

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. No client may participate in JOIN for more than 12 months, nor for more than 40 hours per week.

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.
- 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 OFS-TS-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 OFS-TS-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.
- The contractor must agree to provide safety equipment, special clothing, or tools not covered by the JOIN contract.
- The contractor must guarantee adequate supervision.
- The contractor must provide the JOIN client \$1.00 for each hour of participation. This travel expense stipend must be paid on the regularly scheduled payday. The contractor must withhold applicable local, state or federal wage taxes.

C. CONTRACT REQUIREMENTS

A contract must be negotiated between the local WV WORKS staff and the contractor.

The contract, form DFA-J-3, is completed in triplicate, signed by the authorized representatives of the contractor and the Department. The original is placed in the client's case record, a copy is forwarded to DFA and the contractor receives a copy.

The contract number will begin with the word JOIN. A contract number of six digits is assigned. The first two digits are the current fiscal year; the second two digits are the county number. The last two digits are consecutively-assigned numbers beginning with 01.

EXAMPLE: JOIN - 03 - 33 - 15 (JOIN contract negotiated in FY 2003 by McDowell County, contract number 15).

A job description must be attached to each contract. The job description must be written by the contractor and must describe a job in the workplace that the client may qualify for at the end of the contract period, form **DFA-JD-1**

The job description(s) must include the following items:

- Job title
- Minimum educational level required for the position
- Weekly work schedule
- Special licenses required
- Special physical requirements
- 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 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.

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 AG's Food Stamp entitlement. This is the amount actually received by the AG, 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 AG.

- Multiply the result of the division by the number of people in the WV WORKS AG. 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 resulting figure is rounded down to the nearest whole number. 140.55 hours = 140 hours maximum monthly obligation. See Section 24.8,D for an example of the calculation of CWEP hours. The same applies to JOIN.

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.