



CDSS

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DIRECTOR

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

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EDMUND G. BROWN JR.
GOVERNOR

September 10, 2013

ALL COUNTY LETTER NO. 13-68

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) PROGRAM: RELEASE OF FOURTH SET OF
QUESTIONS AND ANSWERS FOR SENATE BILL (SB) 1041
(CHAPTER 47, STATUTES OF 2012) CalWORKs WELFARE-TO-
WORK (WTW) PROGRAM CHANGES

REFERENCE: SB 1041; ALL COUNTY LETTERS (ACL): 12-53, 12-67, 12-69,
12-72, 13-01, 13-02, 13-12, 13-15, 13-37, AND 13-59; ALL
COUNTY INFORMATION NOTICE (ACIN) I-08-13; WELFARE
AND INSTITUTIONS CODE (WIC) SECTIONS 11322.8,
11322.85, 11322.86, AND 11322.87.

The purpose of this letter is to provide answers to questions that the California Department of Social Services (CDSS) has received about the implementation instructions issued to County Welfare Departments (CWDs) for major changes that were made to CalWORKs WTW requirements pursuant to SB 1041. This letter addresses general questions regarding the new WTW 24-Month Time Clock, WTW participation requirements for two-parent families, WTW participation in educational programs, and questions about serving clients who were in WTW sanction status on January 1, 2013, and have their sanctions cured retroactively due to meeting participation requirements under the new WTW hourly participation requirements.

Initial implementation instructions for these program changes are contained in ACL 12-67 and ACL 12-69. The first, second, and third set of answers to questions relating to these program changes are contained in ACL 13-15, ACL 13-37 and ACL 13-59.

REASON FOR THIS TRANSMITTAL

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

Attached is the fourth set of answers to questions relating to these program changes (Attachment A).

If you have any questions or need further information regarding this letter, please contact the following CDSS representatives or programs:

- CalWORKs Eligibility County Consultant (916) 654-1322
- Employment Bureau County Consultant (916) 654-2137
- Child Care Programs (916) 657-2144
- Program Integrity (WDTIP) (916) 654-2125
- Refugee Programs (916) 654-4356

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

ATTACHMENT A

Questions (Q) and Answers (A):

Hourly Participation Requirements:

1. Q. The ACL 12-67 reviews the rules for counting months toward the WTW 24-Month Time Clock for two-parent assistance units (AU). Please clarify the rules about how and when parents can share weekly participation hours for purposes of meeting the CalWORKs federal standards, which would allow a month to not count toward the WTW 24-Month Time Clock, and for participation in activities that do not meet CalWORKs federal standards, which would make a month count toward the WTW 24-Month Time Clock.
 - A. In two-parent AUs, for purposes of meeting the CalWORKs federal standards, parents can share the 35-hour weekly participation requirement, 30 hours of which must be in core activities. Hours can be shared when the second parent is a mandatory participant or an exempt volunteer. Any month in which CalWORKs federal standards for two-parent families are met will not count on either parent's WTW 24-Month Time Clock.

During the WTW 24-Month Time Clock period, both parents can share the 35-hour weekly participation requirement without restriction on the number of hours each parent can participate, and without having to meet a 30-hour core activity requirement. However, months in which parents are sharing hours and are not meeting CalWORKs federal standards will count toward each parent's individual WTW 24-Month Time Clocks. Conversely, months in which parents are sharing hours, or one parent is doing all the hours, and the family is meeting CalWORKs federal standards will not count toward each parent's individual WTW 24-Month Time Clock.

Example: Jane and Bob are required to participate in WTW activities for a total minimum of 35 hours per week. Both Jane and Bob have not exhausted their WTW 24-Month Time Clock. Jane is working 20 hours per week in unsubsidized employment while Bob is attending 15 hours per week in adult basic education. Together, Jane and Bob's total combined hours meet the 35-hour per week participation requirement. However, since the activities Jane and Bob are participating in do not meet the 30-hour core requirement for meeting CalWORKs federal standards, their months of participation in these activities will count toward each of their individual WTW 24-Month Time Clocks.

Conversely, if Jane is working 20 hours a week in unsubsidized employment and Bob is working 10 hours a week and attending 5 hours a week in a job skills training program directly related to employment, their combined hours are

meeting the CalWORKs federal standards for a two-parent family and months are not counted toward either of their individual WTW 24-Month Time Clocks.

Educational Activities:

2. Q. Considering the flexibility clients have regarding the activities they can participate in during the WTW 24-Month Time Clock period, can a CWD tell clients who are students which courses they should take so that they can finish as fast as possible?
 - A. No. While a WTW plan will include a client's education program, the number and type of courses taken cannot be imposed on the WTW participant. For instance, if a client is participating in a degree or certificate program at a local college, the schedule of a given semester would be determined by the client based on available classes. However, as always, clients still must meet hourly participation requirements and be enrolled in and making satisfactory progress in a mutually agreed upon educational program which is likely to lead toward self-supporting employment.

3. Q. When a CWD is determining if a client is meeting CalWORKs federal standards based on vocational education being the core activity, do study/homework time hours count toward the core activity?
 - A. Yes. If study time meets the definition of supervised or unsupervised homework time as defined in California's Work Verification Plan (WVP), then it can count toward the CalWORKs federal standards core requirement. As described in the WVP, hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be counted toward the CalWORKs federal standards. Total homework time counted as participation must not exceed the hours required or advised by the education program.

WTW 24-Month Time Clock – General:

4. Q. What are the WTW participation requirements for clients who have reached their CalWORKs 48-month time limit before using all of their WTW 24-Month Time Clock months, but are then given a CalWORKs 48-month time limit extension?
 - A. If a client has reached his or her CalWORKs 48-month time limit before exhausting his or her WTW 24-Month Time Clock, and the client is granted a CalWORKs 48-month time limit extension, the CWD must determine if the client also meets one of the WTW exemption criteria. If the client is exempt from WTW, the client will not be required to participate in WTW activities and months will not count toward his or her WTW 24-Month Time Clock.

If the client has a CalWORKs 48-month time limit extender that does not also meet a WTW exemption criterion (i.e., unable to maintain employment extender),

the client must be allowed to participate in the WTW activities that he or she needs, consistent with his or her assessment for the duration of the client's CalWORKs 48-month time limit extender.

5. Q. What happens if a client had less than 24 months of eligibility remaining on her CalWORKs 48-month time limit as of the January 1, 2013, implementation date and then later has time credited to his or her 48-month time limit as a result of "child support buy back?" (Child support buy back refers to when the CWD has received enough child support from the absent parent to repay one or more full months of CalWORKs cash aid). For example, on January 1, 2013, the client had 40 months on her CalWORKs 48-month time limit. Since she had less than 24 months of CalWORKs remaining on the 48-month time limit, her WTW 24-Month Time Clock would have started on January 1, 2013, giving her eight months of WTW 24-Month Time Clock services before her CalWORKs 48-month time limit expired.

In June 2013 after being aided for 46 months, the CWD receives enough child support payments to un-tick 20 months off of her CalWORKs 48-month time limit, taking the client back to month 26 on her CalWORKs 48-month time limit. How many more months of WTW 24-Month Time Clock services is the client entitled to?

- A. The client would be entitled to any months remaining on his or her WTW 24-Month Time Clock. In the example above, the client had used six months of her WTW 24-Month Time Clock months when the CWD received enough child support to repay (or un-tick) 20 months off of the client's 48-month time clock. The client would be entitled to all months of WTW 24-Month Time Clock services she had not already used; in this case, the client used six of those months which means she has 18 months remaining on their WTW 24-Month Time Clock.
6. Q. Clients who come on aid after January 1, 2013, and who are employed full-time are now required to sign a WTW plan. Are CWDs required to do an assessment for such clients?
- A. Pursuant to Manual of Policies and Procedures (MPP) section 42-711.552, a client who is employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation shall be referred to assessment if the client wishes to participate in additional WTW activities. If the client does not wish to participate in additional WTW activities, then the client may opt out of an assessment. Therefore, CWDs should offer the assessment to clients who can then choose to either participate in or opt out of the assessment. In either instance, the CWDs will work with the client to develop and agree on a WTW plan. The CWDs are required to provide clients with a comprehensive discussion about WTW activities in order for clients to make informed decisions about

choosing to participate in or opt out of assessment and participate in other WTW activities.

Transition:

7. Q. If a client's sanction is cured retroactively and months are counted toward his or her CalWORKs 48-month time limit retroactively, how do CWDs handle situations when the client exhausts his or her CalWORKs 48-month time limit as a result of the sanction being cured retroactively? For example, if a client who has used 46 months of his or her CalWORKs 48-month time limit prior to having his or her sanction cured retroactively provides verification that he or she has met the new participation requirements for the past three months, what date would the client be considered to have exhausted his or her CalWORKs time limit?
 - A. If a client's sanction is cured retroactively, and a supplement is paid for the months cured, then those months shall be counted towards the CalWORKs 48-month time limit. In the example above, the client is at his or her 46th month of aid and three months of sanction are cured retroactively. The CWD shall verify the number of months remaining on the client's CalWORKs 48-month time limit, and in this case, only supplement the grant for the two months remaining on his or her CalWORKs 48-month time clock. The client is considered to have exhausted his or her 48-month time clock once the supplement is provided because the client will have received 48 months of CalWORKs cash aid and no overpayments will be incurred.

8. Q. The ACL 12-67 states that for clients with 24 months or less of CalWORKs eligibility remaining, all months after January 1, 2013, on cash aid will be counted toward their WTW 24-Month Time Clocks, unless one of the conditions for not counting a month applies, such as a WTW exemption. The ACL 12-67 also requires CWDs to make an additional contact with these clients who are partially participating, whether active or sanctioned, to encourage them to engage with their WTW workers if they want to take advantage of their expanded options under the new WTW rules. If this additional contact is made, and the client does not respond, are CWDs required to conduct the comprehensive discussion pursuant to ACL 12-67 and have the client sign a new WTW plan?
 - A. Yes. At the bottom of page five of ACL 12-67, CWDs are instructed to have a comprehensive discussion with all clients on aid as of January 1, 2013, who are required to participate in WTW at their next regularly scheduled contact, or by June 30, 2013, to develop new or amended WTW plans with clients who want to have their plan reviewed or modified considering the new participation requirements. This rule applies to all clients who are required to participate in WTW, regardless of the number of months of cash aid remaining or whether they are fully participating, partially participating, or not participating.

If CWDs are unable to contact a client for the required comprehensive discussion or if the client fails or refuses to sign a new WTW plan, CWDs are to follow the instructions in ACL 13-15, question number three and all months beginning in January 2013 will count toward the client's WTW 24-Month Time Clock, unless a different condition exists that would not count that month toward the clock (e.g., WTW exemption, etc.).