

1.25 WV WORKS

When WV WORKS applicants are also SNAP and/or Medicaid applicants, requirements in 1.2 and 1.4 also apply to the SNAP portion of the case and the requirements in Sections 1.2, 1.6 - 1.22 apply to the Medicaid portion.

A. APPLICATION FORMS

A DFA-2 is used.

NOTE: When an application has been made for WV WORKS and/or Medicaid and the application is denied, withdrawn or approved for DCA, the AG or non-recipient Work-Eligible Individual must not be required to make an additional application for SNAP. SNAP eligibility must be determined based on the information provided for the other programs.

B. COMPLETE APPLICATION

The application is complete, when the client signs a DFA-2 or DFA-5 which contains, at a minimum, his name and address.

NOTE: When the applicant has completed the interactive interview, and there is a technical failure that prevents the printing of the DFA-2, Form DFA-5 must be signed by the applicant, attached and filed in the case record with the subsequently printed DFA-2. The DFA-RR-1 must also be completed and signed. He must not be required to return to the office to sign the DFA-2 when the DFA-5 has been signed.

An application is considered incomplete when the client chooses not to sign the DFA-2. It is a withdrawal, and appropriate data system action and client notification must be completed. The recording in Case Comments must specify that the client did not want to sign the application and the reason for his decision. The client must be encouraged to sign the application so there is no misunderstanding that he was denied the right to apply.

C. DATE OF APPLICATION

The date of application is the date that the DFA-2, which contains, at a minimum, the applicant's name and address, is signed. Benefits are prorated from the date of application when all other eligibility requirements are met.

If a household which became ineligible due to a lump sum payment requests recomputation, the date of application is the date of the request.

Because approval depends upon making the application, attending orientation, completing a PRC as well as providing verifications, all of which may not be available to the client on the date of application, form DFA-RFA-1 is available to protect the date of application for proration purposes. There must be a full application made subsequent to each DFA-RFA-1. If the client fails to follow through with the application, a RAPIDS entry must be made to deny the DFA-RFA-1.

The DFA-RFA-1 may only be used when a DFA-2 is not completed at the time the client expresses an intent to apply for WV WORKS.

D. INTERVIEW REQUIRED

A face-to-face interview is required.

E. WHO MUST BE INTERVIEWED

NOTE: Information in this item applies only to the intake interview. While it is possible to have only one parent participate in the intake interview, it will usually be necessary for both parents to be interviewed about the PRC and other WV WORKS requirements. A representative of the specified relative may participate in the intake interview, but the specified relative must be interviewed about the PRC and other WV WORKS requirements.

The specified relative with whom the child lives must participate in the intake interview.

If the child is living with both parents or a parent and a stepparent, both must be interviewed unless:

- One parent or stepparent is hospitalized; or
- One parent or stepparent is employed and his working hours preclude participation in the interview during the agency's normal working hours.

When the specified relative with whom the child lives has a legal committee, the committee must be interviewed.

If the child is living with only one specified relative who is unable to participate in the interview, a representative may participate in the intake interview. A written statement, signed by the specified relative, who gives the representative authority to apply on his behalf, is required.

F. WHO MUST SIGN

The individual(s) who is interviewed must sign the DFA-2. If the child(ren) lives with both parents or a parent and a stepparent, both must sign, even if separate interviews are conducted.

G. CONTENT OF THE INTERVIEW

In addition to the requirements outlined in Section 1.2, the following specific requirements apply.

- BCSE - Explain redirection requirements, good cause, penalties for failure to cooperate without good cause, possible referral to BCSE for signature of paternity acknowledgment, and obtain the signature on the DFA-AP-1 of the relative with whom the child lives.
- Non-recipient Work-Eligible Individuals - Explain that non-recipient Work-Eligible Individuals living in the household with an eligible child must complete the PRC, SSP, orientation, and be enrolled in a work activity and meet all other program requirements or the AG is ineligible for WV WORKS.
- Work Requirements - Explain the purpose of WV WORKS; DCA payments, if appropriate; TM, child care assistance and job placement.
- Explain that participation in a work activity is an eligibility requirement.
- Personal Responsibility Contract (PRC) - Explanation and completion of the PRC is not required to be part of the intake interview, but it may be done at the same time. See Personal Responsibility Contract (PRC) below for details about the PRC requirements.
- Self-Sufficiency Plan (SSP) – Lists the goals of each participant and the tasks necessary to accomplish those goals. See Self-Sufficiency Plan (SSP) below for details about the SSP requirements.
- Repayments - Discuss any outstanding repayments. See Repayment and Penalties below.
- Eligibility - Explain beginning date of eligibility and the importance of establishing eligibility as soon as possible.
- WV WORKS post-employment options – Discuss the 2 types of employment support payments:
 - Option 1 - Up to a 6-month period during which the former WV WORKS participant may be eligible for continued support payments and services; or

- Option 2 - The West Virginia Employment Assistance Program which allows the employed former TANF recipient to continue to receive the TANF payment he received prior to becoming employed for up to a 6-month period.
- Medicaid - Explain that Medicaid eligibility is a separate determination and how and when the medical card is issued, if appropriate.
- Lump Sum - If the client indicates he may be receiving a lump sum payment, explain the lump sum policy.
- Pregnancy - Explain the need for the client to report immediately when anyone in the AG or a non-recipient Work-Eligible Individual becomes pregnant.
- Caretaker Relative Option

NOTE: When a parent(s) is included with his own child(ren), the OFS-WVW-10 must not be signed. When the AG includes a parent(s), his child(ren) and other children for whom the parent is a specified relative, the parent is required to be included and form OFS-WVW-10 must not be signed. The form is used only when a caretaker relative receives cash assistance only for children to whom he is not a parent.

For cases in which the caretaker relative is not a natural or adoptive parent, form OFS-WVW-10 must be explained. The form must be signed and completed prior to approval, but not necessarily during the intake interview. The Worker must explain the option of being included or excluded from the AG and answer the client's questions about the consequences of each choice. Refusal, or other failure, of the caretaker relative to sign the form results in denial of eligibility for the caretaker relative for at least 12 months. Eligibility continues to be denied beyond 12 months, for as long as the caretaker fails to choose. The original form must be filed in the case record and the client must be given a copy. See Section 9.21 for details about the limited choice for the caretaker.

- Domestic Violence - Explain that information is available throughout the office and from the Worker regarding domestic violence and that this subject is discussed with all clients. No individual is specifically targeted to receive the information. Disclosure of domestic violence may have an effect on any SSP work requirements or time limits the client is expected to meet while a WV WORKS recipient. A referral to the appropriate community resource or domestic violence program must be made to develop a plan to assist the client in meeting any WV WORKS requirements. See Sections 13.8 for temporary exemptions to the WV WORKS work requirements and Sections 15.6 and 15.7 for WV WORKS time limits.
- Earned Income Tax Credit (EITC) - Briefly explain that this is a tax credit for people who work or have worked and had earned income under a specified amount. Pamphlets should be in the local offices to explain the EITC in more detail.
- Direct Deposit - The Worker must provide an enrollment brochure and explain the following about direct deposit:
 - The advantages of receiving WV WORKS, child support pass-through, and Child Support Incentive (CSI) benefits by direct deposit and that enrollment is optional. The client uses a bank of his choice and once the benefit is deposited, the client is responsible for all dealings with his bank and for all fees and penalties associated with his own bank account. The WV WORKS benefit is deposited on the last State work day of the month prior to the month the benefit is due. The CSI benefit is available on approximately the 20th calendar day of the month.

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- That the client can choose between direct deposit and EBT.
- How to enroll and dis-enroll in direct deposit
- That the effective date of the first direct deposit is dependent upon the date of submission for the enrollment form and the accuracy of the information provided and is the responsibility of the Auditor's Office. It is generally the month following the month of enrollment. The client will continue to receive the WV WORKS and CSI by EBT until direct deposit is effective. He may contact his bank or the Auditor's Office to determine when the benefit has been deposited. After the initial WV WORKS benefit, only the monthly WV WORKS and CSI benefits are direct deposited.

Once the client chooses direct deposit, this choice continues until the client cancels it with the Auditor's Office. This is true even if the case is closed and later reopened.

- Information which must be reported to the State Auditor's Office after enrollment
 - When the benefit cannot be deposited into a bank account after enrollment, benefits will be deposited into an EBT account and the client must re-enroll in direct deposit. Until the client submits updated information to re-enroll, benefits will be deposited into an EBT account and accessed with an EBT card.
 - The Treasurer's Office e-mail address at which the client may obtain information about banks in the area in which he lives which provide no- or low-cost services. The Worker may access the information for the client.
- Explain the following about EBT:
- That the WV WORKS, DCA and CSI cash benefits will be deposited into an EBT account and accessed with an EBT card. If the WV WORKS and CSI benefits are direct deposited, the WV WORKS benefit and any WV WORKS and CSI supplemental benefits go in the EBT account.

- When the first card will be received
- The cardholder must call the EBT hotline to create a PIN and activate their card prior to use.
- When the benefits will be available in the account

NOTE: The Worker must determine if there is an existing EBT account and reactivate expunged accounts. He must also inform the client of the availability date of any balance remaining in the account.

- The importance of choosing an authorized cardholder who can also access the EBT account

NOTE: For EBT, the AG may have an authorized cardholder to spend benefits from the AG's EBT account. There is not a separate case or EBT account, but the authorized cardholder has a separate EBT card with his own PIN and uses the card to spend benefits from the AG's EBT account in the same manner as the AG's payee. The authorized cardholder, authorized representative, and the information provider may be the same or different individuals at the discretion of the AG.

- The importance of choosing an authorized cardholder who can also access the EBT account
- Services are available by calling the Interactive Voice Response Unit (IVRU) or by talking with a Customer Service Representative (CSR). These services include, but are not limited to, activation of a new card, replacing a lost/stolen/damaged EBT card, obtaining a new or different PIN, cancellation of an authorized cardholder and checking an account balance(s).
- That EBT WV WORKS or TANF funds must not be used or accessed in adult entertainment establishments, casinos, gaming establishments, or liquor stores. This provision applies only to establishments which primarily or exclusively sell these products and does not include grocery stores or other establishments which also offer gaming activities or sell these products in addition to other goods

H. DUE DATE OF ADDITIONAL INFORMATION

The client and the Worker agree on the date by which additional verification must be obtained.

I. AGENCY TIME LIMITS

By the 10th working day following the date of the initial contact when a client expresses an interest in applying for WV WORKS, the Worker must have completed all of the following duties. The initial contact by the client may be in person or by telephone to start the 10-day period.

- Acceptance of the application or DFA-RFA-1. This must be completed prior to orientation and prior to completion of the PRC; and
- The client's orientation, when it appears the AG will be eligible; and
- The initial SSP negotiation, when it appears the AG will be eligible.

Data system action must be taken to approve, deny or withdraw the application within 30 days of the same date. When the application must be denied because the client has not responded to a DFA-6 or verification checklist, the Worker must wait until after the 10th day but no later than the 31st day to deny the application.

EXCEPTION: When the delay is a result of factors outside the control of the Department and the applicant, or when the client requests a delay, any of the above actions may be postponed. When action is postponed due to the client's request, his request must be recorded on CMCC.

EXAMPLE: An applicant telephones the office on June 26th to find out how to apply for WV WORKS. At that time, an appointment is scheduled for him to meet with a Worker on July 5th. The next group orientation after the application is completed is July 12th, which is past the 10-day time limit. Therefore, the Worker must complete an individual orientation session for this applicant, preferably at the intake interview on July 5th.

EXAMPLE: An applicant contacts the office by telephone on September 10th to find out how to apply for WV WORKS. At that time an appointment is scheduled for him to meet with a Worker on September 13th and to attend group orientation on Sept. 19th. The applicant is caring for his mother until she can be placed in a nursing home. Placement is expected on September 25th, so he requests that his appointments be rescheduled for later that same week. He is then scheduled to meet with the Worker on September 26th and to attend group orientation later that same day. Although the application process is completed outside the time limit, it is due to the client's request which is recorded on CMCC.

J. AGENCY DELAYS

If an application has not been acted on within the required time limit due to agency error, corrective action must be taken immediately.

K. PAYEE

The payee is the individual in whose name the WV WORKS benefit is issued. The payee must use his legal name whenever possible, unless there is some circumstance that justifies the use of another name. If so, the decision to allow use of another name is made by the Policy Unit based on information submitted by the local office. See below for the EBT payee.

The parent with whom the child is residing is the payee. When the child lives with 2 parents who are included in the benefit, the parents choose the payee. When a child lives with a parent and a non-recipient Work-Eligible Parent, the payee should be the recipient parent. When the child lives with a parent and a stepparent, the parent is the payee. When the child lives with one relative other than a parent, the specified relative is the payee. When a child lives with two specified relatives other than a parent, they must choose who will be the payee.

For EBT purposes, certain information about RAPIDS primary person is automatically sent to the EBT vendor in what is called a demographic record. This information is used to set up the EBT account, mail the EBT card and to identify the payee and authorized cardholders for security purpose when a call is made to the IVRU. See Chapter 21 for card replacement procedures. The card is sent to the payee, regardless of whether or not he is the primary person. A primary person who is not a payee is issued an EBT card as an authorized cardholder. See Personal Responsibility Contract (PRC) below.

NOTE: Payments are not issued to unemancipated minor parents. Instead, the parent or other responsible adult with whom the minor parent lives, or who supervises the minor parent's living arrangement, is the payee. The minor parent is not a cardholder for EBT benefits.

When a substitute payee is appropriate at application, see Chapter 2.

L. REPAYMENT AND PENALTIES

Before the case is approved, the Worker must determine if there is a WV WORKS, AFDC, or AFDC-Related Medicaid claim outstanding against any member of the AG or the non-recipient Work-Eligible Individual. If so, the Worker must initiate appropriate repayment procedures prior to approval.

If the client has been making voluntary payments, he must be informed that repayment must be made, when possible, from his monthly benefit, i.e., recoupment.

When the AG has been sanctioned for failure to cooperate with WV WORKS, the case is subsequently closed and a reapplication made, that AG remains sanctioned until the sanction period ends.

M. BEGINNING DATE OF ELIGIBILITY

Once eligibility is established, i.e., the date all eligibility requirements are met, the application is approved. If the first benefits must be prorated, they are prorated from the date of application. See Date of Application above. There are other circumstances which also affect the beginning date of eligibility.

- When a parent, non-recipient Work-Eligible Individual, or other caretaker relative included in the payment voluntarily reduces their hours, quits or refuses employment or training for employment, without good cause, in the 30-day period prior to the date of application, the AG is ineligible until 45 days after the employment or training is no longer available. Benefits may not be issued for any part of the 45-day waiting period. See Chapter 13 for the determination of good cause.

NOTE: This applies to full-time or part-time employment.

NOTE: The 45-day waiting period applies only to AG members and non-recipient Work-Eligible Individuals at application.

EXAMPLE: A WV WORKS adult recipient marries an individual who quit a job in the 30-day period prior to the request to add him to the AG. There is no 45-day waiting period in adding him and no sanction is applied.

AG's which meet all of the following criteria are not subject to the 45-day ineligibility period. Instead, the AG or non-recipient Work-Eligible Individual is reopened and a sanction subsequently applied.

- The AG was closed due to earnings of a parent, a non-recipient Work-Eligible Individual, or a non-parent caretaker included in the payment; and

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- The parent, non-recipient Work-Eligible Individual, or included non-parent caretaker, quits his job without good cause; and
- The quit occurs within the effective month of closure; and
- The parent, non-recipient Work-Eligible Individual or non-parent caretaker, reapplies for a monthly WV WORKS check during the effective month of closure.

Because the case is considered to be open until the last day of the effective month of closure, the violation is treated as non-compliance and a sanction is imposed. If another sanction(s) has been previously imposed, this sanction is imposed at the next highest level.

The AG is approved for the month following the effective month of closure and then is notified of the imposition of the sanction at the next level. As with any other WV WORKS case, the individual must be provided an opportunity to establish good cause and/or comply during the 13-day advance notice period prior to imposition of the sanction.

EXAMPLE: A parent is placed in full-time employment on March 5th. His anticipated earnings make him ineligible and the AG is closed on March 7th, effective March. On March 22nd the parent comes to the office to ask for WV WORKS benefits again and states that he quit his job on March 19th. The Worker determines that he did not have good cause for quitting, but that he met all other eligibility requirements. His eligibility starts April 1st since he already received benefits for March. There is no sanction applied to the April benefits for this offense, but the Worker notifies him immediately about the imposition of a sanction beginning in May and schedules a good cause hearing.

EXAMPLE: A parent is placed in full-time employment with a produce shipping company. Two months later, he is laid off. The 45-day waiting period does not apply.

EXAMPLE: A caretaker relative included in the payment is hired by a temporary agency. Three months later the temporary job ends. The 45-day waiting period does not apply.

EXAMPLE: A non-recipient Work-Eligible Individual has been working 25 hours per week at a fast-food restaurant. He quits and then applies for WV WORKS, it is established he did not have good cause. The 45-day waiting period applies.

- When a household which became ineligible due to receipt of a lump sum payment, requests recomputation of the period of ineligibility, the beginning date of eligibility can be no earlier than the date of the request. See Section 10.21.

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- When an assistance group becomes ineligible due to failure of a parent or caretaker, without good cause, to meet the 24-month work requirement, the beginning date of eligibility cannot be any earlier than the first day on which he participates in an activity which meets the 24-month work requirement.

Exception: A parent with a newborn child has good cause while the child is less than 12 weeks of age for failure to meet the 24-month work requirement.

If the non-parent caretaker is no longer in a 12-month period for which he chose to be included, eligibility for the otherwise eligible child(ren) may begin as soon as the 12-month period ends, so long as the caretaker chooses exclusion from the assistance group.

NOTE: When a non-parent caretaker's 12-month period for which he opted inclusion ends, he may again receive WV WORKS for the otherwise eligible child(ren), even when not meeting the 24-month work requirement, as long as he chooses to be excluded from the AG. If he reapplies during the 12-month period for which he chose inclusion, or after the 12-month period ends and he again chooses to be included, he must meet the 24-month work requirement to receive WV WORKS for the child(ren).

- If the AG or non-recipient Work-Eligible Individual is serving a WV WORKS sanction, the beginning date of eligibility is the day after the sanction period ends. See Section 13.9,A. He must re-apply to again receive WV WORKS benefits.

Because eligibility for WV WORKS has no bearing on Medicaid eligibility, the beginning date of Medicaid eligibility must be determined according to the coverage group(s), if any, under which WV WORKS recipients receive Medicaid. See Sections 1.6 through 1.22.

N. REDETERMINATION SCHEDULE

Cases are normally redetermined annually. The redetermination schedule is set automatically by the data system, unless the Worker and Supervisor agree that a redetermination must be completed earlier. When a case is reopened without a DFA-2 the Worker must ensure that the client continues in the same redetermination cycle. The individual(s) who is interviewed must sign the DFA-2. If the child(ren) lives with both parents or a parent and a stepparent, both must sign.

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Cases may be redetermined more frequently at the discretion of the Worker and Supervisor when any of the following occur:

- There are persons in the AG or IG who frequently change jobs or work intermittently.
- QA has found a client error in the case.
- The composition of the AG or Income Group has frequently changed and is likely to continue to change.
- A substantial change is expected.
- The household reports expenses exceeding its income.
- RAPIDS schedules a redetermination due to receipt of another benefit, such as SNAP benefits, under the same case number.

O. EXPEDITED PROCESSING

There are no requirements for expedited processing. Cases are approved in the order in which eligibility is established.

P. CLIENT NOTIFICATION

See Chapters 6 and the RAPIDS User Guide.

Q. DATA SYSTEM ACTION

Data system action is required to complete the application process. All applications, whether approved, denied or withdrawn, must be entered in RAPIDS.

R. REDETERMINATION VARIATIONS

The redetermination process is the same as the application process with the following exceptions.

1. Redetermination List

RAPIDS selects cases due for redetermination on the Friday which falls between the 8th and 14th of the month prior to the month the redetermination is due. The redetermination list is displayed on the Worker's alert screen.

2. Scheduling Interviews

Use the DFA-10 or the RAPIDS letter CSLC or CSLD to notify the client of the appointment.

3. Completion of the Redetermination

If the client continues to be eligible, the Worker must take data system action to indicate changes in the client's circumstances or to indicate that the redetermination was completed. If the client is no longer eligible, the case is closed after proper notification.

4. Overdue Redeterminations

For AG's which do not close automatically, RAPIDS issues an alert when the redetermination has not been completed. Upon receipt of the alert the Worker must redetermine eligibility immediately. A case is overdue if changes are not transmitted by the last day of the month in which the redetermination was due, regardless of the effective date.

S. THE BENEFIT

The following explains about the WV WORKS benefit and how it is issued. The WV WORKS benefit is issued by EBT, described in Benefits below, unless the client chooses direct deposit. If the client chooses direct deposit, his monthly WV WORKS benefit is deposited into his own bank account. The direct deposit process is described in Direct Deposit below.

1. The WV WORKS Benefit

NOTE: Any WV WORKS benefit issued by a check prior to 5/03 is indicated in RAPIDS on screen IQAF with a warrant number which begins with a 3. Screen IQAD shows a P in the issuance method field.

a. Direct Deposit

The client may choose direct deposit, even though EBT is available. When he chooses direct deposit, the monthly WV WORKS and CSI benefits are deposited in the client's own checking or savings account. The account must be in the name of the payee for the WV WORKS benefit.

(1) Enrollment in Direct Deposit and Effective Date

The client must complete an enrollment form, attach any other appropriate information requested on the form and mail it directly to the State Auditor's Office. If he returns the form to the local office, the Worker forwards the form to the Auditor's Office. Questions about the direct deposit process or the individual's effective date, after submission of the enrollment form, must be directed to the Auditor's Office at the toll-free number, 1-800-500-4079 or at 304-558-2251.

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Enrollment forms must be ordered directly from the Auditor's Office by the local staff.

Direct deposit is generally effective the month following the month in which the form is submitted, when all account information is valid. Until direct deposit is effective, the client receives an EBT deposit. See Benefits below.

(2) Receipt of the Direct Deposit Benefit

The benefit is deposited into the account and available to the client on the last State work day of the month which is prior to the month for which the benefit is due. Workers will use RAPIDS Table TBIC to determine the last State work day. No check stub or deposit information is mailed to the client. Questions regarding deposit of the benefit must be directed to the individual's bank or the Auditor's Office.

Direct deposit of the WV WORKS benefit is indicated in RAPIDS on screen IQAF with a warrant number which begins with a 5. Screen IQAD shows an F in the issuance method field.

When the direct deposit transaction cannot be completed, the Auditor's Office does the following:

- Removes the client's name from the direct deposit data base; and
- Supplies the Accounts Receivable Office with a list of direct deposit transactions which cannot be completed.

Based on the error report list generated by the Auditor's Office, the Accounts Receivable Office updates the benefit issuance history in RAPIDS to indicate that direct deposit was not completed, i.e, returned. The returned benefit is cancelled. The Worker receives an alert from RAPIDS. The Worker must contact the client to resolve the issue of the returned benefit. After contact with the client, and if appropriate, the Worker reissues the benefit to the client, using appropriate RAPIDS procedures. See the RAPIDS User Guide.

Any time that a direct deposit transaction cannot be completed, the client is removed from direct deposit and he must re-enroll to receive his benefit in this manner. Until such time as he re-enrolls, he will receive an EBT deposit.

NOTE: Only the monthly WV WORKS and CSI benefits may be received by direct deposit.

(3) Dis-enrollment from Direct Deposit

The client must request removal from direct deposit by submitting a written request directly to the Auditor's Office at the address shown on the enrollment form or by calling the Auditor's Office. Identifying information may be requested.

b. Benefits

All benefits which are not issued by direct deposit are deposited into an EBT account. Any newly opened case has an EBT account set up and the WV WORKS, DCA and CSI payments are deposited into the EBT account. This applies to the initial benefit for those AG's who choose direct deposit also. Benefits are accessed with the EBT card. There is no warrant number for an EBT benefit. EBT is indicated on RAPIDS screen IQAD with a B as the issuance method.

c. Initial Benefit

(1) Amount

The initial WV WORKS benefit amount may be different than the ongoing benefit amount.

The initial WV WORKS benefit is prorated from the date of application once all eligibility requirements are met, including signing the PRC and initial SSP, and participating in orientation.

The Worker must inform the client of the benefit of returning all necessary information as soon as possible.

The monthly benefit amount is determined according to instructions in Chapter 10 and prorated. Special needs are not prorated. Instead, the full special need amount is added to the prorated amount.

The date eligibility is established must be coded in RAPIDS.

The system's response to approvals includes both the prorated benefit amount for the first month and the full benefit amount for the following month.

Method of Issuance

The initial benefit is issued by RAPIDS.

d. Ongoing Benefit

The ongoing monthly benefit is determined by the data system, based on income coded in the system prior to the deadline date in the month prior to the issuance month.

2. Diversionary Cash Assistance (DCA)

DCA is available to an applicant at the Worker's discretion only. It is not a program for which the client applies and is found eligible or ineligible. The Worker and/or Supervisor must determine if a DCA payment is appropriate and offer it to an applicant. The applicant may choose to accept or decline without any effect on his eligibility for an ongoing WV WORKS check. Supervisory approval is required for all DCA payments.

When a case is approved for DCA, the AG must not be required to file a new application for SNAP. SNAP eligibility must be determined based on the information provided on the WV WORKS application.

NOTE: If the household contains even 1 AG member or a non-recipient Work-Eligible Individual who was included in a household which received a DCA payment, another DCA payment cannot be made to that AG. The Worker must check issuance history to determine if a non-recipient Work-Eligible Individual was included in a household which received a DCA payment as these individuals are not tracked by the system. DCA is a payment method available only to WV WORKS applicants. This method allows a maximum lump sum benefit of an amount equal to the maximum WV WORKS benefit amount, based on family size, multiplied by 3. The amount of the DCA payment is based on need and is not automatically issued at the maximum amount. The household becomes ineligible for 3 months, regardless of the amount of payment issued.

DCA provides an opportunity to relieve a temporary financial need as an alternative to receipt of ongoing WV WORKS payments. When the Worker and the applicant are confident that a one-time payment will meet the temporary need, DCA is explored.

WV WORKS eligibility must be established and an initial assessment conducted by the Worker before DCA is considered.

DCA is available only one time for an applicant family. Acceptance of the DCA payment in lieu of ongoing WV WORKS payments is an option for the client.

The DCA benefit is deposited into the EBT cash account.

For applications approved on or after July 1, 2000 the DCA does not count toward the 60-month lifetime limit or the 24-month limit.

Transitional Medicaid is available only when all the requirements in Section 16.5,C are met. Eligibility is not based on receipt of DCA.

DCA payments are not subject to repayment unless fraud is established.

a. Determining Financial Eligibility for the DCA

Financial eligibility for the DCA is determined by comparing the gross, non-excluded, countable income of the AG to 100% of the Standard of Need (SON), based on the number of people in the AG.

If the income is equal to or less than the appropriate SON, the Worker must determine the AG's countable income. See Section 10.24.

If the countable income is less than the maximum WV WORKS benefit amount for the AG size shown in Appendix A, the AG is eligible for DCA.

b. Determining the DCA Amount

The DCA amount is determined as follows:

- Determine the maximum WV WORKS amount that is payable to a family of the same size. This number does not include a non-recipient Work-Eligible Individual.

NOTE: No incentives or reductions are applied when determining the DCA amount.

- Multiply the amount by 3. This result is the maximum DCA payment which may be issued.
- Determine the amount needed to meet the temporary financial need. The amount may include expenses related to future employment needs and ongoing household expenses.

NOTE: Because payment is limited to one-time-only, the Worker must be certain to include all such needs in this determination. Supplemental payments may not be issued, even if the maximum amount was not used for the first DCA and even if the transaction can be made the same day.

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NOTE: Regardless of the amount of the DCA payment, acceptance of DCA does not count toward the 60-month lifetime limit or the 24-month limit. This applies only to applications on or after 7/1/00. An application approved prior to 7/1/00 has all 3 months counted, even if the payment includes months on or after 7/1/00.

- Compare the amount of the temporary financial need to the maximum DCA amount. If the DCA is sufficient to meet the need, payment is issued for the amount of the temporary need. If the DCA is not sufficient to meet the need, the Worker and the client may determine that the amount that can be met by the DCA is sufficient and that other arrangements can be made to meet the remainder of the need. Support services must not be considered to be a resource that can be used to meet the additional need not covered by the DCA. When there is no other resource available to meet the need, or when support service payments are the only alternative to meeting the need, DCA is not appropriate.

The client is approved for an ongoing WV WORKS check. There are no circumstances under which the maximum DCA payment amount may be exceeded.

- A child that is included in any DCA payment is considered to receive the benefit of that payment for 3 months. The child cannot be included in any other DCA AG for any month for which he received the benefit in another DCA AG.

EXAMPLE: Ms. Smith obtains employment in Ohio and receives a DCA payment in the appropriate amount in 4/06. This AG is not eligible for WV WORKS for 4/06 through 6/06. In 5/06, the child goes to live with her father who applies for WV WORKS but has a job offer in Pennsylvania and is issued a DCA payment by the Worker instead. In determining the appropriate DCA amount, the family size must exclude the child for 5/06 and 6/06. The child can be included in the AG for 7/06. (See Section 1.25,S,2,b to determine the appropriate DCA amount.)

c. Determining if DCA is Appropriate

The following guidelines are used to determine if DCA is appropriate.

- The AG must demonstrate a need which cannot be met with current or anticipated family resources.
- A member of the AG or a non-recipient Work-Eligible Individual in the household must be employed or have a verified promise of employment or other verified source of income within two months of application.
- The AG must meet all eligibility requirements for WV WORKS. See Chapter 4 for verification requirements.
- The applicant must agree to accept DCA by signing the Diversionary Cash Assistance Agreement, DFA-WVW-3, which lists conditions and expectations.

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- Child support received by the parent/caretaker or BCSE belongs to the family and is not used to reimburse the Department for the DCA.

NOTE: Child support pass-through is not counted as income in determining DCA.

- The household does not include any member who is serving a WV WORKS sanction, including a check reduction. The entire AG remains ineligible until the sanction period ends. When the reason for the most recent AG closure is imposition of the 4th or subsequent sanctions, no member of the sanctioned AG may be approved or included in a DCA AG upon reapplication. Once WV WORKS has been approved again and eligibility is lost for a reason other than imposition of another sanction, the AG may be considered for DCA upon reapplication. If an adult or child would be required to be included in a WV WORKS AG, he is required to be included in a DCA AG and cannot be excluded simply to qualify for DCA. This applies even when no member of the applicant AG has previously received a DCA payment.
- The applicant must agree to have the WV WORKS application withdrawn. When a DCA payment is accepted, the recipient AG members and the non-recipient Work-Eligible Individual are ineligible for 3 months, regardless of the DCA amount or the number of months the payment represents. They remain ineligible for 3 months even if they no longer live together. The presence of one adult or emancipated minor who lived in a household that benefited from a DCA in the past 3 months, renders ineligible any new AG the member may join. Ineligibility lasts for the remainder of the 3-month period. The first month of WV WORKS ineligibility is the first month for which the DCA can be considered.

EXAMPLE: A WV WORKS AG is closed due to imposition of the 4th sanction. During the time the AG is closed, the client finds part-time employment and is later offered a better-paying full-time job out of state. He reapplies at the end of his ineligibility period and asks to be considered for a DCA payment to accept the job out of state. Because the benefit stopped due to a sanction, DCA is not appropriate. The AG is approved for an ongoing WV WORKS check. Once he becomes an active recipient, he may be eligible for a support service payment to pay relocation expenses, if he is otherwise eligible for such payment.

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EXAMPLE: A WV WORKS AG is in the 1st month of a 2nd sanction and requests closure of the case because they are moving out of state. The next month they return to WV, find a job, and reapply for WV WORKS. DCA is not appropriate until the end of the sanction period.

The AG may be approved for an ongoing WV WORKS check with a 2nd sanction applied to it.

d. Method of Issuance

DCA payments are issued by RAPIDS. After conversion to EBT, DCA payments are deposited in the EBT account.

NOTE: Only the monthly WV WORKS benefit may be received by direct deposit.

e. Verification of Temporary Needs

The DCA payment is not limited to only those needs which can be verified. In addition, the amount of the DCA is not limited to only verifiable costs.

When possible, the Worker must verify the need and the amount. However, some anticipated expenses cannot be verified. The Worker is expected to use prudent judgment in determining which needs can be verified and which amounts need verification.

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 through 1.22 for information, according to the appropriate Medicaid coverage group.

4. Electronic Benefits Transfer (EBT)

Beginning October 1, 2002, with the pilot counties of Cabell and Wayne, current and new recipients of WV WORKS will receive an EBT card, known as the Mountain State card, to access all WV WORKS, CSI and DCA benefits. The benefits will be in an EBT account and accessed by using the EBT card and a Personal Identification Number (PIN), similar to a personal debit or ATM card. The AG may still choose direct deposit for the monthly WV WORKS benefit. The following outlines procedures which are specific to EBT. Additional information about how EBT affects other policy and procedures is found in specific Manual sections which apply.

a. EBT Definitions and Terminology

The following is a list of commonly used terms or acronyms associated with EBT.

Administrative Terminal - EBT vendor system used to inquire into EBT account information, reactivate expunged EBT cards and in some instances, make changes to the EBT account.

IVRU – Interactive Voice Response Unit - The EBT vendor operates the IVRU 7 days a week, 24 hours a day. Functions of the IVRU include, but are not limited to, account balance inquires, card inactivation, lost, stolen or damaged card replacements and PIN changes.

ATM - Automated Teller Machine. May be used to access cash EBT benefits

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Authorized Cardholder - An individual, who, in addition to the payee, may be issued an EBT card and access an EBT account.

CSR - Customer Service Representative for the EBT vendor who is reached through the ARU toll-free number.

Coupons – The Food and Nutrition Act of 2008 de-obligated coupons on June 17, 2009. All Food Stamp Coupons expired on that date. They are no longer accepted by retailers and businesses that are authorized to accept SNAP benefits. Food Stamp Coupons cannot be redeemed for food or exchanged for EBT benefits. Food Stamp Coupons cannot be used as payment toward outstanding claims against a SNAP account regardless of the length of time the account has been outstanding.

Demographic Information - Identifying information about the AG's primary person and the payee which is sent to the EBT vendor in order to set up an EBT account and mail the EBT card. This includes the primary person's SSN and date of birth and the payee's name and address.

EBT - Electronic Benefits Transfer or the use of a card to access WV WORKS, CSI and DCA cash benefits and SNAP benefits.

Expunged Account - When benefits are not used from the EBT account for 365 days, those benefits are removed from the account and are not available to the AG. Other grant months may remain on the account. The Worker must reset the account for these benefits to be accessed.

IDE - Inactive, dormant and expunged

Mountain State Card - The West Virginia EBT card

PIN - Personal Identification Number. This number must be used to access EBT benefits with the EBT card. This is not the RAPIDS PIN number.

POS - Point of Sale. This is used to spend cash or SNAP benefits at a store.

Status the EBT Card - Inactivate the card so that it cannot be used. This occurs when a replacement card is requested, a payee is changed or an authorized cardholder is removed or changed.

b. EBT Card Issuance

(1) Initial Card Issuance

The EBT card is issued when the first benefit to be issued into an EBT account is approved. It is mailed the day after the approval in RAPIDS. Once the benefit account is set up and benefits are deposited into the EBT account, they are accessed with the EBT card. The client must call the vendor's IVRU to create the PIN and activate the initial card prior to use.

All cards and PINS are mailed to the payee following the address hierarchy in RAPIDS. See the RAPIDS User Guide. See item (2) below when the AG has a legal guardian or protective payee coded in RAPIDS. This includes the card(s) for any additional authorized cardholder(s). It is the responsibility of the payee to distribute the cards to any other cardholder(s).

(2) Effect on Card Distribution of Legal Guardian or Protective Payee Coded in RAPIDS

When the Worker indicates in RAPIDS that the AG has a legal guardian or protective payee, all cards are mailed to the address of that individual. Current policy contains no reference to a specified legal guardian as a payee.

Any other representative or protective payee is indicated in RAPIDS as a protective payee.

(3) Authorized Cardholder

The AG may designate an additional individual(s) as an authorized cardholder for EBT. The authorized cardholder has his own card and PIN and accesses the EBT account for the specified benefit(s) without restriction. For this reason the choice of an authorized cardholder and its importance must be stressed with the applicant or recipient. The authorized cardholder is designated, changed or removed on RAPIDS screen AIRQ.

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NOTE: When the individual designated as primary person for the AG has a legal guardian or protective payee coded in RAPIDS, the card for the AG is mailed to that person. In this situation, if the primary person or other individual must have a card, the information must be entered on screen AIRQ as an authorized cardholder. All cards are mailed to the address of the legal guardian or protective payee.

WV WORKS AG's may select only 1 authorized cardholder for WV WORKS. If the AG receives both SNAP and cash assistance, they may select 1 authorized cardholder for each benefit.

The maximum number of cards issued for any case is 3.

Once an authorized cardholder is chosen, the payee may stop the cardholder's access to the EBT account by calling the ARU or DHHR Customer Service Center. Local office staff cannot inactivate a card. However, the DHHR Customer Service Center or local office Worker can change or remove a cardholder. If the client first calls the ARU to stop access to the account, he must still contact the local office to remove or change the cardholder.

(4) Cardholder Security

The demographic information sent to the EBT vendor for the primary person in the household is the Social Security Number, Date of Birth and address to which the card is sent.

No demographic information is sent for any authorized cardholder. The authorized cardholder must know the date of birth of the primary person and the address to which the card(s) is mailed.

If the SSN is requested for a PIN change, the primary person provides his own and the authorized cardholder or representative/protective payee must provide zeros.

T. PERSONAL RESPONSIBILITY CONTRACT (PRC)

The Personal Responsibility Contract (PRC), form DFA-PRC-1, is a contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the Department.

Completion and signature of the PRC form DFA-PRC-1 is required prior to approving the WV WORKS AG. However, when the client reapplies for benefits within 3 months of the last day of the effective month of closure, no new PRC is required. Instead, the client must sign the existing PRC again and put the date of his signature.

EXAMPLE: An AG is closed on April 10th. The last day of the effective month of closure is April 30th. If he reapplies on or before July 31st, no new PRC is required.

Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. See Section 13.9 for information about sanctions.

NOTE: A separate PRC is completed for each adult and emancipated minor in a WV WORKS AG, and any non-recipient Work-Eligible Individuals in the household.

The PRC is the same for all WV WORKS participants. It states the purpose of the WV WORKS Program and lists the participant's rights and responsibilities. Each adult and emancipated minor AG member and non-recipient Work-Eligible Individual must sign of his own PRC. In addition, the Worker must sign the form as the Department's representative. The participant's signature indicates that he understands and accepts the responsibility inherent in the Program. The Worker's signature indicates that he has explained the participant's rights and responsibilities and the Department's responsibilities to the participant. It also indicates that the Worker has addressed all of the participant's questions and concerns before requesting him to sign it.

Some of the items listed on the PRC duplicate information on the DFA-2. However, the signature on the DFA-2 does not substitute for the signature on the PRC and vice versa.

U. SELF-SUFFICIENCY PLAN (SSP)

NOTE: Guidance for the assessment process which is crucial to the completion of the SSP is found in Section 24.4.

The Self Sufficiency Plan (SSP), form DFA-SSP-1, is a negotiated contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the Department. The SSP is specific to each participant and is the Self-Sufficiency Plan. It lists the goals, as well as the tasks necessary to accomplish the goals, including specific appointments, assignments and activities for the adult/emancipated minor. In addition, the SSP identifies the circumstances which impede attainment of the established goals and specifies the services needed to overcome the impediments. The services listed on the form may be Support Service Payments or any other type of service provided to the client or to which he has been referred. When there are no support services available at the time to appropriately address the barrier, the Worker must note this on the form and periodically review the availability of needed services.

NOTE: A separate SSP is completed for each adult and emancipated minor in a WV WORKS AG, and any non-recipient Work-Eligible Individuals in the household.

Completion and signature of the SSP form DFA-SSP-1 is required to be completed within 10 days of the initial contact when the client expresses an interest in applying for WV WORKS. The initial SSP may be completed on a paper form or in eRAPIDS. When the initial SSP is completed on a paper form, eRAPIDS must be updated as soon as possible. Whenever the client reapplies for benefits, a new SSP is required. The participant and Worker must sign and date the initial Self-Sufficiency Plan and each change or addition when they occur. The signatures indicate their agreement to the initial Self-Sufficiency Plan and subsequent changes. The participant's signature indicates that he understands and accepts the responsibility inherent in the Program.

The Self-Sufficiency Plan is a negotiated contract between the Department and the WV WORKS participant. It is a working document and revisions are made when either the participant or the Worker believes it necessary. Frequent changes are expected as the participant progresses toward his goal.

There are 4 additional considerations for the Worker during the negotiation of the Self-Sufficiency Plan, as follows.

1. Initial Self-Sufficiency Plan (SSP)

A full assessment of the family situation is required to complete a valid, long-term Self-Sufficiency Plan (SSP). To prevent a delay in the receipt of benefits to the client, an initial SSP must be completed within 10 days of the initial contact when a client expresses an interest in applying for WV WORKS. It is understood that the initial SSP will not be as comprehensive as subsequent plans.

Prior to completion of the initial Plan, the Worker must explore the following with the participant, at a minimum:

- Does the participant state a disability of any kind? The Worker must code Work Programs with the AD component when the participant has a documented disability.
- Is transportation a problem?
- Is child care a problem?
- Does the participant state family problems would interfere with an activity?

These factors, as well as any other information readily available, must be considered when negotiating the initial SSP.

2. First Full Self-Sufficiency Plan (SSP)

After the assessment process described in Section 24.4 has been implemented, the Worker is required to complete a full SSP. The first full SSP must be completed and signed within 45 days of the date of application and must be based on information determined through the assessment process, including the information obtained from form OFA-WVW-3A. When the WV WORKS benefit is re-opened within 3 months of a home visit, a new initial home visit is not required.

3. Subsequent Changes to the Self-Sufficiency Plan (SSP)

Changes may be made to the SSP when the participant and the Worker agree that changes are appropriate. These changes may be a result of identifying a new impediment to a goal, acceleration of the progress toward self-sufficiency, or on any other change in the client's circumstances. It may also be changed based on the addition of available services to the area or the loss of such services.

4. Domestic Violence Considerations

During the completion of the SSP, the Worker must make every opportunity available for the individual to disclose domestic violence issues which may affect the participant's particular requirements as a WV WORKS recipient. It must be stressed with the participant that disclosure may be a benefit in the negotiation process.

If, based on observation of a couple during an interview, the Worker suspects domestic violence is a factor, he may attempt to set up a separate interview at a later date. However, any attempt to do so must be done in a manner which insures the client's safety. Under no circumstances must the individual's safety be compromised or is the participant to be penalized for refusal to conduct a separate interview.

NOTE: When the participant's SSP involves requirements or exemptions due to domestic violence or plan monitoring with a domestic violence agency, the Worker must take special precautions when recording exemption information on the form or in RAPIDS. No copy of any such plan is filed in the record. The Worker may make phone contacts to monitor the plan and record only general information, i.e.; the name of the individual to whom he spoke, but not the organization; a statement that the current plan is being followed satisfactorily, etc. When monitoring the plan, the Worker must not contact the abuser, his relatives or friends, nor leave any messages regarding domestic violence on any home answering machine. The domestic violence indicator in RAPIDS serves as documentation of the reason for the requirements or exemption.

V. ORIENTATION

The purpose of Orientation to WV WORKS is to inform all applicants about the Program, the general policies and program requirements.

Orientation is part of the application process. It is an opportunity to make sure that each person understands the services available and the program requirements. It also gives the applicant an easy way to ask questions and receive answers. This will also begin the assessment process by allowing the Worker to determine the issues most important to the applicant

Each adult and emancipated minor in the WV WORKS AG and non-recipient Work-Eligible Individual must receive orientation to the Program. At the discretion of the CSM, orientation may be conducted in groups, individually, or in a combination of the two.

The important point in either process is that information be presented uniformly and the applicant leaves with a good understanding of the Program, his general requirements and services available to him. Not only is it important that each applicant in a District or Region receive the same kind of information, it is equally important that all applicants statewide receive the same kind of orientation information. For that reason, the two forms described below are used to accomplish uniformity. Their use is mandatory.

Attending a WV WORKS orientation and signing the DFA-WVW-4 are eligibility requirements, so eligibility may not be established until these are completed. However, when the AG reapplies for benefits within 3 months of the last day of the effective month of closure, the AG members or non-recipient Work-Eligible Individuals are not required to complete another orientation session.

EXAMPLE: An AG is closed on April 10th. The last day of the effective month of closure is April 30th. If he reapplies on or before July 31st, no new orientation is required.

1. DFA-WVW-4, Orientation To WV WORKS

This form contains a brief summary of some of the requirements unique to WV WORKS. The Worker must explain the information included on the form and add additional information in response to specific questions. Under no circumstances may delivery of the form to the client with no discussion of the information substitute for a full, uniform orientation to the Program.

In addition to the information on the form, the following is required: When a SSP has not already been completed and will not be completed during the orientation session, provide the client with a blank copy of the SSP. This will allow time for him to be prepared for the SSP interview.

WV WORKS List of Local Services

The WV WORKS List of Local Services template is included in Appendix D at the end of this Chapter. This is not a form, merely a template to assist local offices in producing a list of local services which the client may need or be required to use. The final list may be prepared by each District office or be prepared regionally, depending upon the availability of the services. It is designed to be developed once and reproduced for use during Orientation. Use of this list including the attachment is mandatory and must be updated as changes occur. Under no circumstances is staff to copy this template exactly as listed in Appendix D for use. With the exception of attachment A, the WV WORKS List of Local Services must be designed to reflect the availability and list of services in a particular District or surrounding area/region.

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The template contains information in parentheses after each main heading. This information is what is required to be included on the form or discussed with the client. It should not appear on the final form used by Workers.

When the template states to “list” information, it is expected that the local office will type the information on the form. When the template states “discuss” or “tell” it is expected that the Worker will verbally provide information.

When a particular service is not available locally, the local office may list the nearest location where such services are available or may type on the form: “Not Available Locally.” In some locations in the State, there may be more service locations than it is practical to list on the form. When this is true, list all locations on a separate sheet(s) of paper and on the form, refer to the attachment.

The applicant is expected to initial each item after it is discussed with him, but his eligibility is not affected if he does not. Under no circumstances may delivery of the form to the client substitute for a discussion of all the items on the form.

In addition to the items listed on the WV WORKS List of Local Services, there must be a complete discussion of domestic violence issues which include the following:

A discussion of the Department’s efforts to protect the safety of clients in domestic violence situations by choosing the Family Violence Option included in welfare reform legislation. Explain that literature is available in different locations throughout the office and from the Worker. The discussion should include the benefits of disclosure of domestic violence as it relates to work participation requirements and program time limits. It should also include information about how to disclose, i.e., to the Worker, other individual, etc. It is important that the Worker inform the client that this information is given to everyone who applies and does not indicate the Worker has any knowledge or suspicion of domestic violence. This is especially important when 2 parents or 2 non-parent caretakers are being interviewed.

Information on Attachment A of the template regarding sexual harassment must be discussed by the Worker with the client. Attachment A must be copied exactly as written and included with the WV WORKS List of Local Services provided to the client.

NOTE: Emancipated minors excluded from the AG, are not required to attend a group or individual WV WORKS Orientation.

W. RIGHTS OF APPLICANTS AND PARTICIPANTS WITH DISABILITIES

1. Introduction

The West Virginia Human Rights Act, West Virginia Code § 5-11-1, the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 apply to all programs established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) which established the Temporary Assistance to Needy Families (TANF) program. WV WORKS was established as a TANF program, and as such, the laws established under the Acts referenced above apply to WV WORKS.

These Acts provide:

- That no qualified individual with a recognized ADA disability will, by reason of that disability, be excluded from participation in, be denied any of the benefits or be discriminated against by the agency administering the program
- Discrimination by any agency which receives Federal financial assistance to support their TANF program is prohibited.

All TANF agencies are subject to review by the Office of Civil Rights and any complaints regarding discrimination are to be referred to and investigated by that office. See Section 1.2 for directions on filing a complaint.

2. Accommodations For The Disabled In WV WORKS

NOTE: Under Section 504 of the Rehabilitation Act and the ADA, a disability is “any physical or mental condition, including learning disabilities, mental retardation, a history of drug or alcohol addiction, depression, a mobility impairment or a hearing or visual impairment.” The Worker has the responsibility to inform the Work-Eligible Individual that disclosure of any or all of these conditions is voluntary and may provide any appropriate referrals once the information is provided.

Although disabled individuals may have a temporary barrier or exemption, automatic exemption of individuals with disabilities denies those individuals access to the TANF programs and services. This practice results in the discriminatory exclusion of disabled individuals from participating in the program. Under the law, every effort must be made to modify practices and policy, when appropriate, so disabled individuals may receive modified training and accommodated job opportunities. This policy permits the disabled to participate in the program and benefit from the employment and training opportunities offered to all other participants.

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Two concepts are central to making WV WORKS accessible to all applicants and participants:

- Individualized treatment – All individuals with disabilities must be treated on a case-by-case basis, in a way that is appropriate to accommodate their disabilities.
- Effective and meaningful opportunity – All disabled applicants and participants must be allowed to participate and given the opportunity to benefit from TANF programs in the same manner as all other participants and must be allowed to have meaningful access to the program.

Reasonable accommodations and services, must be available to all disabled participants so all services and programs are accessible to disabled individuals. These types of modifications are required at application and throughout all stages of the WV WORKS program and continue as necessary through employment or even during an extension of the 60 month limit of benefits. Any accommodation and/or modification must be documented in case comments.

Workers must make appropriate referrals to local service agencies that provide the services and assistance necessary to ensure the applicants' successful participation. Referrals are made using the DFA-ADA-1. Only 1 referral is made on each form. Distribution of the form is as follows:

- 1 copy remains in the client file.
- 1 copy to the client.
- 1 copy is for the client to deliver to the referral agency.

The DFA-ADA-1A is the follow-up form. The Worker completes this form to summarize the services that have been received and the outcomes of the services.

NOTE: WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes even if a referral to a local service agency is declined by the participant. When this occurs, it must be documented in case comments that a referral was offered and refused.

See Section 1.2,A,4 for the right to fair and equitable treatment of applicants and recipients.