



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

June 3, 2015

ALL COUNTY INFORMATION NOTICE NO. I-38-15

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CaWORKs) WELFARE-TO-WORK (WTW) PROGRAM:
CLARIFICATION ON PREGNANCY AND YOUNG CHILD RELATED
EXEMPTIONS

REFERENCE: SENATE BILL (SB) 252 (CHAPTER 563, STATUTES OF
2013); SB 1041 (CHAPTER 47, STATUTES OF 2012);
CALIFORNIA CIVIL CODE SECTION 43.3; MANUAL OF
POLICIES AND PROCEDURES (MPP) SECTIONS 42-302.21
ET SEQ., 42-708.32 ET SEQ., 42-712.4 ET SEQ., 42-712.5,
42-712.6 ET SEQ., AND 42-713 ET SEQ., AND ALL COUNTY
LETTERS (ACLs) 12-72, 13-52 AND 15-08

The purpose of this letter is to provide County Welfare Departments (CWDs) with clarifying guidance on pregnancy related and young child exemptions from WTW participation, as well as good cause for temporary illness related to pregnancy.

Pregnancy Related Exemptions/Good Cause

The existing exemption from WTW participation based on pregnancy under MPP Section 42-712.48 is available for a woman when it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in WTW activities. The CWD may also determine that participation will not readily lead to employment or

REASON FOR THIS TRANSMITTAL

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

that a training activity is not appropriate for a woman with a medically-verified pregnancy.

A pregnant woman can also be excused from WTW participation for good cause for temporary illness. As described in MPP Section 42-713.1, a client shall be excused from participation in WTW activities for good cause when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the client's ability to be regularly employed or to participate in WTW activities. The CWD is required to review the good cause determination as necessary but at least every three months according to MPP Section 42-713.11.

According to MPP Section 42-708.321, months in which a client has a pregnancy related exemption do not count towards her WTW 24-Month Time Clock, but months will continue to count toward her CalWORKs 48-month time limit. A month in which a pregnant client is given good cause for not participating in WTW activities for at least 50 percent of her hourly work participation requirement will not count toward her WTW 24-Month Time Clock as described in MPP Section 42-708.322. However, months will continue to count toward her CalWORKs 48-month time limit as described in MPP Section 42-713.4.

If it has been verified by a doctor that the pregnancy significantly impairs the woman's ability to regularly work or participate in WTW activities for at least 30 days, the disability exemption from WTW participation is also available under MPP Section 42-712.44. As described in MPP 42-712.442(a), the verification must identify the existence of a disability, include the expected duration of the disability, and include the extent to which the disability impairs the client's ability to be employed and/or participate in WTW activities. The disability exemption stops both the WTW 24-Month Time Clock as described in MPP Section 42-708.321, and the CalWORKs 48-month time limit as described in MPP Sections 42-712.62 and 42-302.21(a). Please refer to ACL 15-08 for further guidance on disability exemptions.

If a pregnant woman is eligible for more than one of the options described above, the CWD is encouraged to determine which option is best suited for that client's particular circumstances and the anticipated duration of those circumstances.

Example 1:

A pregnant client cannot ride the bus to her WTW activity due to severe morning sickness. The CWD excuses her from participation in her WTW activity for good cause due to her morning sickness significantly impairing her ability to participate in her WTW activity. It is not necessary for the CWD to require her to provide written documentation in this scenario.

Example 2:

The same pregnant client described in Example 1 continues to have ongoing difficulty with attending her WTW activity due to recurring illness related to her pregnancy. The CWD encourages her to seek a doctor's note stating that the pregnancy is impairing her ability to participate in her WTW activity. She is able to provide the required verification from a recent appointment and the CWD grants her an exemption from WTW participation based on disability.

Example 3:

The CWD determines and the pregnant client agrees that her current training activity is no longer appropriate as it requires her to lift heavy boxes regularly. No other appropriate activity is available at that time, so the CWD grants her an exemption from WTW participation based on pregnancy.

Young Child Exemptions

The one-time young child exemption established by SB 1041 and codified in MPP Section 42-712.475 is also available. This exemption is for a parent or caretaker who has primary responsibility for personally providing care to one child from birth through 23 months of age, and does not require the client to participate in WTW activities. This exemption stops both the client's WTW 24-Month Time Clock as described in MPP 42-708.321, and the CalWORKs 48-month time limit as described in MPP Sections 42-712.66 and 42-302.21(b)(4). Please refer to ACLs 12-72 and 13-52 for more information about this exemption.

The existing exemption for parents caring for a child six months or under is also available under MPP Section 42-712.471. A client is eligible for this exemption one time under the CalWORKs program. On a case-by-case basis, a CWD can reduce this time to 12 weeks, or extend this time to 12 months. For subsequent children, a 12-week WTW exemption is available under MPP Section 42-712.472. On a case-by-case basis, this can be extended to six months. As a reminder to CWDs, a client with an exemption may choose to participate as a volunteer in accordance with MPP Section 42-712.5. The exemptions noted in this paragraph stop a client's WTW 24-Month Time Clock as described in MPP Section 42-708.321 but months will continue to count toward the client's CalWORKs 48-month time limit.

Public Accommodation for Breastfeeding

Pursuant to SB 252, CWDs are reminded that Section 43.3 of the California Civil Code entitles a woman to breastfeed her child in any location, public or private, where the mother and the child are authorized to be present. The CWDs are encouraged to utilize existing resources from the California Department of Public Health (CDPH), or their local public health department, to best support a mother's right to a public

accommodation for breastfeeding. Please visit the following CDPH website for more information: <http://cdph.ca.gov/breastfeeding>. For a more detailed description of the health and economic benefits of breastfeeding for mothers and infants, please refer to SB 252.

If you have any questions or need further information regarding this letter, please contact your Employment Bureau County Consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

KAREN DICKERSON, Chief
CalWORKs Employment and Eligibility Branch