



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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GOVERNOR

FEBRUARY 5, 2014

ALL COUNTY LETTER NO. 14-09

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CaWORKs) PROGRAM: SENATE BILL (SB) 1041 (CHAPTER
47, STATUTES OF 2012) EXTENSIONS TO THE CaWORKs
WELFARE-TO-WORK (WTW) 24-MONTH TIME CLOCK

REFERENCE: SB 1041; ALL COUNTY LETTERS (ACL): 12-67, 12-69, 12-72,
13-01, 13-02, 13-12, 13-15, 13-37, 13-59 AND 13-68;
WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS
11322.86, 11322.87, 11322.8, AND 11320.3.

The purpose of this letter is to provide initial instructions regarding extensions to the WTW 24-Month Time Clock, as described in WIC Sections 11322.86 and 11322.87. This letter is intended as a general overview of the extension process and provides the methodology for calculating the number of extensions available to each County Welfare Department (CWD) as required in WIC Section 11322.86(c).

The establishment of the WTW 24-Month Time Clock, along with other changes to the CaWORKs up-front client engagement process, represents one of the most significant policy transformations to the CaWORKs program in the last 15 years. The increased flexibility for clients during the 24-month period, elimination of the WTW core and non-core hourly requirements, and alignment of work participation requirements with federal hourly requirements is intended to support clients' opportunities to reach self-sufficiency. To augment those efforts, CWDs have been instructed to use early engagement strategies and offer barrier removal services as needed, not only to help clients achieve self-sufficiency, but also to help them be able to meet CaWORKs federal standards by the time they reach the end of their WTW 24-Month Time Clock.

Initial implementation instructions for the WTW 24-Month Time Clock program changes are contained in ACL 12-67 and ACL 12-69. The California Department of Social

REASON FOR THIS TRANSMITTAL

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

Services (CDSS) followed up with clarifying instructions through four additional Question and Answer (Q&A) ACLs: ACL 13-15, ACL 13-37, ACL13-59 and ACL 13-68. Please refer to these ACLs for a general understanding of the WTW 24-Month Time Clock.

Calculation of a Client's WTW 24-Month Time Clock

Prior to determining whether a client meets the WTW 24-Month Time Clock extension criteria, CWDs must thoroughly review a client's case to ensure an accurate accounting of his or her WTW 24-Month Time Clock, in accordance with instructions provided in the ACLs referenced above. For any given month, in which the client had good cause not to meet the participation requirements, that month does not count against the 24 months. The CWDs are reminded that ACL 12-67 states the WTW 24-Month Time Clock applies to all adult CalWORKs clients who are required to participate in the WTW program. Persons who are unaided or otherwise excluded by law are not subject to the WTW 24-Month Time Clock. If an aided adult reaches his or her 48-month CalWORKs time limit before exhausting the WTW 24-Month Time Clock, the adult is removed from the Assistance Unit (AU), and is no longer required to participate in WTW. Therefore, the WTW 24-Month Time Clock no longer applies and these individuals are not eligible for an extension.

Noticing Clients when the end of the WTW 24-Month Time Clock is approaching

The notice provided to clients as they near the end of the WTW 24-Month Time Clock is an important component in the extension request process. As instructed in ACL 13-12, and pursuant to WIC Sections 11322.85(c) and (d), CWDs are required to provide a Notice of Action (NOA) in order to adequately inform clients of the following:

- The number of months that have counted toward their WTW 24-Month Time Clock;
- The ability to modify their WTW plan to meet federal requirements and continue to receive aid;
- The ability to seek an exemption from the WTW 24-Month Time Clock and Participation; and
- The ability to extend their WTW 24-Month Time Clock.

As released in ACL 13-12, the CW 2208, "Your WTW 24-Month Time Clock" is to be provided to clients at the following periods:

- At application for CalWORKs cash aid, and
- At clients' annual redetermination.

In addition, CDSS is developing a new NOA to be released in an upcoming ACL that conforms to ACL 13-12 and WIC Section 11322.85. This upcoming NOA will inform

clients of their WTW 24-Month Time Clock information, as described above, at least once between WTW 24-Month Time Clock months 18 and 21.

At the client's request, CWDs are strongly encouraged to discuss the status of the CalWORKs clients' WTW 24-Month Time Clock and the options available to them at any time.

In addition to the NOA, CWDs must also send a CW 2186A to provide clients the opportunity to request a CalWORKs 48-month time limit and/or WTW 24-Month Time Clock and Participation exemption. Please refer to ACL 12-67 for a list of existing WTW 24-Month Time Clock exemptions and CalWORKs 48-month time limit exemptions.

WTW 24-Month Time Clock Extension Criteria

Pursuant to WIC Sections 11322.86 and 11322.87, a client subject to the WTW 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards, may request an extension to the WTW 24-Month Time Clock. The client may present evidence to the CWD that he or she meets any of the following circumstances:

- The client is likely to obtain employment within six months;
- The client has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment;
- The client has achieved satisfactory progress in an educational or treatment program, including adult basic education, vocational education, or a self-initiated program that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment;
- The client needs an additional period of time to complete a WTW activity specified in his or her WTW case plan due to a diagnosed learning or other disability, so as to meaningfully increase the likelihood of his or her employment;
- The client has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established;
- Other circumstances as determined by the CDSS.

The CDSS will issue additional guidance on these criteria, including a standardized form, that clients can use to request an extension as well as a determination form for the CWD to use when approving or denying a request for extension. At this time, the CDSS has not identified any "other circumstances" that may be considered for an extension.

Documentation and Verification

A CWD shall grant an extension to a client who presents evidence that he or she meets any of the extension criteria, unless the CWD determines that the evidence presented does not support the existence of the specified circumstance (WIC Section 11322.87(b)). The CDSS will issue additional guidance on the documentation that clients will need to provide in order to request an extension, and the CWD process for verification of that information, in a subsequent ACL.

In addition, if a CWD identifies that a client meets any of the extension criteria as a result of information already available to a CWD, including the client's WTW plan and verification of participation, the CWD may provide an extension of the WTW 24-Month Time Clock (WIC Section 11322.87(c)). Under these circumstances, it is not necessary for a client to initiate a request for an extension.

At any state hearing in which a client disputes a CWD's denial of an extension, the CWD shall have the burden of proof to establish that an extension was not justified in accordance with WIC Section 11322.87(b)(3).

Duration of an Extension to the WTW 24-Month Time Clock

An extension shall be granted for an initial period of up to six months, and shall be reevaluated by the CWD at least every six months (WIC Section 11322.87[d]). Further clarification regarding reevaluations of extensions will be provided in a separate ACL.

20 Percent Extension Methodology

According to WIC Section 11322.86, the CDSS will advise each CWD of the number of extensions available using a methodology that was determined through stakeholder collaboration.

To determine the target number of extensions available to each CWD, the CDSS will use CWD data from a fixed point in time that represents the number of individuals expected to reach the end of their WTW 24-Month Time Clock in the following six-month period. Using that data, the CDSS will notify each CWD of the target number of extensions that represents 20 percent of the AUs in the county in which all adult members are expected to reach the end of their 24-month period (who will not yet have exhausted their 48 months of CalWORKs) during that six-month period. If a CWD disagrees or has better data to support different target figures, the CWD will have the opportunity to submit data and arguments for consideration to the CDSS in order to modify the target.

The earliest that any client could exhaust his or her 24 months is January 2015; therefore, the first time the CDSS will provide CWDs with this information will be in December 2014. Using November 2014 data, the CDSS will provide a target number of extensions to CWDs for the January through June 2015 time period based on information derived from CWD and consortia reports. Every six months, the CDSS will provide CWDs with an updated figure for a new six-month period. Therefore in June 2015, the CDSS will send CWDs a new figure in advance for the July through December 2015 time period based on May 2015 data.

To illustrate how the process will occur, assume that in November 2014, the number of adults that have between 18 and 23 months counted toward their WTW 24-Month Time Clock in a particular county is 1,000. Twenty percent of this figure would yield a target of 200 extensions.

In December 2014, the CDSS would inform the CWD that 200 extensions may be granted for the period of January 1 through June 30, 2015. In May of 2015, the CDSS would use updated CWD and consortia data to project a new 20 percent figure for each CWD for July 1 through December 31, 2015. If new data from May 2015 shows that there are 1,200 individuals in the same CWD who have exhausted their WTW 24-Month Time Clock or who are between 18 and 23 months on the WTW 24-Month Time Clock, the new target extension figure for the CWD would be 240 through the end of the year, or an additional 40 extensions for 2015.

Should the new figure be calculated at a lower number than the prior six-month period, CWDs shall not rescind the extensions already granted in order to accommodate the lower figure.

Although CWDs are expected to monitor the number of WTW 24-Month Time Clock extensions they are granting to clients, counties shall grant extensions to those who qualify; and, therefore it is possible that a county may exceed the target number. If a county does exceed the target number of extensions, CDSS will engage in a dialogue with the county about its application of the extension criteria and any factors that may be influencing the number of individuals qualifying for an extension. Every six months, the CDSS shall review the actual number of extension that were granted to clients in each county and engage in discussions as appropriate, especially if any CWD's actual experience differs significantly from the estimated figure.

More detailed instructions will be forthcoming in future ACLs and will include additional information regarding the ongoing calculation of the number of extensions available in each county, reporting requirements, noncompliance process, Welfare Data Tracking Implementation Project (WDTIP) codes, NOAs and forms, documentation and verification, and reevaluation of extensions.

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

- CalWORKs Eligibility County Consultant (916) 654-1322
- Employment Bureau County Consultant (916) 654-2137
- Program Integrity (WDTIP) (916) 654-2125

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division