

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 562

BY SENATORS ROBERTS, AZINGER, DEEDS, HUNT,
KARNES, MARTIN, OLIVERIO, SWOPE, SMITH, AND
MARONEY

[Originating in the Committee on Finance; reported
February 21, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
2 sections, designated §9-8-2a and §9-8-2b, all relating to expanding the current mandatory
3 employment and training requirements necessary to receive Supplemental Nutrition
4 Assistance Program benefits; defining and developing exemptions; clarifying the
5 secretary's duties when there is a lack of funding or inability to provide employment and
6 training; identifying when assignments to the employment and training program may not
7 be suspended; evaluating the current voluntary employment and training program
8 requirements necessary to receive Supplemental Nutrition Assistance Program benefits;
9 requiring the department to define and develop reporting systems; and reporting on and
10 measuring expectations of the employment and training program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

§9-8-2a. Mandatory Supplemental Nutrition Assistance Program employment and training.

1 (a) Under the authority given to a state agency to operate the general work requirement,
2 the Department of Human Services shall assign all abled-bodied adults without dependents who
3 are over the age of 18 and under the age of 59 to an employment and training program as defined
4 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
6 IV of the Social Security Act [42 USCS §§ 601 et seq.], as amended (42 U.S.C. 602) or the
7 Federal-State Unemployment Compensation Program, in which case, failure by such person to
8 comply with any work requirement to which such person is subject shall be the same as failure to
9 comply with 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 part 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;

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

22 (7) A person is exempt from Supplemental Nutrition Assistance Program (SNAP) work
23 requirements that comply with 7 CFR 273.7(b).

24 (b) The Department of Human Services may develop a list of additional, non-federal
25 exemptions from participation that are based on challenges work registrants may experience to
26 achieve compliance. The number of exemptions shall not exceed 20 percent of the total number
27 of work registrants enrolled in the previous year after deducting from the total of all individuals
28 receiving federal exemptions.

29 (c) The Department of Human Services shall make available to each work registrant a
30 comprehensive list of all SNAP employment and training (E&T) services available in the
31 registrant's county, or requested surrounding counties, to adults participating in a mandatory or a
32 voluntary E&T program within 15 working days of registration.

33 (d) In the event that the Secretary of the Department of Human Services determines that
34 there is not an appropriate and available SNAP E&T component due to a lack of funding for a
35 mandatory E&T participant, the individual will be exempt from mandatory SNAP E&T participation.
36 This provision does not apply to or count toward the department's ability to identify additional
37 exemptions identified in subsection (b) of this section.

38 (e) If the secretary determines that there is not an appropriate and available SNAP E&T
39 component due to a lack of funding, the secretary shall:

40 (1) Submit a report within 14 days of said determination to all members of the Legislature
41 containing:

42 (A) An attestation that the department has expended the state's biennial E&T grant from
43 the federal government;

44 (B) An attestation that the department has received and expended its able-bodied adults
45 without dependents pledge funding from the federal government;

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

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

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

56 (F) Plans for how the department will address a lack of funding for a mandatory E&T
57 program for all individuals subject to assignment within six months without additional funding
58 using more scalable and affordable E&T assignments such as participation in online training, work
59 experience components, or work partnerships; and

60 (2) Continue to assign as many individuals subject to the requirement as possible,
61 prioritizing adults who have been enrolled for more than two years.

62 (f) All reports generated by the Department of Human Services which measure any data
63 related to the mandatory SNAP E&T program that are submitted to the federal government must

64 also be submitted to the Legislative Oversight Commission on Health and Human Resources
65 Accountability.

§9-8-2b. Voluntary Supplemental Nutrition Assistance Program employment and training.

1 (a) Beginning on October 31, 2024, and ending on October 31, 2027, the department shall
2 submit an annual report no later than October 31 of each year, during the time frame specified in
3 this subsection, to the Legislative Oversight Commission on Health and Human Resources
4 Accountability on the voluntary employment and training (E&T) program for participating able-
5 bodied adults. The report shall include, at a minimum, the following for the preceding federal fiscal
6 year:

7 (1) An unduplicated count of individual Supplemental Nutrition Assistance Program
8 (SNAP) recipients aged 18-59, by county and in the aggregate, that includes a breakdown of
9 federal and state-approved exemptions from the SNAP work registration requirement;

10 (2) An unduplicated count of individual SNAP recipients aged 18-59, by county and in the
11 aggregate, that includes individuals who are also subject to SNAP federal regulations regarding
12 students;

13 (3) The number and percentage of individual SNAP recipients aged 18-59 and reporting
14 household income as of October 1 each year and the average of that reported income;

15 (4) The number and percentage of individual SNAP recipients referred to the SNAP E&T
16 program;

17 (5) The number and percentage of individuals who were enrolled in a SNAP E&T
18 component and completed a training, educational, or work experience activity;

19 (6) The number and percentage of individuals who attained an in-demand credential likely
20 to lead to self-sufficiency, including, but not limited to, CDL, HVAC, forklift operators, nursing
21 assistants, trade skills, and registered apprenticeships;

22 (7) The number and percentage of work registrants enrolled in E&T who have been co-
23 enrolled by the regional workforce development boards in services funded under the Workforce

24 Innovation and Opportunity Act and have dual participation verified through both the Department
25 of Human Services PATH system and the Workforce WV MACC system;

26 (8) The number and percentage of E&T participants who retain employment for two
27 quarters after completing E&T;

28 (9) The number and percentage of E&T participants who retain employment for four
29 quarters after completing E&T;

30 (10) The number and percentage of individuals referred to E&T who were disenrolled due
31 to non-compliance, lack of participation, or any reason other than receipt of gainful employment;

32 (11) The number and percentage of SNAP recipients engaged in a work or education
33 activity and also receiving child care assistance funded by the federal Child Care Development
34 Block Grant;

35 (12) The number and percentage of individual SNAP recipients aged 18-59 who were
36 removed from SNAP as a result of an increase to household income;

37 (13) The number and percentage of individual SNAP recipients aged 18-59 who were
38 removed from SNAP as a result of occurrence of non-compliance not supported by good cause;

39 (14) The number and percentage of individual SNAP recipients aged 18-59 who
40 participate in a conciliation process, including the length of time of such process, if offered;

41 (15) A description of the nature of the E&T components the department offers and the
42 reasons for such components, including cost information;

43 (16) A description of the method the department uses to prevent E&T participants from
44 being counted twice within a federal fiscal year. If the department universally work registers all
45 SNAP applicants, this method shall specify how the department excludes those exempt from work
46 registration. If the department work registers non-exempt participants whenever a new application
47 is submitted, this method shall also specify how the department excludes those participants who
48 may have already been registered within the past 12 months;

49 (17) A description of each third-party partner contracted to serve E&T participants,
50 including the number of individuals served and the number of individuals served by each partner
51 having gained employment or earned a credential as a result of participation in the program; and

52 (18) Efforts made by the department to recruit new third-party partners for the E&T
53 program.

54 (b) The report shall further describe the department's progress towards meeting the
55 following additional goals:

56 (1) Increase the number of individuals who retained employment for two quarters after
57 completion of their E&T program by five percent in year one, seven percent in year two, and 12
58 percent in year three;

59 (2) Increase the number of individuals who retained employment for four quarters after
60 completion of their E&T program by five percent in year one, seven percent in year two, and 12
61 percent in year three;

62 (3) Increase the number of individuals who are entered into a USDA-approved SNAP E&T
63 component category by five percent in year one, seven percent in year two, and 12 percent in
64 year three;

65 (4) Increase the number of individuals who attained an in-demand credential by five
66 percent in year one, seven percent in year two, and 12 percent in year three;

67 (5) Decrease the number of work registrants disenrolled from E&T due to compliance
68 issues (or another reason other than receipt of gainful employment) by five percent in year one,
69 seven percent in year two, and 12 percent in year three;

70 (6) Have recruited five new SNAP E&T third-party partners by year three, of which at least
71 one shall be a private sector entity; and

72 (7) And any other information the Legislative Oversight Commission on Health and Human
73 Resources Accountability may require.

74 (c) The Legislative Oversight Commission on Health and Human Resources
75 Accountability, in accordance with the powers and duties prescribed in §16-29E-5 of this code,
76 may recommend SNAP E&T program changes to the department as well as proposing corrective
77 legislation notwithstanding the time frame specified in this section.

78 (d) Nothing in this statute requires or prohibits the department from expanding a
79 mandatory SNAP E&T program policy notwithstanding the provisions set forth in this article.