



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.  
GOVERNOR

July 9, 2013

ALL COUNTY INFORMATION NOTICE NO. I-33-13

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL CALWORKS PROGRAM SPECIALISTS  
 ALL WELFARE-TO-WORK COORDINATORS  
 ALL COUNTY REFUGEE COORDINATORS  
 ALL COUNTY CALFRESH SPECIALISTS  
 ALL CONSORTIA REPRESENTATIVES  
 ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): POSTING DISPLACEMENT GRIEVANCE GUIDELINES FOR NON-UNION EMPLOYEES AT WORKSITES WITH WELFARE-TO-WORK (WTW) PARTICIPANTS

REFERENCE: ALL COUNTY LETTER 96-02

This All County Information Notice (ACIN) is to update guidelines regarding the requirement for County Welfare Departments (CWD) to provide non-union employees with information about their rights to file displacement grievances. As stated in the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Section 42-720.3, CWDs can satisfy this requirement with a poster at worksites informing non-union employees that CalWORKs WTW participants are assigned to the worksite. The grievance process is used to resolve complaints filed by regular, non-union employees or their representatives who believe assignment of a WTW participant to community service, work experience, on-the-job training (OJT), grant-based OJT, or subsidized employment violates any of the displacement provisions contained in MPP Section 42-720.1. Union employees need to follow their collective bargaining agreement process for complaints.

MPP Section 42-720.312 provides that CWDs shall notify or ensure that an employment or training provider notifies non-union employees that CalWORKs WTW participants are assigned to the worksite and the availability of the grievance process described in

MPP Section 42-720.4, regarding informal resolutions and formal hearings for non-union employees.

The display of a poster shall satisfy this requirement as long as it includes, at a minimum, the following:

- Information about employees' rights under the law regarding displacement by a CalWORKs participant.
- Information about the informal resolution and formal hearing processes.
- Specific requirements about how to submit a grievance.
- Where to send the grievance (name and/or division and address at the CWD).

The poster shall not identify any WTW participants.

The attachment to this ACIN provides recommended language and formatting for this poster. In order to accommodate the amount of information for the poster in the attachment to this ACIN, the recommended language is printed on two pages. However, counties may want to print the poster as a single, legal size (or larger) document. The CWD may also modify the poster with items such as county-specific grievance information, a letterhead or other type of CWD identification, and a CWD-specific form number.

If you have any questions, please contact your county's Employment Bureau consultant or call the Employment Bureau at (916) 654-2137.

Sincerely,

***Original Document Signed By:***

KÄREN DICKERSON, Chief  
CalWORKs Employment and Eligibility Branch

Attachment

C: CWDA

## **NOTICE TO EMPLOYEES**

### **California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work program participants are working at this location.**

- State law prohibits employers from using Welfare-to-Work participants in a way that will cause other employees to lose their job, to be laid off, or to have their work hours reduced, including overtime hours currently being worked.
- An employer cannot place Welfare-to-Work participants into jobs that would otherwise be promotional opportunities for existing employees, unless such promotions are filled through an open process in which recipients are provided equal opportunity to compete.
- An employer must not violate any personnel or collective bargaining agreement rules when including a Welfare-to-Work participant in his or her work force, including the following:
  - The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
  - Fill any unfilled public agency positions, unless the positions are unfunded in the agency's budget.
  - The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
  - A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
  - The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
  - Terminating a contract for work before it ends, causing the workers under the contract to be fully or partially replaced.
  - Denying Welfare-to-Work participants protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.

If you believe your employer has violated any of the above rules, you or your representative may file a complaint with the county welfare department. Upon receipt of a written complaint, the county will work with you and your employer to try to resolve the complaint informally. This informal resolution period will not be more than ten calendar days. The county shall send a letter to you and your employer no later than the twentieth calendar day from the date the county received your complaint. The letter will tell you of your employer's response to the complaint, and any actions your employer is willing to take to resolve the complaint informally.

If you are dissatisfied with your employer's informal response or the problem cannot be resolved informally, you may request a formal hearing with the State of California. A written request for a formal hearing must be filed within ten calendar days after receiving the county's informal resolution letter. Formal hearings shall be conducted by the California Department of Social Services, State Hearings Division.

For union employees, any grievance procedure in the collective bargaining agreement shall be used instead of this displacement grievance procedure.

**Note:** A complaint against your employer must be in writing and must contain the following:

- Your full name, mailing address (if you have one), and telephone or message number (if you have one).
  - If you do not have a mailing address or a message number, we will have no way to tell you the result of the informal resolution. You may still file a complaint, but you are responsible for following up with the county to learn the result.
- The full name and address of your employer.
- A clear and brief statement of the facts, including important dates, which have led you to file this complaint.
- A statement that you are filing this complaint under penalty of perjury.
- Your Signature.

**SEND YOUR COMPLAINT TO THE ADDRESS BELOW**

***Insert County Specific Information Including the Following:  
Name of County Welfare Department  
Title or Name of Person or Division to Direct the Complaint  
County Welfare Department Mailing Address***