

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

*April 29, 1999*

ALL-COUNTY LETTER NO. 99-32

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

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: SELF-INITIATED PROGRAM (SIP) ISSUES IN THE CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE-TO-WORK (WTW) PROGRAM

REFERENCE: ALL COUNTY LETTER NO. 98-41

Our Department has become aware of a number of problems related to the treatment of SIPs. The purpose of this letter is to respond to specific issues which have been problematic in CalWORKs and to remind counties of the SIP regulations found in Manual of Policy and Procedures (MPP) Section 42-700. In an effort to better serve SIPs, counties are asked to evaluate their SIP policies to ensure compliance with CalWORKs regulations.

There are four SIP approval criteria. The SIP must be approved if all of the following apply:

- a. The individual was enrolled on the date of the appraisal, or on the date the individual would have been appraised, if he or she had not failed, without good cause, to attend the appraisal appointment.
- b. The program leads to an undergraduate degree or certificate, or California regular teaching credential.
- c. The program is on the county's list of programs leading to employment, or the individual establishes that even though it is not on the list, it will lead to self-supporting employment.
- d. The participant is making satisfactory progress.

If the individual meets the criteria in bullets a and d, but the school program does not meet the criteria in b or c, the county welfare department (CWD) must allow him/her to finish the

current term and transfer to an approvable SIP or participate in another welfare-to-work activity.

The following questions and answers are intended to clarify issues raised in the application of SIP policies and procedures and address major areas of concern:

1. What is “the time the recipient is initially required to participate” for purposes of SIP approval?

“The time the recipient is required to participate” (see MPP Section 42-711.541) is the earlier of the date the appraisal takes place or the date that the recipient would have been appraised if the recipient had not failed, without good cause, to appear for the appraisal appointment. This definition will be incorporated into the amended CalWORKs WTW Program regulations.

2. What does “enrolled” mean for purposes of SIP approval?

For purposes of MPP Sections 42-711.541 and 42-711.547, “enrolled” means that an individual has applied for and been accepted into a degree or certificate program, and continues to meet and fulfill all conditions imposed by the institution offering the program to maintain current enrollment status. This definition will be included in amended CalWORKs WTW Program regulations.

3. Must the county establish a written list of approvable SIPs?

Yes, MPP Section 42-711.543 requires that the CWD and local education agencies or providers agree on a list of SIPs that lead to employment. The list must be agreed to annually and be available to the public, including CalWORKs participants, on request.

4. Must the CWD establish criteria for approving programs not on the county list and make the criteria known to participants?

Yes, for programs not on the list, MPP Section 42-711.543(b) requires that recipients be allowed to continue in their SIPs if they demonstrate to the county that the program will lead to self-supporting employment. Before denying a SIP that is not on the county list, the county must provide the participant with written information that specifies procedures for approving programs and must allow a reasonable amount of time for the individual to

provide documentation that the program will lead to employment. CalWORKs WTW Program regulations are being revised to clarify this requirement.

5. Can a SIP be denied if it will not be completed within the 18- or 24-month welfare-to-work period?

No, a SIP cannot be denied solely on the basis that it cannot be completed within the individual's 18- or 24-month welfare-to-work activity time-period. CalWORKs WTW Program regulations do not include the length of the educational program in the SIP approval criteria. MPP Section 42-711.541 states that a participant in a SIP that meets specified conditions, may continue in that program for the 18- or 24-month period identified in MPP Section 42-710. After reaching the 18- or 24-month time limits, individuals must meet welfare-to-work requirements and hours of required participation through unsubsidized employment and/or community service, but can continue in their school programs on their own.

6. Can the CWD have a policy of approving only those SIPs which can be completed within a county-determined period of time, such as 9 or 12 months?

See #5 above. There is no legal authority in CalWORKs to approve or disapprove a SIP based solely on the length of the educational program. Counties cannot require students to transfer to shorter programs, but may counsel them about the consequences of the 18- or 24-month time limit.

7. Can the CWD deny a SIP because the recipient has already participated in, begun, or completed a SIP under the Greater Avenues for Independence (GAIN) Program?

No, participation in a SIP under GAIN is not a factor in the determination of a SIP approval. Only the criteria in MPP Section 42-711.54 may be applied to determine if a SIP can be approved in the CalWORKs Program. Time spent in a prior GAIN SIP does not count against the 18- or 24-month welfare-to-work period.

8. Can a SIP be denied if the recipient already has skills which would allow him or her to obtain a job?

No. Although the GAIN Program permitted the denial of a SIP if the individual already had marketable skills, a CalWORKs SIP cannot be denied for that reason. As indicated at the beginning of this letter, the only approval criteria are listed in MPP Section 42-711.54.

9. May the CWD require that a participant in a SIP attend full-time?

No, unless the school requires full-time attendance in a particular degree or certificate program. While the GAIN law required a participant to attend the SIP full-time, the current statute does not. Counties may encourage students to attend full-time in light of the 32-hour requirement and the 18- and 24-month time limits, but cannot require them to attend school on a full-time basis. An individual in a SIP is required to participate in welfare-to-work activities for 32 hours per week.

10. Can students leaving the Cal-Learn Program be SIPs?

Yes, Cal-Learn students, who are enrolled in a degree or certificate program at the time they are required to attend a CalWORKs welfare-to-work appraisal, must be treated like other recipients with respect to having SIPs approved.

11. Must the recipient be informed in writing of a SIP denial?

Yes, recipients must be informed in writing of the denial of their SIPs, the reasons for the denial, and their appeal rights. Our regulations are being revised to clarify this requirement. Additionally, counties must not continue to use the former GAIN SIP denial notice, since it contains grounds for denial that are no longer valid.

12. May participants in SIPs be required to participate in job club or job search to fill the 32 weekly hours required?

Yes, if the recipient's classroom, laboratory, and internship activity hours do not total 32 hours, participation in job club or job search may be required as long as it would not interfere with the SIP. However, recipients must be informed that they are not required to accept any job that would interfere with the hours of an approved SIP. Our regulations are being amended to require that individuals be informed in writing of acceptable good cause criteria at the time they are required to participate in welfare-to-work activities.

13. Must the CWD count work-study hours toward the 32 hours per week of activities required of SIPs?

Yes, work-study is paid employment and is a countable work activity for purposes of meeting the 32-hour requirement in accordance with MPP Section 42-711.544. As with any other work activity that is part of the welfare-to-work plan, necessary supportive services must be provided.

14. Must the CWD count classroom hours for all courses that are required for the degree or certificate, including electives?

Yes, the classroom hours of any course that count toward the completion of the degree or certificate program, count toward the 32-hour requirement. Electives and remedial classes (such as foreign language, computer classes, and general education requirements) must be counted if they count toward the degree or certificate, even if they do not count toward the participant's major or concentration. For example, a participant is enrolled in an approved nursing program that requires four electives in addition to nursing classes for completion. As one of the electives, he or she enrolls in a Spanish class. The Spanish class hours must be applied toward the student's required 32 hours, and supportive services must be provided for the student hours of participation.

15. Must the CWD count special classroom or tutorial hours for SIP participants that have been evaluated as learning disabled?

Yes, the hours spent in special classes or tutorials determined to be necessary by the educational institution to mitigate barriers to educational success for participants and pursuant to an evaluation under MPP Section 42-711.58, shall be counted towards the 32-hour requirement.

16. When a participant and the CWD cannot agree on the activities needed to reach the 32 weekly hours required for a SIP, what happens?

Although assessments are not required to develop a welfare-to-work plan for participants in approved SIPs, the CWD may require an assessment, when necessary, to assign concurrent activities to the participant to meet the minimum 32 hours of weekly participation per MPP Section 42-711.557. If the participant disagrees with the assessment, MPP Section 42-711.556 requires that the matter be referred for an independent assessment by an impartial third party. Additionally, as with any dispute regarding CalWORKs participation, participants have the right to file for a state hearing.

17. Must a recipient be allowed to continue in an unapprovable SIP until the end of his or her educational semester or quarter?

Yes, under MPP Section 42-711.547, certain recipients in unapprovable SIPs must be given the opportunity to continue in those programs until the next quarter or semester break, at which time they must transfer to an approvable SIP or participate in other welfare-to-work activities. The time in the unapprovable SIP counts toward the 18- or 24-month time limits.

18. Must supportive services be paid during the time a recipient in an unapprovable SIP is completing his or her educational semester or quarter?

Yes, the county must provide necessary supportive services during the time the participant is in an unapprovable SIP and is finishing the quarter or semester.

19. When can the CWD deny or reduce supportive services based on the participant's receipt of financial aid?

The CWD may deny or reduce supportive services based on the participant's receipt of financial aid only when the participant agrees that financial aid is actually available to cover the item(s) for which CalWORKs would otherwise pay. The county must not rely on general policy or financial award letters regarding financial aid, but must make a case-by-case determination of actual availability of the financial aid for other costs. The "Student Financial Aid Statement Welfare to Work Supportive Services" form (WTW 8) is recommended for gathering information regarding the availability of financial aid payments.

This letter is also intended to advise counties that a second All-County Letter will be forthcoming to provide instructions on how to correct any actions that may have been taken due to misunderstandings about the regulations which may have resulted in inappropriate SIP denials, sanctions, denial of supportive services, etc. As a minimum, counties will need to review and revise welfare-to-work plans and, as applicable, allow recipients to re-enroll in SIPs and restore any cases that were sanctioned inappropriately. Effective immediately, counties must flag all cases that may have any of the problems identified in this letter, particularly those that involve sanctioning individuals. However, CWDs are encouraged to correct any problems clarified by this letter even before the second All-County Letter is issued.

If you have questions regarding this letter or the treatment of SIPs, please contact Mr. Ray Christensen, Employment Bureau, at (916) 654-1426.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 4/29/99***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

c: CWDA
CSAC