

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 4, 2008

ALL-COUNTY INFORMATION NOTICE NO. I-08-08

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: STATE MINIMUM WAGE INCREASE AND THE FAIR LABOR
STANDARDS ACT MINIMUM WAGE REQUIREMENTS

REFERENCE: ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-100-06;
ASSEMBLY BILL 1835, CHAPTER 230 STATUTES OF 2006;
LABOR CODE SECTION 1182.12

This notice is to remind counties of the increase in the state minimum wage and its impact on welfare-to-work participation due to requirements of the Fair Labor Standards Act. As explained in ACIN I-100-06, Assembly Bill 1835, Chapter 230, Statutes of 2006 was enacted on September 12, 2006, and added Section 1182.12 to the California Labor Code. Section 1182.12 specifies that effective January 1, 2008, the state hourly minimum wage increased from \$7.50 to \$8.00.

Welfare-to-Work (WTW) regulations at Manual of Policies and Procedures (MPP) Sections 42-716.31(d)(2) and 42-716.31(j)(2) define the maximum hours of participation in unpaid work experience and community service, respectively. In accordance with MPP Sections 42-716.31(d)(2)(A) and 42-716.31(j)(2)(A), the monthly hours of participation for participants in unpaid work experience and community service activities, whose assistance units include food stamp recipients, are determined by dividing the assistance unit's grant plus the assistance unit's portion of the food stamp allotment by the higher of the state or federal minimum wage. In accordance with MPP Sections 42-716.31(d)(2)(B) and 42-716.31(j)(2)(B), the monthly hours of participation for participants in unpaid work experience and community service activities, whose assistance units do not include food stamp recipients, are determined by dividing the assistance unit's grant by the higher of the state or federal minimum wage. Since the state minimum wage is higher than the current federal minimum wage of \$5.85 per hour, the state minimum wage would be used when calculating hours of participation in unpaid work experience and community service.

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CDSS acknowledges that under this limitation to hours of participation it is not possible for most recipients to meet CalWORKs participation requirements by being solely assigned to unpaid work experience and community service activities. In situations where the maximum assignable hours would not equal 32 or 35 hours of participation, counties must assign participants to additional WTW activities in order to meet the participation requirement.

If you have any questions or need additional information regarding the information in this letter, please contact your California Department of Social Services Employment Bureau county consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

KAREN DICKERSON, Chief
Employment and Eligibility Branch

c: CWDA
CSAC