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July 6, 2015

Regulation Package No. 0315-06

CDSS MANUAL LETTER NO. EAS 15-02

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package # 0315-06

Effective 7/1/15

Sections 41-440, 42-711, 42-716, 42-749 and 44-207

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG3715.htm>.

This manual letter includes amendments to welfare-to-work regulations to comply with Assembly Bill 74 (Ch. 21, Stats. of 2013) by adopting expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for welfare-to-work participation, and adopting the Family Stabilization Program to assist clients in crisis.

These regulatory amendments establish programs and flexibility within the 24-month time period during which recipients can participate in any welfare-to-work activity they need, consistent with their assessments, to help them move to self-supporting employment. These regulatory amendments are intended to provide employment and training services to the maximum possible number of the CalWORKs population to aid them in achieving economic self-sufficiency.

These regulations were adopted on an emergency basis and will be considered at the Department's public hearing to be held on September 2, 2015.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-15-01.

<u>Page(s)</u>	<u>Replace(s) Page(s)</u>
148 and 149	148 and 149
228 through 231	228 through 231
233.1 through 237	233.1 through 237
239.5 and 239.6	239.5 and 239.6
253.7 and 253.8	253.7 and 253.8
259.3 through 259.6	259.3 through 259.5
279.11 through 281	279.11 through 281
427 and 428	427 and 428
430.1 and 430.2	430.1 and 430.2

Attachment

EV

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;

- .21 Deprivation shall be due to the unemployment of the principal earner. Deprivation due to unemployment exists if the principal earner is unemployed (See Section 41-440.1(a)) for definition of unemployed) and the child would otherwise be deprived for AFDC except that neither of his/her parents is deceased, incapacitated, or absent from the home.
- .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 42-716.721(a) and 42-716.723(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.
 - (a) During the three calendar month period after the subsidized employment ends, the 100-hour work rule as described in Section 41-440.22 shall not apply.
 - (b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of establishing unemployment deprivation as described in Section 41-440.22, and the 100-hour work rule will apply. (See Handbook Section below.)

HANDBOOK BEGINS HERE

.222 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 40 hours in April and 40 hours per week in March. The family applied for aid on April 14th. The original four-week period would be from March 17th through April 13th. Since the PE worked 120 hours during this four-week period, a new four-week period would need to be identified.

March 18th through April 14th = 112 hours
March 19th through April 15th = 104 hours
March 20th through April 16th = 96 hours

The qualifying four-week period in which the PE worked less than 100 hours would be from March 20th through April 16th. The beginning date of aid for this family would be April 17th, if otherwise eligible.

HANDBOOK ENDS HERE

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

- .23 The principal earner, who is apparently eligible for UIB (see Section 82-610), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, unemployment deprivation does not exist for the family. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.
- .24 The principal earner shall not be considered to be unemployed as a result of his/her participation in a strike.
- .3 Repealed by Manual Letter No.85-44, effective 7/1/85.
- .4 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .5 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .6 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
- .7 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, 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.

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS WITH EDD-JS FOR APPLICANTS/RECIPIENTS 41-441

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

41-442 CAUSE DETERMINATIONS AND PENALTIES 41-442

Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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

- (2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.
 - (3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.
- .42 Hours of participation for recipients who choose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks, pursuant to Section 42-708, and recipients who have exhausted their 24-month time clocks are specified in Section 42-709.2.
- .43 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-711.4, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42.716.1, by 4.33.
- .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.

HANDBOOK BEGINS HERE

- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

HANDBOOK ENDS HERE

- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.
- .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).

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

(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

.521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.

.522 Prior to 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 42-302.11 and for the required number of participation hours pursuant to Sections 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.

(1) Information regarding child care shall include the following:

(A) For an individual to receive child care, he or she must request and be determined eligible for the services:

(B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and

(C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).

(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.

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

- (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
 - (1) A list of the exemptions from the required participation pursuant to Section 42-712;
 - (2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
 - (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
 - (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
 - (5) The right to a third-party assessment, pursuant to Section 42-711.556.

- (d) A statement that the participant has the following grace periods:
 - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.646.
 - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.647.

- (e) School attendance requirements for children in the assistance unit.

.523 During the appraisal, the individual shall provide 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;

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

- (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 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

.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.

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

- (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.

.534 Job Search

- (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:
 - (1) 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.
 - (2) 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.

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

(3) 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.

(A) 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.

(b) Upon completion of the appraisal specified in Section 42-711.52, all participants 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.

(1) Job search activities may include use of job clubs to identify the participant's qualifications.

(2) The CWD shall consider the skills and interests of participants in developing a job search strategy.

(c) The period of job search activities may be shortened under the following circumstances:

(1) The participant and the CWD agree that further job search activities would not be beneficial; or,

(2) 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.

(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.

(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.

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

- (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 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment in accordance with Section 42-716.11, if:

- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
 - (1) The date he or she is appraised, or
 - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (b) He or she is making satisfactory progress in that program;

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

- (c) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and
 - (d) The welfare-to-work plan reflects that determination.
- .542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.
- .543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.
- (a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.
 - (1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.
 - (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.
 - (1) The recipient shall be allowed to continue in the program up to the time period specified in Section 42-716.11, if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.
 - (A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.
 - (c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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

- (2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and
- (3) The welfare-to-work plan reflects that determination.

.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 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 42-711.4;
- (b) The CWD determines that participation in initial engagement activities will be shortened or bypassed because they are not likely to lead to employment or are otherwise not beneficial;
- (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 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.
 - (1) A recipient who does not have authorization to work should be assigned to welfare-to-work activities that will assist him or her to prepare for future employment, which may include, but is not limited to, adult basic education (English language training), vocational education and training, domestic violence, mental health, and substance abuse services.

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

- .552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-709.2 or 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.1. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment.
 - (a) These individuals shall be informed that they will be required to sign a welfare-to-work plan.
 - (b) They shall also be informed that if they do not go to assessment the welfare-to-work plan shall provide only for unsubsidized employment and necessary supportive services.
 - (c) If at any time an individual who opted out of assessment does not meet his or her minimum hours of participation as assigned according to the welfare-to-work plan developed in accordance with Section 42-711.632, he or she shall be referred to assessment.

- .553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

- .554 The assessment shall include at least all of the following:
 - (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
 - (b) The participant's educational history and present educational competency level.
 - (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
 - (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
 - (e) Local labor market information.
 - (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
 - (g) Identification of available resources to complete the welfare-to-work plan.

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

- (h) Other information gathered during the participant's appraisal.
 - (i) Other information gathered during participation in Family Stabilization.
- .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.
- .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
- (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
 - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
 - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
- .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum hourly participation requirement specified in Section 42-711.41.
- .558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a reunification plan as defined in Section 80-301(r)(5), subject to the temporary absence/family reunification provisions of Section 82-812.68.
- (a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in a reunification plan.
- .56 Mental Health Assessment
- If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

HANDBOOK BEGINS HERE

- .561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.

- .562 The evaluation shall include:
 - (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.

 - (b) Prior diagnoses, assessments, or evaluations that the recipient provides.

- .563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.
 - (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)

 - (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

HANDBOOK ENDS HERE

.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

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

.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.1 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment in accordance with Section 42-711.55.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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.6 Welfare-to-Work Plan and Universal Engagement

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

.611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency.

.612 A copy of the complete, signed plan shall be provided to the participant.

.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 initial engagement activities, as specified in Section 42-711.53, 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) Initial engagement activities are considered to be initiated when an individual is referred for participation in the initial engagement activity.

.622 The 90-day period specified in Section 42-711.62 and the 30-day period specified in Section 42-711.621 do not include the following:

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
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HANDBOOK BEGINS HERE

- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

HANDBOOK ENDS HERE

.65 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.

.7 Post Welfare-to-Work 24-Month Time Clock Participation Requirements

.71 After an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock described in Section 42-708, unless otherwise exempt, or having received an extension to the 24-month time clock, the individual must meet CalWORKs federal standards in accordance with Section 42-709 for the individual to continue receiving cash aid.

.711 Except as provided in Section 42-711.72, an individual who fails to meet CalWORKs federal standards is subject to the noncompliance provisions pursuant to Section 42-721.

.712 The term "removed from cash aid" instead of "sanctioned" shall be used when referring to an individual who is in the noncompliance process described in Section 42-721.

.72 In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
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.8 Satisfactory Participation

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: 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).

42-715 **DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS** **42-715**
(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11495, 11495.1, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

42-716 **WELFARE-TO-WORK ACTIVITIES** **42-716**

.1 Upon the completion of 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.

- (a) Unsubsidized employment, as defined in Section 42-701.2(u)(2).
- (b) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.
- (c) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the public sector.
- (d) Work experience, as defined in Section 42-701.2(w)(3).
 - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.
 - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
 - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
 - (2) The maximum hours of participation in unpaid work experience shall be limited as follows:

42-716	WELFARE-TO-WORK ACTIVITIES	42-716
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(Continued)

- (A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
- (B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.
- (3) The monthly limit in Sections 42-716.1(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (e) On-the-job training (OJT), as defined in Section 42-701.2(o)(2).
- (f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.5.
- (g) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5, except that only the grant or the grant savings can be diverted to the employer.
- (h) Work study, as defined in Section 42-701.2(w)(5).
- (i) Self-employment as defined in Section 42-701.2(s)(1).
- (j) Community service as defined in Section 42-701.2(c)(5).
- (1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.
 - (A) Revisions to the welfare-to work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

42-716 WELFARE-TO-WORK ACTIVITIES **42-716**
(Continued)

- .7 Assembly Bill (AB) 98 Subsidized Employment
 - .71 AB 98 subsidized employment shall be used to place participants in subsidized private sector or subsidized public sector subsidized employment as indicated in Sections 42-716.1(b) and 42-716.1(c).
 - .711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:
 - (a) Grant-based on-the-job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.
 - (b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.
 - (c) Work study as indicated in Section 42-716.1(h).
 - .72 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:
 - .721 Aided CalWORKs recipients participating in the welfare-to-work Program.
 - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.
 - .722 Individuals in welfare-to-work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.
 - (a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with welfare-to-work requirements to continue in an AB 98 subsidized employment position.

42-716	WELFARE-TO-WORK ACTIVITIES	42-716
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(Continued)

- .723 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.
 - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.

- .73 AB 98 wage subsidies are limited to a maximum of six months for each participant.

- .731 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.
 - (a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.

- .74 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 AB 98 subsidized employment income.
 - .741 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.

- .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.

42-716 WELFARE-TO-WORK ACTIVITIES **42-716**
(Continued)

- .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.

NOTE: 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.

42-717 JOB RETENTION SERVICES **42-717**

- .1 If provided in the county plan, the CWD may provide job retention services to employed former CalWORKs recipients for a period of up to 12 months. The purpose of job retention services is to assist former recipients to retain employment or to obtain a better job.
 - .11 The period of up to 12 months begins on the earlier of the following dates, but in no event later than one year after the former recipient's aid is discontinued.

42-717	JOB RETENTION SERVICES (Continued)	42-717
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- .111 The date that the former recipient's aid is discontinued, if the former recipient is employed at that time.
- .112 The date that the former recipient becomes employed.
- .12 Job retention services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary).
- .13 A former recipient who does not become employed during the 12 month period after being discontinued from aid is not eligible to receive services under Section 42-717.
- .2 The CWD may provide job retention services to the extent that the services are:
 - .21 not provided by the employer or the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain employment, or needed to advance to new employment that may provide greater income or better benefits.
- .3 The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs 48-month time limits.
- .4 If the CWD decides to offer services to former recipients under Section 42-717, the CWD:
 - .41 May establish eligibility criteria for those services in addition to the eligibility criteria contained in Sections 42-717.1 and .2. If additional criteria are established, they must be reflected in the County Plan (see Section 42-780).
 - .42 Shall adopt written policies determining the duration and types of, and, when applicable, the reimbursement rate for, those services.
- .5 In accordance with Section 47-230.14, child care shall be available to former recipients for up to two years from the date the recipient leaves cash aid.
- .6 There is no community service requirement for services provided under Section 42-717, unless the CWD adopts a policy requiring community service.
- .7 If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.8.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320.15, 11323.2(b), 11454, 11454.2, and 11500, Welfare and Institutions Code.

Regulations	NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WELFARE-TO-WORK	42-742
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42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
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(Continued)

- .81 If a welfare-to-work participant with an identified learning disability moves from one county to another:
 - .811 The first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.
 - .812 The second county must develop a new, or modify the existing, welfare-to-work plan, as necessary, to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources.
 - .813 The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

NOTE: Authority Cited: Section 10553, Welfare and Institutions Code. Reference: Sections 10850, 11320.3(f), 11322.8, 11322.85, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

42-730	GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES	42-730
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-731	EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS	42-731
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Renumbered to Sections 42-720.4, .5, .6, and .7 by Manual Letter No. EAS-98-03, effective 7/1/98.

42-740	CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH, TRAINING AND EDUCATION SERVICES	42-740
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-741	AGREEMENTS FOR PREP AND AWEX	42-741
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-742	CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING (OJT), SUPPORTED WORK, AND TRANSITIONAL EMPLOYMENT FUNDED BY GRANT DIVERSION	42-742
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

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.

42-749 FAMILY STABILIZATION (Continued) 42-749

- .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.

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42-749 **FAMILY STABILIZATION** (Continued) **42-749**

- .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.

NOTE: 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).

42-750 **SUPPORTIVE SERVICES** **42-750**

- .1 Supportive Services
 - .11 Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21. Supportive services shall include all of the following:
 - .111 Child care as described in Chapter 47-100.
 - .112 Transportation. Transportation costs shall be governed by regional market rates as determined below:
 - (a) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in welfare-to-work activities pursuant to Section 42-721.313.
 - (b) If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:
 - (1) The county shall select an existing reimbursement rate used in the county, or

42-750 SUPPORTIVE SERVICES (Continued) 42-750

- (2) The county shall develop a rate that covers necessary costs.
 - (3) The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
 - (c) Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.
 - (d) Participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 42-750.112(a) and (b).
- .113 Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.
- (a) Tuition (and school fees in the nature of tuition) are not ancillary expenses. The county is not obligated to pay these costs when a person or entity, other than the county or county authorized entity, contracts for the training.
- .114 A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.
- (a) "To the extent available" means these services are available at no cost to the recipient or the county develops a written policy authorizing payment for personal counseling.

.2 Supportive Services Payments

- .21 Payments for supportive services, except child care as described in Chapter 47-100, shall be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for these services.
- .211 Notwithstanding any other provision of Chapter 42-700, any participant in on-the-job training who becomes ineligible for CalWORKs due to earned income, hours worked, or loss of income disregards, shall remain a participant in the program under welfare-to-work activities for the duration of the on-the-job training assignment. The participant shall be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

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 42-716.721(a) and 42-716.723(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.
 - (a) During the three calendar month period after the subsidized employment ends, the county shall apply the recipient earned income disregards as described in Section 44-111.23.
 - (b) If an individual applies for CalWORKs after this three-month period has passed, he or she shall be considered an applicant for the purpose of determining CalWORKs financial eligibility as described in Section 44-207.11.

HANDBOOK BEGINS HERE

(SAR) Example: Applicant applies for assistance for herself and her one dependent child. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 920	MBSAC for two
	Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

HANDBOOK CONTINUES

HANDBOOK CONTINUES

(AR/CO) Example: Timed out applicant applies for assistance for her two dependent children. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

\$ 600	Earned Income
- 90	\$90 Earned Income Disregard
\$ 510	Total Net Nonexempt Income
\$ 920	MBSAC for two

Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

See Section 44-207.2 for second step in the financial eligibility test for applicants.

HANDBOOK ENDS HERE

- .112 The MBSAC is the amount of money which is necessary to provide a family with the following:
- a. Housing.
 - b. Clothing.
 - c. Food.
 - d. Utilities.
 - e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - f. Essential medical, dental, or other remedial care not otherwise provided at public expense.

HANDBOOK CONTINUES

Eligibility/Grant Computation:

\$ 300	Disability-Based Unearned Income
- 225	\$225 DBI Disregard
<u>\$ 75</u>	Net Nonexempt Disability-Based Unearned Income
\$1612	Gross Family Earned Income
- 806	50% Earned Income Disregard
<u>\$ 806</u>	Net Nonexempt Earnings
+ 75	Disability-Based Unearned Income
<u>\$ 881</u>	Total Net Nonexempt Income
\$1087	Exempt MAP for Six
- 881	Total Net Nonexempt Income
<u>\$ 206</u>	Potential Grant
\$ 969	Exempt MAP for AU of Five
\$ 206	Potential Grant
\$ 206	Aid Payment (Lower of Potential Grant and MAP for AU)

HANDBOOK ENDS HERE

.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income for the AU and other family members (if applicable), minus all applicable income exemptions (listed in Section 44-111) and income disregards (listed in Section 44-113).

- (a) Gross income includes: 1) earnings by part-time student applicants; and 2) current child support payments collected by the county, but does not include child support payments collected by the county for a child subject to MFG (see Section 44-314.6).

(SAR).23 Once financial eligibility is established for the SAR Payment Period, financial eligibility continues for the AU for the entire SAR Payment Period unless the family's income exceeds the IRT (see Section 44-316.324) and the family's reasonably anticipated, net non-exempt monthly income continues to exceed the MAP for the AU for more than one consecutive month.

44-207	INCOME ELIGIBILITY (Continued)	44-207
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(AR/CO) Once financial eligibility is established for the AR/CO Payment Period, financial eligibility continues for the AU for the entire AR/CO Payment Period unless the family's income exceeds the IRT (see Section 44-316.324) and the family's reasonably anticipated, net non-exempt monthly income continues to exceed the MAP for the AU for more than one consecutive month.

(SAR) .24 If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the SAR Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

(AR/CO) If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the AR/CO Payment Period and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

.25 Adding Persons to the Assistance Unit

When adding persons to an existing AU, the AU is subject to the recipient financial eligibility test.

NOTE: 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. McMahan, 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.