

To place an individual in subsidized employment, the displacement/replacement policy found below and the employment standards found below apply.

1. Displacement/Replacement

Placement of WV WORKS clients into subsidized employment must not dislocate, displace, or otherwise have an adverse effect on an employer's regular labor force. The following apply:

- The regular employees must not suffer a reduction in work hours, overtime, fringe benefits or the opportunity for advancement.
- The employer must not decline to hire a regular employee in anticipation of a WV WORKS placement.
- The employer must not allow a reduction in his regular labor force by increasing the labor force with WV WORKS placements.
- WV WORKS placements must not cause a relocation of workers from one geographical area to another.
- The regular employees at a work site must be informed that WV WORKS placements may not cause any dislocation and that they may file a grievance if they feel their job has been adversely affected by WV WORKS placements. See Appendix A and B.
- WV WORKS placements must not be made at job sites involved in any abnormal labor condition, such as a strike or lockout.

2. Employment Standards

- Subsidized employment must meet the employment standards listed below. When the subsidized employment does not meet all of the criteria, the client has good cause for refusing or failing to take action to secure the position.
- The employer must not be in violation of the Civil Rights Act, the Americans with Disabilities Act or any other law governing the equal treatment of employees in the workplace.
- The employment must not impair existing contracts for service or collective bargaining.
- The starting wage must be at or above the applicable state or federal minimum wage.
- A participant must receive the same benefits as a non-subsidized employee who performs similar work.

3. Employment Subsidy Program (ESP)

The Employment Subsidy Program (ESP) is a statewide subsidized employment placement program. Eligible WV WORKS participants will be referred by local WV WORKS staff to employers for placement in full-time private or public subsidized employment positions. Priority is to be given to those WV WORKS participants who require necessary work experience and job skills in order to enter unsubsidized employment. ESP placements will be for up to 6 months. Reimbursement will be 100% of the individual's wage. ESP placements must not provide more than 50% of the employer's labor force.

Only Work-Eligible Individuals in active WV WORKS cases may be referred for ESP placement.

WV WORKS staff will negotiate and sign the ESP Agreement, DFA-ESP-1, when placing individual WV WORKS participants in ESP positions. WV WORKS staff will complete the DFA-ESP-1 in duplicate and will distribute in the following manner:

- 1 original provided to the ESP Employer
- 1 copy to local WV WORKS staff for filing
- 1 copy to the DFA, Family Support Policy Unit

Copies of all ESP contracts must be scanned to DFA to ensure the available funding is not exceeded.

Participants in ESP will be placed in the following components in e-RAPIDS:

CODE	COMPONENT
FV	Full-Time Subsidized Private Sector Employment
FB	Full-Time Subsidized Public Sector Employment

All ESP placements will be at least 30 hours per week.

The Participant Time Sheet, DFA-TS-12, and the Employer Reimbursement Request, DFA-ESP-2, will serve as the employer's request for an ESP reimbursement. Both forms will be provided monthly by the employer to the local DHHR office. Payment is made to the business/vendor via support services with copies going to DFA Family Support Policy Unit. Payment type ES in Work Programs is used. A BA-67 is not required.