

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 108		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
31 - 34	24	5/98	31	24	5/98
37 - 38	24	5/98	32 - 33	24	5/1/98
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DATE: April, 1998			TO: All Income Maintenance Manual Holders		

This change is being made to correct the determination of the maximum CWEP and JOIN obligations.

We apologize for the confusion. There has been much confusion in the Policy Unit concerning this issue, but we are now in agreement.

Thanks to Betty Ann Nicholson in Lewis County for bringing this to our attention.

Questions should be directed to the OFS Policy Unit.



D. PLACEMENT IN DHHR OFFICES

**NOTE:** Contracts are negotiated with the Director, OFS, or designee when placements are made within the Department.

The supervisor to whom the client is assigned is responsible for ensuring that the client understands and complies with all agency rules, regulations and policies regarding confidentiality, security of records, information and property. The supervisor must provide orientation which includes, at a minimum:

- What constitutes confidential information
- Penalties for breach of confidentiality
- Discussion of public laws dealing with document integrity and penalties for altering, destroying or concealing or making false statements.
- Responsibilities for maintaining program integrity.

Clients may not be assigned to work in areas which provide access to sensitive data as defined in Common Chapters. In addition, clients may not:

- Be assigned to functions where they make policy decisions
- Type confidential memoranda, letters or other communication
- Provide a direct service to other clients
- Complete or process applications
- Have access to items that require specific or special security measures, such as the handling of negotiables.

Clients may be assigned to perform the following functions: taking messages, answering telephones, typing or writing appointment letters and others duties, as assigned, as long as confidentiality issues are not involved.

E. DETERMINING THE HOURS OF PARTICIPATION

The Department of Labor (DOL) has mandated that the requirements of the Fair Labor Standards Act of 1938 be applied when determining the maximum hours of CWEP participation. The following procedure is used to determine the monthly maximum number of hours of participation. The monthly CWEP placement obligation is based on the amount of FS benefits and WV WORKS cash assistance a family is eligible to receive during a month.

The maximum monthly participation obligation is based on the following process:

- Step 1. Determine the amount of the WV WORKS check actually received by the benefit group, including the amount of the Child Support Incentive and any amount withheld from the check to repay a previous overpayment.
- Step 2. Subtract the amount of current child support received for the month by the Bureau for Child Support Enforcement (BCSE). Only current support payments are subtracted, not arrearages or other payments. Use the amount of child support received by BCSE 2 months prior to the month for which the obligation is calculated.

**NOTE:** Support service payments, EA and payments other than the cash assistance check and Child Support Incentive which are made from TANF funds, are not added to the check amount when determining the obligation.

- Step 3. Determine the amount of the benefit group's Food Stamp entitlement. This is the amount actually received by the benefit group, plus any amount withheld to repay a previous overissuance.

**NOTE:** When the WV WORKS recipients are included in the same Food Stamp benefit group with non-WV WORKS recipients, a separate calculation must be performed, as follows, to determine the share of the Food Stamp benefits that belongs to the WV WORKS recipients.

- Divide the Food Stamp entitlement by the number of people in the Food Stamp benefit group.
- Multiply the result of the division by the number of people in the WV WORKS benefit group. Drop all cents. The result of this multiplication is the amount of Food Stamp benefits used to determine the obligation.

Step 4. Add the results of Steps 2 and 3 together and divide by the minimum wage, which is currently \$5.15/hour. This is the client's maximum monthly obligation.

The CWEP obligation does not have to be met by participating each week. As long as the client participates for the appropriate number of hours per month, he has met his CWEP obligation. However, if the Worker wants to establish a weekly obligation, the result of Step 4 is divided by 4, not 4.3.

Under no circumstances may the client be required to participate more than 40 hours in one week.

**NOTE:** If the CWEP monthly obligation does not allow the client to meet his work participation requirement, he must be assigned to another activity in addition to his CWEP placement, but must not be assigned to JOIN.

## 24.9 JOIN

The Joint Opportunities for Independence Program (JOIN) is a State-operated employment program that provides clients the opportunity to participate in a work program that closely resembles full-time employment. The client may receive work experience in the private or public sector to improve his present job skills or to train him in new job skills. The work experience must meet local labor market demands.

A client is eligible if he has the necessary motivation, employment potential, education, previous work history and skills to benefit from the program. A placement should match the client's interests as determined during the assessment process. While participating in JOIN, the client must also complete 6 hours/week of job search. No client may participate in JOIN for more than 12 months.

Prior to placement, a JOIN participation agreement must be completed. The client must be given copies of the job description and informed of the job requirements and general working conditions.

A review of the client's progress must be conducted at the end of the first 6 months of participation or earlier, to determine if there is satisfactory progress toward the goal of employment. The expected result of JOIN participation is employment, either at the JOIN training site or with another employer. The possibility of obtaining employment at the JOIN training site must be evaluated. Any contractor who repeatedly fails to commit to hiring placements may be denied future contracts. The client must be given the opportunity to evaluate his own placement and be involved in the review process.

### A. WHO MAY BE A JOIN CONTRACTOR

Any employer licensed to conduct business in West Virginia is eligible to be a JOIN contractor, provided all business tax payments are current. In addition, the potential contractor must agree to the requirements specified below in item B.

### B. REQUIREMENTS OF THE CONTRACTOR

To become a JOIN contractor, the following requirements must be met:

- JOIN placements may not exceed the number of full-time employees already on the contractor's payroll.

- Tools required
- Description of the job duties and responsibilities
- Special safety concerns or hazardous conditions
- Name of the supervisor
- Name of the individual responsible for evaluations and time sheets

WV WORKS staff must monitor each placement to ensure that the contractor is in compliance with the contract. Any contract may be canceled with 30-days notice when the contractor does not comply. Any contractor who shows a pattern of non-compliance may be denied future contracts.

D. DETERMINING THE HOURS OF PARTICIPATION

The Department of Labor (DOL) has mandated that the requirements of the Fair Labor Standards Act of 1938 be applied when determining the maximum hours of participation. The following procedure is used to determine the weekly maximum number of hours of participation. The weekly JOIN placement obligation is based on the amount of FS benefits and WV WORKS cash assistance a family is eligible to receive during a month.

The maximum weekly participation obligation is based on the following process:

- Step 1. Determine the amount of the WV WORKS check actually received by the benefit group, including the amount of the Child Support Incentive and any amount withheld from the check to repay a previous overpayment.
- Step 2. Subtract the amount of current child support received for the month by the Bureau for Child Support Enforcement (BCSE). Only current support payments are subtracted, not arrearages or other payments. Use the amount of child support received by BCSE 2 months prior to the month for which the obligation is calculated.

Support Service payments, EA and payments other than the cash assistance check and Child Support Incentive which are made from TANF

funds, are not added to the check amount when determining the obligation.

- Step 3. Determine the amount of the benefit group's Food Stamp entitlement. This is the amount actually received by the benefit group, plus any amount withheld to repay a previous over-issuance.

**NOTE:** When the WV WORKS recipients are included in the same Food Stamp benefit group with non-WV WORKS recipients, a separate calculation must be performed, as follows, to determine the share of the Food Stamp benefits that belongs to the WV WORKS recipients.

- Divide the Food Stamp entitlement by the number of people in the Food Stamp benefit group.
- Multiply the result of the division by the number of people in the WV WORKS benefit group. Drop all cents. The result of this multiplication is the amount of Food Stamp benefits used to determine the obligation.

- Step 4. Add the results of Steps 2 and 3 together and divide by the minimum wage, which is currently \$5.15/hour. This is the client's maximum monthly obligation.

- Step 5. Convert the monthly obligation to a weekly obligation by dividing the result of Step 4 by 4, not by 4.3.

If the converted weekly obligation is 32 hours or more, the weekly JOIN obligation is a maximum of 32 hours.

If the converted weekly obligation is less than 32 hours, the weekly JOIN obligation is a maximum of the result of Step 5.

**NOTE:** JOIN participation requires 6 hours/week of job search in addition to the maximum obligation.

**NOTE:** There may be some fluctuation in the number of hours worked each week to meet the requirements of the contractor. This is



acceptable as long as the total number of  
hours per month is met.

