

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. Further, Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. To determine the Office of Administrative Law five day comment period check <http://www.oal.ca.gov/> often.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted the provisions of Assembly Bill (AB)X4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009), on an urgency basis and to take effect immediately. These emergency regulations will add exemptions and change the policies for good cause findings with regards to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. An exemption from Welfare-to-Work (WTW) participation and the CalWORKs 60-month time clock can be granted for a participant who is the parent or caretaker relative who has primary responsibility for personally providing care to one child who is from 12 months to 23 months of age, or two or more children who are under six years of age. An exemption from the 60-month time clock can also be given to a participant who has been granted good cause due to lack of necessary supportive services. As stated in ABX4 4, these exemptions shall become inoperative on July 1, 2011.
2. Section 43 of ABX4 4, 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 department until regulations are adopted.
3. Delay in the implementation of these regulations would conflict with the statutory directive that emergency regulations be adopted for the provisions of ABX4 4. Relevant portions of ABX4 4, Section 43 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), the department may implement and administer the amendments to Sections 11320.3, 11454.5, and 10544 of the Welfare and Institutions Code, and the repeal of Section 10830 of the Welfare and Institutions Code, as contained in this act, through all-county letters or similar instructions from the department until regulations are adopted. The department shall adopt emergency regulations implementing these provisions no later than July 1, 2010.

- (b) The initial adoption of emergency regulations pursuant to this section and one readoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law (OAL) for filing with the Secretary of State (SOS) and each shall remain in effect for no more than 180 days, by which time final regulations may be adopted.

This language directs CDSS to adopt emergency regulations by July 1, 2010, implementing the statutory changes made by ABX4 4.

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/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) X4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009) 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.

The passage of the Budget Act of 2009 as well as AB X4 4 impacted the CalWORKs program significantly. The Budget Act included an approximate reduction of \$376 million to the CalWORKs single allocation in the 2009-10 budget year, and AB X4 4 enacted statutory changes which affect funding and exemptions in the CalWORKs program. This reduction, along with the overall increasing caseload for CalWORKs, will likely result in insufficient funding to provide the full range of Welfare-to-Work services to all current and new CalWORKs clients in the 2009-2010 and 2010-2011 fiscal years. In crafting AB X4 4, the intended goals of the Legislature were to allow for more effective utilization of limited resources for CalWORKs services, provide counties additional flexibility to address funding constraints, minimize disruption of Welfare-to-Work services for those clients already participating, and prioritize exemptions and good cause for new applicants.

In order to achieve these goals, the proposed regulations established two new, temporary CalWORKs exemptions and exemption requirements. The new exemptions apply to clients who are caring for young children and to clients who may be granted good cause from Welfare-to-Work participation due to a lack of supportive services. Clients who receive the exemption for young children will not be required to participate in Welfare-to-Work activities and will have

their CalWORKs 60-month time clock stopped until they no longer meet these criteria, or until July 1, 2011, whichever comes first. Clients who receive the exemption because they were granted good cause from Welfare-to-Work participation due to a lack of supportive services will also have their CalWORKs 60-month time clock stopped until they no longer meet these criteria, or until July 1, 2011, whichever comes first.

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: The State will incur increased costs of approximately \$849,989 in FY 2009-10 associated with these program changes. Funding for these costs were included in the FY 2010-11 Governor's Budget.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: The counties will incur increased costs of approximately \$352,496 in FY 2009-10 associated with these program changes.
4. Federal Funding to State Agencies: The federal funds associated with these program changes are approximately \$13,101,418 in FY 2009-10 and are assumed to be funded within the annual TANF block grant. These additional federal funds were reflected in the FY 2010-11 Governor's Budget.

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 11320.3 and 11454.5, Welfare and Institutions Code, ABX4 4 (Chapter 4, Statutes of the Fourth Extraordinary Session of 2009).