



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](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

September 12, 2016

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-66-16

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 COUNTY CALFRESH PROGRAM SPECIALISTS  
ALL CALWORKS PROGRAM SPECIALISTS  
ALL CONSORTIA REPRESENTATIVES  
ALL QUALITY CONTROL COORDINATORS

SUBJECT: EXTENSION OF CALFRESH WAIVER TO AVERAGE WORK HOURS OF STUDENTS ENROLLED IN HIGHER EDUCATION

REFERENCE: CALFRESH WAIVER #2120016; CODE OF FEDERAL REGULATIONS (CFR) 7 273.5(B)(5); [MANUAL OF POLICY AND PROCEDURES \(MPP\) 63-406.211](#) AND [ALL COUNTY LETTER \(ACL\) 12-37](#)

The purpose of this letter is to inform counties that the California Department of Social Services (CDSS) has received approval from the United States Department of Food and Agriculture, Food and Nutrition Service (FNS) for an extension of CalFresh waiver number 2120016, allowing the averaging of student work hours. The waiver extension is approved for a period of four years, from October 1, 2016 through September 30, 2020 (see attached).

Background

Waiver number 2120016 waives the regulation at 7 CFR 273.5 (b)(5) requiring an individual enrolled at least half-time in an institution of higher education “be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours,” to retain eligibility in the Supplemental Nutrition Assistance Program (SNAP), known as CalFresh in California.

FNS gives states the option of averaging the number of student hours worked during a month. By taking this option, California will continue to provide working students averaging at least 80 hours of work per month, but who are not necessarily working a consistent 20 hours per week, the opportunity to retain their CalFresh eligibility.

Implementation

Under this waiver, County Welfare Departments (CWDs) will average student work hours for the purpose of determining CalFresh eligibility. Students whose employment hours fluctuate from week to week will be considered to have met the minimum work hour requirement as long as they maintain an average of either 20 hours per week or 80 hours per month. CWDs must review student work hours at application and recertification. Students certified under this waiver will still need to meet all other applicable CalFresh eligibility requirements. Please refer to ACL 12-37 for further information on the implementation.

If you have any questions regarding this waiver, please contact your CalFresh county consultant or call the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

***Original Document Signed By:***

KIM MCCOY WADE  
Chief  
CalFresh Branch

Attachment



JUL 15 2016

Food and  
Nutrition  
Service

Park Office  
Center

3101 Park  
Center Drive  
Alexandria  
VA 22302

Kim McCoy Wade  
CalFresh Branch Chief  
Welfare to Work Division  
California Department of Social Services  
744 P Street  
Sacramento, California 95814

RE: SNAP – California Waiver Request to Average Student Work Hours –  
Extension – Approval

Dear Ms. McCoy Wade:

This letter transmits the approval of the California Department of Social Services (CDSS) request to continue to waive Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.5(b)(5). Under this waiver (2120016), CDSS will average student work hours for the purpose of determining SNAP eligibility. Students whose employment hours fluctuate from week to week will be considered to have met the minimum work hour requirement as long as they maintain an average of 20 hours per week or 80 hours per month.

The Food and Nutrition Service (FNS) is approving this request for a period of 4 years, consistent with other waivers of this type, or until publication of the "SNAP Eligibility, Certification, and Employment and Training Provisions" final rule. This waiver approval is effective October 1, 2016, through September 30, 2020.

The approval is contingent upon the State agency's compliance with the waiver conditions in item 10 of Enclosure 1. The detailed waiver response is enclosed. If the States would like to extend the approval, an extension request must be submitted to your Regional Office 60 days prior to the expiration date.

Ms. Kim McCoy Wade  
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If you have questions or need additional information regarding this waiver, please contact your Regional Office representative, Jackie Bourne at (415) 293-3717 or [jackie.bourne@fns.usda.gov](mailto:jackie.bourne@fns.usda.gov).

Sincerely,

A handwritten signature in black ink that reads "Sasha Gersten-Paal". The signature is written in a cursive, flowing style.

Sasha Gersten-Paal  
Chief  
Certification Policy Branch  
Program Development Division

Enclosure

## Enclosure 1

### AVERAGING STUDENT WORK HOURS WAIVER RESPONSE

1. **Waiver serial number:** 2120016
2. **Type of request:** Extension
3. **Regulation citation:** 7 CFR 273.5(b)(5)
4. **State:** California
5. **Region:** Western
6. **Regulatory requirements:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.5(b)(5) require students to be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours.
7. **Description of alternative procedures:** Under this waiver, the State agency will average student work hours to take into account work schedules that fluctuate to accommodate classes and employer needs. This waiver allows students whose employment hours fluctuate from week to week to be eligible for SNAP as long as they maintain an average of 20 work hours per week or 80 work hours per month and meet all the other applicable SNAP eligibility requirements.  
  
**State specific alternative procedures, if applicable:** None
8. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving this waiver request because it will allow the State agency to extend eligibility to many working students, thereby promoting the efficiency of SNAP operations and participation throughout the State. FNS is approving the State's request for 4 years or until publication of the "SNAP Eligibility, Certification, and Employment and Training Provisions" final rule, effective October 1, 2016.
9. **Regulatory or legislative basis for action:** Approval is based on 7 CFR 272.3(c)(1)(ii) of the program regulations, which allows FNS to approve waivers that will result in a more effective and efficient administration of the program.
10. **Conditions and reasons:** The State agency must review student work hours at recertification or when the student reports any changes in work hours. Students certified under this waiver will still need to meet all other applicable SNAP eligibility requirements.

- 11. Information required for extension:** Waiver extension requests must be submitted to the Regional Office 60 days prior to the expiration date.
- 12. Expiration date:** September 30, 2020 or until publication of the "SNAP Eligibility, Certification, and Employment and Training Provisions" final rule, whichever occurs first.
- 13. Limitation, if any, on approval:** This waiver is limited to the California Department of Social Services.
- 14. Quality control procedures:** No special provisions are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.
- 15. Date of State agency's request:** May 17, 2016
- 16. Date of Regional Office's transmittal of request to National Office:** June 21, 2016
- 17. Date of National Office action:** **JUL 1 5 2016**
- 18. Anticipated implementation date (*notify FNS if actual date differs*):**  
October 1, 2016
- 19. State agency contact:**  
Name: Kim McCoy Wade  
Email: kim.mccoy-wade@dss.ca.gov  
Phone: (916) 651-9915
- 20. FNS Regional Office contact:**  
Name: Jackie Bourne  
Email: jackie.bourne@fns.usda.gov  
Phone: (415) 293-3717