

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 562

By Senators Roberts, Azinger, Deeds, Hunt, Karnes,

Martin, Oliverio, Swope, Smith, and Maroney

[Introduced January 25, 2024; referred

to the Committee on the Workforce]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-8-2a, relating to expanding the employment and training requirements
 3 necessary to receive Supplemental Nutrition Assistance Program benefits; defining and
 4 developing exemptions; clarifying the secretary’s duties when there is a lack of funding or
 5 inability to provide employment and training; and identifying when assignments to the
 6 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.

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

5 (1) Currently subject to and complying with a work registration requirement under title IV of
 6 the Social Security Act [42 USCS §§ 601 et seq.], as amended (42 U.S.C. 602) or the Federal-
 7 State unemployment compensation system, in which case, failure by such person to comply with
 8 any work requirement to which such person is subject shall be the same as failure to comply with
 9 the general work requirement;

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

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

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

17 (5) Employed a minimum of 30 hours per week or receiving weekly earnings which equal
18 the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C.
19 206(a)(1)), multiplied by 30 hours; or

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

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

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

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

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

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

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

41 (D) Recommendations for additional funding streams related to workforce training that
42 would be more effectively used to increase workforce participation by directing funds toward

43 employment and training assignments or an explanation for why such redirection from other
44 funding streams would not be more effective to that end;

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

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

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

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

NOTE: The purpose of this bill is to expand the employment and training requirements necessary to receive SNAP benefits. The bill defines and expands exemptions. The bill clarifies the Secretary's duties when there is a lack of funding or inability to provide employment and training. Finally, the bill identifies when assignments to the employment and training program may not be suspended.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.