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WEST VIRGINIA LEGISLATURE

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WEST VIRGINIA  
SECRETARY OF STATE

SEVENTY-EIGHTH LEGISLATURE

REGULAR SESSION, 2007

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**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 518**

(SENATORS PREZIOSO, HUNTER, CARUTH, HALL, PLYMALE,  
UNGER AND FOSTER, *original sponsors*)

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[Passed March 10, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §9-9-3, §9-9-6, §9-9-7, §9-9-8 and §9-9-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §9-9-21 and §9-9-22, all relating to bringing the West Virginia Works Program into compliance with federal law as required by the Deficit Reduction Act; providing for state funding of two- and four-year post-secondary education for West Virginia Works eligibility;

and providing for state funding for two-parent families to remain eligible for West Virginia Works.

*Be it enacted by the Legislature of West Virginia:*

That §9-9-3, §9-9-6, §9-9-7, §9-9-8 and §9-9-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §9-9-21 and §9-9-22, all to read as follows:

**ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.**

**§9-9-3. Definitions.**

1 In addition to the rules for the construction of statutes  
2 in section ten, article two, chapter two of this code and  
3 the words and terms defined in section two, article one  
4 of this chapter, unless a different meaning appears from  
5 the context:

6 (a) "At-risk family" means a group of persons living  
7 in the same household, living below the federally  
8 designated poverty level, lacking the resources to  
9 become self-supporting and consisting of a dependent  
10 minor child or children living with a parent, stepparent  
11 or caretaker-relative; an "at-risk family" may include  
12 an unmarried minor parent and his or her dependent  
13 child or children who live in an adult-supervised  
14 setting;

15 (b) "Beneficiary" or "participant" means any parent,  
16 work eligible individuals or caretaker-relative in an at-  
17 risk family who receives cash assistance for himself or  
18 herself and family members;

19 (c) "Caretaker-relative" means grandparents or other

20 nonparental caretakers not included in the assistance  
21 group or receiving cash assistance directly.

22 (d) "Cash assistance" means temporary assistance for  
23 needy families;

24 (e) "Challenge" means any fact, circumstance or  
25 situation that prevents a person from becoming self-  
26 sufficient or from seeking, obtaining or maintaining  
27 employment of any kind, including physical or mental  
28 disabilities, lack of education, testing, training,  
29 counseling, child care arrangements, transportation,  
30 medical treatment or substance abuse treatment;

31 (f) "Community or personal development" means  
32 activities designed or intended to eliminate challenges  
33 to participation in self-sufficiency activities. These  
34 activities are to provide community benefit and enhance  
35 personal responsibility, including, but not limited to,  
36 classes or counseling for learning life skills or parenting,  
37 dependent care, job readiness, volunteer work,  
38 participation in sheltered workshops or substance abuse  
39 treatment;

40 (g) "Department" means the state Department of  
41 Health and Human Resources;

42 (h) "Education and training" means hours spent  
43 regularly attending and preparing for classes in any  
44 approved course of schooling or training;

45 (i) "Family assessments" means evaluation of the  
46 following: Work skills, prior work experience,  
47 employability, education and challenges to becoming  
48 self-sufficient such as mental health and physical health

49 issues along with lack of transportation and child care;

50 (j) "Income" means money received by any member of  
51 an at-risk family which can be used at the discretion of  
52 the household to meet its basic needs: *Provided*, That  
53 income does not include:

54 (1) Supplemental security income paid to any member  
55 or members of the at-risk family;

56 (2) Earnings of minor children;

57 (3) Payments received from earned income tax credit  
58 or tax refunds;

59 (4) Earnings deposited in an individual development  
60 account approved by the department;

61 (5) Any educational grant or scholarship income  
62 regardless of source; or

63 (6) Any moneys specifically excluded from countable  
64 income by federal law;

65 (k) "Minor child head of household" means an  
66 emancipated minor under the age of eighteen years;

67 (l) "Nonrecipient parent" means an adult or adults  
68 excluded or disqualified by federal or state law from  
69 receiving cash assistance;

70 (m) "Personal responsibility contract" means a  
71 written agreement entered into by the department and  
72 a beneficiary for purposes of participation in the West  
73 Virginia Works Program;

74 (n) "Secretary" means the secretary of the state  
75 Department of Health and Human Resources;

76 (o) "Subsidized employment" means employment with  
77 earnings provided by an employer who receives a  
78 subsidy from the department for the creation and  
79 maintenance of the employment position;

80 (p) "Support services" includes, but is not limited to,  
81 the following services: Child care; medicaid;  
82 transportation assistance; information and referral;  
83 resource development services which includes assisting  
84 families to receive child support and supplemental  
85 security income; family support services which includes  
86 parenting, budgeting and family planning; relocation  
87 assistance; and mentoring services;

88 (q) "Temporary assistance to needy families" is the  
89 federal program funded under Part A, Title IV of the  
90 Social Security Act, codified at 42 U. S. C. §601, *et. seq.*

91 (r) "Transitional assistance" may include medical  
92 assistance, food stamp assistance, child care and  
93 supportive services as defined by the secretary and as  
94 funding permits;

95 (s) "Two-parent family" means two parents with a  
96 common child residing in the same household and  
97 included in a common West Virginia Works grant  
98 payment or, two parents with a common child residing  
99 in the same home and one or both of the parents are  
100 "work eligible individuals", as that term is defined in  
101 this section, but are excluded from the West Virginia  
102 Works payments unless the exclusion is due to an  
103 exemption as provided in section eight of this article.

104 (t) "Unsubsidized employment" means employment  
105 with earnings provided by an employer who does not  
106 receive a subsidy from the department for the creation  
107 and maintenance of the employment position;

108 (u) "Vocational educational training" means  
109 organized educational programs, not to exceed twelve  
110 months for any individual, that are directly related to  
111 the preparation of individuals for employment in  
112 current or emerging occupations requiring training  
113 other than a baccalaureate or advance degree.

114 (v) "Work" means unsubsidized employment,  
115 subsidized employment, work experience, community or  
116 personal development and education and training;

117 (w) "Work eligible individual" means an adult or  
118 minor child head-of-household receiving assistance  
119 under the West Virginia Works program or a  
120 nonrecipient parent living with a child receiving the  
121 assistance; and

122 (x) "Work experience" means a publically assisted  
123 work activity, including work associated with the  
124 refurbishing of publically assisted housing, performed  
125 in return for program benefits that provide general  
126 skills, training, knowledge and work habits necessary to  
127 obtain employment. This activity must be supervised  
128 daily and on an ongoing basis by an employer, work site  
129 sponsor or other responsible party.

**§9-9-6. Program participation.**

1 (a) Unless otherwise noted in this article, all adult  
2 beneficiaries of cash assistance and work eligible

3 individuals shall participate in the West Virginia Works  
4 Program in accordance with the provisions of this  
5 article. The level of participation, services to be  
6 delivered and work requirements shall be defined  
7 through legislative rules established by the secretary.

8 (b) Any individual exempt under the provisions of  
9 section eight of this article may participate in the  
10 activities and programs offered through the West  
11 Virginia Works Program.

12 (c) Support services other than cash assistance  
13 through the West Virginia Works Program may be  
14 provided to at-risk families to assist in meeting the  
15 work requirements or to eliminate the need for cash  
16 assistance.

17 (d) Cash assistance through the West Virginia works  
18 program may be provided to an at-risk family if the  
19 combined family income, as defined in section three of  
20 this article, is below the income test levels established  
21 by the department, subject to the following:

22 (1) Any adult member of an at-risk family who  
23 receives supplemental security income shall be excluded  
24 from the benefit group;

25 (2) Within the limits of funds appropriated therefor,  
26 an at-risk family that includes a married man and  
27 woman and dependent children of either one or both  
28 may receive an additional cash assistance benefit in an  
29 amount of one hundred dollars or less; and

30 (3) An at-risk family shall receive an additional cash  
31 assistance benefit in the amount of twenty-five dollars



32 regardless of the amount of child support collected in a  
33 month on behalf of a child or children of the at-risk  
34 family, as allowed by federal law.

**§9-9-7. Work requirements.**

1 (a) Unless otherwise exempted by the provisions of  
2 section eight of this article, the West Virginia works  
3 program shall require that anyone who possesses a high  
4 school diploma, or its equivalent, or anyone who is of  
5 the age of twenty years or more, to work or attend an  
6 educational or training program for at least the  
7 minimum number of hours per week required by federal  
8 law under the work participation rate requirements for  
9 all families in order to receive any form of cash  
10 assistance. Participation in any education or training  
11 activity, as defined in section three of this article, shall  
12 be counted toward satisfaction of the work requirement  
13 imposed by this section to the extent permissible under  
14 federal law and regulation: *Provided*, That the  
15 participant demonstrates adequate progress toward  
16 completion of the program. In accordance with federal  
17 law or regulation, the work, education and training  
18 requirements of this section are waived for any  
19 qualifying participant with a child under six years of  
20 age if the participant is unable to obtain appropriate  
21 and available child care services.

22 (b) The department and representatives of the Higher  
23 Education Policy Commission and the West Virginia  
24 Council for Community and Technical College  
25 Education shall develop and implement a plan to use  
26 and expand the programs available at the state's  
27 community and technical colleges, colleges and  
28 universities to assist beneficiaries or participants who

29 are enrolled or wish to become enrolled in vocational  
30 educational training not to exceed twelve months with  
31 respect to any individual to meet the work requirements  
32 of this section. Vocational educational training shall be  
33 supervised daily and on an ongoing basis.

**§9-9-8. Exemptions.**

1 The secretary shall establish by rule categories of  
2 persons exempt, but the exemption applies only to the  
3 work requirements of the program: *Provided*, That a  
4 person who is exempt from the work requirements may  
5 nevertheless participate voluntarily in work activities.  
6 The categories of exemptions are limited to the  
7 following:

8 (1) Undocumented aliens and aliens under the five-  
9 year ban;

10 (2) Parents, or at state option on a case-by-case basis,  
11 anyone receiving supplemental security income;

12 (3) A parent who is providing medically necessary care  
13 for a disabled family member who resides in the home  
14 and is not a full-time student;

15 (4) Minor parents who are not head of household  
16 (spouses of the head of household); and

17 (5) Grandparents and other nonparental caretakers.

**§9-9-9. Personal responsibility contract.**

1 (a) (1) Every eligible adult beneficiary and work  
2 eligible individual shall participate in a program

3 orientation, family assessments and in the development,  
4 and subsequent revisions, of a personal responsibility  
5 contract. The contract shall be defined based on the  
6 program time limits, support services available, work  
7 requirements and family assessments.

8 (2) The participant's contract shall include the  
9 following requirements:

10 (A) That the participant develop and maintain, with  
11 the appropriate health care provider, a schedule of  
12 preventive care for his or her dependent child or  
13 children, including routine examinations and  
14 immunizations;

15 (B) Assurance of school attendance for school-age  
16 children under his or her care;

17 (C) Assurance of properly supervised child care,  
18 including after-school care;

19 (D) Establishment of paternity or active pursuit of  
20 child support, or both, if applicable and if considered  
21 necessary; and

22 (E) Nutrition or other counseling, parenting or family-  
23 planning classes.

24 (3) If the participant is a teenage parent, he or she may  
25 work, but the contract shall include the requirements  
26 that the participant:

27 (A) Remain in an educational activity to complete high  
28 school, obtain a general equivalency diploma or obtain  
29 vocational training and make satisfactory scholastic

30 progress;

31 (B) Attend parenting classes or participate in a  
32 mentorship program, or both, if appropriate; and

33 (C) Live at home with his or her parent or guardian or  
34 in some other adult-supervised arrangements if he or  
35 she is an unemancipated minor.

36 (4) If the participant is under the age of twenty years  
37 and does not have a high school diploma or its  
38 equivalent, the contract shall include requirements to  
39 participate in mandatory education or training which,  
40 if the participant is unemployed, may include a return  
41 to high school, with satisfactory scholastic progress  
42 required.

43 (b) In order to receive cash assistance, the participant  
44 shall enter into a personal responsibility contract. If the  
45 participant refuses to sign the personal responsibility  
46 contract, the participant and family members are  
47 ineligible to receive cash assistance: *Provided*, That a  
48 participant who alleges that the terms of a personal  
49 responsibility contract are inappropriate based on his or  
50 her individual circumstances may request and shall be  
51 provided a fair and impartial hearing in accordance  
52 with administrative procedures established by the  
53 department and due process of law. A participant who  
54 signs a personal responsibility contract or complies with  
55 a personal responsibility contract does not waive his or  
56 her right to request and receive a hearing under this  
57 subsection.

58 (c) Personal responsibility contracts shall be drafted  
59 by the department on a case-by-case basis; take into

60 consideration the individual circumstances of each  
61 beneficiary; reviewed and reevaluated periodically, but  
62 not less than on an annual basis; and, in the discretion  
63 of the department, amended on a periodic basis.

**§9-9-21. West Virginia Works Separate State College Program;  
eligibility; special revenue account.**

1 (a) There is established the West Virginia Works  
2 Separate State College Program. The program shall  
3 provide funding for participants who are enrolled in  
4 post-secondary courses leading to a two- or four-year  
5 degree. There is created within the State Treasury a  
6 special revenue account to be known as the West  
7 Virginia Works Separate State College Program Fund.  
8 Expenditures from the fund shall be for the purposes set  
9 forth in this section and are not authorized from  
10 collections but are to be made only in accordance with  
11 appropriations by the Legislature and in accordance  
12 with the provisions of article three, chapter twelve of  
13 this code and upon fulfillment of the provisions of  
14 article two, chapter eleven-b of this code. Necessary  
15 expenditures include wage reimbursements to  
16 participating employers, temporary assistance to needy  
17 families, payments for support services, employment-  
18 related child care payments, transportation expenses  
19 and administrative costs directly associated with the  
20 operation of the program.

21 (b) All eligible adults attending post-secondary  
22 courses leading to a two- or four-year degree and who  
23 are not participating in vocational education training,  
24 as that term is defined in this article, shall be enrolled  
25 in the West Virginia Works Separate State College  
26 Program. Participants in the program shall not be

27 required to engage in more than ten hours per week of  
28 federally defined work activities. The work, education  
29 and training requirements of this article are waived for  
30 any qualifying participant with a child under six years  
31 of age if the participant is unable to obtain appropriate  
32 and available child care services. All other requirements  
33 of West Virginia Works apply to program  
34 administration for adults enrolled in the program.

35 (c) The Department of Health and Human Resources  
36 shall work with the Higher Education Policy  
37 Commission, as set forth in article one-b, chapter  
38 eighteen-b of this code, and the Council for Community  
39 and Technical College Education, as set forth in article  
40 two-b, chapter eighteen-b of this code, to develop and  
41 implement a plan to use and expend funds for the  
42 programs available at the state's community and  
43 technical colleges and colleges and universities to assist  
44 participants who are enrolled, or wish to become  
45 enrolled, in two- and four-year degree programs of  
46 post-secondary education to meet the work  
47 requirements of this article.

**§9-9-22. West Virginia Works Separate State Two-Parent  
Families Program.**

1 (a) There is established the West Virginia Works  
2 Separate State Two-Parent Families Program. The  
3 program shall provide funding for participants who are  
4 a two-parent family as that term is defined in this  
5 article. There is created within the State Treasury a  
6 special revenue account to be known as the West  
7 Virginia Works Separate State Two-Parent Program  
8 Fund. Expenditures from the fund shall be for the  
9 purposes set forth in this section and are not authorized

10 from collections but are to be made only in accordance  
11 with appropriations by the Legislature and in  
12 accordance with the provisions of article three, chapter  
13 twelve of this code and upon fulfillment of the  
14 provisions of article two, chapter eleven-b of this code.  
15 Necessary expenditures include wage reimbursements  
16 to participating employers, temporary assistance to  
17 needy families, payments for support services,  
18 employment-related child care payments,  
19 transportation expenses and administrative costs  
20 directly associated with the operation of the program.

21 (b) All eligible two-parent families, as that term is  
22 defined in this article, shall enroll in the West Virginia  
23 Works Separate State Two-Parent Families Program.  
24 All requirements of West Virginia Works shall apply to  
25 program administration for two-parent families  
26 enrolled in the program.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within ..... *is approved* ..... this  
the *3<sup>rd</sup>* Day of *April* ....., 2007.

*[Signature]*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

APR 03 2007

Time 1:30 pm