

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted the provisions of Assembly Bill (AB) 1808, Chapter 75, Statutes of 2006, on an urgency basis and to take effect immediately. These emergency regulations will change the sanction process with regards to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. An instance of noncompliance without good cause shall result in a financial sanction. This sanction shall terminate at any point if the noncomplying participant performs the activity or activities he or she previously refused to perform. Further, the proposed regulations modify the regulation on vouchers and vendor payments to eliminate a reference to minimum sanction periods, which were made obsolete by AB 1808, Section 29.3.

Additionally, these emergency regulations will add that a county shall submit a county plan addendum every three years as required by AB 1808, Section 27.3.

2. Assembly Bill 1808, Section 43, allows the California Department of Social Services (CDSS) to implement applicable provisions of the law through All-County Letter (ACL) or similar instructions from the Director of CDSS. The implementation of this law through ACL may continue until July 1, 2008.
3. Delay in the implementation of these regulations would conflict with the statutory directive that emergency regulations be adopted for the provisions of AB 1808. Relevant portions of Section 43 of AB 1808 read as follows:
 - (a) Notwithstanding the rulemaking 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, until emergency regulations are filed with the Secretary of State, the State Department of Social Services may implement the changes made to the Welfare and Institutions Code by Sections 27.3 and 29.3 of this act through ACLs or similar instructions from the director. The department shall adopt emergency regulations, as necessary to implement those amendments no later than July 1, 2008.
 - (b) The adoption of regulations pursuant to subdivision (a) shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days, by which time the final regulations shall be adopted.

This language directs CDSS to adopt emergency regulations by July 1, 2008 implementing the statutory changes made by AB 1808.

4. Therefore, in order to preserve the public peace, health, safety, and general welfare of the State of California, these regulations are adopted on an emergency basis.

INFORMATIVE DIGEST

Assembly Bill (AB) 1808, Chapter 75, Statutes of 2006, amends the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the proposed regulations repeal minimum sanction periods and, instead, would allow an individual that has received a financial sanction due to an instance of noncompliance without good cause to terminate the sanction at any point. This would give more participants the opportunity to cure their sanction earlier and begin participating in Welfare-to-Work activities, which may help increase California's Work Participation Rate. The sanction will end if the noncomplying participant performs the activity or activities that he or she previously refused to perform. An individual may contact the county and request to cure his or her sanction without having to wait a minimum sanction period as previously required. Further, the proposed regulations modify the regulation on vouchers and vendor payments to eliminate a reference to minimum sanction periods, which were made obsolete by AB 1808, Section 29.3.

AB 1808, Section 27.3, also added Welfare & Institutions Code Section 10534 to require counties to submit a county plan addendum once every three years.

Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

COST ESTIMATE

1. Costs or Savings to State Agencies: \$0.082 million in funds have been budgeted in the 2007-08 Appropriation; no further funds will need to be budgeted.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: \$0.146 million in funds have been budgeted in the 2007-08 Appropriation; no further funds will need to be budgeted.
4. Federal Funding to State Agencies: \$5.596 million in funds have been budgeted in the 2007-08 Appropriation; no further funds will need to be budgeted.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 10534 and 11327.5(d), Welfare and Institutions Code, AB 1808 (Chapter 75, Statutes of 2006) Section 27.3 and 29.3.