



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

May 1, 2013

ALL COUNTY INFORMATION NOTICE NO. I-22-13

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): FINAL REGULATIONS ON ASSEMBLY BILL (AB) 98 SUBSIDIZED EMPLOYMENT

REFERENCE: SENATE BILL (SB) 72 (CHAPTER 8, STATUTES OF 2011), WELFARE AND INSTITUTIONS CODE (WIC) SECTION 11322.63, ALL COUNTY LETTER (ACL) 11-32

The purpose of this notice is to transmit final regulations for changes made to the AB 98 (Chapter 589, Statutes of 2007) Subsidized Employment (SE) Program through the enactment of SB 72. Effective March 24, 2011, SB 72 expanded the eligibility and time limits of the AB 98 SE Program. The relevant provisions of SB 72 regarding the AB 98 SE Program were initially implemented through ACL 11-32, dated April 6, 2011, and emergency regulations became effective July 1, 2012. The attached final regulations were approved by the Office of Administrative Law and certified by the Secretary of State on November 29, 2012. These regulation pages and the accompanying Eligibility and Assistance Standards Manual Letter 12-02 are posted on the internet at: <http://www.dss.cahwnet.gov/ord/PG2836.htm>.

SB 72 amended Section 11322.63 of the WIC to expand the eligible population for AB 98 funded wage subsidies and increase the duration of qualifying job placements. Additionally, AB 98 SE participants who reapply for cash assistance may be considered current recipients for the purposes of CalWORKs eligibility income and work requirements if he or she applies within three calendar months of the SE placement

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ending. Furthermore, SB 72 added AB 98 SE as an activity for CalWORKs clients who have reached the 48-month time limit and continue to receive Welfare-to-Work services.

If you have questions regarding this notice, please contact your CalWORKs county consultant directly or call the CalWORKs Employment Bureau at (916) 654-2137.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch

Attachment

c: CWDA

Amend Section 41.440.22 to read:

41-440 UNEMPLOYED PARENT PROGRAM (Continued)

41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;
(Continued)

.22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

.221 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811(a) and 42-716.813(a), shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending.

(a) During the three calendar month period after the subsidized employment ends, the 100-hour work rule as described in Section 41-440.22 shall not apply.

(b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of establishing unemployment deprivation as described in Section 41-440.22, and the 100-hour work rule will apply. (See Handbook Section below.)

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.222 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 40 hours in April and 40 hours per week in March. The family applied for aid on April 14th. The original four-week period would be from March 17th through April 13th. Since the PE worked 120 hours during this four-week period, a new four-week period would need to be identified.

March 18th through April 14th = 112 hours

March 19th through April 15th = 104 hours

March 20th through April 16th = 96 hours

The qualifying four-week period in which the PE worked less than 100 hours would be from March 20th through April 16th. The beginning date of aid for this family would be April 17th, if otherwise eligible.

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.23 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, and 11322.63(b), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES (Continued)

42-716

.8 Assembly Bill (AB) 98 Subsidized Employment

.81 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:

.811 Aided CalWORKs recipients participating in the Welfare-to-Work Program.

(a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.

.812 Individuals in Welfare-to-Work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.

(a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with Welfare-to-Work requirements to continue in an AB 98 subsidized employment position.

.813 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.

(a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.

.82 AB 98 wage subsidies are limited to a maximum of six months for each participant.

.821 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.

(a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.

- .83 If provided for in a county plan, the county may provide Welfare-to-Work services to former recipients whose families become ineligible for CalWORKs due to AB 98 subsidized employment income.
- .831 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, and 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-717 to read:

42-717 JOB RETENTION SERVICES (Continued) 42-717

- .3 The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs 48-month time limits. (Continued)

- .7 If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.8.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320.15, 11323.2(b), and 11500, Welfare and Institutions Code.

Amend Section 44-207.11 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811(a) and 42-716.813(a) shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility.

(a) During the three calendar month period after the subsidized employment ends, the county shall apply the recipient earned income disregards as described in Section 44-111.23.

(b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of determining CalWORKs financial eligibility as described in Section 44-207.11. (Continued)

.112 (Continued)

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.113 (Continued)

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Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.