WEST virginia legislature

2023 regular session

Committee Substitute

for

House Bill 3484

By Delegates Householder, Jeffries, Gearheart and Espinosa

[Originating in the Committee on Government Organization; Reported on February 20, 2023]

A BILL to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to expanding the employment and training requirements necessary to receive SNAP benefits; defining and developing exemptions; clarifying the Secretary’s duties when there is a lack of funding or inability to provide employment and training; and identifying when assignments to the employment and training program may not be suspended.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

§9-8-2a. SNAP Employment and Training.

(a) Under the authority given to a state agency to operate the general work requirement pursuant to 7 U.S.C. § 2015(d), the Department of Health & Human Resources shall assign all individuals who are over the age of 17 and under the age of 60 to an employment and training program as defined in 7 U.S.C. § 2015(d)(4) unless the individual is:

(1) Currently subject to and complying with a work registration requirement under title IV of the Social Security Act [[42 USCS §§ 601](https://advance.lexis.com/search/?pdmfid=1000516&crid=43acf5bf-bfa5-4c2b-aac9-b71bc116d77e&pdsearchterms=7+U.S.C.+%C2%A7+2015(d)&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdstartin=&pdpsf=&pdqttype=and&pdquerytemplateid=&ecomp=3z6vkkk&earg=pdsf&prid=f125a551-c878-4219-bf1e-98fd1efef501) *et seq*.], as amended ([42 U.S.C. 602](https://advance.lexis.com/search/?pdmfid=1000516&crid=43acf5bf-bfa5-4c2b-aac9-b71bc116d77e&pdsearchterms=7+U.S.C.+%C2%A7+2015(d)&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdstartin=&pdpsf=&pdqttype=and&pdquerytemplateid=&ecomp=3z6vkkk&earg=pdsf&prid=f125a551-c878-4219-bf1e-98fd1efef501)) or the Federal-State unemployment compensation system, in which case, failure by such person to comply with any work requirement to which such person is subject shall be the same as failure to comply with the general work requirement;

(2) A parent or other member of a household with responsibility for the care of a dependent child under age six or of an incapacitated person;

(3) A bona fide student enrolled at least half time in any recognized school, training program, or institution of higher education (except any such person enrolled in an institution of higher education who are ineligible to participate under 7 U.S.C. § 2015(d);

(4) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(5) Employed a minimum of 30 hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended ([29 U.S.C. 206(a)(1)](https://advance.lexis.com/search/?pdmfid=1000516&crid=43acf5bf-bfa5-4c2b-aac9-b71bc116d77e&pdsearchterms=7+U.S.C.+%C2%A7+2015(d)&pdtypeofsearch=searchboxclick&pdsearchtype=SearchBox&pdstartin=&pdpsf=&pdqttype=and&pdquerytemplateid=&ecomp=3z6vkkk&earg=pdsf&prid=f125a551-c878-4219-bf1e-98fd1efef501)), multiplied by 30 hours; or

(6) A person between the ages of 16 and 18 who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.

(b) The Department of Health & Human Resources may develop a list of additional, non-federal exemptions from participation such as, but not necessarily including exemptions for lack of public/private transportation or pregnancy, but may not, in any fiscal year, provide exemptions to a number of individuals equal to or greater than 20 percent of the total number of work registrants enrolled the previous fiscal year without first receiving explicit authorization from the Legislature to do so.

(c) In the event that the Secretary of the Department of Health & Human Resources finds that employment and training assignments cannot be funded or provided to all individuals subject to such assignment under this section, the secretary shall:

(1) Submit a report within 14 days of failing to make a required assignment to all members of the Legislature containing:

(A) An attestation that the department has expended the state’s biennial employment and training grant from the federal government;

(B) An attestation that the department has received and expended its ABAWD pledge funding from the federal government;

(C) A detailed explanation of the cost-saving measures considered and taken to increase the number of assignments, including online training, work experience components, or work partnership, and why further assignments cannot be made within existing funding streams despite those measures;

(D) Recommendations for additional funding streams related to workforce training that would be more effectively used to increase workforce participation by directing funds toward employment and training assignments or an explanation for why such redirection from other funding streams would not be more effective to that end;

(E) The percentage of work registrants assigned to an employment and training program in the previous month, to be updated and resubmitted monthly to all members of the Legislature; and

(F) A plan for how the department plans to restart assignments for all individuals subject to assignment within six months without additional funding using more scalable and affordable employment and training assignments such as participation in online training, work experience components, or work partnerships.

(2) Continue to assign as many individuals subject to the requirement as possible, prioritizing adults without dependents who have been enrolled for more than two years.

(d) The Department of Health & Human Resources may not stop making assignments or decline to assign any individual to an employment and training program because the work requirement for able-bodied adults without dependents under 7 U.S.C. §2015(o) has been suspended partially or wholly by the department, state, or federal government.