



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



EDMUND G. BROWN JR.
GOVERNOR

December 17, 2012

ALL COUNTY LETTER NO. 12-69

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 COUNTY WELFARE-TO-WORK COORDINATORS
 ALL CONSORTIUM PROJECT MANAGERS
 ALL REFUGEE PROGRAM COORDINATORS
 ALL CHILD CARE COORDINATORS
 ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: ALIGNMENT OF CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) HOURLY WORK PARTICIPATION REQUIREMENTS TO FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) REQUIREMENTS

REFERENCE: SENATE BILL (SB) 1041 (CHAPTER 47, STATUTES OF 2012) SECTIONS 16 & 17; WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 11322.8 & 11322.85; SECTION 607(C) OF TITLE 42 OF THE UNITED STATES CODE (USC); TITLE 45 OF THE CODE OF FEDERAL REGULATIONS

The purpose of this All County Letter (ACL) is to inform County Welfare Departments (CWDs) of changes to the CalWORKs Welfare-to-Work (WTW) program hourly participation requirements, pursuant to SB 1041, which was enacted by the Legislature, and signed by the Governor on June 27, 2012. The new hourly work requirements are effective January 1, 2013.

In addition to this letter, ACLs listed below have been or will be issued to implement other programmatic changes that have been enacted through SB 1041:

- CalWORKs and CalFresh: Implementation of the Annual Reporting/Child Only (AR/CO) System (ACL 12-49).
- Welfare-to-Work 24-Month Time Clock Informing Notice Language for Clients (ACL 12-53 and ERRATA 12-53E).

Implementation of the CalWORKs WTW 24-Month Time Clock (ACL 12-67).

- Extension of Short Term Changes and the New Young Child Exemption Assembly Bill (AB) X4 4, (Chapter 4, Statutes of the Fourth Extraordinary Session of 2008) (ACL 12-72).
- Reengagement of Clients Whose Young Child Exemption is Ending (ACL forthcoming).
End of the Fiscal Year 2011-12 Cal-Learn Suspension (ACL 12-60).
- Engagement of Clients Receiving Good Cause for Lack of Supportive Services (ACL forthcoming).

Existing Law:

Currently, CalWORKs single parent families are required to participate in work activities for 32 hours per week, including a minimum of 20 hours per week in core activities. Two-parent families must participate at least 35 hours per week, including a minimum of 20 hours per week in core activities. There are some non-core activities that can be counted toward the core requirements, under specified conditions.

SB 1041 Hourly Participation Requirements:

SB 1041 amended WIC Section 11322.8 pertaining to the required number of hours per week an adult recipient must participate in work activities. Effective January 1, 2013, CalWORKs hourly participation requirements will be aligned with federal hourly work requirements. The changes are outlined below.

The WTW 24-Month Time Clock

In addition to the change in the required hours, SB 1041 provides that during the WTW 24-Month Time Clock, an adult recipient is entitled to participate in any of the full range of CalWORKs WTW activities needed to lead to self-supporting employment, pursuant to a WTW plan without having to meet a core hourly requirement. The 24 months need not be consecutive and can be used at any time during the adult's 48 months of time on aid.

The new hourly requirements are as follows:

- 20 hours per week for single parents with a child under six years old.
- 30 hours per week for single parents with no child under six years old.
- 35 hours per week for two-parent families (combined between two parents).

An adult recipient in a two-parent family whose basis for aid is unemployment is required to participate each month in WTW activities for 35 hours per week. However, in a two-parent family, in which one parent is exempt because of a disability, the remaining parent required hours will either be 20 or 30 hours, depending on the age of the youngest child(ren).

Beginning January 1, 2013, recipients enrolled in a Self-Initiated Program (SIP) will be required to complete the following hours per week:

- 20 hours per week for single parents with a child under six years old.
- 30 hours per week for single parents with no child under six years old.
- 35 hours per week for two-parent families. (Further guidance regarding two-parent families SIP participation will be addressed in a subsequent ACL.)

As always, WTW plans may be written for more hours, but the client cannot be sanctioned if they fail to complete the additional hours.

Guidance on implementation of the WTW 24-Month Time Clock, including information regarding what starts and stops the clock, extensions, and what hours and activities are required after the 24 months have been exhausted will be issued in a separate ACL.

Post-WTW 24-Month Time Clock Requirements

After 24 cumulative months, unless otherwise exempt, or having received an extension (guidance on the topic of extension will be issued in a separate ACL), aided adults must meet federal work requirements and participate in accordance with subdivision (b) of WIC Section 11322.8 for the adult to continue receiving cash aid.

All participation hours must be in work activities identified in WIC Section 11322.85(a)(3). The total participation hours must also conform to federal core and non-core hourly requirements of Section 607(c) of Title 42 of the United States Code.

Comparison of Work Requirements Table

Number of Hours Required Per Week (Federal and State)

<u>Family Type</u>	<u>WTW 24-Month Time Clock</u> Total Hours (No Core Required)	<u>Outside WTW 24-Month Time Clock</u> Total Hours	<u>Outside WTW 24-Month Time Clock</u> Total Core Hours
Single-parent with child under six	20	20	20
Single-parent no child under six	30	30	20
Two-parent	35	35	30

Attached to this ACL is a detailed work requirements table that includes the list of allowable state and federal activities.

Modification of Participation Hours during Implementation

WIC Section 11327.4 (a) states that recipients who reduce earnings without good cause are considered to have “failed or refused to comply with program requirements” and are subject to sanction. However, for the purpose of implementing the new reduced hourly participation requirements, currently employed recipients will not be subject to sanction for receiving reduced earnings as a result of reducing employment hours in accordance with SB 1041, as long as the new hourly participation requirements are met.

Recipients who wish to change their participation hours should inform their CWD before modifying their participation. In accordance with ACL 12-67 (WTW 24-Month Time Clock ACL), recipients will complete a new WTW plan at their next regularly scheduled contact. Once the new or amended WTW plan is signed by the recipient, he or she will again be subject to sanction if a voluntary reduction in hours leads to reduced earnings. Recipients will not be sanctioned for reducing their participation hours before the WTW plan is developed, as long as their participation hours comply with the new CalWORKs hourly participation requirements.

If you have questions or need additional information regarding this ACL, contact your CalWORKs Employment Bureau county consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-To-Work (WTW) Participation Requirements

Family Type	During WTW 24-Month Time Clock, Hours Per Week (No Core Required)	Outside WTW 24-Month Time Clock, Aligned to federal ² Total Hours per Week	Outside WTW 24-Month Time Clock, Aligned to federal ² Core Hours per Week
Single-parent with child under six	20	20	20
Single-parent with no child under six	30	30	20
Two-parent ¹	35	35	30

CalWORKs Activities for 24-Month Time Clock No Core Activity Requirement ³	CalWORKs (Federal) Activities Outside 24-Month Time Clock Core and Non-Core Activities
<ul style="list-style-type: none"> * Unsubsidized employment * Subsidized private or public sector employment * Work experience * Community service * Vocational education * On-the-job training (OJT) * Grant-based OJT⁴ * Job search * Job readiness * Self-employment⁴ * Supported work and transitional employment⁴ * Work study⁴ * Mental health, substance abuse, domestic violence services * Job skills training directly related to employment * Education directly related to employment * Satisfactory attendance in a secondary school or in a course leading to certificate of general equivalence * (GED) * Adult basic education (reading, writing, arithmetic, high school proficiency or GED, and English-as-a- Second-Language) * Participation required by school to ensure child's attendance * Other activities necessary to assist in obtaining employment: Non-credited study time⁵ 	<ul style="list-style-type: none"> * (Core) Unsubsidized employment: Self-employment * (Core) Subsidized private or public sector employment; Grant-based OJT; Work Study * (Core) Work experience * (Core) Community service * (Core) Vocational education (12-month lifetime limit) * (Core) OJT * (Core) Job search and job readiness⁶: Mental health services; Substance abuse services * (Core) Providing child care to a community service program participant * (Non-Core) Job skills training directly related to employment * (Non-Core) Education directly related to employment (for individuals with no high school diploma or equivalent) * (Non-Core) Satisfactory attendance in a secondary school or in a GED course

¹Unless one parent is exempt because of a disability, in which case the remaining parent is required to participate 30 hours per week.

²Any month in which the adult meets federal participation requirements does not count toward the WTW 24-Month Time Clock. Adults who have received 24 countable months of CalWORKs WTW activities and have not reached the 48-month time limit for cash aid must meet state standards that mirror federal work participation requirements to remain on or restore aid.

³There is no core hourly requirement during the WTW 24-Month Time Clock.

⁴These activities are not identified in federal law, but are forms of subsidized or unsubsidized employment.

⁵At county option, non-credited study time is a countable activity in conjunction with any approved education activity.

⁶Job search and job readiness is federally countable for four consecutive and six total weeks in a 12-month period. This limitation can be extended to 12 weeks if California is determined to be a needy state in accordance with Temporary Assistance for Needy Families (TANF) regulations.