

**CHAPTER 166. EMPLOYMENT AND COMMUNITY WORK
EXPERIENCE PROGRAM**

Sec.
166.21. Policy.
166.22. Definitions.
166.23. Requirements.

Authority

The provisions of this Chapter 166 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)), unless otherwise noted.

Source

The provisions of this Chapter 166 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4338, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 175.23 (relating to requirements); and 55 Pa. Code § 177.2 (relating to definitions).

§ 166.21. Policy.

(a) *Statutory base.* The Omnibus Budget Reconciliation Act of 1981 Pub. L. 97-35, 95 Stat. 357, provides flexibility for the State to develop work alternatives, including the Community Work Experience Program (CWEP) in the Aid to Families with Dependent Children (AFDC) program. The 1982 amendments to the Public Welfare Code include requirements for the establishment of a Community Work Program (62 P. S. § 405.2), and revise section 405.1(e) to expand the Pennsylvania Employables Program from a demonstration to a Statewide employment program.

(b) *General policy.* The Pennsylvania Employables Program (PEP) assists cash grant recipients to obtain *bona fide* full-time employment. The Community Work Experience Program provides work experience opportunities for cash grant recipients who have not received a *bona fide* offer of employment or training from the Office of Employment Security (OES) or PEP. Assignments are made to projects sponsored by departments, agencies or institutions of this Commonwealth or any political subdivision located within this Commonwealth, any agency of the Federal government, and under the auspices of nonprofit agencies when the work objectives are consistent with those of the governmental unit acting as the project operator. Employment search activities through OES and PEP continue during the enrollment in CWEP.

§ 166.22. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

CAO employment unit (EU)—A unit consisting of an employment officer and the support staff as may be assigned by the Department.

CWEP—Community Work Experience Project—The provision of work opportunity and experience for recipients sponsored by a unit of Federal, State or local government which results in a benefit to the general public. The project may include work experience for recipients under the auspices of nonprofit agencies.

EO—Employment officer—A County Assistance Office (CAO) employe who has been designated to administer PEP or CWEP.

Project assignment—A placement of a recipient in CWEP as determined by the CAO.

Project operator—A unit of Federal, State or local government which has entered into an agreement with the Department to operate a work project.

§ 166.23. Requirements.

(a) *General.* The requirements of §§ 165.23 and 165.24 (reserved) apply, except as modified in this chapter.

(b) *Pennsylvania Employables Program.* Requirements for the Pennsylvania Employables Program (PEP) will be as follows:

(1) *Enrollment.* The CAO shall enroll each nonexempt cash grant recipient into PEP on the 15th calendar day after assistance is authorized unless the recipient finds employment, is placed in employment by OES or has been reported by OES as refusing to cooperate.

(2) *Referral to bona fide employment, training or employment generating sources.* The CAO employment unit, through PEP, shall make every effort to place each enrolled individual into *bona fide* employment or training, as defined in § 165.23(f)(1), or will refer recipients, when applicable, to a licensed private employment agency under contract with the Department or other employment-generating sources for placement. Placement priority shall be given to GA recipients.

(c) *Community work experience program.* Requirements for the Community Work Experience Program (CWEP) will be as follows:

(1) *Enrollment.* The CAO shall enroll each cash grant recipient who is nonexempt in accord with § 165.23(b), and who has not been placed in *bona fide* employment or training, into CWEP on the 15th calendar day after his enrollment into PEP. Efforts by OES and by the EU shall continue to be made to place persons in employment after enrollment in CWEP. Persons assigned to a CWEP must continue to search for full-time employment through OES, PEP and on their own on days when not assigned to a community work experience project.

(2) *Project assignment.* The EU may refer any nonexempt member of a TANF or GA unit to a project assignment at any time, including the following persons:

(i) An AFDC or GA parent or caretaker of a child between the age of 6 and 14 who is personally providing care for the child with only very brief and infrequent absences from the child, but only at times when the child is in school or when there are adequate day care arrangements available at no cost to the parent or caretaker.

(ii) AFDC recipients who are exempt from active participation in WIN only because they are too remote, in accord with § 167.43(b)(9) (Reserved).

(iii) AFDC recipients who are employed less than 80 hours per month. AFDC persons employed 80 hours or more per month at the current minimum wage for such employment will not be required to participate in CWEP. Also exempt are AFDC persons who work 80 hours or more per month in a job for which a minimum wage has not been established.

(iv) GA recipients who are not employed full-time as defined in § 165.23(b)(2)(vii).

(3) *Selection of participants.* Requirements for selection of participants are as follows:

(i) The EO shall establish and maintain a continually updated assignment list, with first priority given to GA recipients.

(ii) The EO, in selecting participants for assignment, shall take into consideration, to the extent possible, the prior training, proficiency, experience and skills of the participants.

(iii) When a project terminates, persons assigned to that project will be returned to the bottom of the assignment list for reassignment.

(4) *Orientation.* The EU shall provide orientation for each person assigned to a CWEP. The orientation must be in person, either individually or in a group setting. An orientation handbook which explains the rights and responsibilities of the client in CWEP will be given to each person as a part of their orientation.

(5) *Assignment to CWEPs within 25 miles.* The EU shall refer a person to a project assignment only if the location for reporting for work is within 25 miles of his place of residence.

(6) *Duration of assignment.* The EO shall assign persons to a CWEP for a period of time in a calendar month no longer than the number of whole hours derived from dividing the dollar amount of the monthly assistance grant by the minimum wage. No assignment during a calendar month may exceed the number of hours derived from this computation. Where there are two or more non-exempt persons in the assistance unit, the total hours worked by any or all members of the assistance unit may not exceed the hours computed, as described in this paragraph. Any hours lost through excused absences in accordance with the personnel procedures of the project operator will be rescheduled within the same calendar month, if possible.

(7) *Client participation expenses.* Recipients assigned to CWEP may not be required to use their assistance or their income or resources to pay costs of

participation. Expenses for the least expensive transportation available and other costs that are necessary and directly related to participation in CWEP will be borne by the project operator through a payment of up to \$25 per month per participant.

(8) *Sanctions.* Nonexempt persons who refuse to participate in CWEP without good cause will be subject to sanctions as follows:

(i) For AFDC recipients who refuse to participate, the procedures in § 167.43(e) and (f) will apply.

(ii) For GA recipients, the sanctions described in § 165.23(e) will apply.

(9) *Termination.* Requirements on termination of the CWEP assignment are as follows:

(i) The assignment will be terminated on the date of discontinuance of assistance.

(ii) The assignment will be terminated when a person is determined to have exempt status.

(iii) The assignment will be terminated when a parent or caretaker of a child under age 14 no longer meets the conditions of paragraph (2)(i).

(iv) The assignment will be terminated at the end of 6 months of continuous assignment to a single CWEP when there are others on the assignment list who can benefit from the experience.

(10) *Responsibilities of project operators.* Requirements for the responsibilities of project operators are as follows:

(i) Project operators are responsible for the supervision of the work experience of a person assigned to them, and to report to the Department as required by the Department.

(ii) Project operators will be required by the Department to do the following:

(A) Meet health and safety standards prescribed by Federal, State and local law.

(B) Provide equipment, special protective clothing or uniforms as required by the nature of the work.

(C) Cover costs which are both reasonably necessary and directly related to participation in the program as set forth in paragraph (7).

(D) Provide Workers' Compensation insurance coverage for persons assigned to them.

(E) Provide work opportunities which are not the result of a labor dispute, strike or lockout and which do not result in the layoff, downgrading, prevention of return to work of an available competent employe or reduction of work for regular employes resulting in loss of salary or other compensation.

(F) Provide a work opportunity which is not in any way related to political, electoral or partisan activities.

Source

The provisions of this § 166.23 amended July 28, 2000, the provisions under Act 49 effective retroactive to September 1, 1994, 30 Pa.B. 3779. Immediately preceding text appears at serial pages (175256) and (108817) to (108819).

[Next page is 167-1.]

166-6

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