home/work site visits in the past 12 months
- Number of referrals provided to the AG for help in finding their own placement(s) of 5 hours or more, and date(s) of those referrals
- Number of sanctions that have been or are currently being imposed and information about sanctions still pending
- Whether or not the client met his work participation requirement in any of the past 12 months, and if so, which months and why the participation ended
- Any special or unusual circumstances in the family
- Worker and/or Supervisor decision, including reason, about whether or not the family should continue to be eligible beyond 24 months without meeting the minimum 5-hour work requirement.

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Step 3: If the decision is to close the WV WORKS AG, the appropriate notice procedures are followed.

When the case is closed due to failure to meet the work requirement at the end of the 24-month limit, the parent or caretaker must actually be engaged in work, according to the above definition, prior to approval for the 25th month. See Section 1.25,M to determine the beginning date of eligibility when the client reapplies after losing eligibility because the 24-month work requirement was not met.

When the AG is closed at or after the end of 24 months for some reason other than failure to meet the 24-month work requirement, and a reapplication is made, the AG must be approved, if otherwise eligible, and the caretaker(s) given the opportunity to engage in a work activity for at least the minimum 5 hours per week. If the AG does not comply, a home visit must be completed prior to case closure.