

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 10, 2001

ALL COUNTY LETTER NO. 01-84

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

REASON FOR THIS TRANSMITTAL

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

SUBJECT: AMENDED CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
 KIDS (CalWORKs) WELFARE-TO-WORK (WTW) PROGRAM POST 18- AND
 24-MONTH TIME LIMIT PARTICIPATION REQUIREMENTS

REFERENCE: ASSEMBLY BILL (AB) 1692, CHAPTER 652, STATUTES of 2001; MANUAL
 OF POLICIES AND PROCEDURES (MPP) SECTIONS 42-710 AND 42-
 711.9; ALL COUNTY LETTER (ACL) NO. 01-53, DATED AUGUST 3, 2001

The purpose of this letter is to provide guidelines for the implementation of AB 1692, Chapter 652, Statutes of 2001 (copy enclosed), effective January 1, 2002. AB 1692 amends State statutes to include U.S. Department of Labor (DOL) Welfare-to-Work (WtW) Grant program community service or work experience (WEX) as allowable work activities for post 18- or 24-month time limit cash assistance recipients under CalWORKs.

BACKGROUND

Under CalWORKs, cash assistance recipients are given an 18 or 24 month period on aid, after signing or refusing to sign their CalWORKs WTW plan, to participate in employment, education, and training activities. Prior to the passage of AB 1692, after reaching the 18- or 24-month time limit, recipients who were not employed for sufficient hours to meet their work participation requirement, were required to fulfill that requirement primarily through participation in a limited range of activities. Those activities were unsubsidized employment, unpaid community service, and grant-based on-the-job training (OJT) community service. Grant-based OJT community service is a paid activity in which all or part of the recipient's grant amount and/or grant savings may be diverted to a recipient's employer as a wage subsidy, as long as the total amount diverted does not exceed the family's maximum aid payment. Additionally, it was the only form of paid community service in which post 18- or 24-month time limit recipients could participate.

The DOL WtW Grant program was established to provide employment and training services to hard-to-employ, long-term cash assistance recipients. Among the services that it provides are paid WEX and community service. Because of the previous limitations on allowable activities for post 18- or 24-month time limit recipients under CalWORKs,

participation in WtW Grant activities by these recipients was restricted. County welfare departments (CWD) were required to withdraw timed-out recipients from WtW Grant activities, even if they were participating in paid WEX or community service, and refer them to allowable CalWORKs activities once they reached their 18- or 24-month time limits. In some counties, CWDs were reluctant to refer long-term CalWORKs recipients to the WtW Grant programs because of the requirement to terminate the recipient's participation in the program when they reached their 18- or 24-month time limit, even if the assignment had not been completed.

AB 1692 IMPLEMENTATION GUIDELINES

AB 1692 will become effective on January 1, 2002. The development of regulations to implement the provisions of the bill will proceed through the standard regulatory process that must be completed no later than October 1, 2002. However, AB 1692 authorizes the California Department of Social Services (CDSS) to initially implement the changes to the CalWORKs WTW program through the issuance of this ACL. Until the amended CalWORKs WTW regulations are finalized, the following policies will be applicable to both the CalWORKs WTW and the DOL WtW Grant programs beginning January 1, 2002.

- CWDs may provide CalWORKs community service or allow paid WtW Grant community service or WEX to a recipient who reaches his/her 18- or 24-month time limit and is not working sufficient hours of unsubsidized employment to meet the CalWORKs work participation requirement.
- The hours of participation in a paid WtW Grant community service or WEX activity counts toward meeting the CalWORKs WTW requirement of a recipient who has reached the 18- or 24-month time limit.
- A CalWORKs recipient who reaches the 18- or 24-month time limit, participates satisfactorily in paid WtW Grant community service or WEX activities, and meets other CalWORKs eligibility and WTW requirements is eligible to continue to receive cash assistance.
- If hours of unsubsidized employment plus assigned hours in WtW Grant community service or WEX are not sufficient to meet a recipient's required hours of participation under CalWORKs, the recipient must participate in CalWORKs-community service and related activities, as specified in All-County Letter 99-111, dated December 29, 1999, to meet the minimum number of required participation hours.
- CWDs and local WtW Grant operating entities should collaborate to ensure that WtW Grant community services and WEX assignments are consistent with the CalWORKs program work requirements.

- Decisions to allow a recipient to participate, or continue to participate, in a WtW Grant assignment must be based on the CWD's determination, in consultation with the recipient and WtW Grant operating entity, that participation in the WtW Grant activity will enhance the recipient's ability to obtain needed job skills **and** unsubsidized employment.
- WtW Grant community service and WEX assignments must be included in the recipient's CalWORKs WTW plan.
- CalWORKs recipients who participate in WtW Grant community service or WEX activities continue to be subject to the federal Temporary Assistance for Needy Families and CalWORKs 60-month time limits for the receipt of aid.
- CWDs may assign CalWORKs recipients to WtW Grant community service or WEX activities to the extent that federal or State WtW Grant funds are available in a county. In California, the WtW Grant program will end on July 15, 2004.
- The sanctioning requirements in MPP Section 42-721.43 continue to apply to CalWORKs recipients in paid WtW Grant community service or WEX assignments who opted to remain in their WtW Grant assignments after reaching the 18- or 24-month time limit, and were sanctioned prior to January 1, 2002, for refusing to participate in unpaid CalWORKs community service. Aid may be restored for these recipients, but no sooner than January 1, 2002, the effective date of AB 1692. In order to have aid restored, these individuals must also have served the minimum sanction period, pursuant to MPP Section 42-721.43, have met the WtW Grant participation requirements and remain otherwise eligible. When aid is restored under the above- mentioned circumstances, a recipient's CalWORKs plan must be amended to reflect that the WtW Grant assignment is his/her CalWORKs-approved work activity.
- For data reporting purposes, participants in WtW Grant community service or WEX activities should continue to be reported on the WTW 25 or WTW 25A.

As a reminder, individuals who have reached their 18- or 24-month time limit and continue to participate in WTW activities should only be counted in community service (line 19) and unsubsidized employment (line 10), if applicable. The only exception would be those individuals who are participating in WtW Grant WEX. These individuals should be counted in work experience (line 18).

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The Employment Development Department will provide copies of this ACL to local WtW Grant operating entities. If you have any questions regarding this letter, please contact your county's CDSS WtW Grant Regional Specialist at (916) 654-2137 or Pat Loader at (916) 654-1770.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 12/7/01***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Enclosure

c: CWDA
CSAC
Regional Advisors

Assembly Bill No. 1692

CHAPTER 652

An act to amend Sections 11320.1, 11322.9, and 11454 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor October 9, 2001. Filed with Secretary of State October 10, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1692, Committee on Human Services. CalWORKs eligibility: work activities.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires certain participants in the CalWORKs program to participate in certain welfare-to-work activities, including community service activities.

Existing law also contains certain maximum time limits upon the receipt of CalWORKs benefits, except that individuals engaging in community service activities are exempt from these time limits.

This bill would add to the list of qualifying work activities, and for which an exemption from these time limits is provided, United States Department of Labor welfare-to-work grant program community service or work experience activities.

Because each county is required to pay for a share of the cost of aid grants and the administration of the CalWORKs program, by expanding eligibility through the addition of work activities that qualify a recipient for the receipt of aid, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,



reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 11320.1 of the Welfare and Institutions Code is amended to read:

11320.1. Subsequent to the commencement of the receipt of aid under this chapter, the sequence of employment related activities required of participants under this article, unless exempted under Section 11320.3, shall be as follows:

(a) Job search. Recipients shall, and applicants may, at the option of a county and with the consent of the applicant, receive orientation to the welfare-to-work program provided under this article, receive appraisal pursuant to Section 11325.2, and participate in job search and job club activities provided pursuant to Section 11325.22.

(b) Assessment. If employment is not found during the period provided for pursuant to subdivision (a), or at any time the county determines that participation in job search for the period specified in subdivision (a) of Section 11325.22 is not likely to lead to employment, the participant shall be referred to assessment, as provided for in Section 11325.4. Following assessment, the county and the participant shall develop a welfare-to-work plan, as specified in Section 11325.21. The plan shall specify the activities provided for in Section 11322.6 to which the participant shall be assigned, and the supportive services, as provided for pursuant to Section 11323.2, with which the recipient will be provided.

(c) Work activities. A participant who has signed a welfare-to-work plan pursuant to Section 11325.21 shall participate in work activities until he or she has received aid for the period specified in subdivision (a) of Section 11454. If, after the period specified in paragraph (1) of subdivision (a) of Section 11454, the participant has not obtained unsubsidized employment, the county may extend the welfare-to-work plan by up to six months if the county determines that the extension is likely to lead to unsubsidized employment or if local unemployment or other conditions in the local economy are such that employment is not available. If a recipient has received aid for the period specified in subdivision (a) of Section 11454 and returns to aid after a break in aid of at least one month, the county shall determine whether to require the recipient to participate in welfare-to-work activities or in community service.

(d) Community service.



(1) If a participant has received aid for the period specified in subdivision (a) of Section 11454, and the participant has not found unsubsidized employment sufficient to meet the hours of participation required by Section 11322.8 and the county has certified that no job is available for that participant, the participant shall remain eligible for aid under this chapter only if he or she participates in community service activities pursuant to Section 11322.9, or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient hours to meet the participation requirements of Section 11322.8.

(2) The county shall provide community service activities assignments as described in Section 11322.9.

(3) An individual may participate in community service activities until he or she has received aid for a total of 60 months.

SEC. 2. Section 11322.9 of the Welfare and Institutions Code is amended to read:

11322.9. (a) In accordance with the requirements of this section:

(1) Counties may provide for community service activities for individuals who have not completed the period specified in subdivision (a) of Section 11454 and are not employed in unsubsidized employment, sufficient to meet the hours of participation required by Section 11322.8.

(2) Counties shall provide for community service activities or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for individuals who have completed the period as specified in subdivision (a) of Section 11454, who cannot find unsubsidized employment sufficient to meet the hours of participation required by Section 11322.8, and the county certifies that no job is currently available to fulfill the hours required by Section 11322.8, and who continue to meet the financial eligibility criteria for aid under this chapter.

(b) Community service activities shall meet all of the following criteria:

(1) Be performed in the public and private nonprofit sector.

(2) Provide participants with job skills that can lead to unsubsidized employment.

(3) Comply with the antidisplacement provisions contained in Section 11324.6.

(c) Participants in community service activities shall do all of the following:



(1) Participate in a community service activity for the number of hours required by Section 11322.8, unless fewer hours of community service participation are required by federal law.

(2) Participate in other work activities for the number of hours equal to the difference between the hours of participation in community service and the number of hours of participation required under Section 11322.8.

(d) The county plan pursuant to Section 10531 shall include a component, developed by the county in collaboration with local private sector employers, local education agencies, county welfare departments, organized labor, recipients of aid under this chapter, and government and community-based organizations providing job training and economic development, in order to identify all of the following:

(1) Unmet community needs that could be met through community service activities.

(2) The target population to be served.

(3) Entities responsible for project development, fiscal administration, and case management services.

(4) The terms of community service activities, that, to the extent feasible, shall be temporary and transitional, and not permanent.

(5) Supportive efforts, including job search, education, and training, which shall be provided to participants in community service activities.

(6) If the county intends to include grant-based on-the-job training in its community service plan, the process by which the county will comply with the voluntary consent form requirement established in subdivision (f) of Section 11322.6, including a list of the languages in which the consent form will be available.

(e) Aid under this chapter for any participant who fails to comply with the requirements of this section without good cause shall be reduced in accordance with Section 11327.5.

(f) Child care as a supportive service shall be provided to participants in community service activities pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, and Section 11323.2. Other supportive services may be provided by the county at the county's option. However, if the county does not provide mental health services pursuant to Section 11325.7, the county shall indicate in its county plan under Chapter 1.3 (commencing with Section 10530) how mental health services needed by participants will be made available during participation in a community service job.

SEC. 3. Section 11454 of the Welfare and Institutions Code is amended to read:

11454. (a) (1) Except as otherwise provided in this chapter and in paragraph (2), a parent or caretaker relative shall not be eligible to



receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities, pursuant to Section 11322.9, or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient hours to meet the participation requirements of Section 11322.8.

(2) A parent or caretaker relative recipient who is subject to the requirements of paragraph (2) of subdivision (c) of Section 10532 shall not be eligible to receive aid under this chapter for a cumulative period of more than 24 months, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities pursuant to Section 11322.9, or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient hours to meet the participation requirements of Section 11322.8.

(3) For purposes of this subdivision, a job shall not be considered to be currently available if a recipient has taken and continues to take all steps to apply for appropriate positions and has not refused an offer of employment without good cause.

(4) A parent or caretaker relative recipient to whom paragraph (1) or (2) applies, who is in a job for less than the number of hours required by Section 11322.8, and for whom no job is currently available for the required number of hours, shall remain eligible for aid under this chapter and shall participate in community service activities or the United States Department of Labor welfare-to-work grant program community service or work experience activities pursuant to Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for the additional number of hours necessary to meet the requirements of Section 11322.8.

(b) A parent or caretaker relative shall not be eligible for aid under this chapter when he or she has received aid under this chapter or from any state under the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for a cumulative total of 60 months.

(c) No month in which aid has been received prior to January 1, 1998, shall be taken into consideration in computing the 18-month, 24-month, or 60-month limitation provided for in subdivision (a) or (b).



(d) Each county shall adopt criteria for extending the 18-month limitation prescribed by subdivision (a) for up to six months if the extension is likely to result in unsubsidized employment or if local unemployment rates or other conditions in the local economy are such that employment is not available.

(e) Subdivision (b) shall not be applicable when all parent or caretaker relatives of the aided child who are living in the home of the child meet any of the following requirements:

(1) They are 60 years of age or older.

(2) They meet one of the conditions specified in paragraph (4) or (5) of subdivision (b) of Section 11320.3.

(3) They are not included in the assistance unit.

(4) They are receiving benefits under Section 12200 or Section 12300, State Disability Insurance benefits or Workers' Compensation Temporary Disability Insurance, if the disability significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

(5) They are incapable of maintaining employment or participating in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the individual has a history of participation and full cooperation in welfare-to-work activities.

SEC. 4. (a) Notwithstanding the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, through June 2002, the State Department of Social Services may implement the amendments to Sections 11320.1 and 11454 of the Welfare and Institutions Code contained in this act through county letters or similar instructions from the director.

(b) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of the act no later than October 1, 2002.

SEC. 5. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for the purpose of funding the amendments made to Sections 11320.1 and 11454 of the Welfare and Institutions Code by this act.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one



million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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