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DATE: March, 1998			TO: All Income Maintenance Manual Holders		

This change is being made to update Chapter 24. In addition, Chapter 13 has been updated with WV WORKS information and JOBS information has been removed.

Much of the contents of Chapter 24 has been incorporated into other IM Manual Chapters and are being deleted by this change. The Chapter now contains information about the work component of WV WORKS, i.e., the responsibilities that used to belong to W & T staff.

It is advisable to examine both of these chapters carefully. There are some MAJOR changes and much new information has been added. Highlights of the changes are as follows.

1. Chapter 24 has been entirely reorganized.
2. Policy concerning absences from work activities was added to Section 24.3,B.
3. The FLSA requirements for determining maximum JOIN and CWEP obligations were added to the sections about JOIN and CWEP. The policy was corrected to show that the amount of the Child Support

this change. You will be advised as each form is finished and ready for use.

17. Some situations that qualify an individual for an exemption from meeting a work requirement, such as caring for a child with a life-threatening illness, also meet the work requirement as a community service activity. These are identified in Section 13.8. They are listed as exemptions because State law identified them as such. However, since these situations can also be used to meet the work requirement, the individual must NOT be considered to be exempt and the activity MUST be used to meet the individual's work requirement.
18. The exemption for pregnant women has been **GREATLY** expanded. PLEASE READ THE SECTION CAREFULLY. Since the first re-write of the original exemptions, there have been 2 major interpretations as follows.

The policy read that only women who gave birth to a child WHILE THEY WERE WV WORKS RECIPIENTS could qualify for this exemption, whether it was for 6 months or until the child attained the age of 1. The policy reflected the original interpretation of the law. Later, the Policy Unit received another interpretation and began advising staff that women who already had a child under the age of 1 when they became WV WORKS recipients could be exempt until that child attained the age of 1.

A THIRD INTERPRETATION OF THE POLICY IS CONTAINED IN THIS CHANGE AS FOLLOWS: To be exempt from meeting a work requirement due to pregnancy or the age of a child, the child must be younger than 6-MONTHS OF AGE OR the child MUST have been born during a month that the PARENT (MOTHER OR FATHER) was a WV WORKS RECIPIENT. The exemption can be applied to EITHER THE MOTHER OR THE FATHER, BUT NOT TO BOTH AT THE SAME TIME.

Please note: This is just a brief summary of the new policy. Do not rely on this summary. The new policy in Section 13.8 contains more detail and conditions than contained in this summary.

*The new policy is to be applied to all applicants, including reapplicants, on or after the effective date. Those active recipients who become eligible for an exemption on or after the effective date of the new policy, must have the new policy applied. Those who were exempted based on the former policy as written, or as later interpreted, must continue with that exemption as it was originally applied.*

19. Section 13.2 has been changed to show 2 entirely different groups of FS exemptions. The original FS exemptions apply to all persons who do not receive a WV WORKS check. The FS exemptions for WV WORKS recipients are now exactly the same as those for the WV WORKS Program. This means that a FS penalty always applies when a WV WORKS recipient fails to meet a WV WORKS work requirement.

**EXAMPLE:** An applicant has agreed to accept a DCA payment instead of an ongoing WV WORKS payment. In order to accept an offer of employment, he must move his family to another state. The following needs are identified: car repairs, overnight lodging for the family for the trip, food for the family for the trip, rent in a new dwelling for a month, utility deposits and some specialized tools for the new employment. The Worker verifies that the applicant has a car and has the client obtain an estimate of the repair costs. He also verifies the cost of the specialized tools for the new employment based on the client's statement that they are necessary. The client does not want his future employer to know that he is receiving help from the Department to accept the job, so the Worker does not contact the employer to confirm the need for the tools. However, he does contact some local employers of the same type to ensure that such tools would be used. Note that, in this case, it is assumed that the client has written verification of his employment. Otherwise, contact with the future employer would be necessary to verify the employment. The Worker and the client agree on the amount needed for the family for overnight lodging, rent, utility deposits and food. These items are not verifiable, since the client does not yet have a place to live in the new state and does not know where he will stay overnight on the drive. It is reasonable to assume that these costs will be incurred in moving to another state, and the amount is negotiated.

### 3. The Medical Card

Medicaid eligibility for WV WORKS recipients is not automatic with receipt of a payment. See Sections 1.6 - 1.22 for information, according to the appropriate Medicaid coverage group.

### T. PERSONAL RESPONSIBILITY CONTRACT (PRC)

**NOTE:** Guidance for completion of Part 2 of the PRC, the Self-Sufficiency Plan is found in Chapter 24.

The Personal Responsibility Contract (PRC), IM-WVW-2, is an agreement between the adult members of the WV WORKS benefit group and the Worker as the representative of the Department. There are 2 parts to the form. Refusal or other failure, without good cause, to sign either part of

FOOD STAMPS	WV WORKS	MEDICAID
<p>Case Closure</p> <p>Decrease in Food Stamp Allotment</p> <p><b>NOTE:</b> The following are not adverse actions, but do require client notification:</p> <ul style="list-style-type: none"> <li>- When the coupon allotment does not increase following a cash assistance or SSI check reduction for repayment of an error caused by the client's intentional misrepresentation.</li> <li>- When the coupon allotment does not increase following a reduction, suspension or termination of a federal, State or local means-tested welfare or public assistance program due to the client's failure to comply with the program's requirements.</li> </ul>	<p>Case Closure, including closure due to imposition of the 3rd or subsequent sanction</p> <p>Reduction in the payment amount including reductions due to imposition of the 1st and 2nd sanction.</p> <p>Removal of an individual from the payment, when the payment decreases</p> <p><b>NOTE:</b> A Special notice letter is required to impose a sanction based on failure to comply with the PRC. See item E below.</p>	<p>Case Closure</p> <p>Removal of an individual from the benefit group</p> <p>Reclassification of a non-spenddown case to a spenddown case</p> <p>Reclassification of a spenddown case in a POE (spenddown met) to a case which is required to spenddown again during the same POC</p> <p>Termination of Medicaid when the client is ineligible for Medicaid under any other coverage group</p>



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### 13.1 INTRODUCTION

This Chapter outlines the work and training requirements for the Food Stamp Program, TANF and WV WORKS Programs, and the Medicaid Program. It designates the members of the benefit group to whom the requirements apply and the penalty for failure to meet the requirements.

- Those age 60 or over.
- A parent, or other member of the benefit group who has the responsibility for the care of a child under the age of 6 or of an incapacitated individual, whether or not the person receiving the care resides with the client and whether or not the incapacitated person is a member of the Food Stamp benefit group. Unborn children are not considered children under the age of 6. Separate families included in the same benefit group may have one person from each family exempted.

**EXAMPLE:** A man and woman apply for Food Stamps. They have one child, age 5. The man receives RSDI based on his disability and is, therefore, exempt from registration. He is, however, able to care for the child, so the mother becomes mandatory.

**EXAMPLE:** Mr. and Mrs. B apply for Food Stamps. They have 4 children, 2 from her previous marriage and 2 from his. All the children are under age 6. He is receiving Black Lung benefits and is exempt from work registration, but is able to care for the children. She is mandatory for meeting the food stamp work requirements.

**EXAMPLE:** An ABAWD is eligible to participate because he has not used any of his initial 3 months of eligibility without meeting the ABAWD work requirement. He then voluntarily quits his job and the first sanction of a 3-month minimum is applied. See Section 13.6. The 3-month sanction is applied regardless of his ABAWD status.

**EXAMPLE:** Two sisters live together. They each have two children under age 6. They are in the same benefit group. Both women are exempt for caring for children under the age of 6.

**NOTE:** An individual needed to care for an incapacitated person must register within 10 calendar days after reporting a change, such as when the disabled person recovers or leaves the home. When a benefit group member is exempt because of the age of a dependent child, and the child has his 6th birthday during the certification period, the individual is required to register at the next regularly scheduled redetermination, unless exempt for some other reason.

in Section 24.5. This means that failure, without good cause, to meet a WV WORKS work requirement also results in application of the Food Stamp penalty found in Section 13.6.

The same individuals who are temporarily exempt from meeting a WV WORKS work requirement, as found in Section 13.8, are also exempt from meeting the Food Stamp work requirements.

**EXAMPLE:** A Food Stamp benefit group consists of: Mr. X, his 2 children (ages 3 and 4), Mr. X's brother and sister-in-law and their newborn child. Mr. X receives a WV WORKS check and must meet the WV WORKS work requirements, unless temporarily exempt. The brother and sister-in-law do not receive cash assistance and must meet the Food Stamp work requirements. The brother is 17 years old and just graduated from high school. At the last redetermination, the brother was exempted from the Food Stamp work requirement due to high school attendance. The sister-in-law, who is on extended maternity leave from her employment, is planning to return to work in 3 months. In October, Mr. X and his brother are both offered jobs at the same work site. The work is manual labor and pays minimum wage. Both Mr. X and his brother are able to perform the work, but they believe they can find better jobs; both refuse the employment. The Worker determines that neither had good cause for the refusal and applies the following sanctions/penalties:

For Mr. X's offense: A sanction is imposed for WV WORKS and the check amount is reduced by 1/3. In addition, since his work requirement for each Program was the same, a Food Stamp penalty is imposed. Mr. X is removed from the Food Stamp benefit group for a minimum of 3 months and the amount by which his WV WORKS check is reduced due to the sanction is counted as income for Food stamp purposes.

For the brother's offense: No Food Stamp penalty is applied for the brother's offense because he was exempt at the last redetermination and is not required to register until the next redetermination.



### 13.5 OTHER WORK REQUIREMENTS

#### A. WORK REGISTRATION

All individuals must register with BEP for employment at the time of application, unless exempt according to Section 13.2. They must register every 12 months thereafter. If the client lives in a county in which FSE&T is operating, the registration requirement is met by cooperating with FSE&T. Otherwise, he must register with BEP.

#### B. INFORMATION ON EMPLOYMENT STATUS AND JOB AVAILABILITY

All individuals must provide the Department or BEP with sufficient information to allow the determination of their employment status and their availability for a job, unless exempt according to Section 13.2, or they have good cause.

#### C. REFUSAL OF EMPLOYMENT OFFER

No individual may refuse without good cause to accept an offer of employment unless the employment does not meet the suitability requirements outlined in Section 13.3, C.

Following the end of the penalty period, the Worker must add the individual to the benefit group, if the individual is otherwise eligible. See Section 1.4.

Eligibility may be reestablished during a penalty period, if otherwise eligible, when the sanctioned individual becomes exempt from the work requirements for some reason other than UCI-related activities. See Section 13.2.

## 13.8 DETERMINING TEMPORARY EXEMPTIONS

**NOTE:** The following are exemptions from meeting the work requirement. These do not exempt the individual from the 60-month or 24-month time limits described in Sections 15.6 and 15.7.

All adults and emancipated minor parents, who are included in a WV WORKS payment, are required to participate in a work activity, unless temporarily exempt. All exemptions are temporary. Those who are temporarily exempt, are still required to sign a PRC.

The following persons are temporarily exempt from participating in a work activity. In all cases, the exempt individual may choose to participate, but no sanction is applied for any failure while exempt.

### A. AGE OF INDIVIDUAL

Individuals over age 60 are exempt.

### B. PHYSICAL/MENTAL INCAPACITY

Individuals with a physical or mental incapacity, or suffering from a temporary debilitating injury are temporarily exempt. The temporary injury must last for more than 30 days. The individual's condition must be evaluated within the time limits specified by his medical practitioner, but no less often than annually. MRT must approve all individuals claiming permanent and total disability. See Section 12.3,C for instructions to determine incapacity.

### C. PREGNANCY/AGE OF CHILD

A woman is exempt as follows due to pregnancy, or a parent is exempt as follows due to the age of his own child(ren).

#### 1. Definition of First Child

The following definition is used throughout the explanation of this exemption. To qualify as a First Child for the exemption described below, all of the following criteria must be met. No other child may be a First Child.

- The parent is a TANF or WV WORKS recipient during the month that the child is born; and

no child in the home who meets the definition of First Child.

2. Who May Be Exempt

The exemptions are as follows:

- An applicant or recipient woman who is pregnant with a First Child, or a man who is the father of this First Child, is exempt from the date the child is born until the month following the month in which the child reaches age 1, provided the parent who is to be exempted is a recipient during the month the child is born.

The exemption for a First Child does not include any time prior to the birth of the child for either parent, unless one of the other exemptions from meeting the work requirement is met, such as temporary incapacity for the pregnant woman who is having complications during the pregnancy. The parent may choose to participate, but no sanction is applied for any failure during the exemption period. If the parent chooses to participate, no amount of the exemption time remaining after participation begins may be used during or following the birth of any other child.

**NOTE:** When there are 2 parents in the home, only 1 at a time is exempt under this provision. The parents may change the decision about which parent is exempt at any time, but may not change the previous decision to avoid a sanction once the advance notice period begins.

- An applicant or recipient woman who is pregnant with a child who is not a First Child, is exempt from meeting the work requirement for a total of 6 consecutive months, provided she is a recipient during the month the child is born.

The client may choose which period of time to be exempt, but the exemption period must be between the beginning of the last trimester of pregnancy and the first 6 months after the



of benefits during the original exemption period.

- An applicant parent who has a newborn child under 6 months of age, is exempt until the month following the month the newborn child reaches age 6-months. The parent may only be exempt for more time if he meets one of the other exemptions from meeting the work requirement. The parent may choose to participate, but no sanction may be applied for any failure during the exemption period. If the parent chooses to participate, no amount of the exemption time remaining from this child may be used by either parent during or following the birth of any other child.

**NOTE:** When there are 2 parents in the home, only 1 at a time is exempt under this provision. The parents may change the decision about which parent is exempt at any time, but may not change the previous decision to avoid a sanction once the advance notice period begins.

### 3. Examples

**EXAMPLE:** A WV WORKS recipient has 2 children, ages 2 and 3, when her case is approved. After receiving cash assistance for 6 months, she becomes pregnant. The <sup>unborn</sup> child meets the definition of First Child and her exemption is based on this. She is exempt until the child reaches age 1.

**EXAMPLE:** A woman received AFDC for 3 years. When the Department converted AFDC to TANF in 1/97, she became a TANF recipient. See Section 15.1. She gave birth to no children while she was an AFDC recipient, but, in 2/97, she gave birth to another child while she was a TANF recipient. In 3/98 she gives birth to another child. Her case is converted to WV WORKS in 4/98 and she wants to be exempt from meeting a work requirement until this youngest child reaches age 1. However, the youngest child does not meet the definition of First Child. The First Child is the one born in 2/97. By the time the case is converted to WV WORKS, the First Child is already age 1. Upon conversion to WV WORKS, the woman is not exempt

arranged for him by the Worker. The Worker sends advance notice on July 2nd for an offense that occurred on June 25th. Once the clients receive the letter, they notify the Worker that they want to change their decision about which one is exempt, so that the wife will be required to meet the work requirement. The Worker explains that a PRC Self-Sufficiency Plan must be developed for the wife, but that the change is acceptable. The Worker also informs them that the sanction must continue, regardless of the change in exemption status because the offense happened prior to the change, and the request for an exemption change was not received prior to the beginning of the advance notice period.

**EXAMPLE:** Mr. and Mrs. Y receive WV WORKS for themselves and 1 child. Mrs. Y is pregnant with a child who is not a First Child and the child is due in 1 month. She chooses to be exempt for the last month of her pregnancy and for 5 months after the child is born. When the child is 2-months old, Mrs. Y is offered and accepts part-time employment. Mr. Y chooses to be exempt for the remaining 3 months of the exemption period, for a total of 6 months.

D. CHILD UNDER 6/UNAVAILABLE CHILD CARE

An individual caring for a child under age 6 is temporarily exempt when the individual is unable to obtain formal or informal child care. The client must accept available child care unless it is an unreasonable distance from the individual's home or work site. Special needs children may require special child care arrangements. If so, the unavailability of suitable and appropriate care must be considered for special needs children.

E. CHILD WITH LIFE-THREATENING ILLNESS

**NOTE:** Providing care for a child, as follows, is a legal, temporary exemption from meeting a work requirement and is listed here only for that reason. Providing this care also meets the work requirement as a community service activity and must be used as such.

A parent who is caring for his own dependent child is temporarily exempt when the child has a life-threatening illness.

### 13.9 SANCTIONS

When a member of the benefit group does not comply with requirements found on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. Information about development of the PRC is found in Chapter 24. Information about the PRC as an eligibility requirement is found in Chapter 1.

#### A. DEFINITION OF SANCTION

Sanctions are applied to WV WORKS cases in the form of check reductions and, for the 3rd or subsequent offense, termination of cash assistance. The amount of the check reduction is a fixed amount and is determined as follows:

1st Offense = 1/3 reduction in the check amount, prior to recoupment, that the benefit group is currently eligible to receive, for 3 months

2nd Offense = 2/3 reduction in the check amount, prior to recoupment, that the benefit group is currently eligible to receive, for 3 months. If the case is in a 1/3 reduction when the 2nd sanction is applied, the 2/3 reduction is applied to the check amount the client is currently eligible to receive, prior to recoupment; it is not applied to the check amount which has already been reduced by 1/3.

3rd Offense and all subsequent offenses = Ineligibility for cash assistance for 6 months or until compliance, whichever is later.

All benefit reductions due to imposition of a sanction require advance notice. See Chapter 6 for specific information. Whether or not a check reduction is imposed or the client's non-compliance counts as an offense, depends upon the client's actions as follows:

the client keeps his appointment and notifies the Worker. The Worker verifies with the potential employer that the client did keep the appointment. No benefit reduction is applied, but the client is still charged with one offense. The next non-compliance, without good cause, will result in application of the benefit reduction for the 2nd offense.

Once a reduction in benefits or ineligibility is implemented, 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 and the opportunity to comply or established 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, occur 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, 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 comply or 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 benefits he has already received. A reduced check amount for three months or termination of cash assistance for at least 6 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.



notifying his employer of the reason or complies with his requirement to work, 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 6-month sanction are denied.

E. DETERMINING THE NUMBER OF SANCTIONS WHEN THE BENEFIT GROUP SEPARATES

WV WORKS sanctions are applied to the case, not to the individual who causes the sanction. Therefore, the following information is used to determine the number of sanctions when the benefit group separates into 2 or more benefit groups or when 1 or more members leave the benefit group.

- Each adult and emancipated minor included in the same WV WORKS benefit group is assigned one sanction for each time the case is sanctioned.

**EXAMPLE:** Mr. and Mrs. Tony receive WV WORKS for themselves and their 2 children. Mr. Tony refused an offer of employment without good cause and a sanction is applied to the case. The case has 1 sanction; therefore, Mr. Tony is assigned 1 sanction and Mrs. Tony is assigned 1 sanction.

as included in Nellie's case when the 3rd sanction was applied.

- Sanctions applied to a case are never assigned to dependent children.

**EXAMPLE:** One of Mr. and Mrs. Tony's children runs away to live with his grandmother. She applies for WV WORKS for him and herself and is approved. Because he is a dependent child, no sanctions are assigned to the new benefit group even though his previous benefit group has 3 sanctions.

best of his ability, understanding of the requirement, understanding of the sanction process and/or level of motivation. The Worker has considerable discretion in imposing a sanction. The Worker may determine that the requirement was inappropriate based upon additional assessment. In addition, the Worker may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction

- A requirement of Social Services precludes participation for a specified period of time.
- He refuses to accept surgery which would eliminate or significantly improve his condition, even if the refusal precludes participation.
- He would be required to travel more than one hour each way to participate, unless it can be shown that local community standards exceed the one-hour limitation.

All good cause determinations must be recorded in RAPIDS. The recording must include the reason the Worker did not impose a sanction.

13.12 EFFECT OF WV WORKS SANCTION ON MEDICAID

The receipt of WV WORKS has no bearing on Medicaid eligibility, under any coverage group. Likewise, a WV WORKS sanction or ineligibility for cash assistance has no bearing on Medicaid eligibility, under any coverage group.

However cooperation with BCSE is a requirement for both WV WORKS and Medicaid. To meet the Medicaid requirement, the caretaker is required to pursue medical support only, not cash child support. Therefore, both Programs could be affected for failure to cooperate with BCSE, but ineligibility for Medicaid is not automatic when a WV WORKS sanction is imposed for failure to cooperate with BCSE.

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## 24.1 INTRODUCTION

This Chapter describes the work component of WV WORKS.

The purpose of WV WORKS is to assist economically dependent, at-risk families to become self-supporting. It is a work-oriented, performance-based, time-limited program that emphasizes employment and personal responsibility.

WV WORKS expects parents and other caretaker relatives to support their own dependent children and those in their care. Every parent and other caretaker who is included in a payment has a responsibility to participate in an activity to help prepare for, obtain and maintain gainful employment.

The goals of WV WORKS are to: achieve more efficient and effective use of public assistance funds, reduce dependency on public programs by promoting self-sufficiency, and structure assistance to emphasize employment and personal responsibility.

The Sections that follow discuss the requirement that all adults in the benefit group meet a work requirement and describes minimum participation rates to which the State must adhere. There are several loosely-defined activities described in Sections 24.6-24.13. Based on the client's participation in one or more of these activities, the State's participation rate is determined. However, the goals of WV WORKS do not include meeting a participation requirement. Instead, the foundation of the Program is self-sufficiency. There are, therefore, many activities which allow the client to meet his work requirement but which do not lead to self-sufficiency. The Worker may allow the client to continue in the activity which meets the participation requirement while developing plans with the client to begin another activity which will accomplish or lead to self-sufficiency.

**EXAMPLE:** Mrs. Smith is a single parent with 2 children. She provides home-schooling for both children. By doing this, she meets the participation requirement by participating in a Community Service activity. However, home-schooling her children will not lead her to self-sufficiency. The Worker must negotiate a PRC which will lead the client toward becoming self-sufficient.

**EXAMPLE:** Miss Jones is a single parent with 1 child. Her mother owns a small grocery store and she helps her mother in the store and delivers groceries for their homebound customers. She works between 35-40 hours/week. For this work, her mother pays her \$100/month. Miss Jones is meeting

## 24.2 PARTICIPATION RATES

West Virginia must meet established work participation requirements. Statewide standards are prescribed by federal law and rates increase over time. The following minimum participation rates are required by federal law.

### A. ALL FAMILIES

Federal FY 1997 - 20%	Federal FY 2000 - 40%
Federal FY 1998 - 30%	Federal FY 2001 - 45%
Federal FY 1999 - 35%	Federal FY 2002 and beyond - 50%

### B. TWO-PARENT FAMILIES

Federal FY 1997 - 75%  
Federal FY 1998 - 75%  
Federal FY 1999 and beyond - 90%

**NOTE:** No more than 30% of individuals, regardless of the number of parents in the home, may be considered to meet the work requirement by participation in vocational/skills or educational training, in education directly related to employment, or in maintaining satisfactory attendance in school. Parents under the age of twenty, described in Section 24.3,A,1,b, are included in the count.

The State's participation rate is determined by the Administration for Children and Families (ACF), based on case information submitted by the State Office.

- Participates in education that is directly related to employment for at least the minimum average number of hours per week identified above in item 1.

2. Two-Parent Families With No Disabled or Incapacitated Parent

**NOTE:** See item D below for definitions of disabled and incapacitated.

A minimum participation of 35 hours per week in an acceptable activity meets the work requirement for 2-parent families. Acceptable work activities are found in Section 24.5 below.

The minimum participation may be met by either parent or by both parents. When both parents hours are added together to meet the minimum number of hours of participation, there is no requirement that each participate equally.

For 2-parent families in which one or both parents is under age 20, see item A,1,b above.

B. ABSENCES

With the exception of inclement weather, Workers must determine whether absences are excused or unexcused. Participation is calculated on the actual hours of attendance or participation each month and converted to a weekly average. The following guidelines are used to determine actual hours of attendance/participation for planned school breaks, inclement weather or individual absences.

1. Planned School Breaks

When calculating hours of participation certain rules must be followed. The specific activity determines when school breaks can be used as hours of participation.

- High School, Junior High or Middle School: When the student expects to return after the summer break, the normal hours of attendance are treated as participation hours for the summer. Breaks during the school year are also included, such as Thanksgiving,

Unexcused absences that cannot be made up during the month are not counted as hours of participation. Only the hours actually worked count as hours of participation.

Record the results of all contacts with the employer/contractor concerning this issue in the case comments in RAPIDS. At the end of the month the time sheet must correctly identify any absence. Any inconsistency or irregularity on the time sheet must be worked out with the employer/contractor. Absences that are made up during the month are not reported as excused or unexcused.

C. PARTICIPANT TIME SHEET (WT-12)

The Participant Time Sheet (WT-12) may be used to document participation and satisfactory progress for work requirement activities. It is given to providers to report attendance and satisfactory progress on a monthly basis. It may also be given to the client for self-declaration of his participation.

In addition, this form can also be used by participants to report days of actual participation for payment documentation purposes.

D. DISABILITY/INCAPACITY - DEFINITION ONLY FOR MINIMUM PARTICIPATION RATE

**NOTE:** The following definitions are used to determine the family's minimum hours of participation, i.e., whether or not there is a disabled or incapacitated parent. See item A above. Meeting either definition does not exempt the family or individual from the 60-month or 24-month time limits described in Section 15.6 and 15.7.

Disability and incapacity may be established with or without a physician's statement as follows:

1. Establishing Disability Without A Physician's Statement

Disability is established without a physician's statement as follows:

- The individual receives benefits from a governmental or private source, and these



- Total deafness, not correctable by surgery or hearing aid
- Statutory blindness, unless due to cataracts or detached retina
- IQ of 59 or less, which was established after attaining age 16
- Spinal cord or nerve root lesions resulting in paraplegia or quadriplegia
- Multiple sclerosis in which there is damage of the nervous system because of scattered areas of inflammation which recurs and has progressed to varied interference with the function of the nervous system, including severe muscle weaknesses, paralysis and vision and speech defects.
- Muscular dystrophy with irreversible wasting of the muscles with a significant effect on the ability to use the arms and/or legs.
- Impaired renal function due to chronic renal disease, documented by persistent adverse objective findings, resulting in severely reduced function which may require dialysis or kidney treatment.
- Amputation of a limb, when current age is 55 or older

If the disability is obvious to the Worker, no verification is required, but the Worker must record his findings. If the disability is not obvious to the Worker, verification must be provided from a physician, licensed or certified psychologist, surgeon, doctor of osteopathy, chiropractor, or other medically-qualified individual.

- Recipients of federal, state or local government disability retirement, who receive such benefits due to one of the conditions specified above. This includes, but is not limited to, payments under Civil Service

b. Content Of The Physician's Statement

Generally, the statement must contain enough information to allow the Worker to determine if the client is disabled.

If the physician makes a definite statement that the client is permanently and totally disabled, no further information is needed. Usually, however, the physician describes the situation, and the Worker must make the determination. In these situations, the statement must contain:

- The type of condition, including the diagnosis if known;
- Any unusual limitations the condition imposes on the client's lifestyle; and
- The length of time the condition is expected to last. This is required only to set a control for reevaluation; there is no durational requirement for which the condition must exist or be expected to exist.

c. Making The Determination

Once the necessary information is received, the Worker makes the determination based on the following guidelines:

- If the condition is one listed in Appendix D of Chapter 12 as a guideline for presumptively approving an AFDC Medicaid or AFDC-Related Medicaid case, disability is established. No durational time limits are imposed.
- Any other condition must impose limitations on the client's normal way of life. For example, a case of hypertension, requiring only a special diet and daily medication, does not substantially alter an individual's way of life, since eating is part of his daily routine, and taking medication does not significantly interrupt normal activities. However, a diagnosis of

#### 24.4 LOCAL OFFICE RESPONSIBILITIES IN THE WORK COMPONENT OF WV WORKS

In addition to the responsibilities contained in other chapters of this Manual, the Worker has responsibilities related to the work component of WV WORKS.

The Worker must assist the client in all reasonable ways to achieve self-sufficiency. To accomplish this, the Worker must assess the client's knowledge and skills, work with the client and make informed recommendations about courses of action appropriate for each individual to develop a plan that is expected to lead to self-sufficiency. In addition, he must enter into an agreement with the client concerning his involvement in the process of becoming self-sufficient, monitor the client's progress to determine changing needs and the need for supportive services and take appropriate follow-up action based on the client's actions.

The eligibility requirements of the negotiated agreement, the Personal Responsibility Contract, is detailed in Chapter 1. Other requirements, particularly those dealing with the client's continuing eligibility, are found throughout this Manual. Chapter 13 contains other information about the eligibility component of the work requirements. The following sections in this Chapter are devoted to work activities and follow-up actions and contain information necessary for the Worker to assist the client in becoming self-sufficient and in developing opportunities for him.

##### A. CASE MANAGEMENT

To meet the goals of the WV WORKS Program, a Worker performs the following activities for WV WORKS families:

- Determines initial and ongoing case and individual eligibility. When the WV WORKS family also receives Food Stamps and/or Medicaid, eligibility for these Programs is also determined and maintained by the same Worker
- Negotiates the PRC with the client to determine the best means to achieve self-sufficiency and accept personal responsibility
- Establishes for the client only reasonable and appropriate requirements related to the client's capability to perform the tasks on a regular basis, including physical capacity, skills, experience, family responsibilities and place of residence. In

is used to assist the client in accepting personal responsibility and achieving self-sufficiency.

Self-sufficiency is defined as being able to provide for the family's basic needs without relying on WV WORKS cash assistance. It is recognized that some families will not be able to become completely self-sufficient. For these families the goal is to reduce the reliance on cash assistance as much as possible.

#### B. ASSESSMENT

Assessment is the ongoing process of determining each adult's goals, skills, needs and challenges. Assessment begins at application and does not end until case management stops.

An in-depth assessment is necessary to discover the client's challenges to meeting his goals and to develop plans to overcome them.

The assessment is limited to producing information useful to both the client and the Worker in overcoming challenges and meeting goals.

Rather than being a fixed process with mandated procedures, assessment is an ongoing activity. As the client's circumstances change, his goals and/or challenges may change, resulting in changes in the actions or activities necessary for him to succeed.

The assessment process necessarily includes a series of interviews/conversations with the client. It may also include educational and/or aptitude/interest testing and interpretation of this information; identification of the client's skills, abilities and interests; use of community resources; and research into possible employment opportunities. Assessment form, WT-3, is available for use as a means to record and track pertinent information during the assessment. Use of the WT-3 is optional by county.

The product of the assessment is a plan for progressively moving toward the client's goals. The plan is used to negotiate the PRC which specifies the steps and actions necessary to achieve the goals. Failure without good cause to keep appointments to initiate or continue the assessment process indicate a



negotiations between the client and the Worker. The Self-Sufficiency Plan is subject to renegotiation throughout the client's receipt of cash assistance. Initial and ongoing assessment produces information that allows the Worker to provide reasonable guidance to the client to attain his goals and forms the basis of the Plan.

The promotion of self-sufficiency is accomplished primarily through the use of the Personal Responsibility Contract (PRC). The PRC is completed during a negotiation between the Worker and the adult(s) in each case. During the negotiation, the client must be encouraged to provide information about his goals for becoming self-sufficient and the means by which his goals may be achieved. If the client does not have defined self-sufficiency goals, the Worker must encourage him to consider such goals in consultation with his family before the PRC is updated.

**NOTE:** Signing the PRC is an eligibility requirement (See Chapter 1). However, at the time of application, the PRC may not include all goals and all plans necessary to achieve the goals. The PRC may be a document that is in a constant state of change to adjust to the client's changing needs.

The Worker must explore all of the desires and work goals presented by the client to determine which are possible, which can be accomplished with the resources available to the client and to the Department, which can be accomplished in an appropriate time and, ultimately, which is most likely to result in self-sufficiency for the client. In addition, the Worker must explore other possibilities not presented by the client and offer these to the client as alternatives. At all times, the Worker is expected to balance the client's wishes with his need to achieve self-sufficiency and the Department's goal of meeting federally-established participation rates.

All requirements listed on the PRC must be reasonable and appropriate for the individual client.

The PRC Self-Sufficiency Plan must be specific enough to provide direction for the client and must reflect careful analysis of the client's needs and potential. It must also be flexible enough to change as opportunities and situations warrant. Changes in occupational goals or activities to meet the client's

and private organizations that could offer activities or support. A close working relationship should be established with the local JTPA Program and Welfare to Work Program.

E. CHILD CARE REFERRAL

Child care must be made available to any client who needs it in order to accept employment or to participate in another work activity. The client must be referred to the appropriate Resource and Referral agency. Child care must be arranged before placement.

F. MENTORING

When the Worker and the client agree that the client could benefit from a mentor for counseling and guidance, the client may be assigned to a mentor. Mentoring may be accomplished by assigning a mentor to work individually with one or more clients. In addition, a mentor or team of 2 or more mentors may provide assistance to one or a group of clients. The method selected is based on the client's needs and the resources available.

**NOTE:** Being a mentor does not allow access to or knowledge of confidential information about the client. The Worker must obtain the client's written permission prior to providing such information to the mentor. A general waiver allowing information to be shared with the mentor is not sufficient; a waiver is required for each piece of information shared or one waiver may identify each piece of information. The client may provide any personal or confidential information to the mentor that he chooses.

A mentor must:

- Be gainfully employed or retired from gainful employment;
- Have sufficient time available to provide guidance for the client;
- Set the boundaries of the relationship, so that the client is guided by, but not dependent upon, the mentor;
- Consult frequently with the Worker about guidance provided to the client;



## 24.5 WORK REQUIREMENT ACTIVITIES

\*\* For 1-parent families and 2-parent families that include a disabled or incapacitated parent, at least 20 hours per week of the work participation requirement must be met by one or more of these activities. For 2-parent families that do not include a disabled or incapacitated parent, at least 30 hours of the work participation requirement must be met by one or more of these activities.

Participation, for the appropriate number of hours in the following activities, counts toward the work participation rate the State is required to meet and fulfills the client's work requirement. These activities are listed in priority order for adults age 20 and over and for parents under age 20 who have a high school diploma or its equivalent. For parents, under age 20 without a high school diploma or its equivalent, educational activities may be a higher priority.

- \*\* Unsubsidized employment
- \*\* Subsidized private sector employment, including on-the-job training programs, such as EIP
- \*\* Subsidized public sector employment, including on-the-job training programs, such as EIP
- \*\* Work experience, such as JOIN, CWEP or other work experience programs available in the community
- \*\* Community service programs, such as volunteer work, life skills classes, parenting classes, providing dependent care, job readiness programs, sheltered workshop participation, substance abuse treatment, mental health counseling
- \*\* Job search. There is a 6-week limit imposed each twelve months on using job search to meet the work participation requirement.

The client must participate in job search for a full work week. However, not more than once per individual, participation in job search activities for 3 or 4 days during a week may be counted as a full week of participation.

## 24.6 EMPLOYMENT

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

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.

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. When employment does not meet the criteria, the client has good cause for refusing or failing to take action to secure the employment. The employment is appropriate when the starting wage is at or above the applicable state or federal minimum wage.

### 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.

- 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.

- The employer must pay wages, not commissions. However, commissions may be paid in addition to the wage specified in the EIP contract.
- The working conditions and fringe benefits of the EIP employee must be the same as for any other employee in the same class.
- The occupation must require a training period of at least 200 hours.
- The job must be within the scope of the client's assessment and must be one that he may be reasonably expected to learn.
- The employer must guarantee at least 35 hours of employment per week.
- The employer must not have employees in lay-off status in the occupation/job title for which the contract is being negotiated.
- Employers must keep daily attendance records for each client using form WT-12. It must be completed in its entirety and signed by both the client and supervisor monthly when all training/work hours have been completed. The WT-12 must be received by the Worker by the 5th working day of the following month. A copy is retained by the contractor for audit purposes.

The WT-12 may also serve as the employer's request for an EIP payment or the employer may submit a request for payment on the business letterhead. The Worker must review the WT-12 for accuracy prior to issuing payment.

#### C. STANDARDS FOR CONTRACT DEVELOPMENT

The standards for contract development are:

- An EIP contract may be written for one job slot only.
- The EIP contract may be written for a minimum of 200 hours and a maximum of 600 hours.
- The starting wage must be equal to or above the current federal minimum wage.

## 24.8 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP)

CWEP is a work activity for parents or other caretaker relatives age 18 and older. The primary purpose is to provide work experience and training to assist a client who has limited work experience, is under-employed or has no immediate employment opportunities.

### A. WHO MAY BE A CWEP SPONSOR

CWEP sponsors are limited to public agencies, such as federal, local, state and not-for-profit employers. It is limited to public services projects in fields such as health, social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public activities, public safety and child care.

### B. REQUIREMENTS OF THE SPONSOR

The CWEP sponsor must abide by the following requirements:

- The sponsor must provide the client with guidance and supervision necessary to participate in the work experience project.
- The sponsor must provide safety equipment, special clothing and tools needed to perform the assigned duties.
- The sponsor must assume the cost of any required pre-employment medical examinations.
- The sponsor must guarantee that the client is not expected to work more than 8 hours/day, unless the normal work day exceeds 8 hours.
- The sponsor must schedule the client for a minimum of 4 hours/day. An exception to this is the last day of the contract, the last day of the week or month to even out the work requirement, or a make-up day.
- The sponsor must not schedule the client to work split shifts.
- The sponsor must pay the client for any work in excess of his obligation. The rate of pay must be

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.



- 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.

Step 5. If the result is 40 hours or more, the monthly obligation is a maximum of 40 hours.

If the process results in less than 40 hours, the monthly obligation is a maximum of the resulting number.

Step 6. To convert the monthly obligation to a weekly obligation, divide the result of Step 5 by 4, not 4.3.

**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.

- The contractor must provide an orientation for the client that outlines the work schedule, job description, contractor's expectations, pay schedule, holidays and the workplace standards for special clothing, reporting absences, breaks and mealtimes.
- The contractor must report all attendance problems immediately to the Department.
- The contractor must not assign the client to work more than an 8 hour day, unless the normal work day exceeds 8 hours.
- The contractor must not schedule split shifts.
- The contractor must schedule the client to work the appropriate number of hours per week. See item D below. Hours worked in excess of the established number must be paid solely by the contractor, at the prevailing wage rate. All such income must be reported to the Worker.
- Contractors must keep daily attendance records for each client using form WT-J-12. It must be completed in its entirety and signed by both the client and supervisor monthly when all work hours have been completed. The WT-J-12 must be received by the Worker by the 5th working day of the following month. A copy is retained by the contractor for audit purposes.
- The contractor must provide a representative, when requested, to attend any Pre-Hearing Conference or Fair Hearing the client may request.
- The contractor must advise his regular employees of their right to file a grievance, if they feel their job has been adversely affected by the JOIN program and must adhere to the displacement/replacement policy in Section 24.6,B,1. See Appendix A and B.
- The contractor must guarantee appropriate standards for employment. See Section 24.6,B,2.
- The contractor must provide Workers' Compensation, or comparable coverage and pay into Social Security.

- 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 of 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

## 24.10 COMMUNITY SERVICE PROGRAMS

When there is no employment or work-experience position for the client, the work participation requirement may be met by participation in a community service program. In addition, community service programs may eliminate some barriers to full-time employment by developing necessary skills and exposing the client to new experiences he may not have considered as possible means to becoming self-sufficient. Community service programs include, but are not limited to: life skills classes, parenting classes, dependent care, job readiness instruction, volunteer work, participation in a sheltered workshop, substance abuse treatment or mental health counseling. More information about these items follow, but the Worker is encouraged to develop other opportunities within the community.

### A. LIFE SKILLS

Life-skills classes may include information on proper nutrition and hygiene, budgeting, telephone usage, time management, housing, consumer skills, citizenship and community awareness. Referrals to such classes are based on need following the Worker's assessment and the availability.

Such classes may be funded through JTPA or other funding sources. If the client is referred to JTPA for certification and placement, form JTPA-1 is used. Other funding sources may have special referral procedures that the Worker must follow.

### B. PARENTING CLASSES

Parenting classes may include information on appropriate discipline, nutrition, health, parent/child interaction, anger and impulse control, hygiene, resources enhancement and other topics as needed.

### C. DEPENDENT CARE

A client may meet his work requirement by providing care to his own child or incapacitated adult relative who lives in the client's home. If the care prevents institutionalization, the individual need not be related to the client, but must live in the client's home. In addition, a client may meet his work requirement by providing care, without pay, to a child or incapacitated adult, when providing this care allows

E. VOLUNTEER WORK

Volunteer work may include activities in schools, libraries, government offices and community organizations. The Worker and client agree on the most appropriate location after determining the client's needs and available resources. Volunteer work is distinguished from CWEP and JOIN activities by the fact that the client finds his own volunteer placement and no negotiated agreement between the volunteer site and the Department is required.

Hours of participation are scheduled to best meet the needs of the client and the volunteer site and to meet the client's work requirement.

The staff at the volunteer site must verify hours of participation monthly.

F. PARTICIPATION IN A SHELTERED WORKSHOP

When a disabled individual is referred to DRS, DRS determines if retraining is feasible and if placement in a sheltered workshop is appropriate. Hours of participation and pay must be verified monthly.

G. SUBSTANCE ABUSE TREATMENT/MENTAL HEALTH COUNSELING

When the Worker determines that there is a need for substance abuse treatment and/or mental health counseling and the client agrees, a referral must be made to the appropriate source of such services.

Verification of attendance at scheduled sessions is required.

reimbursed, unless all existing training positions have been filled and it is necessary to create additional positions for WV WORKS clients.



## C. CONTRACTS

Participants must be placed into training positions on a no-cost basis if such positions are available through JTPA, Department of Education, Veterans Administration and other providers, before additional training positions are developed.

County staff may write contracts for individuals without OFS approval for an amount up to \$600. Individual contracts which exceed \$600 must be approved by OFS. Group contracts are written by county staff, but must be approved by OFS, regardless of the amount.

### 1. Individual Contracts

To negotiate a contract for an individual, the Worker uses the Training Agreement, WT-34.

The Agreement Addendum, WT-35, provides a means to amend or cancel contracts. The WT-35 is used to change the beginning and ending dates, the training content, the duration, cost, or any other change in the terms and conditions of the WT-34.

### 2. Group Contracts

If existing resources are depleted, WV WORKS staff may establish Job Skills classes. OFS staff must approve the course. Group contracts are only approved in exceptional instances. Classes are evaluated based on cost-effectiveness and availability of employment following training. For approval, submit a memorandum to the Director containing:

- Name of the institution
- Name of the instructor
- Type of training
- Certification and background information about the instructor and institution
- Expectations of employment for individuals who successfully complete the course, including documentation of existing openings in the labor market

## 24.13 EDUCATIONAL ACTIVITIES

This section provides information about types of educational activities that may meet an individual's work requirement. This activity is mandatory for parents under age 20, without a high school diploma or equivalent. For unemancipated parents under age 18, without a high school diploma or equivalent, attending school is an eligibility requirement as long as the child is at least 12-weeks-old. See Section 9.21,A,3.

### A. LITERACY

When the client cannot read, he may be placed in a literacy program. To qualify for such placement, the individual must test at or below standards set by the literacy provider.

### B. HIGH SCHOOL

The student must adhere to the established attendance policy of the institution. Regardless of the actual number of hours of attendance, the parent meets his participation requirement.

When the individual is no longer accepted in the school system, or, placing him back in the school system is inappropriate, he must be placed in Adult Basic Education (ABE), vocational training or an alternative school setting.

### C. ENGLISH AS A SECOND LANGUAGE

Those adults whose native language is not English and who have difficulty reading, writing and/or speaking English, may receive education in English language skills.

### D. ADULT BASIC EDUCATION (ABE)

Adult Basic Education (ABE) includes training in basic skills. It may also be used to help prepare for the General Equivalency Diploma (GED) test. ABE is limited to 12 months.

### E. COLLEGE

Attending undergraduate or graduate college classes does not meet the work requirement for any individual.

## 24.14 SUPPORT SERVICES

Payment for support services may be authorized to assist clients in securing or maintaining employment, or participating in other activities. A client whose case is in a 1st or 2nd sanction period is eligible to receive support services payments. There is no reduction in the amount of the support services payment due to imposition of the 1st or 2nd sanction. Those whose cases are closed due to imposition of the 3rd or subsequent sanction are not eligible for payment for support services.

### A. GENERAL REQUIREMENTS

The following general information applies to all support service payment.

- Alternative resources must be explored prior to issuing payment. Support payments cannot be made when other resources are available, but may be used to supplement the alternative resource. When used to supplement, the support payment is limited to the difference between the Department's maximum support payment for which the client is eligible and the amount provided by the alternative resource.
- Support payments are not required to be paid at the maximum rate available. The amount of the payment is based on the verified need, but may not exceed the maximum amounts.
- When the client participates in more than one activity, payment may be made for each activity. The total may not exceed the maximum payment for each expense.
- The need for a payment must be verified. The verification may be obtained from the client, the employer or training facility. An offer of employment may be verified in writing or verbally. The client's student status must be verified by the institution.
- A recording must be made for each payment, explaining the need for the payment. The only exception is for recurring transportation costs.

transportation is not a barrier. A prepayment for travel requires an estimate of the daily mileage for two weeks.

Transportation payments may be authorized only if expenses have been incurred or are reasonably expected to be incurred. Limitations on payment in addition to those in item A, are as follows:

- Clients who must travel one mile or less to their place of employment or training site are not eligible for payment. In making this determination, consideration must be given to the distance traveled to deliver children to their day care site.
- Those who ride school buses or other conveyances without cost are not eligible.
- Those who use public transportation are reimbursed for the actual cost of the service.
- Those who use a private vehicle when public transportation is available are reimbursed at the lowest available transportation rate.
- When clients share private transportation, only the owner of the vehicle is entitled to a payment. However, if the owner of the vehicle charges the other passengers, the passengers may be reimbursed for their charges. Members of the owner's benefit group may not be reimbursed when traveling in the same vehicle.

**NOTE:** If the owner of the vehicle charges his passengers for transportation, the amount he receives is counted as unearned income to the owner.

- Those who use a private vehicle are reimbursed as follows:

2 - 40 miles/day	\$3.00/day
41 + miles/day	\$5.00/day

Transportation expenses are reimbursable as follows, by activity, using WIS Block 61.

such as, as CNA Training, when the short-term training is expected to lead directly to employment. The maximum tool payment is \$150 in one 12-month period. Verification of the cost must be provided.

Payment may be made for tools as follows, by activity, using WIS Block 68.

Unsubsidized Employment (O or P)

EIP (M)

Vocational/Skills (G)

### 3. Relocation

Relocation expenses are reimbursed using WIS Block 68.

A participant may be relocated to a different area when an offer of unsubsidized employment has been verified. The relocation payment must not exceed \$300 and is limited to only one payment. It may include such items as a rental vehicle, mileage for a personal vehicle, food and lodging for travel and initial living expenses in the employment area. Incremental payments are not made; only one payment is issued.

### 4. Clothing

Clothing may be authorized for a verified offer of employment, or to attend short-term training that is expected to lead directly to employment. This expense includes uniforms or work clothing, including shoes or boots, but may include dress clothing when the client accepts a job that requires it. The maximum payment is \$150 in a 12-month period. Payments may be made incrementally, as long as the maximum amount is not exceeded.

Payment may be made for clothing as follows, by activity using WIS Block 66.

- Unsubsidized Employment (O or P)
- JOIN (Q)

The maximum payment is \$200. Payment may be made once a lifetime for each individual.

Payment may be made for a professional license as follows by activity, using WIS Block 67.

- Full-time Employment (O)
- Part-time Employment (P)
- JOIN (Q)
- Job Skills (G)

7. Collateral Expenses

**NOTE:** Payments for collateral expenses must not be used to pay for medical treatment or items such as eyeglasses, dentures, physical examinations, doctor visits, prescriptions, etc.

Collateral payments may be made for items such as grooming expenses, testing fees, gasoline, or other expenses necessary to obtain employment or to participate in a work activity.

Collateral expenses are limited to \$75 in a 12-month period.

Payment may be made, as follows, by activity, using WIS Block 63:

- Unsubsidized Employment (O or P)
- JOIN (Q)
- EIP (M)
- ABE (E)
- Vocational/Skills (G)
- High School (H)
- Job Readiness (D)
- Job Search (T)
- CWEP (N)



check be held. To ensure that the proper check is held, the Worker must provide the Check Control Unit with the following information:

- Date check was written
- Payee's name
- Zip Code
- Amount of check
- Vendor number when the check is a payment to a vendor

All telephone requests for holding checks must be immediately followed with a properly completed ES-14. See item F below for instructions about the ES-14.

D. SUPPORT SERVICE CHECK RETURNED BY THE CLIENT TO THE LOCAL OFFICE

For any support service check returned to the local office, the Worker must complete an ES-14, attach the check and mail both to the Check Control Unit. The Unit disposes of the check according to the instructions on the ES-14.

E. SUPPORT SERVICE CHECK RETURNED BY THE POST OFFICE TO THE STATE OFFICE

Upon receipt of a check returned by the Post Office, the Check Control Unit issues a DF-10, Notice of Returned Public Assistance Check, to the appropriate office. The Worker must determine the appropriate disposition of the check. Once the disposition of the check is determined, the Check Control Unit must be notified promptly by completing an ES-14. See item F below.

F. INSTRUCTIONS FOR COMPLETION OF ES-14

An ES-14 (Disposition of Medical I.D. Card/Check/FS Request) is the form used to correspond with the Check Control Unit. To identify the correct payroll for the Check Control Unit, write "WT" in the upper right corner. More specific information about completing the ES-14 is found below.

Current Case Name - Place the name of the payee as it appears on the check.

overpayment, he is ineligible for future replacement checks.

H. RECOUPMENT OF SUPPORT SERVICE PAYMENTS

Recoupment of support service overpayments is accomplished by adjusting subsequent payments. When adjusting subsequent payments is not possible, the Worker must contact the client to request repayment. If the payment is returned, it is sent to the Check Control Unit with an ES-14. It is necessary to identify such returned payments by indicating "WT" in the upper right corner. Do not include an account number for deposit of the funds.

A vendor number must be obtained from OFS. Only one WT-ET-07 must be signed to make all the payments for an individual contract. The first payment made on the contract is made using form WT-ET-07. Subsequent payments are made using the Transmission Log (WT-WIS-5). A recording must be made and placed in the activity section of the WT-ET-07 to document that the individual has begun participation. The Supervisor must review all contracts. In addition, the Supervisor must review and initial each WT-ET-07.

A payment can be made only in response to an invoice from the service provider. Attach all the invoices associated with each contract to the signed WT-ET-07 in date order. Care must be taken to ensure that the payment limit is not exceeded for any contract. Supervisors must monitor the negotiation of these contracts and the payments made to vendors to determine if problems exist and to take corrective action, as necessary.

Payments for Job Skills Training are made using Block 65 in WIS.

The Block 65 entry is as follows: the five digit vendor number followed by the amount of the payment. Enter dollars and cents, but do not enter the decimal point.

WIS will not generate payments in excess of \$3,000 and will not allow payments to be made more than once in 12 months. When approval is received to exceed either of these limits, instructions will be provided by OFS.

## APPENDIX A

### Grievance Rights for Regular Employees of CWEP, JOIN, and Employer Incentive Program Employers

#### A. DEFINITION

The Bureau of Human Resources acknowledges that CWEP, JOIN and EIP work assignments shall not:

1. Result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;
2. Impair existing contracts for services or collective bargaining agreements;
3. Result in the employment or assignment of a participant or the filling of a position when any other person not supported under this program is on layoff from the same or a substantially equivalent job within the same organizational unit, or when an employer has terminated any regular employee or otherwise reduced its workforce with intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this program;
4. Shall not infringe in any way upon promotional opportunities of persons currently in jobs not funded under this program; and
5. Shall not result in the filling of any established unfilled position vacancy by a participant assigned to the WV WORKS program. (This applies to CWEP and JOIN only.)

#### B. PROCEDURES TO FOLLOW TO RESOLVE REGULAR EMPLOYEE GRIEVANCES

1. The grievance must be filed within 90 days of the date that the perceived displacement occurred.
2. Each worksite will be provided with Employee Grievance Posters and grievance procedures and forms. The posters shall be placed in locations conspicuous to employees.

- The appeal shall contain:
  - (a) The full name, address and telephone number of the appellant;
  - (b) The provisions of the Statute or regulations believed to have been violated;
  - (c) A copy of the original complaint filed by the appellant with the State; and
  - (d) A copy of the State's funding and decision regarding the appellants complaint.
- The Office of Administrative Law Judges will request the following from the Hearings Officer:
  4. Upon receipt of an appeal the Office of Administrative Law Judge shall request from the State agency and the State shall, within 30 days of such request, certify and file with the Office of Administrative Law Judges the entire administrative record of the matter under appeal. The DHHR shall send copies of this record to the Assistant Secretary for Employment and Training and the Assistant Secretary for Family Support at the addresses set forth in Step 4 of this section.
  5. Upon receipt of the above information, the Assistant Secretary for Employment and Training shall review the record and through the Office of the Solicitor of Labor, file, if appropriate, a brief or a report with the Office of Administrative Law Judges for that office's consideration. DHHR and the Assistant Secretary for the Family Support may also file a report with the Office of Administrative Law Judges.
  6. The decision of the Office of Administrative Law Judges outlined in Step 4 of this section shall be the final decision of the Secretary of Labor on the appeal.

APPENDIX B

Grievance Rights for CWEP and JOIN Participants  
With Respect to On-The-Job Working Conditions,  
Workers' Compensation Coverage and Wage Rates

A. DEFINITION

The Bureau of Human Resources acknowledges that CWEP and JOIN participants will have the right to request a Grievance with respect to:

1. On-the-job working conditions which include:
  - (a) Employment or training be related to the capability of the participant to perform the tasks on a regular basis, including physical capacity, skills, experience, family responsibilities and place of residence.
  - (b) The total daily commuting time to and from home to the work or training site to which the participant is assigned shall not normally exceed two (2) hours, not including the transporting of a child to and from child care, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards without the participant's consent.
  - (c) No participant shall be required, without his or her consent to remain away from his or her home overnight.
  - (d) The conditions of participation are reasonable, taking into account in each case the proficiency of the participant and the child care and other supportive service needs of the participant.
  - (e) For training to be appropriate, the nature of the training shall meet local employers' requirements so that the participant will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate working conditions identified above.
  - (f) Health and safety standards. Participants are subject to the same health and safety standards established under State and Federal law, that otherwise apply to other individuals in similar assignments.



Step 3

- Written JOBS Grievance form is forwarded by the employer within two (2) days to the local Work and Training Supervisor.
- The Work and Training Supervisor will forward the grievance form to the DHHR Hearing Officer within two (2) days of receipt of the form from the employer. The Hearing Officer will generally render a decision within fifteen (15) days.

Step 4

- The decision of the Hearings Officer may be appealed by the grievant within 30 days after the receipt of the Hearings Officer's decision. The appeal must be sent to the:

Office of Administrative Law Judges  
U.S. Department of Labor  
Vanguard Building  
Room 600  
1111 20th Street, N.W.  
Washington, D.C. 20036

- The appeal shall contain:
  - (a) The full name, address and telephone number of the appellant;
  - (b) The provisions of the Statute or regulations believed to have been violated;
  - (c) A copy of the original complaint filed by the appellant with the State; and
  - (d) A copy of the State's findings and decision regarding the appellant's complaint.

- The Office of Administrative Law Judges will request the following from the Hearings Officer:

4. Upon receipt of an appeal the Office of Administrative Law Judge shall request from the state agency and the State shall, within 30 days of such request, certify and file with the Office of Administrative Law Judges the entire administrative record to the matter under