

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 4, 2004

ALL-COUNTY INFORMATION NOTICE NO. I-06-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS
ALL FSET COORDINATORS

SUBJECT: EMERGENCY REGULATIONS FOR
FOOD STAMP WORK REGISTRATION
REQUIREMENTS, FOOD STAMP EMPLOYMENT AND TRAINING (FSET),
PROGRAM AND ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDs)
WORK RULE (ORD #1202-28)

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

REFERENCE: ALL-COUNTY LETTER (ACL) NO.03-64, DATED DECEMBER 22, 2003

The purpose of this letter is to transmit final regulations that amended the Food Stamp Program work requirements for Non-Assistance Food Stamp (NAFS) recipients, which include FSET participants and ABAWDs. The emergency regulations, which became effective August 8, 2003, were distributed to counties by the Department's Regulations Development Bureau on August 28, 2003. Modifications were made to the emergency regulations after the public testimony phase and these proposed post-hearing regulations were provided to counties via ACL 03-64 on December 22, 2003. The Office of Administrative Law has approved the post-hearing regulations, which were submitted to the Secretary of State with an effective date of January 16, 2004. Only the post hearing changes are underscored or struck out in the attached final regulations. These changes are not substantive but are needed for continuity and clarity.

As provided in ACL No. 03-64, we want to remind counties that these regulations are to be implemented retroactively to August 8, 2003. If not already done, counties need to identify cases affected by the rule and, if it has resulted in an under or over issuance, the county is to correct the case accordingly.

If you have any questions regarding these emergency regulations, please contact Robert Nevins, Employment Analyst, Employment Bureau, at (916) 654-1408, or by e-mail at robert.nevins@dss.ca.gov.

Sincerely,

Original Document Signed By
Charr Lee Metsker on 2/3/04

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

c: CWDA
CSAC

1) Amend Sections 63-300.5(g)(3)(C) to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

(g) Verification of Questionable Information (Continued)

(3) Work Registration (Continued)

(C) If a household member's claim of good cause for voluntary quit or reduction of work effort defined in Section 63-408.4 is questionable, the CWD shall request verification to support the good cause claim.
(Continued)

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, 11348.5, 18904, and 18932, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(b)(ii), (c)(2)(i) and (ii), (c)(3), (c)(5), (e)(1), (e)(2), (e)(3), (f)(1)(i)(C), (ii)(B)(1), (2), (3), and (C), and (iii)(h)(1)(i)(D), and proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), (h), (h)(1)(i)(D), and (j)(1); 7 CFR 273.4(a)(2) and (10) and (c)(2); 7 CFR 273.7(i)(4) and (j)(1); 7 CFR 273.12(c) and (c)(3); 7 CFR 273.14(b)(3)(i), (iii) and (b)(4) and (e); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

- 1) Amend Sections 63-407.5, .6, and .8 to read:
- 2) Amend Sections 63-407.52, .53, .611, .62, .811, and .831 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.5 Failure to Comply; Good Cause; Notification; and Disqualifications (Continued)

.52 Within 10 days of determining that noncompliance with any of the food stamp work registration requirements at Section 63-407.41 was without good cause as specified in Section 63-407.51, the CWD shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant individual. In addition to the notification requirements specified in Section 63-504.21, the notice shall contain a description of the act of noncompliance, identify the minimum length of the food stamp disqualification and specify that if at any time the individual becomes exempt in accordance with Section 63-407.21, the disqualification shall end and the individual may reapply for food stamps. Information describing the action that can be taken to avoid the ineligibility before the disqualification period begins must be included on or with the notice. The notice shall specify that the individual, if otherwise eligible, may apply for food stamp benefits at the end of the disqualification period. (Continued)

.53 For purposes of determining the appropriate disqualification to apply, the CWD shall count any previous sanctions and/or disqualifications imposed on an individual for failing to comply with the provisions of work registration in Section 63-407; unemployment, CalWORKs ~~welfare-to-work~~ WTW, and other substitute work programs in Section 63-407.54; and voluntary quit and reduction of work effort in Section 63-408. If the individual qualifies for one of the exemptions listed at Section 63-407.21 during the minimum disqualification period identified in Sections 63-407.531, .532 or .533, the disqualification shall end and the individual may reapply and be approved for food stamps ~~reestablish receipt of food stamps without reapplying~~ if otherwise eligible. The start date of the disqualification period shall begin the first of the month following the month the individual is provided timely notice of adverse action.

.531 The minimum duration of the first food stamp disqualification is one month.

.532 The minimum duration of the second food stamp disqualification is three months.

.533 The minimum duration of the third or subsequent food stamp disqualification is six months. (Continued)

.6 Ending a Disqualification Period

.61 Following the completion of a minimum disqualification period identified in Section 63-407.53, an individual who is otherwise eligible, may apply for food stamps and be approved if the CWD determines the individual is in compliance with the food stamp work registration requirements defined in Section 63-407.4. For the purpose of this provision, in compliance means the individual is fulfilling one of the food stamp work registration requirements, or he/she agrees to fulfill the requirements as specified by the CWD at application.

.611 If an individual becomes exempt in accordance with Section 63-407.21 or ~~63-401.3~~ 63-410.3 during a disqualification period, the individual may reestablish food stamp eligibility without by reapplying for food stamp benefits if otherwise eligible. (Continued)

.62 An individual ~~subject to the ABAWD work requirement of Section 63-410~~, who is disqualified for not meeting the food stamp work requirements (e.g., not accepting a job offer) and is discontinued for failing to comply; with the 80 hours per month ABAWD work requirement may regain food stamp eligibility if after the disqualification period has ended, he/she complies with the requirements of Section 63-410.5 or becomes exempt under Section 63-410.3 during the disqualification period. (Continued)

.8 Food Stamp Employment and Training (FSET) Program

.81 CWD Screening (Continued)

.811 The following ~~registrants~~ individuals shall be deferred from mandatory participation until the CWD determines that the situation precluding FSET participation no longer exists. (Continued)

(c) A person who is unable to participate due to personal circumstances. This shall include persons who: (Continued)

(2) Lack transportation, which is defined as:

(A) Private or public transportation is not available at reasonable times on a regular basis; or

(B) Monthly transportation costs plus other costs of participation (excluding dependent care costs) that exceed the amounts as determined in Section 63-407.831. (Continued)

.83 Participant Reimbursement

The CWD shall reimburse participants, including volunteers and applicants, for costs that are reasonably necessary and directly related to participation as specified in Sections 63-407.831 and .832. The CWD shall inform each participant that allowable expenses identified in this section shall be reimbursed upon presentation of appropriate documentation.

.831 The CWD shall provide reimbursement payments for the actual costs of transportation and other FSET participation expenses (other than dependent care costs) that are reasonable and necessary and directly related to participation in the FSET program. These payments shall be provided as either a reimbursement for expenses incurred or in advance as payment for anticipated expenses in the coming month.

(a) In addition to transportation costs, training or education related expenses include, but are not limited to, the costs of uniforms, personal safety items or other necessary equipment, and books or training manuals. Such expenses shall not include the cost of meals away from home.

(1) CWDs shall determine the level of reimbursement or advance.

(A) The level of reimbursement or advance shall be defined in the county FSET plan and approved by CDSS.

(2) The CWD shall maintain written policy and procedures for the reimbursement of transportation and ancillary expenses.

(3) The CWD's policy and procedures shall be made available to FSET participants. (Continued)

(b) Reasonable and necessary as it applies to transportation means:

(1) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in an FSET activity.

(2) If there is no public transportation available that meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:

(A) The CWD shall select an existing reimbursement rate used in the county, or

(B) The CWD shall develop a rate that covers necessary costs.

- (C) The reimbursement rate may not include a “cap,” or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
- (3) Parking for FSET participants shall be reimbursed at actual cost. Individuals shall submit receipts for this purpose, except in cases where parking meters are used.
- (4) FSET participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 63-407.831(b)(1) and (2).
- (c) Reasonable and necessary ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other essential costs. (Continued)

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7; 7 U.S.C. 2014(e); 7 U.S.C 2015(d) and (o); 7 U.S.C. 2025(h); 7 U.S.C. 2029(a)(1) and (e); 7 U.S.C. 2035; Sections 4121(c) and (d) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on a Simplified Food Stamp Program (SFSP), dated May 22, 1997; SFSP approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000; ~~and~~ FNS letters to CDSS dated August 27, 2001 and November 13, 2001 regarding compliance with the food stamp work registration requirements and resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.

- 1) Amend Section 63-408 to read:
- 2) Amend Sections 63-408.11; .12; .121; .213; .213(a); .222(b)(1), (c), and (e); .224; .31, .41(e) and (h); .62; and .64 to read:

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT

63-408

.1 General Rule

An individual is ineligible to participate in the Food Stamp Program if the individual either voluntarily quits a job, as described in Section 63-408.11 or reduces the number of hours worked as described in Section 63-408.12.

.11 Voluntary quit means resigning a job that is 30 hours or more per week or provides weekly earnings at least equivalent to the federal minimum wage multiplied by 30 hours. If the voluntary quit must occur within 60 days prior to the date of application for food stamps or anytime thereafter and must be without good cause in accordance with Section 63-408.4, the application shall be denied for one, three, or six months as specified in Section 63-407.53.

.111 Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer shall not be considered a voluntary quit for purposes of this section.

.112 If an individual quits a job, secures new employment that consists at least of the same number of hours or the same salary and is then laid off or, through no fault of his/her own, loses the new job, the earlier quit will not form the basis of a disqualification.

.12 A reduction of work effort means voluntarily decreasing the number of hours worked in paid employment to less than 30 per week. A If the reduction in hours worked will not impact food stamp eligibility unless the reduction occurred prior to occurs within 60 days of the date of application, or anytime thereafter if it is determined that the reduction is without good cause as defined in Section 63-408.4, the application shall be denied for one, three, or six months as specified in Section 63-407.53.

.121 If an individual reduces hours while working in a job of less than 30 hours per week, a food stamp disqualification shall not be imposed. The minimum wage ~~equivalent~~ equivalency does not apply when determining a reduction in work effort.

.2 Good Cause Determination, Notification, and Disqualifications

.21 Applicant Household

.211 When a household applies for food stamp benefits, the CWD shall determine if any unemployed household member who is not exempt from work registration in accordance with Section 63-407.3, has voluntarily quit a job or reduced work effort within 60 days prior to the date of application without good cause as specified in Sections 63-408.11, .12, and .121. The CWD shall process the application within the time frames specified in Section 63-301 and shall not delay benefits pending a voluntary quit or reduction of work effort good cause determination.

(a) When the CWD learns that a household has lost a source of earned income or has experienced a reduction in income after the date of application but before the household is certified, the CWD shall determine whether a voluntary quit or a reduction of work effort has occurred.

.212 The CWD shall determine whether good cause exists in accordance with Section 63-408.4 upon determining an applicant voluntarily quit employment or reduced the number of hours being worked.

.213 If the CWD determines that ~~an individual~~ a household member has voluntarily quit a job or reduced the number of hours being worked without good cause, the individual's food stamp application shall be denied for one, three, or six months in accordance with Section 63-407.531, .532, or .533. The first month of the disqualification period is the month in which the individual is determined ineligible. The individual is considered an ineligible household member in accordance with Section 63-402.228.

(a) The household shall be notified in writing of the reason for the denial, the individual's right to reapply at the end of the disqualification period, how to regain eligibility before the disqualification period begins, right to reapply if the individual becomes exempt in accordance with Section 63-408.3 during the disqualification period, and the right to request a state hearing.

.214 If a voluntary quit or reduction in work effort occurred prior to certification, but is not discovered by the CWD until after certification, a food stamp disqualification shall be imposed in accordance with the procedures specified in Section 63-408.22.

.22 Recipient Households

.221 When the CWD learns that a recipient household has lost a source of earned income or has experienced a reduction in income, the CWD shall determine

whether an individual, who is a work registrant in the household, has voluntarily quit a job or reduced work effort below 30 hours per week. The CWD shall determine whether there was good cause for the voluntary quit or reduced hours as defined in Section 63-408.4. Benefits shall not be delayed pending good cause determination.

.222 Upon a determination that the voluntary quit or reduction of work effort was without good cause, the CWD shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant work registrant. The notice shall be issued within 10 days of making the determination. In addition to the requirements specified in Section 63-504.21, the notice shall:

- (a) Explain the reason for the proposed disqualification;
- (b) Specify that the disqualification period shall begin the first of the month following the month the registrant is provided a timely notice of action and shall continue for the period identified in Section 63-407.53.
 - (1) The notice shall inform the ~~registrant~~ household member that if, at any time, he/she becomes exempt in accordance with Section 63-408.612 during a disqualification period, the disqualification shall end and he/she may ~~resume receipt of~~ reapply for food stamps.
- (c) Provide that the ~~individual~~ household member may reapply for food stamps after the disqualification period ends;
- (d) Explain the actions that may be taken to avoid or end a disqualification period; and
- (e) Inform the ~~registrant~~ household member of the right to request a state hearing. If a state hearing is requested, food stamps shall be continued as specified in Section 63-804.6. If food stamp benefits are continued pending a state hearing and the CWD's determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

.223 If it is determined an individual, who is a work registrant, has voluntarily quit a job or reduced work effort to less than 30 hours per week without good cause as specified in Section 63-408.4, the individual is ineligible for food stamps and shall be excluded as a household member in accordance with Section 63-402.228.

.224 If a ~~registrant~~ household member leaves the Food Stamp Program before the disqualification can be imposed, the period of ineligibility shall run continuously beginning with the first of the month after the expiration of the

adverse notice period unless the disqualification is ended in accordance with Section 63-408.6.

- .225 If the voluntary quit or reduction of work effort occurred in the last month of a certification period or is determined in the last 30 days of the certification period, disqualification requirements at Section 63-408.22 shall apply. The period of disqualification begins the day after the last certification period ends and continues for the length of the disqualification regardless of whether the individual reapplies for food stamps.

.3 Exemptions from Voluntary Quit and Reduction of Work Effort Disqualifications

- .31 Individuals, who qualify for one of the work ~~registration~~ requirement exemptions at Section 63-407.21, shall be excused from the voluntary quit or reduction of work effort disqualification provision, and may regain food stamp eligibility by reapplying if otherwise eligible.

.4 Good Cause

The CWD shall be responsible for determining good cause in those instances where a work registrant has voluntarily quit a job or reduced work effort. The CWD shall consider the facts and circumstances, which includes information submitted by the individual and the employer.

- .41 Good cause for voluntary quitting a job or reducing work effort shall include:
(Continued)
- (e) Acceptance by the ~~work registrant~~ individual of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the ~~registrant~~ individual to leave employment;
 - (f) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or state which requires the household to move and thereby requires the work registrant to leave employment;
(Continued)
 - (h) Acceptance of a bona fide offer of employment of 30 hours or more a week, or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 30 hours, or because of circumstances beyond the control of the ~~work registrant~~ individual, the job either does not materialize or result in employment of less than 30 hours a week, or weekly earnings of less than the federal minimum wage multiplied by 30 hours. (Continued)
 - (i) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where registrants will

apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the registrant shall be considered to have quit with good cause if the quitting of the previous employment is a part of the pattern of that type of employment. (Continued)

.5 Verification

To the extent that good cause for voluntary quit or reduction of work effort is questionable, the CWD shall request verification of the registrant's statements in accordance with Section 63-300.5(g)(3)(C).

.6 Ending a Disqualification for Voluntary Quit or Reduction of Work Effort

.61 Following the end of the minimum disqualification period specified in Section 63-407.531, .532, or .533, eligibility for food stamps may be reestablished if the individual, who is otherwise eligible, applies and is determined by the CWD to be in compliance with the food stamp work registration requirements provided in Section 63-407.4. In compliance means the individual is fulfilling one of the food stamp work registration requirements or agrees to fulfill the requirements as specified by the CWD at application.

.62 If at any time during the period of disqualification an individual qualifies for one of the work registration exemptions listed at Section 63-407.21, the disqualification period shall end and the individual may reestablish food stamp ~~benefits~~ eligibility by reapplying if otherwise eligible.

.63 When an application is filed in the final month of a food stamp disqualification period, the CWD must use the same application for both the denial of food stamp benefits in the remaining disqualification month and for certification of benefits for the subsequent month(s) as specified in Section 63-503.14, which provides the provisions for determining household eligibility and benefit levels.

.64 An individual ~~subject to the ABAWD work requirement~~ who is also disqualified for not meeting the food stamp work requirements (e.g., not accepting a job offer) and is discontinued for failing to comply with 80 hours per month ABAWD work requirement, may not regain food stamp eligibility if after the disqualification period has ended, he/she complies with until the conditions requirements of Section 63-410.5 are met or becomes exempt under Section 63-410.3 during the disqualification period.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; California Code of Regulations, Title 22, Division 12, Chapter 1 commencing with Section 101151, Chapter 2 commencing with Section 101251, and Chapter 3 commencing with Section 102351.1; 7 U.S.C. 2015(d)(1) and (o); 7 CFR 273.2(g); ~~and~~ 7 CFR 273.7(b), (f), (i), and (j); Food and Nutrition Service (FNS) letter to CDSS dated November 13, 2001 regarding resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.

- 1) Amend Sections 63-410.2, .3, .4, and .5 to read:
- 2) Amend Sections 63-410.2, .22, .36, .52, and .523 to read:

63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED ADULTS 63-410
WITHOUT DEPENDENTS (ABAWD) (Continued)

.2 Satisfying the ABAWD Work Requirement (Continued)

.22 Good Cause

.221 If an individual works an average of 80 hours per month but missed some scheduled work for a circumstance beyond his/her control and the absence is temporary and the individual retains his/her job, the individual shall have met the ABAWD work requirement for the month. As defined in Section 63-407.5, good cause for circumstances beyond the individual's control includes, but is not limited to, illness, illness of another household member requiring the presence of the ABAWD, a household emergency, or the unavailability of transportation.

.222 An individual satisfying the ABAWD work requirement through FSET, who missed scheduled work in a month for a circumstance beyond his/her control provided in Section 63-410.221, shall have met the ABAWD work requirement and complied with the FSET assignment for that month.

.3 Exemptions

The following individuals are exempt from the ABAWD work requirement: (Continued)

.34 Individuals who qualify for the 15 percent ABAWD exemption determined by the CWD. The number of individuals, who can be exempted by a CWD each year under this section, and the duration of these exemptions, are limited to the number of ABAWD exemption months allocated each year by CDSS to each CWD.

.35 (Continued)

.36 Persons who become exempt after having lost eligibility in accordance with Section 63-410.4 or .522 are not subject to the ABAWD work requirement while exempt and may resume receiving food stamps by reapplying if otherwise eligible.

.4 Loss of Eligibility

.41 When the CWD determines that an individual has failed to meet the ABAWD work requirement for three countable months during the 36-month period identified in Section 63-410.1, the CWD shall issue a timely notice in the third month to discontinue the individual's food stamp benefits. In addition to the timely and adequate requirements specified in Section 63-504.21, the notice shall: (Continued)

- .413 Provide that for any of the three countable months identified in Section 63-410.412 evidence may be presented that demonstrates the individual met or was exempt from the ABAWD work requirement, or that good cause existed in accordance with Section 63-410.221; and (Continued)
- .42 If the ABAWD provides evidence that demonstrates he/she should not lose food stamp eligibility, the CWD shall rescind the notice and restore any benefits that were inappropriately withheld. (Continued)
- .5 Regaining Eligibility (Continued)
- .52 When, during the 36-month calendar period identified in Section 63-410.1, an individual stops performing the ABAWD work requirement after regaining eligibility in accordance with Section 63-410.51, the individual shall remain eligible for food stamps for a period of three consecutive countable months, beginning on the first month following the date the individual ABAWD notifies the CWD or the CWD learns that he/she the individual is not satisfying the ABAWD work requirement. The CWD shall provide a 10-day notice informing the individual of his/her change in status. If the individual has been meeting the ABAWD work requirement by participating in county workfare or another ~~an~~ allowable work activity as specified in Section 63-410.213, the three consecutive countable months shall start the first month following ~~on~~ the date the CWD notifies the individual that he/she is no longer meeting the ABAWD work requirement. (Continued)
- ~~.523 A county shall issue food stamps when an individual identified in Section 63-410.521 begins satisfying the ABAWD work requirement. If the individual remains eligible, benefits shall be issued until the county learns that the ABAWD requirement is no longer being met. (Continued)~~

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 U.S.C. 2015(d) and (o); instructions received from Dennis Stewart, Regional Director of the Food Stamp Program, Food and Nutrition Service (FNS) dated April 21, 1998, 7 CFR 273.7(f); 7 CFR 273.13; 7 CFR 273.24(b), (c), (e), and (g); 45 CFR 400.154; FNS policy interpretation dated September 16, 2003; and FNS letter dated July 25, 2003.

- 1) Amend Sections 63-411.21, .22, and .3 to read:

63-411 CFAP WORK REQUIREMENTS (Continued)

63-411

- .2 CFAP recipients who do not receive CalWORKs must satisfy the Able-Bodied Adult Without Dependents (ABAWD) work requirement defined at Section 63-410.
 - .21 Exemptions at Section 63-410.3 apply to ABAWD CFAP recipients.
 - .22 Effective April 1, 2003, if an ABAWD CFAP recipient begins receiving federal food stamps after reaching his/her five-year residency requirement, CWDs must establish a new 36-month period in accordance with Section 63-410.1 and begin tracking the 36-month calendar on the Medi-Cal Eligibility Data System (MEDS) as specified in Section 63-410.14.
- .3 Food stamp work registration requirements at Section 63-407 and voluntary quit and reduction of work effort requirements at Section 63-408 apply to CFAP recipients who do not receive CalWORKs. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18930.5 (as added by AB 2779, Statutes of 1998, Section 35); Article 3.2 of Chapter 2 of Part 3 of Division 9, Welfare and Institutions Code; AB 1111, Chapter 147, Statutes of 1999; 7 CFR 273.7; 8 U.S.C. 1612(a)(2); Section 4401(c) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); and Administrative Notice 03-04, dated October 21, 2002.

1) Amend Section 63-503.442 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members (Continued)

.442 Household Members Excluded for SSN Disqualification, Ineligible Noncitizen Status, or Failure to Meet ABAWD Work Requirement

The eligibility and monthly allotment for a household containing an individual, who is excluded for being an ineligible noncitizen, disqualified for refusal or failure to provide an SSN, or discontinued for not satisfying the ABAWD work requirement shall be determined as follows: (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.4(c)(2), (c)(2)(i), (c)(2)(i)(A), (c)(2)(iv), (c)(2)(v), (c)(3)(v), and (e)(1) and (2); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(1)(i) through (iii), (a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.12(c)(3)(iv); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); 7 CFR 273.24(b)(4); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; Public Law (P.L.) 100-435, Section 351, and P.L. 101-624, Section 1717; [7 United States Code (U.S.C.) 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); 8 U.S.C. 1631, P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

- 1) Amend Sections 63-505.34 and .517 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.3 Reported Information for Monthly Reporting Households

Households shall report on a monthly basis, the following information about the household: (Continued)

- .34 A reduction of work effort to less than 20 hours per week, or averaged monthly 80 hours a month, for purposes of determining whether an ABAWD has satisfied the work requirement defined in Section 63-410.2. (Continued)

.5 Reporting Changes for Households Excluded from Monthly Reporting Requirements

.51 Household Responsibility to Report

The CWD shall not impose any food stamp reporting requirements on nonmonthly reporting households except as provided in Sections 63-505.511 through .517. Certified households shall report the following changes in circumstances: (Continued)

- .517 A reduction of work effort to less than 20 hours per week, or averaged monthly 80 hours a month, for purposes of determining whether an ABAWD has satisfied the work requirement specified in Section 63-410.2. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.4(f); 7 CFR 273.2(j)(3) and (4); 7 CFR 273.10(d)(4); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12, (a)(1)(i), and proposed .12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(d); proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.21(b), (b)(4), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3), and (i); 7 CFR 273.12(a)(1)(vii); 7 CFR 273.24(a)(1)(i) and (b)(7); P.L. 100-435, Section 351; P.L. 101-624, Section 1717 [7 U.S.C. 2014(e)] and Section 1723 [7 U.S.C. 2015(c)(1)(A)]; P.L. 102-237, Section 908 [7 U.S.C. 2016(h)(1)]; Food and Consumer Services Administrative Notice 96-13, dated December 7, 1995; Letter from Food and Consumer Services to Fred Schack, dated March 25, 1996; Food Stamp Act of 1977; and Sections 10554, 10830, and 18904, Welfare and Institutions Code.