

Amend Section 41-440 to read:

41-440 UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

To establish deprivation due to unemployment, the following requirements shall be met;
(Continued)

.22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

.221 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.814721(a) and 42-716.813723(a) or expanded subsidized employment income as described in Section 42-716.81, shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, ~~and~~ 11322.63(b) and 11322.64(f), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711
(Continued)

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.
(Continued)

.513 If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes of this section, including qualifications for a SIP as described in Section 42-711.541(a).

(a) Section 42-711.513 does not apply to an individual who is removed from the assistance unit due to sanction as described in Section 42-721.4, has his or her needs removed from the assistance unit's grant due to penalty as described in Section 40-105, or was ineligible to receive CalWORKs as described in Section 20-353.

.52 Appraisal (Continued)

.522 ~~Prior to or during~~ the appraisal, the CWD shall provide orientation that informs the individual in writing of the following:

(a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section ~~42-716.11~~ 42-302.1 and for the required number of participation hours pursuant to Sections ~~42-716.2, 21, and 22~~ 42-711.41 and 42.711.7.

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11. (Continued)

(2) Information regarding the welfare-to-work program shall include a description of the Welfare-to-Work 24-Month Clock described in Section 42-708.11 and the requirement to meet CalWORKs Federal Standards after 24 months in accordance with Section 42-709.13. (Continued)

.523 During the appraisal, the individual shall provide ~~information about their employment history and skills, the need for supportive services, and any other relevant information~~ the CWD requires in order to assign welfare-to-work

activities appropriately, which may include, but is not limited to, information relating to all of the following:

- (a) Employment history, interests, and skills;
- (b) Educational history, interests, and skills;
- (c) Learning disabilities as described in Section 42-711.58;
- (d) Housing status and stability;
- (e) Language barriers;
- (f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues;
- (g) Child health and well-being;
- (h) Criminal background that may present a barrier to employment or housing stability;
- (i) Past or present domestic abuse issues, as described in Section 42-715;
- (j) The need for supportive services, as described in Section 42-750; and
- (k) Any other information that may affect an individual's ability to participate in work activities.

.524 (Continued)

.525 All appraisals shall be conducted using a statewide standard appraisal tool provided by the Department.

- (a) If information from the appraisal indicates that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, or Family Stabilization as described in Section 42-749, the CWD shall evaluate the individual before requiring further participation.
- (b) At any time during the appraisal process a recipient may be identified as needing domestic abuse services. This need for services shall be evaluated and services provided pursuant to Section 42-715.2.

.53 Initial Engagement Activities

.531 Determination of Initial Engagement Activity

- (a) Unless the CWD determines that another initial engagement activity is appropriate all recipients shall participate in job search pursuant to Section 42-711.534.
- (b) If the individual is evaluated and granted Family Stabilization in accordance with Section 42-711.525(a), he or she shall participate in Family Stabilization as the initial engagement activity.
- (c) If the CWD determines that substance abuse services as described in Section 42-711.57, mental health services described in Section 42-711.56, or domestic abuse services described in Section 42-715 are appropriate for an individual, he or she shall participate in those services as the initial engagement activity.

.532 Concurrent Initial Engagement Activities

- (a) Initial engagement activities may be assigned in sequence or concurrently within a period of four consecutive weeks and throughout any extension approved by the CWD in accordance with Section 42-711.534(d) or .536(a)(1).

.533 Immediate Referral to Assessment

- (a) If the CWD determines that job search will not be beneficial and that the individual is not in need of other initial engagement activities in accordance with subdivisions (b) and (c) of Section 42-711.531, he or she shall immediately be referred to assessment and is not required to complete an initial engagement activity.
- (b) If the CWD determines that the individual would benefit from education or training activities in place of initial engagement activities, he or she shall immediately be referred to assessment and shall not complete an initial engagement activity.

~~.53~~ .534 Job Search

- ~~534~~ (a) Except as provided in Sections 42-711.531 and .533, Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:
 - (a) ~~Participation in job search has been determined not be beneficial pursuant to Section 42-711.54.~~

- (b1) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
 - (e2) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
 - (d3) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
 - (4A) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.
- ~~.532~~ (b) Upon completion of the appraisal specified in Section 42-711.52, all participants, ~~except those specified in Section 42-711.531 and .533,~~ required to participate in job search as their initial engagement activity, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.
- (a1) Job search activities may include use of job clubs to identify the participant's qualifications.
 - (b2) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- ~~.533~~ (c) The period of job search activities may be shortened under the following circumstances:
- (a1) The participants and the CWD agree that further job search activities would not be beneficial; or,
 - (b2) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.
- ~~.534~~ (d) Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.

~~.535~~ (e) Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.535 Family Stabilization as an Initial Engagement Activity

(a) A recipient assigned to Family Stabilization as his or her initial engagement activity shall participate in Family Stabilization in accordance with Section 42-749.

(b) At the conclusion of Family Stabilization, the recipient shall be referred to assessment.

(1) A recipient who has completed assessment prior to the conclusion of Family Stabilization shall not be referred to assessment, unless the CWD determines an updated assessment is necessary to develop a welfare-to-work plan.

.536 Mental Health, Substance Abuse, or Domestic Abuse Services as an Initial Engagement Activity

(a) A recipient may be assigned to substance abuse services as described in Section 42-711.57, mental health services as described in Section 42-711.56, or domestic abuse services as described in Section 42-715, as appropriate, for a period of four consecutive weeks.

(1) This four-week period may be extended if the CWD determines that additional services are necessary in order to complete assessment and the welfare-to-work plan development process.

(b) If, at appraisal, the CWD determines that mental health, substance abuse, or domestic abuse services as an initial engagement activity may be necessary in excess of four consecutive weeks, the CWD shall concurrently refer the individual to assessment and any assignment to additional services shall be part of a welfare-to-work plan as described in Section 42-711.6.

.54 (Continued)

.55 Assessment

.551 Participants, except those excluded as provided in Section 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or 421;
- (b) The CWD determines that participation in job search will not be required as the first activity because it would ~~initial engagement activities will be shortened or bypassed because they are not likely to lead to employment or are otherwise not be~~ beneficial;
- (c) The CWD decides to shorten job search because it is not likely to lead to employment, or;
- (c) The CWD determines that participation in mental health, substance abuse, or domestic abuse services as initial engagement activities are required in excess of four consecutive weeks;
- (d) The CWD determines that the individual would benefit from additional education or training prior to participation in other activities, or;
- (~~e~~) The CWD determines that participation in ~~job search~~ initial engagement activities will not be required if the recipient is a noncitizen victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 and he or she does not have authorization to work from the United States Citizenship and Immigration Services. (Continued)

.554 The assessment shall include at least all of the following: (Continued)

- (h) Other information gathered during the participant's appraisal.
- (i) Other information gathered during participation in Family Stabilization.

.555 (Continued)

.6 Welfare-to-Work Plan and Universal Engagement (Continued)

.62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of ~~job search if job search, as defined in~~

~~Sections 42-701.2(j)(2) and (3), and initial engagement activities, as specified in Section 42-711.53, is if these activities are initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.~~

- (a) ~~Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.~~ Initial engagement activities are considered to be initiated when an individual is referred for participation in the initial engagement activity. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(a), 11320.1(b), 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.2(a), (b) and (c), 11325.21, 11325.22, 11325.23, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i) , and (d).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

.1 Upon the completion of ~~job-search~~ initial engagement activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to any of the following welfare-to-work activities as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.
(Continued)

.8 Expanded Subsidized Employment

.81 Eligibility for entry into expanded subsidized employment under this section shall be limited to individuals who meet one of the following criteria:

.811 Aided CalWORKs recipients participating in the Welfare-to-Work Program.

(a) These individuals may continue to participate in a county's expanded subsidized employment program if the family becomes ineligible for CalWORKs aid due to expanded subsidized employment income.

.812 Individuals in welfare-to-work sanction status as described in Section 42-721.4 who will cure their sanctions through expanded subsidized employment participation.

(a) Expanded subsidized employment participants who cure their sanctions through expanded subsidized employment must maintain compliance with welfare-to-work requirements to continue in an expanded subsidized employment placement.

.82 Expanded subsidized employment wage subsidies are limited to a maximum of six months for each participant, unless the county determines that the participant meets the requirements for an extension.

.821 Extensions to expand subsidized employment placements may be granted no more than twice, in three-month increments, not to exceed a total placement of 12 months. The county shall grant an extension if the additional time will increase the likelihood of either of the following:

(a) The participant obtaining unsubsidized employment with the participating employer.

(b) The participant obtaining specific skills and experiences relevant for unsubsidized employment for a particular field.

.822 The reason for each extension must be recorded in the participant's CalWORKs case file.

.83 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to expanded subsidized employment income.

.831 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.64, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Adopt Section 42-749 to read:

42-749 FAMILY STABILIZATION

42-749

.1 General Provisions and Applicability

.11 If, in the course of appraisal, pursuant to Section 42-711.52, or at any point during an individual's participation in welfare-to-work activities pursuant to Section 42-708.11, it is determined that the individual meets the criteria described in this section, the individual shall be eligible to participate in Family Stabilization.

.12 Individuals shall be eligible to participate in Family Stabilization if the CWD determines that their family is experiencing an identified situation or crisis that is destabilizing the family and would impair their ability to be regularly employed or participate in welfare-to-work activities.

.121 A situation or a crisis that is destabilizing the family in accordance with paragraph .11 may include, but shall not be limited to the following:

(a) Homelessness or imminent risk of homelessness.

(b) A lack of safety due to domestic abuse pursuant to Section 42-715.

(c) Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs.

.13 Individuals who are exempt from participation as described in Section 42-712, shall be eligible to participate in Family Stabilization if the CWD determines that participation in Family Stabilization will enable future participation in welfare-to-work.

.2 CWD Family Stabilization Plans

.21 Each CWD shall submit to the CDSS a plan, as defined by the CDSS, regarding how it intends to implement the provisions of this section.

.211 Family stabilization services provided to individuals are to be described in the CWD Family Stabilization plan pursuant to Section 42-749.21.

.22 If a CWD makes significant changes to its Family Stabilization program, a revised CWD Family Stabilization plan must be submitted to the CDSS as they occur.

.3 Family Stabilization Services

- .31 Family stabilization services may be offered to the family in addition to those barrier removal services otherwise provided by a CWD's Welfare-to-Work Program.
- .32 CWDs may offer housing and other needed services for any month in which a family is participating in the Family Stabilization Program.
- .4 Family Stabilization Intensive Case Management

 - .41 Each CWD shall provide intensive case management to individuals who are eligible for Family Stabilization under this section.
- .5 Individual Family Stabilization Plans

 - .51 Upon determination that a family qualifies for Family Stabilization, the CWD shall develop a Family Stabilization plan for the family.

 - .511 CWD Family Stabilization case managers shall develop a comprehensive plan that assists the family in resolving the identified situation or crisis.
 - .512 CWDs shall ensure that all staff developing Family Stabilization plans are provided all applicable training, and have the experience and skills necessary to provide support to families and individuals in crisis.
 - .52 For the purposes of beginning to count months toward the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708.22, an individual Family Stabilization Plan shall be used in place of a welfare-to-work plan as described in Section 42-711.6.
 - .53 In a two-parent household, all adults are required to have an individual Family Stabilization plan if determined eligible pursuant to this section.
- .6 Participation in Family Stabilization

 - .61 Individuals participating in Family Stabilization are not subject to the minimum hourly participation requirements described in Section 42-711.4, for so long as the individual complies with the requirements of their Family Stabilization plan.
 - .62 Months that individuals participated in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock, pursuant to Section 42-708.322, for up to six cumulative months if the CWD makes a determination of good cause, in accordance with Section 42-713.
 - .63 Family Stabilization participants must not be sanctioned as a direct result of failing to comply with their Family Stabilization plan.

.631 Family Stabilization participants refusing or unable to follow their Family Stabilization plans, without good cause as described in Section 42-749.62, are to be returned to the traditional Welfare-to-Work Program.

.7 Transitioning to Welfare-to-Work

.71 Section 42-711.535 shall apply to individuals who are participating in Family Stabilization as an initial engagement activity.

.72 For an individual who was participating in a welfare-to-work plan, the CWD shall make a determination as to whether the individual's prior welfare-to-work plan is still appropriate or if, as a result of Family Stabilization, his or her situation has changed and the individual requires reassessment and a new welfare-to-work plan.

.721 If applicable, a referral to an assessment shall be included in an individual's Family Stabilization plan and an assessment must occur prior to an individual's transition into welfare-to-work.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11322.85, 11325.2, 11325.24, 11325.4, Welfare and Institutions Code; AB 74 (Chapter 21, Statutes of 2013), Section 35; SB 855 (Chapter 29, Statutes of 2014), Section 69; 45 CFR 260; and 42 U.S.C. 607(c) and (d).

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.81-721(a) and 42-716.81-723(a) or expanded subsidized employment income as described in Section 42-716.81 shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility. (Continued)

Authority Cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.