



CDSS

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August 18, 2015

ORD #0914-08

Notification of 15-Day Public Availability  
of Changes to Regulations and Supporting  
Documents and Information

On April 8, 2015, a public hearing was held to consider the proposed adoption, amendment or repeal of the following regulations:

ITEM #1 – Participation Requirements for CalWORKs Welfare-to-Work Program

Pursuant to the provisions of Section 11346.8(c) of the Government Code, the California Department of Social Services (CDSS) has revised the Statement of Reasons and the proposed regulatory language. A copy of the full text of the regulations with the proposed changes indicated is enclosed for your review. Copies of the Final Statement of Reasons and the Updated Informative Digest are attached for review and comment and also available at the address listed below.

Any person interested may submit written statements or arguments relating to the modified language and documents or information during the public comment period from August 19, 2015, to September 2, 2015. These statements may be submitted to the Office of Regulations Development (ORD) at the address listed below, by e-mail to [ord@dss.ca.gov](mailto:ord@dss.ca.gov) or by fax at (916) 654-3286. In order to be considered, public comments must be received by CDSS on or before 5:00 p.m., September 2, 2015.

California Department of Social Services  
Office of Regulations Development  
744 P Street, M.S. 8-4-192  
Sacramento, CA 95814

Any questions concerning the proposed regulations and documents or information may be directed to Ying Sun, Manager of ORD at (916) 657-2586.

Enclosures

Description of Method Used to Illustrate  
Changes to Original Regulations Text

In the attached regulations document, the language originally proposed is underlined. Deletions to existing language are shown by strikeout. Revisions made subsequent to public hearing are shown as follows:

Added language      double underlined and bolded text

**New language added following public hearing.**

Deleted language      double strikeout and bolded text

**~~Language deleted following public hearing.~~**

**Amend Section 42-302 to read:**

**42-302      48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS      42-302**

.1 (Continued)

.2 (Continued)

.21 Exempt Months Any month in which any of the following conditions exist for any period during the month shall not count toward the 48-month limit as specified:

(a) (Continued)

(b) Providing Care The individual is exempt from welfare-to-work participation requirements due to:

(1) (Continued)

(2) (Continued)

(3) Being the parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

(A) An individual whose exemption ended on January 1, 2013, pursuant to Section 42-302.21(b)(3) shall not have months count toward his or her CalWORKs 48-month time limit until the CWD reengages him or her in the Welfare-to-Work Program pursuant to Section 42-712.8.

(4) Being the parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. An individual shall be eligible for this 48-month time limit exemption only one time under the CalWORKs Program. This paragraph is effective January 1, 2013. See Section 42-712.475.

(c) (Continued)

(1) Lack of Necessary Supportive Services

The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

.22 (Continued)

Authority Cited: Sections 10553, 10554, and 11369, ~~and 11454~~, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, 11454.5(c), and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-701 to read:

**42-701 INTRODUCTION TO WELFARE-TO-WORK**

**42-701**

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.1 (Continued)

(a) (Continued)

(b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment goals ~~while meeting the federal participation requirements.~~

(c) ~~Mandatory core welfare to work participation hours. Unless exempt, adult recipients are required to participate in at least a minimum average of 20 hours per week of core welfare to work activities. The balance of their 32 or 35 hour per week participation requirement shall be spent in either core or non core activities. All welfare to work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment.~~ Flexibility in the types of activities recipients can participate in for 24 months. During a Welfare-to-Work 24-Month Time Clock period, adult recipients can participate in any of the CalWORKs activities they need, consistent with their assessments, to obtain employment and become self-sufficient. After this 24-month period is exhausted, adult recipients are limited to activities that meet CalWORKs federal standards in order for the adult to continue receiving cash aid.

(d) (Continued)

**HANDBOOK ENDS HERE**

.2 Definitions for Terms Used in This Chapter

(a) (1) (Continued)

(b) Reserved

(c) (1) "CalWORKs Federal Standards" means the participation requirements, specified in Section 42-709, a recipient may meet in order to not have a month count toward his or her Welfare-to-Work 24-Month Time Clock, specified in Section 42-708. It also means the participation requirements an adult recipient must meet when he or she has exhausted his or her Welfare-to-Work 24-Month Time Clock in order for the adult to remain eligible for cash aid.

- (2) "CalWORKs Minimum Standards" means the minimum participation requirements an individual must meet, as described in Section 42-711.41, when he or she has months remaining on his or her Welfare-to-Work 24-Month Time Clock.
- ~~(13)~~ (Continued)
- ~~(24)~~ (Continued)
- ~~(35)~~ (Continued)
- ~~(4) "Core Welfare to Work Activities" means any of the following welfare to work activities: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self-employment, community service, vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211), and job search and job readiness assistance. Adult basic education, job skills training directly leading to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.~~
- ~~(56)~~ (Continued)
- ~~(67)~~ (Continued)
- (d) (1) (Continued)
- (e) (1) "Education Directly Related to Employment" means education related to a specific occupation, job, or job offer. The activity is primarily for adult education leading to a General Educational Development (GED) credential or high school equivalency diploma, where required as a prerequisite for employment.
- ~~(12)~~ (Continued)
- ~~(23)~~ (Continued)
- (f) (1) (Continued)
- (j) (1) (Continued)

- (2) "Job Skills Training Directly Related to Employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
- (23) (Continued)
- (34) (Continued)
- (k) (Continued)
- (n) (1) ~~"Non-core Welfare to Work Activities" means any of the following welfare to work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance. Reserved~~
- (o) (1) ~~Reserved~~ "One-parent Assistance Unit", for purposes of Welfare-to-Work Program participation requirements, means an assistance unit that includes only one aided adult who is a natural or adoptive parent, a stepparent, as defined in Section 80-301(s)(11), or another caretaker relative.
- (2) "On-the-job Training" means training in the private or public sector that is given to a paid participant while the participant is engaged in productive work. The employer is subsidized to offset training costs. This activity may also include paid classroom instruction as required by the participant's employer.
- (3) "Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2.
- (p) (1) (Continued)
- (s) (1) ~~"Supplemental Refugee Services (SRS) Welfare to Work Component" means a supplemental services component, within the CalWORKs Welfare to Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare to Work services due to Welfare to Work funding limitations.~~

- (1) "Self-employment" means employment by means of earning a living by working as a sole proprietor or other business entity and not as an employee of another. Self-employment must include compensation as defined under "employment" in Section 42-701.2(e)(2).
- (2) (Continued)
- (3) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- ~~(34)~~ (Continued)
- (t) (1) ~~Reserved~~—"Two-parent Assistance Unit", for the purposes of Welfare-to-Work Program participation requirements, means an assistance unit with two aided natural or adoptive adult parents.
- (u) (1) (Continued)
- (2) "Unsubsidized Employment" means employment in the public or private sector for which the welfare-to-work participant's employer is not reimbursed for wages and/or training costs by the CWD or via any other entity.
- (v) (1) "Vocational Education and Training" or "Vocational Educational Training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations, and includes, but is not limited to, college and community college education, adult education, regional occupational centers, and other occupational programs.
- ~~(42)~~ (Continued)
- (w) (1) (Continued)
- (2) (Continued)
- (3) "Welfare-to-Work 24-Month Time Clock" is defined in Section 42-708.11.
- ~~(34)~~ (Continued)
- (5) "Work Study" means a type of subsidized employment as described in 42-701.2(s)(2) in which the subsidized employment placements are made through a college where a welfare-to-work participant is enrolled and making satisfactory progress.

(x) (Continued)

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: ~~Section 8172, Education Code;~~ Sections 10063, 10800, 11320, 11320.3(a)(1) and (b)(3)(A), 11322.6, 11322.8(e), (d), and (e), 11322.85, 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; ~~and Sections 15365.50 and 15365.55, Government Code;~~ and 42 U.S.C. 603(A)(5).

Adopt Section 42-708 to read:

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK**

**42-708**

.1 General Provisions and Applicability

.11 "Welfare-to-Work 24-Month Time Clock" refers to a cumulative 24-month period in an individual's lifetime, during which he or she may participate in any approvable activity pursuant to Section 42-716.1, so long as participation is consistent with his or her assessment under Section 42-711.55 and addresses at least one of the following:

.111 A particular need for barrier removal activities or other welfare-to-work activities that are not CalWORKs federal standards core activities as described in Section 42-709.31, including, but not limited to, vocational education beyond the 12-month limitation described in Section 42-709.315.

.112 The circumstances and career goals of the participant.

.12 Individuals subject to Welfare-to-Work 24-Month Time Clock

.121 All adults who are a member of an assistance unit and subject to welfare-to-work participation requirements are subject to the Welfare-to-Work 24-Month Time Clock.

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(a) This includes individuals whose needs have been removed from the family's cash aid due to a school attendance penalty under Section 40-105.5 or an Intentional Program Violation (IPV) under Sections 20-350 through 20-353.

(b) This includes individuals who are in an assistance unit which is receiving a grant of less than \$10 per month.

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.122 If a participant transfers from one assistance unit into another assistance unit, his or her Welfare-to-Work 24-Month Time Clock transfers with him or her. The individual is not entitled to a new Welfare-to-Work 24-Month Time Clock or a restarting of his or her Welfare-to-Work 24-Month Time Clock due to the assistance unit transfer.

.13 Individuals who are not subject to the Welfare-to-Work 24-Month Time Clock

.131 Cal-Learn Exclusion

- (a) Individuals who are required to participate in, participating in, or exempt from the Cal-Learn Program as described in Sections 42-762 through 42-769 are not subject to the Welfare-to-Work 24-Month Time Clock.

.132 Non-Parenting Dependent Teens

- (a) Individuals who qualify for aid, are 16- or 17-years old, are non-parenting dependent teens, and are required to attend high school are not subject to the Welfare-to-Work 24-Month Time Clock.

.133 Non-Cal-Learn 19-Year Old Custodial Parents

- (a) Individuals who qualify for aid, are 19-years old, and have not obtained a high school diploma or its equivalency are not subject to the Welfare-to-Work 24-Month Time Clock.

.134 Non-Minor Dependent Exclusion

- (a) Individuals who are non-minor dependents and are not required to participate in welfare-to-work in accordance with Section 42-712.13.

.14 Individuals with a Break in Aid

.141 Individuals with a break in aid longer than 30 days, upon return to aid shall have a new welfare-to-work plan developed under Section 42-711.6.

- (a) If a participant was not previously assessed in accordance with Section 42.711.55, the participant must complete an assessment under Section 42-711.55.
- (b) If the participant was previously assessed in accordance with Section 42.711.55, the CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.
- (c) Once the participant signs a new welfare-to-work plan in accordance with Section 42-711.6, his or her Welfare-to-Work 24-Month Time Clock starts the first of the following month after his or her plan sign date, unless the individual meets a condition described in Section 42-708.3 that allows for a month not to count toward his or her Welfare-to-Work 24-Month Time Clock.

.142 Individuals with a break in aid of less than 30 days, who had an active welfare-to-work plan developed under Section 42-711.6 when he or she left aid, shall continue in his or her welfare-to-work plan if the welfare-to-work plan is appropriate based on the individual's specific circumstances and is consistent with his or her assessment under Section 42-711.55.

(a) The Welfare-to-Work 24-Month Time Clock will begin or resume the first of the month following the date the participant's aid resumed, unless the participant meets a condition described in Section 42-708.3 that permits a month not count toward his or her Welfare-to-Work 24-Month Time Clock.

(b) If the participant's welfare-to-work plan is no longer appropriate upon re-entry into the Welfare-to-Work program, months shall not count towards his or her Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.325 until he or she has signed a new welfare-to-work plan in accordance with Section 42-711.6.

(c) The CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.

.15 Impact of the CalWORKs 48-month Time Limit on the Welfare-to-Work 24-Month Time Clock

.151 Participants who have reached their CalWORKs 48-month time limit in accordance with Section 42-302.1, but have time remaining on their Welfare-to-Work 24-Month Time Clock are not entitled to continue participating in the welfare-to-work program unless they qualify for a 48-month time limit exception under Section 42-302.11.

.152 For a participant granted a 48-month time limit exception under Section 42-302.11 who has yet to exhaust the Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, he or she may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Time Clock is exhausted, at which time he or she must meet CalWORKs federal standards.

.2 Counting Months Toward the Welfare-to-Work 24-Month Time Clock

.21 The Welfare-to-Work 24-Month Time Clock is effective January 1, 2013. No months prior to January 1, 2013 shall count toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock.

- .22 Months shall begin counting toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock the first of the following month after he or she signs a welfare-to-work plan in accordance with Section 42-711.6, which includes mutually agreed upon welfare-to-work activities under Section 42-716 and supportive services pursuant to Section 42-750.
- .23 Months count toward an individual's Welfare-to-Work 24-Month Time Clock in a cumulative fashion.
- .24 Any month in which a participant who is subject to the Welfare-to-Work 24-Month Time Clock meets a condition under Section 42-708.3 shall not count toward the participant's Welfare-to-Work 24-Month Time Clock.
- .25 When verification indicates an individual whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock the first of the month following the date the CWD received the verification.
- .251 The CWD shall inform the participant of the change in status to his or her Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.63.
- .252 Individuals who have not been assessed in accordance with Section 42-711.5 whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards in accordance with Section 42-709.52 shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.
- .3 Conditions that Shall Make a Month Not Count Toward the Welfare-to-Work 24-Month Time Clock
- .31 The individual meets CalWORKs federal standards as specified in Section 42-709.
- .311 Any month during which a CWD receives verification that indicates an individual has participated in hours and approved activities that meet CalWORKs federal standards in accordance with Section 42-709.52, shall be retroactively restored to that individual's Welfare-to-Work 24-Month Time Clock.
- .32 The individual meets any one of the following conditions:
- .321 Welfare-to-Work Exemption

- (a) The individual qualifies for a welfare-to-work exemption from participation under Section 42-712.

.322 Good Cause

- (a) The individual is in a welfare-to-work plan that is designed to meet CalWORKs minimum standards and was excused by his or her CWD from participation in welfare-to-work activities for good cause in accordance with Section 42-713, for at least 50 percent of his or her hourly participation requirement for the month(s).

.323 Domestic Abuse

- (a) The individual has been identified as a past or present victim of domestic abuse and the CWD has granted a waiver for a month(s) to not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42.713.22.

.324 Welfare-to-Work Sanction

- (a) The individual is removed from the assistance unit due to a sanction pursuant to Section 42-721.4.

.325 Appraisal, Job Search, Assessment, or Developing a Welfare-To-Work Plan

- (a) The individual is participating in the appraisal process under Section 42-711.52, the assessment process pursuant to Section 42-711.55, job search pursuant to Section 42-711.53, or the individual does not have an active welfare-to-work plan and is in the process of developing a plan pursuant to Section 42-711.63.
- (b) The individual is participating in job search or job readiness that meets CalWORKs federal standards as specified in Section 42-709.
- (c) The individual is participating in a welfare-to-work plan developed in accordance with Section 42-711.6 where job search accounts for at least 50 percent of the individual's participation hours in a given month.
  - (1) Paragraph (c) is limited to two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance specified in paragraph (b).

.326 Excused Parent

- (a) The individual is an excused parent in an assistance unit in accordance with Sections 42-712.12 and 42-712.14.

- (1) If the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin once requirements of Section 42-708.22 are met.
- (2) If the excused parent volunteers to participate, months do not count toward his or her Welfare-to-Work 24-Month Time Clock unless the situation provided in paragraph (1) occurs.
- (3) In accordance with Section 42-712.12, if the mandatory parent is fully meeting the assistance unit's hourly participation requirement and the excused parent is volunteering to participate in welfare-to-work, if the parents' combined number of hours and activities is such that the assistance unit meets CalWORKs federal standards in a given month, that month will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

#### .4 Special Rules for Two-Parent Assistance Units

- .41 Each adult in a two-parent assistance unit has his or her own individual Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.121.
- .411 Months will count toward the Welfare-to-Work 24-Month Time Clock for each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum standards, unless one or both of the participants meet a condition under Section 42-708.3 that would make a month not count toward the Welfare-to-Work 24-Month Time Clock.

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- .42 The Welfare-to-Work 24-Month Time Clock Applied to Two-Parent Assistance Unit Configurations
- .421 Two Mandatory Parents Participating and Sharing Hours
- (a) If both parents in a two-parent assistance unit are required to participate in welfare-to-work and are meeting CalWORKs federal standards, months will not count toward either parent's Welfare-to-Work 24-Month Time Clock.
  - (b) If both parents participate but do not meet CalWORKs federal standards, both parents will have months count toward his or her respective Welfare-to-Work 24-Month Time Clock unless one or both meets a condition under Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

.422 First Parent is Participating and Second Parent is Excused

- (a) If one parent agrees to fully meet the CalWORKs minimum standards for two-parent assistance units, the second parent is excused from welfare-to-work participation in accordance with Section 42-712.12 and months will not count toward the second parent's Welfare-to-Work 24-Month Time Clock.

.423 First Parent Participating and Second Parent is Exempt (other than an exemption based on a disability pursuant to Section 42-712.44)

- (a) When one parent has a welfare-to-work exemption that is not based on a disability, the other parent must fulfill the assistance unit's CalWORKs minimum standards, unless the exempt parent volunteers to participate and contribute toward the assistance unit's 35-hour per week participation requirement.
- (b) Months will not count toward the exempt parent's Welfare-to-Work 24-Month Time Clock.
- (c) Months will count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock unless the assistance unit is meeting CalWORKs federal standards or the mandatory parent is found to meet a condition under Section 42-708.32 that makes a month not count towards the Welfare-to-Work 24-Month Time Clock.

.424 Two Parents Participating and One Parent is a Volunteer

- (a) Exempt and excused second parents may choose to volunteer in welfare-to-work.
- (b) Months do not count toward the exempt or excused second parent's Welfare-to-Work 24-Month Time Clock, regardless of whether they choose to volunteer in welfare-to-work.
- (c) An exempt or excused parent's voluntary participation may contribute towards meeting CalWORKs federal standards.
- (d) Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

**HANDBOOK ENDS HERE**

.5 Special Rules for Other Assistance Unit Configurations

.51 One-Parent Assistance Units with a Second Parent in the Home who has Reached the CalWORKs 48-month Time Limit

.511 Months will count toward the aided parent's Welfare-to-Work 24-Month Time Clock, unless he or she is found to meet a condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.3.

.512 When determining if the aided parent meets CalWORKs federal standards only, the CWD shall consider any hours for which the CWD has received verified documentation of participation by the second parent.

.52 One-Parent Assistance Units with a Second Parent in the Home who is Sanctioned

.521 Months will count toward the non-sanctioned parent's Welfare-to-Work 24-Month Time Clock, unless that parent's level of participation meets CalWORKs federal standards or he or she is found to meet another condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.32.

.522 If a sanctioned parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered for determining if the family is meeting CalWORKs federal standards only.

.53 Assistance Units with Optional Stepparents

.531 Assistance Units with an optional stepparent as defined in Section 42-701.2(o)(3)

(a) Months will count toward an optional stepparent's Welfare-to-Work 24-Month Time Clock when he or she is participating to meet the assistance unit's CalWORKs minimum standards, unless he or she meets a condition that makes a month not count toward his or her Welfare-to-Work 24-Month Time Clock in accordance to Section 42-708.3.

.54 Assistance Units with Three or More Adults

.541 In two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.

.542 Additional adults who are not contributing hours will be excused from participation in accordance with Section 42-708.326.

.543 An exempt or excused parent's voluntary participation may, in combination with the participation of one other adult, contribute toward meeting CalWORKs federal standards.

.544 Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.

.6 Noticing Requirements for the Welfare-to-Work 24-Month Time Clock

.61 CWDs are required to provide participants with a written notice informing them of the status of their Welfare-to-Work 24-Month Time Clocks at the following intervals:

.611 At the time an individual applies for cash aid.

.612 At the participant's annual redetermination for cash aid.

.613 At least once between months 18 and 21 on a participant's Welfare-to-Work 24-Month Time Clock.

.614 At the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.

.62 The notice specified in Section 42-708.61 shall include all of the following:

.621 The number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.

.622 The participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Clock and that failure to meet those participation requirements may result in the noncompliant adult being removed from the assistance unit.

.623 How a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock.

.624 Information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards under Section 42-709.

.625 Information on and how to apply for an exemption from welfare-to-work participation and an extension to the Welfare-to-Work 24-Month Time Clock.

.63 Noticing related to changes in participation

- .631 Except for individuals described in Section 42-708.252, when verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-711.63 has not met those standards, the CWD shall inform the individual of the following as soon as administratively feasible:
- (a) That months will count toward the individual's Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that the individual was not meeting CalWORKs federal standards.

.7 Welfare-to-Work 24-Month Time Clock Extensions

.71 CWD Extension Estimates

- .711 The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.
- .712 The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.
- .713 The Department shall estimate the number of assistance units that will meet the criteria provided in Section 42.708.712 in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.
- .714 If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.
- .715 Each CWD shall report information regarding the number and percentage of extensions granted.
- .716 If a CWD grants more extensions than the number that was estimated by the Department in accordance with Section 42-708.713, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

- (a) Upon receipt of the information requested in accordance with Section 42-708.716, the Department may request the CWD to submit a plan to bring the CWD into compliance with the number of extensions available.

.72 Requesting Extensions

.721 An individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock.

- (a) The individual may present evidence to the CWD that he or she meets any of the following circumstances:
  - (1) The individual is likely to obtain employment within six months.
  - (2) The individual has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment.

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- (A) Example 1: An individual qualified in forklift operation that is applying for a position at a manufacturing warehouse that will be opening soon or at a new construction project may be considered as likely to obtain employment within six months.
- (B) Example 2: Unique labor market barriers temporarily preventing employment may include situations where a primary employer in the local area has closed or moved, such as a factory that has recently shut down operation or relocated out of the area. This would create a significant labor force disruption, particularly in the situation where the industry field of the primary employer required a specialized skill set that may not be easily transferable to a different industry field.
- (C) Example 3: Unique labor market barriers temporarily preventing employment may also include local or regional natural disasters, such as a drought or freeze, which impact local labor markets in a way that temporarily causes a disruption to the labor force.

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- (3) The individual has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a SIP under Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.
- (4) The individual needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan under Section 42-711.6, due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.
- (5) The individual has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.
- (6) The individual is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock.
  - (A) Such an individual may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards in accordance with Section 42-711.41.
  - (B) An extension granted under this paragraph is subject to Section 42-708.73 and is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

### .73 Extension Determinations and Duration

- .731 Prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under Section 42-708.721(a), the CWD must review the individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.
- .732 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), a CWD shall grant an extension to the Welfare-to-Work 24-Month Time Clock to an individual who presents evidence that he or she meets any of the extension criteria under Section 42-708.721(a), unless the CWD determines that the evidence presented does not support the existence of the circumstances described in Section 42-708.721(a).

(a) An extension to the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.721(a)(5) shall be granted if the individual provides the CWD with evidence that a hearing date has been established.

.733 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension in accordance with Sections 42-708.721(a)(1) through (4), and (6), the CWD shall have the burden of proof to establish that an extension was not justified.

.734 If a CWD identifies that an individual meets a circumstance described in Section 42-708.721 as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual.

.735 A Welfare-to-Work 24-Month Time Clock extension granted in accordance with Sections 42-708.732 through .734 shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months.

.8 Transitioning Individuals to Meet CalWORKs Federal Standards at the End of the Welfare-to-Work 24-Month Time Clock

.81 The CWD shall conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine the individual's welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock.

.811 This review of an individual's welfare-to-work participation status must include the following:

(a) Determination of the number of months counted toward an individual's Welfare-to-Work 24-Month Time Clock in accordance with Sections 42.708.2 and 42.708.3.

(b) Review of any welfare-to-work exemption the individual may qualify for in accordance with Section 42-712.

(c) Review of any Welfare-to-Work 24-Month Time Clock extension the individual may qualify for in accordance with Section 42.708.72.

(d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code; ~~SB 1041 (Chapter 47, Statutes of 2012), Sections 17, 18, and 19.~~

Reference: Sections 10553, 10554, 10604, 11253.3, 11320, 11320.3, 11322.8, 11322.85, 11322.86, 11322.87, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; 45 CFR 260, and 42 U.S.C. 607(c) and (d).

Adopt Section 42-709 to read:

**42-709 CALWORKS FEDERAL STANDARDS**

**42-709**

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**.1 General Provisions**

- .11 The CalWORKs federal standards are based on the Temporary Assistance for Needy Families (TANF) participation requirements and to the extent permitted by this section, shall be construed in a manner consistent with TANF participation requirements.**
- .12 Any months in which the adult recipient meets CalWORKs federal standards does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.31.**
- .13 After the adult recipient has exhausted his or her Welfare-to-Work 24-Month Time Clock, unless exempt from participation under Section 42-712, the adult recipient must meet CalWORKs federal standards as a condition of cash aid eligibility of the adult.**
- .14 Hourly participation requirements are determined in accordance with Section 42-709.2 by the number of parents or caretaker relatives included in the assistance unit, any optional stepparent, as defined in Section 42-701.2(o)(3), who is a member of the assistance unit, whether any other adults reside in the household, and the ages of the children living in the home.**

**HANDBOOK ENDS HERE**

**.2 Hourly Participation Requirements to Meet CalWORKs Federal Standards**

- .21 An adult in one-parent assistance unit, as defined in Section 42-701.2(o)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).**
- .211 Except as specified in Sections 42-709.212 and .213, an adult recipient who is not exempt from participation and who is in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.**
  - (a) An average of at least 20 hours per week of participation must be in core welfare-to-work activities, as specified in Section 42-709.31.**

.212 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household may participate in welfare-to-work activities for an average of at least 20 core hours per week during the month, as specified in Section 42-709.31 if one of the following conditions are met:

- (a) There is a child under six in the assistance unit.
- (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

.213 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit pursuant to Section 42.721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities as specified in Section 42-709.31.

- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to Section 42-721.4, if the noncompliant parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered toward the 35-hour requirement.

.22 An adult in a two-parent assistance unit that does not include an optional stepparent, as defined in Section 42.701.2(o)(3)

.221 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31. The remaining hours can be in core or non-core activities as specified in Section 42-709.3.

- (a) Both parents may contribute toward the 30 core and 35 average total hourly requirements.

.222 Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second aided adult in the home who is exempt from welfare-to-work requirements due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31. The remaining hours may be in core or non-core activities as specified in Section 42-709.3.

(a) A disabled exempt parent may not contribute to the 30 hours.

.23 Optional stepparents, as defined in Section 42.701(o)(3), in the assistance unit

.231 The hourly participation requirements for meeting CalWORKs federal standards in an assistance unit that includes an optional stepparent are as follows:

(a) A parent or caretaker relative resides in the household, but is not in the assistance unit.

(1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-709.3, for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(b) An assistance unit that has only one natural or adoptive parent

(1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.

(3) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

(c) An assistance unit that has two natural or adoptive parents

- (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31.
  - (2) Only two adults in the assistance unit may combine hours to fulfill the minimum and core per week hourly requirements.
  - (3) If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the minimum and core hourly requirements.
- (d) An assistance unit that has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability.
- (1) At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
  - (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
  - (3) If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.

.3 Core and Non-Core Welfare-to-Work Activities for CalWORKs Federal Standards

.31 Core activities for CalWORKs federal standards

.311 Unsubsidized employment, as defined in Section 42-701.2(u)(2), and including

- (a) Self-employment as defined in Section 42-701.2(s)(1)

.312 Subsidized employment, as defined in Section 42-701.2(s)(2), and including

- (a) Grant-based on-the-job training (OJT) as defined in Section 42-701.2(g)(2) and in accordance with Section 42-716.5
- (b) OJT, as defined in Section 42-701.2(o)(2)
- (c) Work study, as defined in Section 42-701.2(w)(5)

.313 Work experience as defined in Section 42-701.2(w)(4) and in accordance with Section 42-716.3(d)

.314 Community service as defined in Section 42-701.2(c)(5) and in accordance with Section 42-716.3(j)

.315 Vocational education as defined in Section 42-716.1(m) that conforms to the following time limit limitation:

(a) Vocational education as a countable core activity is limited to a 12-month lifetime maximum.

.316 Job search as defined in Section 42-701.2(j)(4) and job readiness as defined in Section 42-701.2(j)(3) that conforms to the following time limit limitation:

(a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.

(b) Job readiness may include any of the following activities:

(1) Mental health services as defined in Section 42-716.2

(2) Substance abuse services as defined in Section 42-716.3

(3) Domestic abuse services as defined in Section 42-713.221

(4) Assessment pursuant to Section 42-711.55

.317 Providing child care to a community service program participant

.32 Non-core activities for CalWORKs federal standards

.321 Job skills training directly related to employment as defined in Section 42-716.1(l), ~~when an individual has not achieved a high school diploma or its equivalent.~~

.322 Education directly related to employment as defined in Section 42-716.1(o), when an individual has not achieved a high school diploma or its equivalent.

.323 Satisfactory attendance in a secondary school or in a GED course as defined in Section 42-716.1(p)

.4 Deeming Core Hours for Community Service and/or Unpaid Work Experience

.41 When an individual participates in community service or unpaid work experience for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement.

.42 Individuals who are deemed to have met core hours in accordance with Section 42-709.41, must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the requirements of Section 42-709.2. Additional hours may be in core or non-core activities.

.5 Determining Whether CalWORKs Federal Standards are Met

.51 Determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-709.2

.511 Except as described in Section 42-709.512, CalWORKs federal standards are met in a month based on the scheduled hours of the participant.

.512 When verification indicates an individual has not met CalWORKs federal standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.25.

.52 Determining whether CalWORKs federal standards are met in a month for purposes of determining compliance after exhausting the Welfare-to-Work 24-Month Time Clock or whether a month does not count toward the Welfare-to-Work 24-Month Time Clock for participants whose welfare-to-work plan is designed to meet CalWORKs minimum standards.

.521 CalWORKs federal standards are met in a month by participating for the required number of hours described in Sections 42-709.2 and .4 in welfare-to-work activities described in Section 42.709.3.

.522 Monthly participation must include verification of actual hours of participation.

.53 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-709.2, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-709.3, by 4.33.

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

Reference: Sections 11322.6, 11322.8, 11322.85, 11325.21, and 11325.4, Welfare and Institutions Code; 42 U.S.C., Section 607(c)(1)(A), 42 U.S.C., Section 607(c)(2)(B), 42 U.S.C., Section 607(c)(1)(B), and 42 U.S.C., Section 607(c) and (d).

**Amend Section 42-711 to read:**

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711**

.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:

.111 (Continued)

.112 Provide the individual, in writing and orally as necessary, with information including:

(a) (Continued)

(b) ~~A description of the core and non-core welfare to work activities, the core requirement, and when the non-core activities may count toward the core requirement.~~ A general description of the Welfare-to-Work 24-Month Time Clock described in Section 42-708, including the following:

(1) Activities individuals can participate in during the 24-month period, pursuant to Section 42-716.1.

(2) Conditions that make months not count toward the 24-month period, pursuant to Section 42-708.3.

(3) Activities that individuals shall participate in after they have exhausted the 24-month period in order for adults to remain eligible for cash aid pursuant to Section 42-711.7.

(c) (Continued)

.32 (Continued)

.4 Hours of Participation

.41 Requirements to meet CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks, as described in Section 42-708.

.411 Adult in One-Parent Assistance Unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

- (a) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- ~~.411~~ (b) Unless exempt from participation, an adult recipient in a one-parent assistance unit ~~shall~~ may participate ~~each month~~ in welfare-to-work activities, described in Section 42-716.1, for a minimum average per week of 20 hours per week during the month if one of the following conditions are met:-
- (1) There is a child under six in the assistance unit.
- (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- ~~(a) A minimum average of 20 hours per week of participation must be in one or more core welfare to work activities, as specified in Section 42-716.2.~~
- ~~.412 In no event shall the adult recipient participate in welfare to work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)~~
- ~~.412 Adult(s) in Two-Parent Assistance Unit, as defined in Section 42-701.2(t)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).~~
- ~~.421~~ (a) Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate ~~each month~~ in welfare-to-work activities, as defined in Section 42-716.1, for an average of at least 35 hours per week during the month.
- ~~(a) A minimum average of 20 hours per week of participation must be in one or more core welfare to work activities, as specified in Section 42-716.2.~~
- ~~(b)~~ (1) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, ~~if at least one parent's participation is a minimum average of 20 hours per week.~~
- (1) ~~If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare to work activities.~~

(b) Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.

(1) Unless also exempt from participation, the adult recipient may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at 20 hours per week during the month if one of the following conditions are met:

(A) There is a child under six in the assistance unit.

(B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

~~.422~~ (c) (Continued)

~~(a)~~ (1) (Continued)

.413 Assistance Units that Include Optional Stepparents as defined in Section 42-701.2(o)(3).

(a) An assistance unit that has no natural or adoptive parent

(1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month when there is no child under six.

(2) Unless otherwise exempt from participation, the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:

(A) There is a child under six in the assistance unit.

(B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(b) An assistance unit that has only one natural or adoptive parent

- (1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month.
  - (2) The natural or adoptive parent or the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
    - (A) There is a child under six in the assistance unit.
    - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
  - (3) Only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement.
  - (4) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 20- or 30-hour per week requirement.
- (c) An assistance unit that has two natural or adoptive parents
- (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 35 hours per week during the month.
  - (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 (Continued)

.544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least ~~32 hours~~ the number specified in paragraph (a) or (b), the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.31(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the ~~32-hour~~ hourly requirement.

(a) Except as provided in paragraph (b), the individual shall participate for at least an average of 30 hours per week during the month.

(b) The individual may participate for an average of at least 20 hours per week during the month if one of the following conditions are met:

(1) There is a child under six in the assistance unit.

(2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day control of that child.

.545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.

(a) (Continued)

(b) An individual participating in a SIP can voluntarily choose to end his or her SIP at any time before the program is completed. If the individual indicates an interest in ending the SIP, the county should discuss what other welfare-to-work plan options the individual may have, including whether an assessment would be necessary. When necessary, an assessment pursuant to Section 42-711.55 must be conducted prior to the individual choosing to end his or her SIP in order for the individual to make an informed decision about the activities that would replace the SIP hours in his or her welfare-to-work plan. This discussion must be documented in the individual's case file.

.546 (Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections ~~42-711.411 or 421~~ 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 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment ~~and only receive necessary supportive services.~~

- (a) These individuals shall be informed that ~~if they choose to go to assessment,~~ 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, ~~they will only receive necessary supportive services from the CWD.~~ 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 (Continued)

.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 ~~32 participation hours per week,~~ hourly participation requirement as specified in Section 42-711.5441.

.558 (Continued)

## .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 42-716.31 including referrals to the participant's previous activities.
- (b) (Continued)
- (c) (Continued)
- (d) ~~Assessment or reappraisal~~ in accordance with Sections 42-711.55 and ~~7,~~ respectively.

(e) (Continued)

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

.62 (Continued)

.621 (Continued)

~~(a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.~~

.622 (Continued)

**HANDBOOK BEGINS HERE**

.624 (Continued)

.625 (Continued)

~~.626 Example 3: An individual's 90-day period in which the county must develop his welfare to work plan begins the date he is eligible for aid. Thirty days into the 90-day period, and prior to assessment, the individual finds a job and begins participating for a sufficient number of hours of unsubsidized employment to meet the work participation requirement and is not required to sign a welfare to work plan. Six months later the individual loses his job, through no fault of his own, and is required to sign a plan. The county has 90 days to develop, and have the individual sign, a welfare to work plan, pursuant to Section 42-711.623(c) or (d), depending on the date the county learns of the individual's job loss.~~

~~.627 Example 4: An individual has been receiving aid for two years. Prior to assessment she was participating in sufficient hours of unsubsidized employment to meet her work participation requirement and not required to sign a welfare to work plan. During the county's monthly monitoring of the individual's participation, on June 8, the county discovered that she lost her job on May 27. Because the county learned of the individual's job loss within 30 days of occurrence, the county has up to 90 days from June 8, to develop, and have the individual sign, a welfare to work plan pursuant to Section 42-711.623(d).~~

~~.628 Example 5: Identical circumstances as in Example 4, except that the individual lost her job on April 27. Because the county learned of the individual's job loss after the 30-day period, the county has up to 90 days from May 27 to develop, and have the individual sign, a welfare to work plan pursuant to Section 42-711.623(d).~~

### **HANDBOOK ENDS HERE**

.63 A participant shall take part in one or more welfare-to-work activities, in accordance with the requirements for the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708, or for CalWORKs federal standards as described in Section 42-709, for the required minimum hours as specified in Sections 42-716.2 42-709.2 or 42-711.4, and as provided in the welfare-to-work plan.

.631 In developing a welfare-to-work plan, the CWD shall discuss all of the following with the participant:

(a) The participation flexibility during the Welfare-to-Work 24-Month Time Clock period and the scope of activities that he or she may participate in including his or her ability to meet CalWORKs federal standards.

(b) The conditions that allow a month not to count toward the Welfare-to-Work 24-Month Time Clock, including but not limited to, meeting CalWORKs federal standards in accordance with Section 42-709.5.

(c) The welfare-to-work participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock pursuant to Section 42-711.7.

.632 In consultation with the participant, the CWD shall, consistent with the assessment conducted in Section 42-711.55, develop a welfare-to-work plan that is intended to meet either CalWORKs federal standards or to utilize the full range of activities available in accordance with the Welfare-to-Work 24-Month Time Clock.

.633 In determining the activities to be included in a welfare-to-work plan that utilizes the Welfare-to-Work 24-Month Time Clock or a plan intended to meet CalWORKs federal standards, all of the following shall be considered:

(a) The participant's need for barrier removal activities or other welfare-to-work activities that may not meet CalWORKs federal standards.

(b) The extent to which educational activities may be countable under CalWORKs federal standards.

(c) The circumstances and career goals of the participant.

.634 A welfare-to-work plan developed to utilize the Welfare-to-Work 24-Month Time Clock shall be consistent with the assessment conducted in Section 42-711.55, and designed to remove particular barriers to employment or to meet the career goals of the participant in achieving self-sufficiency.

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.635

Example 1: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a seven year old child and she has significant barriers to employment. In the assessment it is noted that she may have a learning disability, she has a substance abuse problem, and she does not have a high school diploma. She meets with her caseworker after a learning disability evaluation has been completed and her welfare-to-work plan is written, consistent with her assessment and learning disability evaluation taking full advantage of her Welfare-to-Work 24-Month Time Clock by having hours assigned for substance abuse services, adult basic education, and sufficient study time to accommodate her learning disability.

Example 2: An individual completes an assessment that states he is required to participate in the welfare-to-work program. He is in a one-parent assistance unit with a four year old child and has sufficient job skills and education. The assessment also states that he has suffered from mental health issues in the past. The CWD refers him to and he receives a mental health evaluation from the county mental health department. The participant meets with his caseworker shortly after the completion of the assessment and mental health evaluation. After discussing the results and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards, the participant expresses an interest in participating in mental health services as his sole activity for 20 hours per week. However, the mental health evaluation recommended that while he is stable at the time, he would benefit from bi-monthly counseling sessions. The CWD explains that while 20 hours a week of mental health services is not consistent with his assessment and mental health evaluation, the bi-monthly counseling sessions should be included in his welfare-to-work plan and works with him to find other activities to participate in that are consistent with his assessment.

Example 3: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a two year old child and has limited job skills, a high school diploma, one year of college, and no noted barriers. She is currently working 20 hours per week as a waitress. She meets with her caseworker shortly after the completion of the assessment and they discuss the results of her assessment and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards. She tells her caseworker that she would like to stop working and go to the Radiologic Technology Program at the local community college to get a higher paying job. Even though she has not participated in a vocational education program while on cash aid, she tells her worker that she does not want a welfare-to-work plan designed to meet CalWORKs federal standards, as she wants to preserve her federal 12-month limit on vocational education. The caseworker explains to her that if she wants to attend the vocation education program full-time, she will be meeting CalWORKs federal standards and, therefore, must have a plan designed to meet CalWORKs federal standards. Her caseworker also explains that while she is meeting CalWORKs federal standards, those months will not count toward her Welfare-to-Work 24-Month Time Clock, so she will be preserving those months for full-time education when she exhausts her 12-month limit on vocational education under CalWORKs federal standards. She signs a welfare-to-work plan designed to meet CalWORKs federal standards.

Example 4: An individual completes an assessment that states that he is required to participate in the Welfare-to-Work Program. He is in a one-parent assistance unit with a seven year old child. The assessment notes that he could benefit from some job skills training, but does not have any barrier due to lacking basic literacy. The participant is currently working 20 hours a week as a cashier in a convenience store, but his career goal is to become a plumber. To reach his career goal, the participant wants to return to a plumbing program at a local community college for 20 hours a week, including appropriate homework time, and reduce his work hours to 10 hours per week. Since his requested activities are consistent with his assessment, he and his caseworker agree to a 20-hour per week plumbing job skills training program and 10 hours per week of unsubsidized employment. Because he has already used his 12-month lifetime limit for participating in a vocational education program, the caseworker also explained that his plan is designed to utilize his Welfare-to-Work 24-Month Time Clock, but that if he chooses at any time to work at least 20 hours a week and participate in job skills for at least 10 hours a week he would be meeting CalWORKs federal standards and months would not count towards his Welfare-to-Work 24-Month Time Clock.

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.64 The plan shall be written in clear and understandable language and have a simple, easy-to-read format. (Continued)

.642 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.

(a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.411 or 421, and as non-core hours as allowed under Section 42-716.22.

(b) The plan shall outline how hours of participation in ~~core and/or non-core~~ welfare-to-work activities satisfy the participation requirements pursuant to ~~Section 42-716.2~~. Sections 42-709.2, 42-711.4 or 42-711.7.

(c) A participant in a welfare-to-work plan intended to meet CalWORKs federal standards shall meet those standards in accordance with the procedures specified in Section 42-709. In the case where a participant has not exhausted the Welfare-to-Work 24-Month Time Clock and is no longer meeting CalWORKs federal standards in accordance with those provisions, a new welfare-to-work plan designed to meet CalWORKs minimum standards shall be developed for the participant in accordance with this section.

.643 (Continued)

.644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.31(k).

.645 (Continued)

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

- ~~.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area. 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 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the appraisal. 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 If extenuating circumstances do not exist, and until the CWD reverses this determination, the participant must participate in activities that are limited to the following: 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.~~
- ~~(a) Unsubsidized employment.~~
  - ~~(b) Work experience as defined in Section 42-701.2(w)(3).~~
  - ~~(c) Self-employment.~~
  - ~~(d) Job skills training directly related to employment.~~
  - ~~(e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.4, 42-716.5, and 42-716.31(q), respectively.~~
- ~~.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.~~

.8 (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(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), ~~and (b) and (c)~~, 11325.2, 11325.21, 11325.22, 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, ~~and~~ ~~→~~ 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, ~~and~~ 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), ~~and~~(c)(2)(A)(i), and (d).

**Amend Section 42-712 to read:**

**42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712**

.1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Sections 42-712.11, .12, ~~or~~.13 or .14:

.11 (Continued)

.12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.~~42412~~.

.13 (Continued)

.14 A parent in an assistance unit that includes an optional stepparent, as defined in Section 42-701.1(o)(3), who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours described in Sections 42-711.413 (b) or (c), respectively, or Section 42-709.23.

.2 (Continued)

.4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist. (Continued)

.47 Exemption Based on the Care of a Child (Continued)

.473 (Continued)

.474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

.475 The parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. This paragraph is effective January 1, 2013.

(a) An individual shall be eligible for the exemption in Section 42-712.475 only one time under the CalWORKs Program.

.48 (Continued)

.6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302. Other exemptions from the 48-month time limit are listed in Section 42-302. (Continued)

.63 (Continued)

.64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

.65 (Continued)

.66 Being primarily responsible for personally providing care to one child from birth to 23 months, inclusive, as described in Section 42-712.475.

.7 ~~Renumbered to Section 42-712.6 by Manual Letter No. EAS-06-01, effective 4/3/06. For~~ an individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.64, any month prior to the month in which the CWD reengaged the individual in the welfare-to-work program pursuant to Section 42-712.8 shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302.

.8 Reengagement

.81 An individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.474 is not required to participate in welfare-to-work activities until the CWD reengages him or her in the Welfare-to-Work Program.

.82 An individual is reengaged in welfare-to-work activities the first of the month following the date he or she signs a welfare-to-work plan pursuant to Section 42-711.63 and is provided supportive services, pursuant to Section 42-750.1.

.83 CWDs shall reengage all individuals whose exemptions ended on January 1, 2013, pursuant to Section 42-712.474 by January 1, 2015, unless the individual is eligible for another exemption.

Authority Cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11320.3(g)(2), and (h)(1), (h)(2) and (h)(3), 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, ~~and~~ 11454.5, and 11454.5(c), Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

**Amend Section 42-713 to read:**

**42-713 GOOD CAUSE FOR NOT PARTICIPATING**

**42-713**

.1 (Continued)

.4 An individual who is excused from welfare-to-work participation for good cause is subject to the 48-month time limit in Section 42-302.

.41 (Continued)

.43 Effective July 28, 2009, any month in which an individual is excused from participation for good cause due to lack of supportive services, as specified in Section 42-713.21, shall not be counted toward the 48-month time limit. This paragraph shall become inoperative on ~~July 1, 2012~~ January 1, 2013.

Authority Cited: Sections 10533, 10544, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.2, 11454.5, 11454.5(c), 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Section 42-714 to read:

**42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS**

**42-714**

(Continued)

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(Continued)

.3 (Continued)

- (a) (Continued)
- (b) Subsidized ~~private sector~~ employment that is performed in the private sector;
- (c) Subsidized ~~public sector~~ employment that is performed in the public sector;
- (d) (Continued)

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

Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

**Amend Section 42-716 to read:**

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

**42-716**

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to ~~one or more~~ any of the following welfare-to-work activities ~~pursuant to Section 42-716.31~~, as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.
  
- ~~.11~~ Individuals ~~may participate in activities pursuant to Section 42-716.2 for up to the 48-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7.~~
  
- ~~.2~~ Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, individuals who have been granted domestic abuse waivers in accordance with Section 42-715.5, individuals receiving family reunification services in accordance with Section 42-711.61, or 19-year-old custodial parents without a high school diploma in accordance with Section 42-711.31, to fulfill participation requirements:
  - ~~.21~~ An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).
  
  - ~~.211~~ Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 48-month time limit on aid.
    - ~~(a)~~ This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.
      - ~~(1)~~ A month in which an individual participates in at least an average of 20 hours of core activities per week as described in Sections 42-716.31(a) through (j), and (n), shall not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.

- ~~.22 The remaining hours, up to 12 hours for an adult in a one parent assistance unit pursuant to Section 42-711.411, or up to 15 hours for an adult in a two parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the welfare to work activities described in Section 42-716.31.~~
- ~~.23 Hours spent in specified non-core activities [mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.31(k), (l), (o), and/or (p) respectively] in excess of those that can be accomplished within the non-core hours shall count as core hours if:~~
- ~~.231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and~~
- ~~.232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs meet the criteria listed below:~~
- ~~(a) The program leads to a self-supporting job.~~
  - ~~(b) The individual is making satisfactory progress.~~
  - ~~(c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.~~
  - ~~(d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).~~
    - ~~(1) If the program is not on the county approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.~~
- ~~.24 Additional conditions on counting hours spent in non-core activities as core hours.~~

~~.241 Non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance, as specified in Sections 42-716.31(r) and (s), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23 as core hours.~~

~~.242 Hours spent in vocational education and training, as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours as described in 42-716.23 as core hours.~~

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~~.25 Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria. She must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment (8 and 10 hours, respectively) are necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are counted toward her core requirement. The individual must then participate for 14 hours in a core activity to fulfill her 32-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	14			14
Substance Abuse		6	2	8
Mental Health			10	10
Total Hours of Participation				32

~~Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of his 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are counted toward his core requirement. He must then participate for 15 hours in a core activity to fulfill his 35-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core-WTW Activity	15			15
Job Skills Training		5	15	20
Total Hours of Participation				35

~~Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) to obtain a self-supporting job as a draftsman. Eight hours of substance abuse treatment is also necessary for the individual to participate in her core activity. Because only 12 of the necessary 28 hours of educational activities and substance abuse treatment can be accomplished as non-core participation hours, the remaining 16 hours in these activities are counted toward her core requirement. She must then participate for four hours in another core activity to fulfill her 32-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core-WTW Activity	4			4
Job Skills Training		16	4	20
Substance Abuse Treatment			8	8
Total Hours of Participation				32

Example 4: A non-exempt individual needs 32 hours of short-term substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be accomplished as non-core participation hours, 20 hours of the substance abuse treatment are counted as a core activity. The individual, therefore, is fully meeting his 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Total Hours of Participation
Substance Abuse		20	12	32

Example 5: An adult in a one-parent AU does not meet welfare-to-work exemption criteria and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of her 32-hour participation requirement must be spent in either core or non-core activities. She needs eight hours of substance abuse treatment services in order to participate in core activities. The individual is currently in her 12th month in a vocational education program which she attends for 24 hours per week. Since participation in a post-12-month vocational education program cannot be counted as a core activity, the individual's welfare-to-work plan is amended to include 20 hours of work experience, which is consistent with her assessment and continues moving her toward self-sufficiency, to meet her core requirement. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the post-12-month vocational education program as a non-core activity to satisfy the 32-hour welfare-to-work requirement. If the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour participation requirement must be on a voluntary basis.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work Experience	20			20
Vocational Education (after counting as core for 12 months), the additional 20 hours must be on a voluntary basis.			4	4
Substance Abuse			8	8
Total Hours of Participation				32

~~Example 6: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of education directly related to employment. The family also needs four hours per week of family maintenance activities. Because only 11 of the necessary 20 hours of education directly related to employment can be accomplished as non-core participation hours, the remaining nine hours in this activity are counted toward her core requirement. She must then participate for 11 hours in a core activity to fulfill her 35-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	11			11
Education Directly Related to Employment		9	11	20
Family Maintenance			4	4
Total Hours of Participation				35

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~~.26 For purposes of complying with the requirements in Section 42-716.232, study time hours shall be treated in the following manner:~~

~~.261 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.~~

~~.262 At the county's option, and when specified in the county's CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.~~

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~~.263 Example: An adult in a one-parent AU must participate in at least 20 hours of core welfare to work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 16 hours of classroom, laboratory, or internship activities of which four hours is credited study time, in an “education directly related to employment” certificate program (that meets all specified criteria) to obtain a self-supporting job as an accounting technician. Because study time is credited and counts toward the certificate program, it is considered education directly related to employment. Since only 12 of the necessary 16 hours of educational activities can be accomplished as non-core participation hours, the remaining four hours are counted toward her core requirement. She is also participating in 16 hours of work study, which is a core activity, to fulfill her 32-hour participation requirement.~~

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work study	16			16
Education Directly Related to Employment		4	12	16
<b>Total Hours of Participation</b>				<b>32</b>

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~~.3 The welfare to work plan described at Section 42-711.6 shall include welfare to work activities.~~

~~.31 Welfare to work activities may include, but are not limited to, any of the following:~~

- ~~(a) Unsubsidized employment, as defined in Section 42-701.2(u)(2).~~
  - ~~(b) Subsidized private sector employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.~~
  - ~~(c) Subsidized public sector employment, as defined in Section 42-701.2(s)(2) that is performed in the public sector.~~
  - ~~(d) (Continued)~~
- ~~(3) The monthly limit in Sections 42-716.31(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 42-716.75.
- (g) Supported work or transitional employment, as defined in Section 42-701.2(s)~~(3)~~(4), and pursuant to Section 42-716.75, 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)~~(3)~~(5).

(1) (Continued)

(A) (Continued)

(2) (Continued)

(A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may 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. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

(B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may 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. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.

(3) The monthly limit in Sections 42-716.31(j)(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).

(4) (Continued)

(k) (Continued)

(l) (Continued)

(l) Job skills training directly related to employment, as defined in Section 42-701.2(j)(2).

(m) (Continued)

(n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) ~~and~~ (3) and (4). (Continued)

(s) (Continued)

.32.11 Assignment to an educational activity identified under Sections 42-716.31(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.33.12 Every CWD shall provide an adequate range of the activities described in Section 42-716.31 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4.2 (Continued)

## HANDBOOK BEGINS HERE

.41.21 (Continued)

.411.211 (Continued)

.412.212 (Continue)

.413.213 (Continued)

.414.214 (Continued)

.415.215 (Continued)

HANDBOOK ENDS HERE

.5.3 (Continued)

.51.31 (Continued)

.511.311 (Continued)

HANDBOOK BEGINS HERE

.512.312 (Continued)

.513.313 (Continued)

.514.314 (Continued)

.515.315 (Continued)

(a) (Continued)

.52.32 (Continued)

HANDBOOK ENDS HERE

.6.4 Job Openings

.61.41 The employer or sponsor of an employment or training position specified in Section 42-716.31 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

.62.42 (Continued)

.63.43 (Continued)

.7.5 Grant based OJT

.71.51 (Continued)

.711.511 (Continued)

.712.512 (Continued)

.713.513 (Continued)

- ~~.714.514~~ (Continued)
- ~~.715.515~~ (Continued)
- ~~.716.516~~ An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.~~7542~~.
- ~~.72.52~~ (Continued)
- ~~.73.53~~ The participant's diverted cash grant and grant savings shall be used by the employer for the sole purpose of subsidizing the participant's wages.
- ~~.731.531~~ (Continued)
- ~~.732.532~~ (Continued)
- ~~.733.533~~ Nothing in this Section 42-716.~~753~~ shall preclude an employer from using its own funds to pay a portion of the participant's wages.
- ~~.74.54~~ (Continued)
- (SAR).~~741.541~~ (Continued)
- ~~.742.542~~ (Continued)
- (a) (Continued)
- (1) (Continued)
- (b) (Continued)
- ~~.75.55~~ (Continued)
- ~~.76.56~~ The CWD shall not place grant-based OJT participants with an employer unless the employer agrees, at a minimum, to all of the following:
- ~~.761.561~~ (Continued)
- ~~.762.562~~ (Continued)
- ~~.763.563~~ (Continued)
- ~~.764.564~~ (Continued)

~~.765.565~~ That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.~~7571~~.

~~.77.57~~ (Continued)

~~.774.571~~ (Continued)

(a) (Continued)

(b) (Continued)

~~.772.572~~ (Continued)

~~.78.58~~ (Continued)

## .6 Education Activities

.61 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, may also be assigned supervised or unsupervised homework time as part of his or her welfare-to-work plan.

.611 Hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be assigned as participation in the assigned activity in the individual's welfare-to-work plan.

.612 Total homework time counted as participation must not exceed the hours required or advised by the education program.

.62 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, or participating in a Self-Initiated Program as described in Section 42-711.54, may elect to participate in distance learning for some or all of his or her classroom hours.

.621 Distance learning activities are subject to satisfactory participation standards as described in Section 42-711.8. No additional satisfactory participation standards may be required of participants in distance learning activities.

## .8.7 Assembly Bill (AB) 98 Subsidized Employment

.71 AB 98 subsidized employment shall be used to place participants in subsidized employment that is performed in the private sector or subsidized employment that is performed in the 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).

~~.81.72~~ (Continued)

~~.811.721~~ (Continued)

(a) (Continued)

~~.812.722~~ (Continued)

(a) (Continued)

~~.813.723~~ (Continued)

(a) (Continued)

~~.82.73~~ (Continued)

~~.821.731~~ (Continued)

(a) (Continued)

~~.83.74~~ (Continued)

~~.831.741~~ (Continued)

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, 11322.7, 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.

**Amend Section 42-717 to read:**

**42-717      JOB RETENTION SERVICES**

**42-717**

.1      (Continued)

.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.~~§7~~.

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.

**Amend Section 42-720 to read:**

**42-720      NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES      42-720**

.1      Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.31(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

.11      (Continued)

.3      Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31      The CWD shall notify or ensure that an employment or training provider notifies.

.311      The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.31 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312      (Continued)

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

Reference:              Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

**Amend Section 42-721 to read:**

**42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS**

**42-721**

.1 (Continued)

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:  
(Continued)

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

(a) (Continued)

(b) (Continued)

(c) An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(35), and in accordance with Section 42-716.31(j)(2).

.314 (Continued)

.4 Sanctions (Continued)

.42 ~~The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate. in the following circumstances:~~

.421 To an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below in Sections 42-721.43 through .45, but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

.422 Except as specified in paragraph (a), an individual who chooses to include more participation hours in his or her welfare-to-work plan than is required pursuant to Section 42-711.4, shall not be subject to a sanction if the number of hours he or she completes in a week is at least the number of hours required in Section 42-711.4.

(a) Section 42-721.422 does not apply to individuals who fail to continue employment, or continue employment at the same level of earnings, pursuant to Sections 42-721.222 and .223 respectively without good cause.

### **HANDBOOK BEGINS HERE**

Example A: Jennifer is the mother of a four year old son and lives with her husband, John, who is unaided due to his citizenship status. Jennifer is only required to participate for 20 hours each week to meet the minimum welfare-to-work participation hours as she has months remaining on her Welfare-to-Work 24-Month Time Clock. However, Jennifer wants to meet CalWORKs federal standards so that months are not counted toward her Welfare-to-Work 24-Month Time Clock. Therefore, Jennifer's welfare-to-work plan includes 20 hours of employment and 10 hours of job skills training directly related to employment.

In the week of April 14, Jennifer does not attend her job skills training directly related to employment activity, but she completes her employment hours. In this situation, Jennifer is not subject to a noncompliance process, regardless of the reason she did not attend her job skills training activity, because she met the minimum number of hours (20) that she is required to participate.

Example B: Robert is the father in a one-parent assistance unit made up of three children ages 8, 10 and 11 years old. Robert's welfare-to-work plan states he needs to work an average at least 30 hours per week, which he consistently performs in an unsubsidized employment job and he has months remaining on his Welfare-to-Work 24-Month Time Clock.

In the week of April 13<sup>th</sup>, Robert voluntarily decreases his hours worked to 25 hours per week without developing a new welfare-to-work plan and as a result is noncompliant and if he does not increase his number of hours worked to the amount required by his welfare-to-work plan, he will be subject to sanction.

### **HANDBOOK ENDS HERE**

.43 (Continued)

.45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit. (Continued)

.453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household ~~and the care of a child under six months of age (or age determined by the CWD) do not apply.~~ pursuant to Section 42-712.46, or the care of a young child pursuant to Section 42-712.47 do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.

.454 (Continued)

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

Reference: Sections 11203, 11265.2, 11320, 11320.3, 11320.31, 11322.85, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

**Amend Section 42-722 to read:**

**42-722      LEARNING DISABILITIES PROTOCOLS AND STANDARDS      42-722**

.1    (Continued)

.6    Learning Disabilities Participation Requirements

.61   Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.414 ~~or .424~~ 42-709.2.

.7    (Continued)

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.



**Amend Section 42-1009 to read:**

**42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS**

**42-1009**

.1 The SRS Component shall include the following four services and activities.

.11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to: (Continued)

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.3211.

.113 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 11322.6, 11322.85 and 13280, Welfare and Institutions Code.

**Amend Section 42-1010 to read:**

**42-1010    OPTIONAL COMPONENTS FOR SRS PARTICIPANTS**

**42-1010**

.1    In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.31:

.11    (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference:        Sections 11322.6, 11322.7 and 11322.85, Welfare and Institutions Code.

**Amend Section 44-111 to read:**

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111**

.1 (Continued)

.2 Exemption of Earned Income (Continued)

.23 \$225/225 and 50% Disregards (Continued)

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.31(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

.24 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42 and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 10553, 10554, 11008.15, 11265.2, ~~11280~~, 11322.6, 11322.6(f)(3), 11322.85, 11157, 11450.5, 11450.12, and 11451.5, ~~and 11451.7~~, Welfare and Institutions Code; ~~42 USC Section 602(g)(1)(E)(i)~~; Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); ~~45 CFR 255.3(f)(1)~~; 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order).

## UPDATED INFORMATIVE DIGEST

Senate Bill (SB) 1041 (Chapter 47, Statutes of 2012) made substantial changes to the California Work opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) program requirements that were effective January 1, 2013. The CalWORKs WTW program is the employment and training component of CalWORKs which is funded, in part, by the federal Temporary Assistance to Needy Families (TANF) Block Grant.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation ACT (PRWOA) in 1996, limiting federally-funded cash aid to adult recipients to a total of five years. The intent of the WTW program is to provide employment and training services to the maximum possible number of individuals within the adult CalWORKs population to aid them in achieving economic self-sufficiency within this timeframe.

SB 1104 (Chapter 229, Statutes of 2004) and SB 68 (Chapter 78, Statutes of 2005) established a requirement that adults in the WTW program must participate in at least 20 hours per week in specified core WTW activities that will provide them with the necessary training to obtain employment. The balance of their 32-or 25-hour per week participation requirement could be spent in other specified noncore activities.

These proposed regulations amend, adopt, and repeal WTW regulations to comply with SB 1041 by repealing the requirement that adults must participate in at least 20 hours in core WTW activities during a cumulative 24-month period; establishing more stringent participation requirements that are closely aligned with the requirements of the federal TANF Block Grant after exhausting the 24-month period; repealing specified young child WTW participation exemptions for adults and establishing a WTW reengagement process for affected adults; and establishing a new one-time young child exemption for adults with a child under 24 months of age.

This regulatory action will benefit the health and welfare of California residents by establishing a requirement that adults in the Welfare-to-Work Program can participate in any welfare-to-work activity they need, consistent with their assessments, during the Welfare-to-Work 24-month Time Clock period to provide them with the necessary training to obtain employment. Worker safety and the state's environment will not be impacted by these amended regulations. This regulatory action does not make changes to regulations involving worker safety or the state's environment. The amended and adopted regulations will increase the likelihood of stable employment and self-sufficiency for CalWORKs recipients resulting in a positive economic impact to the state.

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

The Department evaluated the proposed regulation for any inconsistency or incompatibility with existing state law and has found that these are the only regulations concerning participation requirement changes to CalWORKs Welfare-to-Work program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations, but do fulfill the intent of the Legislature in enacting SB 1041.

The regulations were noticed to the public on February 20, 2015, with a public hearing held on April 8, 2015. There was no testimony received. The CDSS has reviewed and updated the Initial Statement of Reasons (ISOR) renaming it to the Final Statement of Reasons (FSOR) to clearly demonstrate the factual basis and specific purpose of the sections being addressed, including adding a final modification paragraph for those sections being modified. The regulations text document is updated to demonstrate modifications to the regulation text, which is documented in the FSOR as "Final Modification" and shown in the regulation text as double underline for modified language and double strikethrough for deleted language. Further, regulation text was added with no underline or strikethrough for contextual interpretation of the text under review.

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

**Section 42-302.21(b)(3)**

Specific Purpose:

This section is being revised to change the inoperative date of the California Work Opportunity and Responsibility Kids (CalWORKs) 48-month time limit exemption for recipients who are caring for a child from 12 to 23 months of age or two or more children under the age of six from July 1, 2012 to January 1, 2013.

Factual Basis:

This revision is necessary to comply with Welfare and Institutions Code section 11454.5(c), as amended by Senate Bill (SB) 1041 (Chapter 47, Statutes of 2012) in Section 27, which made the CalWORKs 48-month time limit exemptions in Welfare and Institutions Code section 11454.5 inoperative on January 1, 2013. The CalWORKs 48-month time limit exemptions were added back into statute in Section 28 of SB 1041 (Welfare and Institutions Code section 11454.5) effective January 1, 2013. The time-limit exemptions in the new Section 11454.5 in Section 28 do not include the time limit exemption specified in Welfare and Institutions Code section 11454.5(a)(7) in Section 27, which provided a 48-month time limit exemption for recipients who had been exempt from participating in the Welfare-to-Work Program due to caring for a child 12 to 23 months of age or two or more children under the age of six.

**Section 42-302.21(b)(3)(A)**

Specific Purpose:

This section is being adopted to specify that an individual whose exemption based on caring for a child 12 to 23 months of age or two or more children under age six that ended on January 1, 2013, will not have time count toward his or her CalWORKs 48-month time limit until the county welfare department (CWD) reengages him or her in the Welfare-to-Work Program.

Factual Basis:

This is necessary to comply with Welfare and Institutions Code section 11454.5(a)(6), as amended by SB 1041. This section specifies that any month during which a recipient who was exempt from participation based on caring for a child 12 to 23 months of age or two or more children under age six pursuant to Welfare and Institutions Code section 11320.3(b)(7), and has yet to be reengaged back into welfare-to-work activities in accordance with section 11320.3(h), shall not be counted as a month of receipt of aid for purposes of calculating his or her CalWORKs 48-month time limit under Welfare and Institutions Code sections 11454(a) and (b)(1). This regulation is a substantial duplication of Welfare and Institutions Code section 11454.5(a)(6) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on California Department of Social Services (CDSS') Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-302.21(b)(4)**

Specific Purpose:

This section is being adopted to implement a new CalWORKs 48-month time limit exemption that SB 1041 put into effect on January 1, 2013. This exemption allows for a parent or other relative who is exempt from participating in the Welfare-to-Work Program due to having primary responsibility for personally providing care to a child from birth to 23 months to be exempt from the CalWORKs 48-month time limit.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.3(b)(6)(A)(iv) and 11454.5(a)(7), as amended by Section 28 of SB 1041. These sections established the new exemption from participation in welfare-to-work activities and from the CalWORKs 48-month time limit based on an individual having responsibility for personally providing care to a child from birth to 23 months, inclusive. This regulation is a substantial duplication of Welfare and Institutions Code section 11454.5(a)(7) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-302.21(c)(1)**

#### **Specific Purpose:**

This section is being revised to change the inoperative date from July 1, 2012 to January 1, 2013, for the CalWORKs 48-month time limit exemption for individuals who were excused from participation in welfare-to-work activities due to a lack of necessary supportive services.

#### **Factual Basis:**

This revision is necessary to comply with Welfare and Institutions Code section 11454.5(c), as amended by SB 1041 in Section 27, which made the CalWORKs 48-month time limit exemptions in Welfare and Institutions Code section 11454.5 inoperative on January 1, 2013. The CalWORKs 48-month time limit exemptions were added back into statute in Section 28 of SB 1041 (Welfare and Institutions Code section 11454.5) effective January 1, 2013. The time-limit exemptions in the new Section 11454.5 do not include the time limit exemption specified in 11454.5(a)(6) in Section 27, which provided a 48-month time limit exemption for recipients who had been excused from participation in the Welfare-to-Work Program for good cause due to lack of necessary supportive services.

### **Handbook Section 42-701.1(b) and (c)**

#### **Specific Purpose:**

These handbook sections are being amended to revise the CalWORKs Welfare-to-Work Program's participation requirements. SB 1041 expanded the range of activities that CalWORKs recipients are allowed to participate in for a 24-month period (hereinafter referred to as the Welfare-to-Work 24-Month Time Clock). After recipients exhaust their Welfare-to-Work 24-Month Time Clock, they are required to meet core and noncore activities that are more closely aligned with the federal Temporary Assistance for Needy Families (TANF) program requirements (hereinafter referred to as CalWORKs federal standards).

#### **Factual Basis:**

These revisions provide readers with updated and accurate CalWORKs Program background information regarding the welfare-to-work participation requirements enacted through SB 1041. They also provide guidance to counties in the implementation of Welfare and Institutions Code sections 11322.8 and 11322.85, as adopted by SB 1041.

**Section 42-701.2(c)(1)**

Specific Purpose:

This section is being adopted to provide a definition for "CalWORKs federal standards." CalWORKs federal standards is the set of participation requirements that recipients can choose to meet in order to not have months count toward their Welfare-to-Work 24-Month Time Clocks; or, in the case of recipients who have exhausted their 24-month clock, the set of participation requirements they must meet for adult recipients to remain eligible for cash aid.

Factual Basis:

This section is necessary to implement the requirements of Welfare and Institutions Code section 11322.8(b) and sections 11322.85(a)(2) and (3). Sections 11322.8(b) and 11322.85(a)(3) establish that individuals who have exhausted their Welfare-to-Work 24-Month Time Clocks must meet CalWORKs federal standards. Section 11322.85(a)(2) specifies that months in which an individual who has time remaining on his or her Welfare-to-Work 24-Month Time Clock and is also meeting CalWORKs federal standards do not count toward his or her Welfare-to-Work 24-Month Time Clock. Establishing a title with a definition for the provisions of these sections instead of repeating complicated requirements each time such requirements are referred to is the most effective and efficient way to implement the relevant statute.

**Section 42-701.2(c)(2)**

Specific Purpose:

This section is being adopted to provide a definition for "CalWORKs minimum standards," which are the minimum participation requirements for individuals who have months remaining on their Welfare-to-Work 24-Month Time Clocks.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(a) and 11322.85(a)(1), which establish participation requirements during the Welfare-to-Work 24-Month Time Clock period. Establishing a title with a definition for the provisions of these sections instead of repeating complicated requirements each time such requirements are referred to is the most effective and efficient way to implement the relevant statute.

**Sections 42-701.2(c)(3), (c)(4) and (c)(5) Renumbered from Sections 42-701.2 (c)(1), (c)(2) and (c)(3)**

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-701.2(c)(1), (c)(2) and (c)(3) to Sections 42-701(c)(3), (c)(4) and (c)(5), respectively, to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Repealed Section 42-701.2(c)(4)**

Specific Purpose:

This section is being repealed to remove obsolete program regulations in reference to Welfare-to-Work Program participation requirements. Participation in "core" welfare-to-work activities is no longer required for the first 24 months of a recipient's participation in the Welfare-to-Work Program (the Welfare-to-Work 24-Month Time Clock period). Prior to the enactment of SB 1041, recipients were required to meet specific core welfare-to-work activities for the duration of their participation in the Welfare-to-Work Program.

Factual Basis:

The repeal of this section is necessary to comply with Welfare and Institutions Code section 11322.8(g) in Section 15 of SB 1041, which repealed the welfare-to-work participation requirements in effect prior to January 1, 2013. Welfare and Institutions Code section 11322.8(c) in Section 16 of SB 1041 established new welfare-to-work participation requirements effective January 1, 2013. The provision contained in Welfare and Institutions Code section 11322.8(c) in Section 15 that required all recipients to participate in specified core activities is obsolete as this is not contained in the new participation requirements during an individual's Welfare-to-Work Time Clock period.

**Sections 42-701.2(c)(6) and (c)(7) Renumbered from Sections 42-701.2(c)(5) and (c)(6)**

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-701.2(c)(5) and (c)(6) to 42-701.2(c)(6) and (c)(7), respectively, to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-701.2(e)(1)**

**Specific Purpose:**

This section is being amended to define the activity "Education Directly Related to Employment." This activity can be assigned to CalWORKs participants when they are scheduled to meet CalWORKs minimum standards or CalWORKs federal standards.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3) that include education directly related to employment as an activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not currently provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Sections 42-701.2(e)(2) and (e)(3) Renumbered from Sections 42-701.2(e)(1) and (e)(2)**

**Specific Purpose/Factual Basis:**

These sections are being amended to renumber the current Sections 42-701.2(e)(1) and (e)(2) to Sections 42-701.2(e)(2) and (e)(3) to maintain accurate numbering for clarity, but has no regulatory impact.

**Section 42-701.2(j)(2)**

**Specific Purpose:**

This section is being amended to define the activity "Job Skills Training Directly Related to Employment." This activity can be assigned to CalWORKs participants when they are scheduled to meet CalWORKs minimum standards or CalWORKs federal standards.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3) that include job skills training directly related to employment as an activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not currently provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Sections 42-701.2(j)(3) and (j)(4) Renumbered from Sections 42-701.2(j)(2) and (j)(3)**

**Specific Purpose/Factual Basis:**

These sections are being amended to renumber the current Sections 42-701.2(j)(2) and (j)(3) to Sections 42-701.2(j)(3) and (j)(4) to maintain accurate numbering for clarity, but has regulatory impact.

**Repealed Section 42-701.2(n)(1)**

**Specific Purpose:**

This section is being repealed to remove obsolete program regulations in reference to Welfare-to-Work Program participation requirements. Participation in core and noncore welfare-to-work activities is no longer required for the first 24 months of a recipient's participation in the Welfare-to-Work Program (the Welfare-to-Work 24-Month Time Clock period). Prior to the enactment of SB 1041, recipients were required to meet specific core and noncore welfare-to-work activities for the duration of their participation in the Welfare-to-Work Program.

**Factual Basis:**

The repeal of this section is necessary to comply with Welfare and Institutions Code section 11322.8(g) in Section 15 of SB 1041, which repealed the welfare-to-work participation requirements in effect prior to January 1, 2013. Welfare and Institutions Code section 11322.8(c) in Section 16 of SB 1041 established new welfare-to-work participation requirements effective January 1, 2013. The provision contained in Welfare and Institutions Code section 11322.8(c) in Section 15 that allows hours of participation a recipient was required to participate in beyond the 20-hour core activity to be in any welfare-to-work activity (activities that are not specified core activities are commonly referred to as non-core activities) is obsolete as this is not contained in the new participation requirements during an individual's Welfare-to-Work Time Clock period.

**Section 42-701.2(o)(1)**

**Specific Purpose:**

This section is being adopted to define a "one-parent assistance unit," for purposes of Welfare-to-Work Program participation requirements, to be an assistance unit that includes only one aided adult who is either a parent, including a stepparent, or a caretaker relative.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code sections 11322.8(a)(1), and 11322.8(b)(1) and (b)(2) that establish the hourly participation requirements for a one-parent assistance unit. Because the proposed regulations in Sections 42-709.2 and 42-711.4 identify different participation requirements for assistance units with only natural or adoptive parents in the home compared to assistance units that include optional stepparents (a stepparent is not an adoptive parent), this definition is necessary to provide clear guidance to counties and establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Section 42-701.2(o)(2)**

Specific Purpose:

This section is being adopted to provide a definition for the "On-the-job Training" welfare-to-work activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which specifies that activities listed in Section 11322.6 can be included in an individual's welfare-to-work plan. Section 11322.6(e) identifies On-the-job Training as a welfare-to-work activity. This activity can be assigned to CalWORKs participants when they are scheduled to meet CalWORKs minimum standards or CalWORKs federal standards. Existing regulations do not currently provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Section 42-701.2(o)(3)**

Specific Purpose:

This section is being adopted to establish a definition for an "Optional Stepparent" to be a stepparent who is not the caretaker relative of the child, but has opted into the assistance unit.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(a) and (b) that establish the hourly participation requirements for welfare-to-work participants. Because these proposed regulations identify different participation requirements for assistance units that include optional stepparents who are not the caretaker relatives of a child compared to assistance units in which a stepparent is the caretaker relative of a child, this definition is necessary to provide clear guidance to counties and establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Section 42-701.2(s)(1)**

Specific Purpose:

This section is being revised to remove the definition of “Supplemental Refugee Services (SRS) Welfare-to-Work Component,” which is being moved to Section 42-701.2(s)(3), and establish a definition for "self-employment." Self-employment is a welfare-to-work activity where the individual is the business owner and he or she is not an employee of another entity. Individuals can participate in self-employment to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which specifies that activities listed in Section 11322.6 can be included in an individual’s welfare-to-work plan. Section 11322.6(i) identifies self-employment as a welfare-to-work activity. Existing regulations do not currently provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program. Moving the definition of “Supplemental Refugee Services to Section 42-701(s)(3) is necessary to place the definitions in the correct alphabetical order for clarity and consistency, but has no regulatory impact. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-701.2(s)(3) Renumbered from Section 42-701.2(s)(1)**

**Specific Purpose/Factual Basis:**

This section is being renumbered from existing Section 42-701.2(s)(1) to Section 42-701.2(s)(3) to place the definitions in correct alphabetical order and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-701.2(s)(4) Renumbered from Section 42-701.2(s)(3)**

**Specific Purpose/Factual Basis:**

This section is being renumbered from existing Section 42-701.2(s)(3) to Section 42-701.2(s)(4) due to the adoption of the definition of "self-employment" as Section 42-701.2(s)(1) and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-701.2(t)(1)**

**Specific Purpose:**

This section is being adopted to define a "Two-parent Assistance Unit," for purposes of Welfare-to-Work Program participation requirements, to be an assistance unit that includes two natural or adoptive parents of the eligible child.

**Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code sections 11322.8(a)(2) and 11322.8(b)(3), as adopted by SB 1041, that establish participation requirements for adults whose cash aid eligibility is based on unemployment. Only two-parent assistance units with two natural or adoptive parents would have cash aid eligibility based on unemployment. Because the proposed regulations in Sections 42-709.2 and 42-711.4 identify different participation requirements for assistance units with only natural or adoptive parents in the home compared to assistance units that include optional stepparents (a stepparent is not an adoptive parent), this definition is necessary to provide clear guidance to counties and establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

### **Section 42-701.2(u)(2)**

#### **Specific Purpose:**

This section is being adopted to establish a definition for "unsubsidized employment." Unsubsidized employment is a welfare-to-work activity where the individual can work full- or part-time in the private or public sector for which the employer is not reimbursed for wages by another entity.

#### **Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code section 11322.6(a) and implement sections 11322.85(a)(1) and (a)(3), as adopted by SB 1041, that include unsubsidized employment as a welfare-to-work activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work program.

### **Section 42-701.2(v)(1)**

#### **Specific Purpose:**

This section is being amended to define the activity "Vocational Education and Training." This activity can be assigned to CalWORKs participants when they are scheduled to meet CalWORKs minimum standards or CalWORKs federal standards.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3), as adopted by SB 1041, that include vocational education as a welfare-to-work activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

### **Section 42-701.2(v)(2) Renumbered from Section 42-701.2(v)(1)**

#### **Specific Purpose/Factual Basis:**

This section is amended to renumber the current Section 42-701.2(v)(1) to Section 42-701.2(v)(2) to maintain accurate numbering for clarity, but has no regulatory impact.

**Section 42-701.2(w)(3)**

**Specific Purpose:**

This section is being adopted to define the "Welfare-to-Work 24-Month Time Clock." The Welfare-to-Work 24-Month Time Clock is the period of time recipients are allowed to participate in the full range of welfare-to-work activities without restrictions on the number of hours they must complete in any specific activity. Prior to SB 1041, recipients were required to participate in a specified number of hours in specified core and or noncore activities.

**Factual Basis:**

This section is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which established a period of 24 months (the Welfare-to-Work Time Clock period) during which a recipient can participate in an array of welfare-to-work activities consistent with the recipient's assessment. This definition is necessary for effective and efficient implementation of the Welfare-to-Work 24-Month Time Clock created by SB 1041.

**Section 42-701.2(w)(4) Renumbered from Section 42-701.2(w)(3)**

**Specific Purpose/Factual Basis:**

This section is being renumbered from the existing Section 42-701.2(w)(3) to Section 42-701.2(w)(4) to maintain proper numerical sequencing for clarity, but has no regulatory effect.

**Section 42-701.2(w)(5)**

**Specific Purpose:**

This section is being adopted to provide a definition for the "Work Study" welfare-to-work activity that individuals can participate in to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards. Existing regulations do not provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the CalWORKs Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which specifies that activities listed in Section 11322.6 can be included in an individual's welfare-to-work plan. Section 11322.6(h) identifies work study as a welfare-to-work activity. Existing regulations do not currently provide a definition. The CDSS is now providing a definition to establish statewide consistency for effective and efficient administration of the Welfare-to-Work Program.

**Section 42-708**

Specific Purpose:

This section is being adopted to introduce the Welfare-to-Work 24-Month Time Clock provisions, applicability and requirements.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Section 42-708.1**

Specific Purpose:

This section is being adopted to introduce the general provisions and applicability of the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Section 42-708.11**

Specific Purpose:

This section is being adopted to establish that an individual may participate in approvable activities consistent with his or her assessment for a cumulative 24-month period over the lifetime of the individual as long as certain conditions are met.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock, which requires the activities that a participant is assigned to be consistent with his or her assessment and included in the individual's welfare-to-work plan. The statute does not require the 24 months to be consecutive.

**Section 42-708.111**

Specific Purpose:

This section is being adopted to specify that an individual may participate in any approvable activities consistent with his or her assessment during the Welfare-to-Work 24-Month Time Clock period when the participation addresses a particular need for barrier removal activities, including vocational education, that are not CalWORKs federal standards core activities.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock, which requires the activities to be consistent with the assessment and included in the individual's welfare-to-work plan. In addition, this is necessary because when an individual is utilizing the flexibility of the Welfare-to-Work 24-Month Time Clock, the activities cannot be those that would meet core CalWORKs federal standards. If the individual is meeting CalWORKs federal standards, he or she would not have months count toward his or her Welfare-to-Work 24-Month Time Clock.

**Section 42-708.112**

Specific Purpose:

This section is being adopted to specify that an individual may participate in approvable activities consistent with his or her assessment during the Welfare-to-Work 24-Month Time Clock period when the participation addresses the circumstances and career goals of the participant.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock, which requires the activities to be consistent with the assessment and included in the individual's welfare-to-work plan. In addition, this is necessary to ensure that when a participant is utilizing the flexibility of the Welfare-to-Work 24-Month Time Clock, that he or she must be participating in activities that will lead him or her to career goals with the intent of making the participant self-sufficient.

**Section 42-708.12**

Specific Purpose:

This section is being adopted to introduce individuals that are subject to the Welfare-to-Work 24-Month Time Clock participation requirements.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Section 42-708.121**

Specific Purpose:

This section is being adopted to specify that the Welfare-to-Work 24-Month Time Clock participation requirements apply to all adults in an assistance unit who are subject to welfare-to-work participation requirements.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock to ensure that all members of an assistance unit, who are subject to welfare-to-work participation requirements, including those whose needs have been removed from the family's cash aid due to a penalty or program violation as described in the below example, are subject to the Welfare-to-Work 24-Month Time Clock. Since these individuals are required to participate in welfare-to-work activities and sign a welfare-to-work plan, they must be subject to the provisions of the Welfare-to-Work 24-Month Time Clock.

### **Handbook Section 42-708.121(a)**

#### **Specific Purpose/Factual Basis:**

This Handbook section is being adopted to clarify that individuals whose needs have been removed from the family's cash aid due to a school attendance penalty or an Intentional Program Violation and who are subject to welfare-to-work participation requirements must be subject to the Welfare-to-Work 24-Month Time Clock. Since these individuals are required to participate in welfare-to-work activities and sign a welfare-to-work plan, they must be subject to the provisions of the Welfare-to-Work 24-Month Time Clock. This section is to provide CWDs guidance for implementation of the Welfare-to-Work 24-Month Time Clock that was established through Welfare and Institutions Code section 11322.85(a)(1) by SB 1041.

### **Handbook Section 42-708.121(b)**

#### **Specific Purpose/Factual Basis:**

This section is being adopted to clarify that individuals in an assistance unit that is receiving a grant of less than \$10 per month and who are subject to welfare-to-work participation requirements must be subject to the Welfare-to-Work 24-Month Time Clock. Since these individuals are required to participate in welfare-to-work activities and sign a welfare-to-work plan, they must be subject to the provisions of the Welfare-to-Work 24-Month Time Clock. This section is to provide CWDs guidance for implementation of the Welfare to-Work 24-Month Time Clock that was established through Welfare and Institutions Code section 11322.85(a)(1) by SB 1041. However, months in which the individual is in an assistance unit that is receiving a grant of less than \$10 per month will continue to not count toward the individual's CalWORKs 48-month time limit.

### **Section 42-708.122**

#### **Specific Purpose:**

This section is being adopted to clarify that an individual's Welfare-to-Work 24-Month Time Clock transfers with him or her and does not start over when the individual moves from one assistance unit into another assistance unit.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041. This adoption ensures that an individual's Welfare-to-Work 24-Month Time Clock is calculated on an individual basis over his or her lifetime regardless of changes related to the assistance unit. This section is to provide CWDs guidance for implementation of the Welfare-to-Work 24-Month Time Clock that was established through Welfare and Institutions Code section 11322.85(a)(1) by SB 1041, and is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.13**

Specific Purpose:

This section is being adopted to introduce individuals that are not subject to the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Sections 42-708.131 and .131(a)**

Specific Purpose:

These sections are being adopted to specify that individuals in the Cal-Learn Program, as described in Welfare and Institutions Code section 11331.5, are excluded from the Welfare-to-Work 24-Month Time Clock participation requirements.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock and to comply with Welfare and Institutions Code section 11320.3(a)(2).

**Sections 42-708.132 and .132(a)**

**Specific Purpose:**

These sections are being adopted to establish that the Welfare-to-Work 24-Month Time Clock participation requirements do not apply to individuals that are non-parenting dependent teens who are required to attend high school.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. Pursuant to Welfare and Institutions Code section 11253.5(a), non-parenting dependent teens who have not graduated from high school are only allowed to participate in an educational program leading to a high school diploma or its equivalent. As these teens do not have the ability to participate in any other welfare-to-work activity, having months count toward their Welfare-to-Work 24-Month Time Clock while they are required to attend high school would cause undue hardship to these teens. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Sections 42-708.133 and .133(a)**

**Specific Purpose:**

These sections are being adopted to establish that the Welfare-to-Work 24-Month Time Clock requirements do not apply to individuals who are 19-year old custodial parents without a high school diploma that are not participating in the Cal-Learn Program.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. Pursuant to Welfare and Institutions Code section 11320.3(d), 19-year old custodial parents who have not graduated from high school are only allowed to participate in an educational program leading to a high school diploma or its equivalent. As these teens do not have the ability to participate in any other welfare-to-work activity, having months count toward their Welfare-to-Work 24-Month Time Clock while they are required to attend high school would cause undue hardship to these teens. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Sections 42-708.134 and .134(a)**

#### **Specific Purpose:**

These sections are being adopted to establish that the Welfare-to-Work 24-Month Time Clock requirements do not apply to individuals who are non-minor dependents.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11253.3(a). The statute provides that non-minor dependents are not subject to CalWORKs welfare-to-work requirements. Therefore, the Welfare-to-Work 24-Month Time Clock does not apply to this population.

### **Section 42-708.14**

#### **Specific Purpose:**

This section is being adopted to introduce the circumstances for which individuals with a break in aid shall have a new welfare-to-work plan developed and how the signing of a new welfare-to-work plan impacts their Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. As these proposed regulations begin an individual's Welfare-to-Work 24-Month Time Clock the month after a welfare-to-work plan is signed, this section provides specific guidance on applying this rule to individuals with a break in cash aid. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.141**

#### **Specific Purpose:**

This section is being adopted to establish that an individual with a break in aid longer than 30 days shall have a new welfare-to-work plan developed upon return to aid.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When an individual has a break in aid longer than 30 days, that individual's circumstances and needs have likely changed. Therefore, a new welfare-to-work plan must be developed based on the individual's situation and needs upon returning to aid. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.141(a)**

Specific Purpose:

This section is being adopted to establish that a returning participant with a break in aid longer than 30 days who was not previously assessed must complete an assessment.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. Since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring an appraisal is conducted before the individual is required to sign a welfare-to-work plan and the individual's 24-month clock starts. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.141(b)**

Specific Purpose:

This section is being adopted to specify that when a client who was previously assessed returns after a break in aid longer than 30 days, the CWD shall evaluate whether a new assessment is needed based on the participant's circumstances.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When an individual has a break in aid longer than 30 days and the individual had a previous assessment, that individual's circumstances and needs have likely changed. Therefore, the need for a new welfare-to-work assessment must be considered based on the individual's situation and needs upon returning to aid. In addition, since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring an appraisal is conducted, if needed, before the individual is required to sign a welfare-to-work plan and the individual's 24-month clock starts. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.141(c)**

Specific Purpose:

This section is being adopted to specify that once a returning participant who had a break in aid longer than 30 days signs a new welfare-to-work plan, his or her Welfare-to-Work 24-Month Time Clock starts the first of the following month after his or her plan sign date, unless he or she meets a condition that allows a month not to count toward the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, that allows recipients to participate in any welfare-to-work activity for 24 cumulative months during a recipients lifetime (the Welfare-to-Work 24-Month Time Clock) that are included in the individual's welfare-to-work plan. Since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring that months prior to the signing of a welfare-to-work plan do not count toward the individual's 24-month clock. Delaying the start of the 24-month period to the first of the following month after a plan is signed is necessary to ensure recipients receive 24 full months of the flexibility allowed during the 24-month period. For example, if a recipient signed a welfare-to-work plan on March 27, 2015, and the 24-month period started on that date, the recipient would only have five days of possible participation in the month of March. Five days of participation does not equal a month and must not be counted toward the 24-month period. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.142**

Specific Purpose:

This section is being adopted to establish that individuals with a break in aid of less than 30 days who had an active welfare-to-work plan prior to leaving aid shall continue in his or her welfare-to-work plan if it is appropriate based on the individual's circumstances and is consistent with his or her assessment.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When an individual has a break in aid of less than 30 days and previously had an active welfare-to-work plan, the circumstances of the individual is unlikely to change. Therefore, the individual must be allowed to continue in the same welfare-to-work plan that was developed based on the individual's situation and needs consistent with his or her assessment, if it is appropriate, without repeating the process of developing a new welfare-to-work plan. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.142(a)**

**Specific Purpose:**

This section is being adopted to establish that a returning participant with a break in aid of less than 30 days will have his or her Welfare-to-Work 24-Month Time Clock begin or resume on the first of the month following the date that the participant's aid resumed, unless he or she meets a condition that permits a month to not count toward the 24-month clock.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, that allows recipients to participate in any welfare-to-work activity for 24 cumulative months during a recipient's lifetime (the Welfare-to-Work 24-Month Time Clock) that are included in the individual's welfare-to-work plan. Delaying the start of the 24-month period to the first of the following month after an individual returns to aid is necessary to ensure recipients receive the 24 full months of the flexibility allowed during the 24-month period. For example, if a recipient returned after a break in aid of less than 30 days and resumed participation in activities according to his or her welfare-to-work plan on March 27, 2015, the recipient would only be able to participate for five days in that month. Five days of possible participation does not equal a month and must not be counted as a month of that individual's 24-month clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.142(b)**

**Specific Purpose:**

This section is being adopted to establish that if a returning participant with a break in aid of less than 30 days has a welfare-to-work plan that is no longer appropriate, his or her Welfare-to-Work 24-Month Time Clock shall not begin or resume until he or she has signed a new welfare-to-work plan.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When an individual has a break in aid of less than 30 days but his or her previous welfare-to-work plan is no longer appropriate, a new welfare-to-work plan must be developed based on the individual's current situation and needs upon returning to aid. Since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment and development of the plan, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring that months on the returning individual's 24-month clock do not begin until he or she has a new welfare-to-plan signed. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.142(c)**

Specific Purpose:

This section is being adopted to specify that the CWD shall evaluate whether a new assessment is needed based on the circumstances of the participant for a recipient who had a break in aid of less than 30 days and he or she had an active welfare-to-work plan when he or she left aid.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When an individual has a break in aid less than 30 days and previously had an assessment, it is possible that the individual's circumstances and needs have changed and the previous assessment is no longer applicable. Therefore, the need for a new welfare-to-work assessment must be considered based on the individual's situation and needs upon returning to aid. In addition, since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring an appraisal is conducted, if needed, before the individual is required to sign a welfare-to-work plan and the individual's 24-month clock starts. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.15**

#### **Specific Purpose:**

This section is being adopted to introduce how the CalWORKs 48-month time limit impacts the Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

### **Section 42-708.151**

#### **Specific Purpose:**

This section is being adopted to clarify that when a participant has reached his or her CalWORKs 48-month time limit but has time remaining on his or her Welfare-to-Work 24-Month Time Clock, the participant is not entitled to continue participating in welfare-to-work program, unless the participant qualifies for a CalWORKs 48-month time limit exception.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code sections 11322.85(a)(1), which established the Welfare-to-Work 24-Month Time clock, and 11322.85(h)(1), adopted by SB 1041, which allows participation in the Welfare-to-Work Program during that 24-month time period unless or until an individual exceeds the 48-month time limit on the receipt of cash aid. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(h)(1), and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.152**

Specific Purpose:

This section is being adopted to establish that a participant who is granted a CalWORKs 48-month time limit exception who has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Clock is exhausted, at which time he or she must meet CalWORKs federal standards.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.85(a)(1), (a)(3) and 11322.85(h)(1), adopted by SB 1041, which allows a participant to continue in a welfare-to-work plan in accordance with Welfare and Institutions Code section 11322.6 for a cumulative period of 24 months unless he or she exceeds the CalWORKs 48-month time limit. Even though an individual has reached his or her 48-month time limit on the receipt of cash aid, when an individual has been granted an extension to the CalWORKs 48-month time limit the individual must be allowed to continue participating in activities that meet CalWORKs minimum standards until the individual has reached the end of his or her Welfare-to-Work 24-Month Time Clock. At that point, the individual must then meet CalWORKs federal standards for the remaining months of the individual's 48-month time limit exception.

**Section 42-708.2**

Specific Purpose:

This section is being adopted to introduce how months will count toward an individual's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Section 42-708.21**

Specific Purpose:

This section is being adopted to establish the implementation date of the Welfare-to-Work 24-Month Time Clock as January 1, 2013, and prohibits any month prior to this date from counting toward a participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(h)(2), adopted by SB 1041, which does not allow any month prior to January 1, 2013, to count toward a participant's Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(h)(2) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.22**

Specific Purpose:

This section is being adopted to establish that a participant's Welfare-to-Work 24-Month Time Clock will begin counting the first of the following month after he or she has signed a welfare-to-work plan.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, that allows recipients to participate in any welfare-to-work activity for 24 cumulative months during a recipient's lifetime (the Welfare-to-Work 24-Month Time Clock) that are included in the individual's welfare-to-work plan. Since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring that months prior to the signing of a welfare-to-work plan do not count toward the individual's 24-month clock. Delaying the start of the 24-month period to the first of the following month after a plan is signed is necessary to ensure recipients receive 24 full months of the flexibility allowed during the 24-month period. For example, if a recipient signed a welfare-to-work plan on March 27, 2015, and the 24-month period started on that date, the recipient would only have five days of possible participation in the month of March. Five days of participation does not equal a month and must not be counted toward the 24-month period. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.23**

**Specific Purpose:**

This section is being adopted to establish that months count in a cumulative fashion toward an individual's Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. The statute allows for the Welfare-to-Work 24-Month Time Clock to be a cumulative period of 24 months during a participant's lifetime and does not require the 24 months to be consecutive. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(a)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.24**

**Specific Purpose:**

This section is being adopted establish that months in which a participant meets a specified condition in accordance with regulation Section 42-708.3 shall not count toward the participant's Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b), adopted by SB 1041. The statute allows for any month in which a participant meets a condition under the specified sections to not count as a month of his or her Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b), which is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.25**

**Specific Purpose:**

This section is being adopted to establish that when a participant whose welfare-to-work plan is designed to meet CalWORKs federal standards does not meet those standards, his or her Welfare-to-Work 24-Month Time Clock will begin counting the first of the month following the date the CWD received verification indicating that he or she did not meet CalWORKs federal standards.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which allows any month in which the participant is meeting CalWORKs federal standards to not count toward his or her Welfare-to-Work 24-Month Time Clock. When an individual does not meet CalWORKs federal standards consistent with his or her welfare-to-work plan, then months must begin counting toward that individual's Welfare-to-Work 24-Month Time Clock, as Welfare and Institutions code section 11322.85(a) only allows months to not count toward the 24-month clock when an individual is actually meeting CalWORKs federal standards. Months must start counting toward an individual's Welfare-to-Work 24-Month Time Clock on the first of the month following the date the CWD received verification that the individual did not meet CalWORKs federal standards to ensure recipients receive 24 full months of the flexibility allowed during the 24-month period. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.251**

**Specific Purpose:**

This section is being adopted to establish that the participant who is no longer meeting CalWORKs federal standards consistent with his or her welfare-to-work plan will be informed by the CWD when there is a change in status to his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. An individual must be informed by the CWD of a change in status of his or her Welfare-to-Work 24-Month Time Clock to ensure the individual is fully informed of his or her current standing in the Welfare-to-Work Program to allow for a potential dispute with the CWD by the individual. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.252**

Specific Purpose:

This section is being adopted to establish that for participants who have not been assessed, whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards, shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. This is necessary in order to ensure that clients who upon entry in the program are found to be employed to the extent that meets CalWORKs federal standards, and who opt out of assessment, will be provided with the opportunity to receive appropriate assessments before signing a new welfare-to-work plan. Since an individual's time prior to signing a new welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the individual's Welfare-to-Work 24-Month Time Clock will start the first of the month following the signing of a new welfare-to-work plan consistent with his or her assessment. Delaying the start of the 24-month period to the first of the following month after a plan is signed is necessary to ensure recipients receive the 24 full months of the flexibility allowed during the 24-month period. For example, if a recipient signs a new welfare-to-work plan on March 27, 2015, the recipient would only be able to participate for five days in that month. Five days of possible participation does not equal a month and must not be counted as a month of that individual's 24-month clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.3**

**Specific Purpose:**

This section is being adopted to introduce the conditions that make a month not count toward a participant’s Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock.

**Section 42-708.31**

**Specific Purpose:**

This section is being adopted to establish that any month in which a participant is meeting CalWORKs federal standards will not count toward his or her Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which does not allow any month in which a participant meets CalWORKs federal standards to count toward the participant’s Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(a)(2) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS’ Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.311**

**Specific Purpose:**

This section is being adopted to specify that any month in which the CWD has determined that a participant who is not scheduled to meet CalWORKs federal standards has provided verification that he or she met CalWORKs federal standards shall be retroactively restored to his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which does not allow any month in which the participant is participating in hours and approved activities that meet CalWORKs federal standards to count toward the participant's Welfare-to-Work 24-Month Time Clock. This regulation will ensure that individuals who have a welfare-to-work plan designed to meet CalWORKs minimum standards will not have months count toward their Welfare-to-Work 24-Month Time Clock if the CWD receives verification that indicates an individual's participation actually met CalWORKs federal standards for any month. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.32**

Specific Purpose:

This section is being adopted to introduce the conditions in addition to meeting CalWORKs federal standards that make a month not count toward a participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(b), adopted by SB 1041, which does not allow any month in which certain conditions exist to count toward the participant's Welfare-to-Work 24-Month Time Clock.

**Sections 42-708.321 and .321(a)**

Specific Purpose:

These sections are being adopted to establish that any month in which a participant qualifies for a welfare-to-work exemption shall not count toward a participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(b)(4), adopted by SB 1041, which does not allow any month in which an individual is exempt from participation in welfare-to-work activities to count toward the individual's Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code sections 11322.85(b)(4) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-708.322 and .322(a)**

Specific Purpose:

These sections are being adopted to establish that any month in which a participant whose welfare-to-work plan is designed to meet CalWORKs minimum standards and who is excused by the CWD from participation for good cause for at least 50 percent of his or her hourly participation requirement for the month shall not count toward a participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(b)(3), adopted by SB 1041, which does not allow any month in which an individual has been excused from participation for good cause for that month to count toward his or her Welfare-to-Work 24-Month Time Clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program. This regulation is necessary to establish reasonable control and to provide specific guidance to all CWDs regarding which months do not count toward a participant's 24-month clock based on good cause for not meeting participation requirements for a participant with a welfare-to-work plan designed to meet CalWORKs minimum standards. Under other welfare-to-work rules, a participant would be given good cause for not meeting participation requirements if he or she missed a scheduled activity due to a circumstance that impaired his or her ability to participate for just one day in a month (i.e., lack of childcare that day). In this situation, the participant would not go into the noncompliance process. This type of good cause occurs frequently. Without establishing the 50 percent threshold for not counting a month toward the Welfare-to-Work Time Clock based on good cause for nonparticipation, recipients would be able to not have many months count toward their Welfare-to-Work 24-Month Time Clocks even though they received full welfare-to-work and supportive services for those months, which is not the intent of establishing the Welfare-to-Work 24-Month Time Clock period.

### **Sections 42-708.323 and .323(a)**

#### **Specific Purpose:**

This section is being adopted to establish that months shall not be counted toward a participant's Welfare-to-Work 24-Month Time Clock when that participant has been identified as a victim of domestic abuse and has been granted a waiver by the CWD for the month(s) to not count toward his or her Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.85(b)(3), adopted by SB 1041, which does not allow any month in which the individual has been excused from participation for good cause for that month to count toward his or her Welfare-to-Work 24-Month Time Clock. This section is also developed under the provisions of Welfare and Institutions Code section 11495.1(a)(3) that specifies that counties may waive, on a case-by-case basis, for so long as necessary, pursuant to a determination of good cause under paragraph (2) of subdivision (f) of Welfare and Institutions Code section 11320.3, any program requirements that would make it more difficult for individuals or their children to escape abuse, and that would be detrimental or unfairly penalize past or present victims of abuse.

### **Sections 42-708.324 and .324(a)**

#### **Specific Purpose:**

These sections are being adopted to establish that any month in which the participant is removed from the assistance unit due to a welfare-to-work sanction shall not count toward his or her Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(b)(2), adopted by SB 1041, which does not allow any month in which the individual is no longer receiving aid due to a sanction pursuant to Welfare and Institutions Code sections 11327.4 and 11327.5 to count toward the individual's Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(b)(2) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-708.325**

#### **Specific Purpose:**

This section is being adopted to introduce regulations for not counting months toward an individual's Welfare-to-Work 24-Month Time Clock when an individual is participating in appraisal, job search, assessment, or developing a welfare-to-work plan.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(b)(1), adopted by SB 1041 and amended by Assembly Bill (AB) 74, Chapter 21, Statutes of 2013, which does not allow any month to count toward an individual's Welfare-to-Work 24-Month Time Clock while that individual is participating in the process of appraisal pursuant to Welfare and Institutions Code section 11325.2, job search pursuant to Welfare and Institutions Code section 11325.22, assessment pursuant to Welfare and Institutions Code section 11325.4, or in the development of a welfare-to-work plan pursuant to Welfare and Institutions Code section 11325.21.

### **Section 42-708.325(a)**

#### **Specific Purpose:**

This section is being adopted to specify that any month in which an individual is participating in appraisal, job search, assessment, or does not have an active welfare-to-work plan and is in the process of developing a plan shall not count toward his or her Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(b)(1), adopted by SB 1041 and amended by AB 74, to ensure that months in which an individual is participating in appraisal, pursuant to Welfare and Institutions Code section 11325.2, job search pursuant to Welfare and Institutions Code section 11325.22, assessment pursuant to Welfare and Institutions Code section 11325.4, or developing a welfare-to-work plan pursuant to Welfare and Institutions Code section 11325.21 shall not count toward his or her Welfare-to-Work 24-Month Time Clock. The limitation that this regulation only applies to individuals who are in the process of developing a welfare-to-work plan if they do not have an active plan is necessary to ensure that individuals who are fully participating in a plan that is designed to meet CalWORKs minimum standards have months count toward their Welfare-to-Work Time Clock if they are in the process of developing a plan that will become effective on a future date.

**Section 42-708.325(b)**

Specific Purpose:

This section is being adopted to specify that any month in which an individual is participating in job search or job readiness that meets CalWORKs federal standards shall not count toward his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which does not allow any month in which a participant meets CalWORKs federal standards to count toward the participant's Welfare-to-Work 24-Month Time Clock.

**Section 42-708.325(c) and (c)(1)**

Specific Purpose:

These sections are being adopted to specify that any month in which an individual who has a welfare-to-work plan developed for which job search accounts for at least 50 percent of the individual's participation hours shall not count toward his or her Welfare-to-Work 24-Month Time Clock for a limit of two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance allowed for meeting CalWORKs federal standards.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(b)(1), adopted by SB 1041. These provisions are targeted to individuals who are work-ready and have been participating in the Welfare-to-Work Program and would benefit by spending additional time in job search activities to obtain employment. The 50 percent threshold ensures that those who do not want to or are not able to meet CalWORKs federal standards will have months count toward their Welfare-to-Work 24-Month Time Clock if they are only participating in job search activities for a small number of hours during the month. The 12-month limitation is necessary to establish a reasonable limit on the number of months that are not counted toward an individual's Welfare-to-Work 24-Month Time Clock when they are participating in job search for a significant number of hours, but not meeting CalWORKs federal standards. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Sections 42-708.326 and .326(a)**

**Specific Purpose:**

This section is being adopted to establish that any months in which a parent who is excused from participating in the Welfare-to-Work Program because the other parent in the assistance unit is meeting all of the assistance unit's participation requirements shall not count toward the excused parent's Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(b)(4), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. Since excused parents have no participation requirement, they are being treated the same as parents who are exempt from participating in the program in regards to counting months toward their Welfare-to-Work 24-Month Time Clock while the other parent is meeting the participation requirements of the assistance unit.

**Section 42-708.326(a)(1)**

**Specific Purpose:**

This section is being adopted to specify that if the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin counting the first of the following month after he or she has signed a welfare-to-work plan.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. When a mandatory parent fails to meet the assistance unit's participation requirement, the second parent is no longer considered excused from welfare-to-work participation requirements and the Welfare-to-Work 24-Month Time Clock. Since an individual's time prior to signing a welfare-to-work plan, such as a pre-welfare-to-work plan assessment, does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Welfare and Institutions Code section 11322.85(b)(1), the CDSS is ensuring that months prior to the signing of a welfare-to-work plan do not count toward the excused individual's 24-month clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.326(a)(2)**

**Specific Purpose:**

This section is being adopted to specify that any month in which a parent who is excused from participating in the Welfare-to-Work Program, but is voluntarily participating shall not count toward his or her Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. This allows an individual who is excused from welfare-to-work participation requirements and the Welfare-to-Work 24-Month Time Clock to participate on a voluntary basis without being subject to a specific participation requirement and without months counting toward his or her Welfare-to-Work 24-Month Time Clock. This is also necessary to establish equitable treatment for individuals who are exempt from welfare-to-work and those who are excused. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.326(a)(3)**

**Specific Purpose:**

This section is being adopted to specify that any month in which a mandatory parent is fully meeting the assistance unit's hourly welfare-to-work participation requirement and the excused parent is voluntarily participating and the parents' combined participation meets CalWORKs federal standards, shall not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which does not allow any month in which a participant meets CalWORKs federal standards to count toward the participant's Welfare-to-Work 24-Month Time Clock. Allowing hours of an excused parent to be combined with the mandatory parent's hours for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met.

#### **Section 42-708.4**

##### **Specific Purpose:**

This section is being adopted to introduce Welfare-to-Work 24-Month Time Clock rules for two-parent assistance units.

##### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, which establishes the Welfare-to-Work 24-Month Time Clock.

#### **Section 42-708.41**

##### **Specific Purpose:**

This section is being adopted to specify that each adult in an assistance unit has his or her own Welfare-to-Work 24-Month Time Clock.

##### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, which specifies that the cumulative 24 months during which a CalWORKs recipient may participate in all of the Welfare-to-Work activities. This statute is specific to the individual recipient, not specific to the assistance unit.

#### **Section 42-708.411**

##### **Specific Purpose:**

This section is being adopted to specify that months will count toward the Welfare-to-Work 24-Month Time Clock of each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum participation requirements, unless one or both of the participants in the assistance unit meets a condition that would make a month not count toward the Welfare-to-Work 24-Month Time Clock.

##### **Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, (the Welfare-to-Work 24-Month Time Clock) and Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b) (circumstances that allow time not to count toward a participant's Welfare-to-Work 24-Month Time Clock) to two-parent assistance units.

## **Handbook Section 42-708.42**

### **Specific Purpose:**

This handbook section is being adopted to introduce further clarity regarding Welfare-to-Work 24-Month Time Clock rules for various two-parent assistance unit configurations.

### **Factual Basis:**

This adoption is necessary to provide guidance to CWDs for the implementation of Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, which established the Welfare-to-Work 24-Month Time Clock.

## **Handbook Sections 42-708.421 through .421(b)**

### **Specific Purpose/Factual Basis:**

These handbook sections are being adopted to provide further clarity regarding Welfare-to-Work 24-Month Time Clock rules for a two-parent assistance unit where both parents are mandatory participants and are sharing the assistance unit's respective welfare-to-work participation requirement. When both parents' participation meets CalWORKs federal standards, months are not counted toward both parents' 24-month clock. When both parents' participation does not meet CalWORKs federal standards, months are counted toward both parents' 24-month clock. This adoption is necessary to provide guidance to counties to ensure statewide consistency with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041.

## **Handbook Sections 42-708.422 through .422(a)**

### **Specific Purpose/Factual Basis:**

These handbook sections are being adopted to provide further clarity regarding Welfare-to-Work 24-Month Time Clock rules for a two-parent assistance unit where one parent is fulfilling the entire participation requirement for the assistance unit for meeting CalWORKs minimum standards (not CalWORKs federal standards), which allows for the other parent to be excused from participation. Months are not counted toward the excused parent's 24-month clock. This adoption is necessary to provide guidance to counties to ensure statewide consistency with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041.

### **Handbook Sections 42-708.423 through .423(c)**

#### **Specific Purpose/Factual Basis:**

These handbook sections are being adopted to provide further clarity regarding Welfare-to-Work 24-Month Time Clock rules for a two-parent assistance unit where one parent is fulfilling the entire participation requirement for the assistance unit and the other parent has a welfare-to-work exemption from participation that is not based on a disability. In this situation, months are not counted toward the exempt parent's 24-month clock. Months are counted toward the participating parent's 24-month clock unless he or she is meeting CalWORKs federal standards or another condition that makes a month not count toward his or her 24-month clock. This adoption is necessary to provide guidance to counties to ensure statewide consistency with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041.

### **Handbook Sections 42-708.424 through .424(d)**

#### **Specific Purpose/Factual Basis:**

These handbook sections are being adopted to provide further clarity regarding Welfare-to-Work 24-Month Time Clock rules for a two-parent assistance unit where both parents are participating, but one is a mandatory participant and the other is an exempt or excused individual who is volunteering to participate in welfare-to-work. Months are not counted toward the exempt or excused parent's 24-month clock. The exempt or excused parent's participation may contribute toward meeting CalWORKs federal standards for the assistance unit, and any month that the assistance unit's total participation meets CalWORKs federal standards is not counted toward the mandatory parent's 24-month clock. This adoption is necessary to provide guidance to counties to ensure statewide consistency with Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, that established the Welfare-to-Work 24-Month Time Clock.

### **Section 42-708.5**

#### **Specific Purpose:**

This section is being adopted to introduce regulations regarding Welfare-to-Work 24-Month Time Clock rules for one- or two-parent assistance unit configurations when there is 1) an unaided parent in the home due to reaching the CalWORKs 48-month time limit or due to being sanctioned in the Welfare-to-Work Program, 2) an optional stepparent, or 3) when there are more than three adults in the home.

Factual Basis:

This adoption is necessary to introduce how Welfare and Institutions Code section 11322.85(a)(1), which established the Welfare-to-Work 24-Month Time Clock, applies to assistance units identified in the above paragraph.

**Section 42-708.51**

Specific Purpose:

This section is being adopted to introduce Welfare-to-Work 24-Month Time Clock rules for single-parent assistance units with a second parent in the home who has reached his or her CalWORKs 48-month time limit.

Factual Basis:

This adoption is necessary to introduce how Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, which established the Welfare-to-Work 24-Month Time Clock, applies to a one parent assistance unit with a second parent in the home who has reached his or her CalWORKs 48-month time limit on the receipt of cash aid.

**Section 42-708.511**

Specific Purpose:

This section is being adopted to specify that for an aided participant who is living with a second parent in the home who has reached his or her CalWORKs 48-month time limit, months will count toward the aided participant's Welfare-to-Work 24-Month Time Clock unless he or she meets a condition that makes a month not count toward his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11325.85(a)(1) and (a)(2) and (b), adopted by SB 1041, that establish the Welfare-to-Work 24-Month Time Clock and the circumstances that allow for time not to count toward a participant's Welfare-to-Work 24-Month Time Clock, respectively.

## **Section 42-708.512**

### **Specific Purpose:**

This section is being adopted to specify that for an aided participant who is living with a second parent in the home who has reached his or her CalWORKs 48-month time limit, that CWDs must consider any hours of participation by the unaided second parent when determining whether the aided parent has met CalWORKs federal standards only.

### **Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, to situations in which an aided parent who may not be meeting CalWORKs federal standards through his or her own participation would be meeting those standards when the CWD receives verified documentation that the unaided parent's participating is such that when both parents' participation is considered, the assistance unit would be meeting CalWORKs federal standards. Allowing hours of the unaided parent to be combined with the aided parent's hours for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met. This code does not require that both parents must be receiving cash aid in order to meet federal participation requirements.

## **Section 42-708.52**

### **Specific Purpose:**

This section is being adopted to introduce Welfare-to-Work 24-Month Time Clock rules for single-parent assistance units with a second parent in the home who is sanctioned.

### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b), adopted by SB 1041, which define what circumstances allow for time not to count toward a participant's Welfare-to-Work 24-Month Time Clock.

### **Section 42-708.521**

#### **Specific Purpose:**

This section is being adopted to specify that for an aided participant who is living with a second parent in the home who is sanctioned for not complying with welfare-to-work rules, months will count toward the aided participant's Welfare-to-Work 24-Month Time Clock unless he or she meets a condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11325.85(a)(1) and (b), adopted by SB 1041, that establish the Welfare-to-Work 24-Month Time Clock and the circumstances that allow for time not to count toward a participant's Welfare-to-Work 24-Month Time Clock, respectively.

### **Section 42-708.522**

#### **Specific Purpose:**

This section is being adopted to specify that for an aided participant who is living with a second parent in the home who is sanctioned for not complying with welfare-to-work rules, that counties must consider any successfully completed hours of participation related to the sanctioned parent's compliance plan when determining whether the aided parent has met CalWORKs federal standards only.

#### **Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, to situations in which an aided parent who may not be meeting CalWORKs federal standards through his or her own participation would be meeting those standards when the sanctioned parent's successful completion of hours required in a plan to cure a sanction is such that when both parents' participation is considered the assistance unit would be meeting CalWORKs federal standards. Allowing hours of the sanctioned parent to be combined with the aided parent's hours for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met. This code does not require that both parents must be receiving cash aid in order to meet federal participation requirements.

## **Sections 42-708.53 through .531(a)**

### **Specific Purpose:**

These sections are being adopted to establish that months will count toward an optional stepparent's Welfare-to-Work 24-Month Time Clock when the stepparent is participating to meet the assistance unit's requirements for CalWORKs minimum standards, unless he or she meets a condition that makes a month not count toward his or her 24-month clock.

### **Factual Basis:**

This adoption is necessary in order to apply Welfare and Institutions Code section 11322.85(a), which established the Welfare-to-Work 24-Month Time Clock, and sections 11322.85(a)(2) and (b), which established conditions that make a month not count toward the 24-month clock, to assistance units that include an optional stepparent. Participation requirements for optional stepparents have not been regulated in the past, which resulted in numerous questions by the CWDs. This regulation package regulates participation requirements for these individuals; therefore, this regulation is necessary to provide clarity to CWDs that optional stepparents are subject to the Welfare-to-Work 24-Month Time Clock, and that when they participating to meet the assistance unit's requirements for CalWORKs minimum standards, that months will count toward their 24-month clock unless they meet a condition that makes a month to not count toward the 24-month clock.

Regulation Section 80-301(s)(11) defines a stepparent to be a person who is not the biological parent, but is either married to, or the California domestic partner of, the parent of the child. Section 80-828 provides that optional adults who are living with an eligible child and who are otherwise eligible for CalWORKs may choose to be included in the assistance unit and receive aid.

## **Section 42-708.54**

### **Specific Purpose:**

This section is being adopted to introduce Welfare-to-Work 24-Month Time Clock rules for assistance units with three or more adults in the home.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.8(a)(1), amended by SB 1041, which specifies participation requirements for both single-parent and two-parent assistance units if a participant is utilizing the flexibility of his or her Welfare-to-Work 24-Month Time Clock. It is also necessary to comply with Welfare and Institutions Code sections 11322.85(a)(2) and 11322.85(b), adopted by SB 1041, which define what circumstances allow for time not to count toward a participant's Welfare-to-Work 24-Month Time Clock. Because the relevant statute does not address situations where an assistance unit has more than two aided adults, these rules are necessary to establish statewide consistency for the Welfare-to-Work Program. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.541**

Specific Purpose:

This section is being adopted to specify that for two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11325.85(a)(1) and (b), adopted by SB 1041, that establish the Welfare-to-Work 24-Month Time Clock and the circumstances that allow for time not to count toward a participant's Welfare-to-Work 24-Month Time Clock, respectively. Because the relevant statute does not address situations where an assistance unit has more than two aided adults, these rules are necessary to establish statewide consistency for the Welfare-to-Work Program. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Sections 42-708.542 and .543**

#### **Specific Purpose:**

These sections are being adopted to clarify that for two-parent assistance units that also include an additional adult or adults, that the additional adult or adults shall be considered excused from participating in the Welfare-to-Work Program if they are not contributing hours toward the assistance unit's participation requirement, but any voluntary participation of the exempt or excused parent may be combined with one other parent's participation in the assistance unit for purposes of determining when CalWORKs federal standards is being met.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. Allowing hours of an excused or exempt parent to be combined with the hours of one other parent in the assistance unit for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met. The code does not consider combining hours for more than two parents in the home.

### **Section 42-708.544**

#### **Specific Purpose:**

This section is being adopted to specify that for two-parent assistance units that also include an additional exempt or excused adult or adults, any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(a)(2), adopted by SB 1041, which specifies that participation in activities in a month that meets CalWORKs federal standards does not count toward a participant's Welfare-to-Work 24-Month Time Clock.

**Section 42-708.6**

**Specific Purpose:**

This section is being adopted to introduce the Welfare-to-Work 24-Month Time Clock noticing requirements.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(c) through (e), adopted by SB 1041, in order to implement specified Welfare-to-Work 24-Month Time Clock noticing requirements.

**Section 42-708.61**

**Specific Purpose:**

This section is being adopted to introduce the intervals at which counties must provide written notice to a participant regarding the current status of a participant's Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(d), adopted by SB 1041, which requires written notice to be provided to a participant at the time he or she applies for aid, at his or her annual redetermination, and at least once between the participant's 18<sup>th</sup> and 21<sup>st</sup> Welfare-to-Work 24-Month Time Clock month.

**Section 42-708.611**

**Specific Purpose:**

This section is being adopted to specify that counties must provide written notice to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock at the time the individual applies for cash aid.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(d), adopted by SB 1041, which requires written notice to be provided to a participant at the time he or she applies for aid. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(d), and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.612**

Specific Purpose:

This section is being adopted to specify that counties must provide written notice to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock at each of the participant's annual redeterminations for cash aid.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(d), adopted by SB 1041, which requires written notice to be provided at each of a participant's annual redeterminations for cash aid. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(d), and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.613**

Specific Purpose:

This section is being adopted to specify that counties must provide written notice to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock at least once between the participant's 18<sup>th</sup> and 21<sup>st</sup> Welfare-to-Work 24-Month Time Clock month.

Factual Basis:

This adoption is necessary to clarify Welfare and Institutions Code section 11322.85(d), adopted by SB 1041, which requires written notice to be provided at least once between the participant's 18<sup>th</sup> and 21<sup>st</sup> Welfare-to-Work 24-Month Time Clock month. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(d), and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.614**

Specific Purpose:

This section is being adopted to specify that CWDs must provide written notice to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock at the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(c), adopted by SB 1041, which requires CWDs to provide each participant subject to the requirements of Welfare and Institutions Code section 11322.85(a)(3), defined in regulation Section 42-709 as CalWORKs federal standards, written notice describing the Welfare-to-Work 24-Month Time Clock and the process by which a participant may claim an exemption from and extension to the Welfare-to-Work 24-Month Time Clock. The CDSS is adding the requirement to send notice of an individual's Welfare-to-Work 24-Month Time Clock at the time an individual has exhausted his or her 24-month clock to ensure that individuals are fully informed that they have exhausted their 24-month clock to allow for individuals' to make informed decisions regarding a possible dispute with the CWD.

**Section 42-708.62**

Specific Purpose:

This section is being adopted to introduce what information is to be included in the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e), adopted by SB 1041, which requires written notice of an individual's Welfare-to-Work 24-Month Time Clock status to include the information in Welfare and Institutions Code section(e)(1) through (e)(5).

**Section 42-708.621**

Specific Purpose:

This section is being adopted to specify that the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock shall include the number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e)(1), adopted by SB 1041, which requires that the written notice specified in Welfare and Institutions Code section 11322.85(d) include the number of remaining months on a participant's Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(e)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.622**

Specific Purpose:

This section is being adopted to specify that the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock shall include the participation requirements for an individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock and that failure to meet those participation requirements may result in the noncompliant individual being removed from the assistance unit.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e)(2), adopted by SB 1041, which requires that the written notice specified in Welfare and Institutions Code section 11322.85(d) include the requirements that the participant must meet after his or her Welfare-to-Work 24-Month Time Clock has been exhausted and the action that the CWD will take if the participant does not meet those requirements. This adoption is also necessary to implement Welfare and Institutions Code section 11322.8(f), that applies the welfare-to-work noncompliance procedures to individuals who have exhausted their Welfare-to-Work 24-Month Time Clock. The noncompliance procedures may result in an individual being removed from the assistance unit.

In part, this regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(e)(2), and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.623**

Specific Purpose:

This section is being adopted to specify that the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock shall include how a participant may dispute the number of months that have been counted toward his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e)(3), adopted by SB 1041, which requires that the written notice specified in Welfare and Institutions Code section 11322.85(d) include the manner in which a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(e)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.624**

Specific Purpose:

This section is being adopted to specify that the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock shall include information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e)(4), adopted by SB 1041, which requires that the written notice specified in Welfare and Institutions Code section 11322.85(d) include the opportunity for the participant to modify his or her welfare-to-work plan to meet the requirements described in Welfare and Institutions Code section 11322.85(a)(3), which is CalWORKs federal standards. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(e)(4) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.625**

Specific Purpose:

This section is being adopted to specify that the written notice that CWDs must provide to a participant regarding the current status of that participant's Welfare-to-Work 24-Month Time Clock shall include information on and how to apply for Welfare-to-Work 24-Month Time Clock exemptions and extensions.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.85(e)(5), adopted by SB 1041, which requires that the written notice specified in Welfare and Institutions Code section 11322.85(d) to include information about the opportunity for a Welfare-to-Work 24-Month Time Clock exemption or extension. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(e)(5) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

## **Sections 42-708.63 through .631(a)**

### **Specific Purpose:**

These sections are being adopted to specify that except for participants who have not been assessed because their welfare-to-work plan included only unsubsidized employment, that when a participant does not meet CalWORKs federal standards in accordance with his or her welfare-to-work plan, the CWD shall inform the participant that months will begin counting toward his or her Welfare-to-Work 24-Month Time Clock the month following the date that the CWD verified that they did not meet CalWORKs federal standards.

### **Factual Basis:**

These adoptions are necessary to ensure that individuals who were scheduled to meet CalWORKs federal standards but fail to meet those standards are informed that months will start counting toward their Welfare-to-Work 24-Month Time Clock. Delaying the start of the 24-month clock to the month following the date the CWD verified that an individual did not meet CalWORKs federal standards provides time for individuals' to either dispute the CWDs finding or to request good cause for not meeting CalWORKs federal standards, which may result in months to not start counting toward the 24-month clock. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-708.7**

### **Specific Purpose:**

This section is being adopted to introduce how CDSS will estimate the number of Welfare-to-Work 24-Month Time Clock extensions each CWD is allotted, the process for individuals to request an extension to their Welfare-to-Work 24-Month Time Clock, and the criteria CWDs are to use to grant an extension.

### **Factual Basis:**

This adoption is necessary implement Welfare and Institutions Code section 11322.86 to outline the processes that CDSS will use to calculate the number of extensions to the Welfare-to-Work 24-Month Time Clock that will be allocated to each CWD and the CWDs' reporting responsibilities regarding the number of extensions granted.

### **Section 42-708.71**

#### **Specific Purpose:**

This section is being adopted to introduce the means by which CDSS will estimate the number of Welfare-to-Work 24-Month Time Clock extensions each CWD is allotted and to establish reporting requirements.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.86 (a)(2), (b) and (c), as adopted by SB 1041, that allow CWDs to grant extensions to individuals' Welfare-to-Work 24-Month Time Clocks, require CDSS to define the process for calculating the 20 percent extension limitation and require CWDs to report information regarding the number and percentage of extensions they have granted.

### **Section 42-708.711**

#### **Specific Purpose:**

This section is being adopted to specify that CDSS shall provide each CWD with the estimated number of Welfare-to-Work 24-Month Time Clock extensions available in accordance with regulation Section 42-708.7.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.86(a)(2), which allows CWDs to grant no more than 20 percent of the assistance units in the county an extension to their Welfare-to-Work 24-Month Time Clocks, and Section 11322.86(c), which requires CDSS to define the process for implementing the 20 percent extension limitation. Part of the stakeholder agreed upon process for implementing the 20 percent limitation included the requirement that the CDSS inform all CWDs with an estimate of the number of extensions available to each county.

### **Section 42-708.712**

#### **Specific Purpose:**

This section is being adopted to specify that CDSS shall provide each CWD with the estimated number of Welfare-to-Work 24-Month Time Clock extensions equal to no more than 20 percent of the assistance units in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.86(a)(2), as adopted by SB 1041, which allows CWDs to grant extensions to individuals' Welfare-to-Work 24-Month Time Clock for up to 20 percent of the assistance units in the county; and section 11322.86(c), which requires (in part) the CDSS to work with stakeholders to define the methodology for calculating the 20 percent limitation. The stakeholder agreed upon methodology included the provision that only one adult in the assistance unit must still be eligible for cash aid to be included in the 20 percent calculation.

**Section 42-708.713**

Specific Purpose:

This section is being adopted to specify that CDSS shall provide each CWD with an estimated number of Welfare-to-Work 24-Month Time Clock extensions available in six-month intervals commencing January 1, 2015, in a manner determined by CDSS.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.86(a)(2), as adopted by SB 1041, in order to provide CWDs with an estimate for the 20 percent limit on the number of extensions that may be granted and define the timeframes under which CDSS will transmit the number of extensions allotted to each CWD.

**Section 42-708.714**

Specific Purpose:

This section is being adopted to specify that the CWD shall not rescind extensions already granted for the prior six-month period if the CWD has already exceeded its new estimate for the current period.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.86(a)(2), as adopted by SB 1041, in order to ensure that extensions already granted to CalWORKs recipients are not rescinded because the CWD has granted more extensions than is being allocated to them in the current six-month period. This section is to provide CWDs guidance for implementation of Welfare-to-Work 24-Month Time Clock extensions pursuant to Welfare and Institutions Code section 11322.86 adopted by SB 1041, and is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.715**

#### **Specific Purpose:**

This section is being adopted to require each CWD to report information regarding the number and percentage of extensions granted for each six-month period.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.86(a)(2), and (b), as adopted by SB 1041, to ensure that data regarding the number of extensions granted by CWDs to the Welfare-to-Work 24-Month Time Clock are reported for analysis to allow for the compiling of reports and for planning purposes. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.86(b) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-708.716**

#### **Specific Purpose:**

This section establishes that if a CWD grants more extensions than the number that was allocated, that CDSS may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

#### **Factual Basis:**

This adoption is necessary to ensure that CWDs stay within the 20 percent limitation on extensions granted to the Welfare-to-Work 24-Month Time Clock mandated by Welfare and Institutions Code sections 11322.86(a)(2) and (b), as adopted by SB 1041, and if substantially more are granted, to provide CDSS with the reasons for exceeding the 20 percent limitation. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.716(a)**

#### **Specific Purpose:**

This section is being adopted to establish that CDSS may request that a CWD submit a plan to bring the CWD into compliance with the number of extensions allocated as described under regulation Section 42-708.7.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.86(2), as adopted by SB 1041, to ensure that CWDs that grant substantially more extensions than the CWD has been allocated are brought into compliance by submitting a plan to reduce the number of extensions granted in subsequent months. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.72**

Specific Purpose:

This section is being adopted to introduce the general provisions, applicability and requirements pertaining to a request for an extension to the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a), adopted by SB 1041, in order to implement the provisions, applicability and requirements upon which an extension to the Welfare-to-Work 24-Month Time Clock may be requested.

**Section 42-708.721**

Specific Purpose:

This section is being adopted to establish that an individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.86(a)(1) and 11322.87(a), adopted by SB 1041, in order to implement the conditions that a CalWORKs recipient who is unlikely to meet CalWORKs federal standards must meet in order to request an extension to the Welfare-to-Work 24-Month Time Clock upon exhaustion of his or her Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code sections 11322.86(a)(1) and 11322.87(a) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.721(a)**

Specific Purpose:

This section is being adopted to introduce the circumstances described in Welfare and Institutions Code sections 11322.87(a)(1) through (a)(6), upon which an individual may present evidence to request an extension to the Welfare-to-Work 24-Month Time Clock if he or she meets one of the specified circumstances.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a), adopted by SB 1041, in order to implement the circumstances upon which an extension to the Welfare-to-Work 24-Month Time Clock may be requested by an individual, and to specify that the individual must present evidence of meeting one of the circumstances described in Welfare and Institutions Code sections 11322.87(a)(1) through (a)(6) to the CWD. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.721(a)(1)**

Specific Purpose:

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual being likely to obtain employment within six months.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(1), adopted by SB 1041, which allows an individual who is likely to obtain employment within six months to request an extension to the Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.721(a)(2)**

Specific Purpose:

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual having encountered unique labor market barriers temporarily preventing employment and therefore needs additional time to obtain employment.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(2), adopted by SB 1041, that allows an individual who has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment to request an extension to the Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a)(2) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Handbook Section 42-708.721(a)(2)(A) Example 1**

Specific Purpose/Factual Basis:

This Handbook section is being adopted to provide further clarity regarding the circumstance of an individual that is likely to obtain employment within six months. This adoption is necessary to provide guidance to CWDs for implementation of this circumstance upon which an extension to the Welfare-to-Work 24-Month Time Clock may be requested by an individual that was established through Welfare and Institutions Code section 11322.87(a)(1), adopted by SB 1041.

## **Handbook Section 42-708.721(a)(2)(B) Example 2**

### **Specific Purpose/Factual Basis:**

This Handbook section is being adopted to provide further clarity regarding the circumstance of an individual that has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment. This adoption is necessary to provide guidance to CWDs for implementation of this circumstance upon which an extension to the Welfare-to-Work 24-Month Time Clock may be requested by an individual that was established through Welfare and Institutions Code section 11322.87(a)(2), adopted by SB 1041.

## **Handbook Section 42-708.721(a)(2)(C) Example 3**

### **Specific Purpose/Factual Basis:**

This Handbook section is being adopted to provide further clarity regarding the circumstance of an individual that has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment. This adoption is necessary to provide guidance to CWDs for implementation of this circumstance upon which an extension to the Welfare-to-Work 24-Month Time Clock may be requested by an individual that was established through Welfare and Institutions Code section 11322.87(a)(2), adopted by SB 1041.

## **Section 42-708.721(a)(3)**

### **Specific Purpose:**

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual having achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a Self-Initiated Program under regulation Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(3), adopted by SB 1041, which allows an individual who has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a Self-Initiated Program, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment, to request an extension to the Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules

**Section 42-708.721(a)(4)**

Specific Purpose:

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual needing an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan under regulation Section 42-711.6, due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(4), adopted by SB 1041, which allows an individual who needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan due to a diagnosed learning or other disability that would meaningfully increase the likelihood of his or her employment, to request an extension to the Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a)(4) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.721(a)(5)**

**Specific Purpose:**

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual having submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.

**Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(5), adopted by SB 1041, which allows an individual who has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established, to request an extension to the Welfare-to-Work 24-Month Time Clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(a)(5) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.721(a)(6)**

**Specific Purpose:**

This section is being adopted to establish that an individual may request an extension to the Welfare-to-Work 24-Month Time Clock and present evidence of meeting the circumstance of the individual being a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(a)(6), adopted by SB 1041, which allows CDSS to implement additional circumstances for individuals to request an extension to the Welfare-to-Work 24-Month Time Clock. The CDSS has determined that an individual who is a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock must be allowed to request an extension to the Welfare-to-Work 24-Month Time Clock to ensure that the other parent, who has not exhausted his or her Welfare-to-Work 24-Month Time Clock, has the opportunity to receive the full benefits and services allowed during that time period. Otherwise, the assistance unit would have to meet CalWORKs federal standards without both parents having the participation flexibility allowed during the Welfare-to-Work 24-Month Time Clock period. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.721(a)(6)(A)**

Specific Purpose:

This section is being adopted to clarify that an individual who is a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards as described in regulation Section 42-711.41.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.87(a)(6), adopted by SB 1041, which provides CDSS the ability to establish additional circumstances for which recipients may request an extension to their Welfare-to-Work 24-Month Time Clocks. The CDSS has determined that one of the conditions that must be met for requesting an extension to the Welfare-to-Work 24-Month Time Clock for an individual who is a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock is that both parents' combined participation must meet CalWORKs minimum standards as described in Section 42-711.41. Otherwise, the parent requesting the extension could fully meet the CalWORKs minimum standards, which would allow the parent who has not exhausted his or her Welfare-to-Work 24-Month Time Clock to be excused from participating in welfare-to-work for his or her entire time on aid without ever having to meet CalWORKs federal standards. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.721(a)(6)(B)**

Specific Purpose:

This section is being adopted to clarify that an extension to the Welfare-to-Work 24-Month Time Clock that is granted for an individual who is a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock is subject to the procedures described in regulation Section 42-708.73, which regulates extension determinations and duration, and is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.87(a)(6), adopted by SB 1041, which provides CDSS the ability to establish additional circumstances for which recipients may request an extension to their Welfare-to-Work Time Clocks. The CDSS has determined that when a member of a two-parent assistance unit where the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock requests an extension to his or her Welfare-to-Work 24-Month Time Clock based on circumstance that the other parent has not yet exhausted his or her Welfare-to-Work 24-Month Time Clock, that the extension must be limited to the duration of the other parent's Welfare-to-Work 24-Month Time Clock. This requirement is appropriate, since the reason for allowing this extension is based on the fact that the other parent has not exhausted his or her Welfare-to-Work 24-Month Time Clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-708.73**

Specific Purpose:

This section is being adopted to introduce the general provisions and requirements pertaining to the determination and duration of an extension to the Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(b), adopted by SB 1041, in order to implement the general provisions and requirements pertaining to the determination and duration of an extension to the Welfare-to-Work 24-Month Time Clock.

### **Section 42-708.731**

#### **Specific Purpose:**

This section is being adopted to establish that prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under regulation Section 42-708.721(a), the CWD must review the individual's case to ensure an accurate accounting of the individual's Welfare-to-Work 24-Month Time Clock in accordance with regulation Section 42-708.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.87, adopted by SB 1041, that the CWD must review an individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock prior to determining if an individual meets Welfare-to-Work 24-Month Time Clock extension criteria. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.732**

#### **Specific Purpose:**

This section is being adopted to establish that, except for an extension to the Welfare-to-Work 24-Month Time Clock based on the circumstance of an individual submitting an application for and receiving a hearing date to receive Supplemental Security Income disability benefits, that a CWD shall grant an extension to an individual who presents evidence that he or she meets any of the other extension criteria under regulation Section 708.721(a), unless the CWD determines that the evidence presented does not support the existence of the circumstances described in regulation Section 42-708.721(a).

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(b)(1), adopted by SB 1041, which requires that, except for an extension based on application for Social Security Income disability benefits, the CWD must grant an extension to an individual who presents evidence that he or she meets any of the extension criteria unless the CWD determines that the evidence presented does not support the existence of one of the extension circumstances. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(b)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-708.732(a)**

#### **Specific Purpose:**

This section is being adopted to establish that an extension to the Welfare-to-Work 24-Month Time Clock based on a recipient applying for Social Security Income disability benefits shall be granted if the individual provides the CWD with evidence that a hearing date for those benefits has been established.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(b)(2), adopted by SB 1041, which requires that an extension based on application for Social Security Income disability benefits shall be granted if the individual provides the CWD with evidence that a hearing date for those benefits has been established. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(b)(2) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-708.733**

#### **Specific Purpose:**

This section is being adopted to establish that, except for an extension request to the Welfare-to-Work 24-Month Time Clock based on application for Social Security Income disability benefits, at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension, the CWD shall have the burden of proof to establish that an extension was not justified.

#### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(b)(3), adopted by SB 1041, which requires that, except for an extension requested based on the application of Social Security Income disability benefits, at any hearing disputing a CWD's denial of an eligible extension, the CWD shall have the burden of proof to establish that an extension was not justified. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(b)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.734**

Specific Purpose:

This section is being adopted to establish that if a CWD identifies that an individual meets a circumstance that is eligible for an extension to his or her Welfare-to-Work 24-Month Time Clock as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, that the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(c), adopted by SB 1041, which allows a CWD to grant a Welfare-to-Work 24-Month Time Clock extension to an individual without requiring additional information or a formal request for an extension from the individual if a CWD identifies that the individual meets a circumstance that is eligible for an extension as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(c) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-708.735**

Specific Purpose:

This section is being adopted to establish that a Welfare-to-Work 24-Month Time Clock extension granted shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11322.87(d), adopted by SB 1041, which requires that an extension granted by a CWD shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.87(d) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-708.8**

#### **Specific Purpose:**

This section is being adopted to introduce regulations for CWDs to transition individuals who have a welfare-to-work plan which meets CalWORKs minimum standards to a plan which meets CalWORKs federal standards upon approaching the end of the individual's Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85, adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. This section is necessary to provide guidance to the CWD and ensure an individual's welfare-to-work participation status is reviewed prior to the end of the Welfare-to-Work 24-Month Time Clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-708.81**

#### **Specific Purpose:**

This section is being adopted to establish the requirement for CWDs to conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine his or her welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock.

#### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. This section is being established to ensure each individual's welfare-to-work participation status is reviewed by the CWD prior to the end of the Welfare-to-Work 24-Month Time Clock to confirm an accurate accounting of the number of recipients' months that have been counted toward their Welfare-to-Work 24-Month Time Clocks. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Sections 42-708.811 through .811(d)**

### **Specific Purpose:**

These sections are being adopted to establish what a review of an individual's participation status prior to the expiration of that individual's Welfare-to-Work 24-Month Time Clock must include. This review must include (a) determining months counted toward the individual's Welfare-to-Work 24-Month Time Clock is accurate, (b) review of welfare-to-work exemptions, (c) review of Welfare-to-Work 24-Month Time Clock extensions, and (d) review of the individual's welfare-to-work plan to determine if additional hours or activities are needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

### **Factual Basis:**

This adoption is necessary to provide clarification to Welfare and Institutions Code section 11322.85(a)(1), adopted by SB 1041, in order to implement the Welfare-to-Work 24-Month Time Clock. These sections provide guidance to CWDs to ensure each individual's welfare-to-work participation status is thoroughly reviewed prior to the end of the Welfare-to-Work 24-Month Time Clock and to help recipients transition to meeting CalWORKs federal standards. These sections are also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-709**

### **Specific Purpose:**

This section is adopted to establish a title for CalWORKs federal standards, which are the participation requirements for individuals in the Welfare-to-Work Program who want to meet those standards to make months not count toward their Welfare-to-Work 24-Month Time Clock and for individuals who have exhausted their 24-month clocks.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and (a)(3), as adopted by SB 1041. This section is necessary to establish a term to use when referring to the requirements that clients must follow in order to stop months from counting on the 24-Month Time Clock, as well as requirements clients must follow when they exhaust their Welfare-to-Work 24-Month Time Clock.

### **Handbook Section 42-709.1**

#### **Specific Purpose/Factual Basis:**

This handbook section is being adopted to introduce the general provisions of CalWORKs federal standards participation requirements. The handbook provisions under this section clarify that CalWORKs federal standards are based on TANF participation requirements, any months in which the adult recipient meets CalWORKs federal standards does not count toward the Welfare-to-Work 24-Month Time Clock, and adults who have exhausted their Welfare-to-Work 24-Month Time Clocks (unless exempt) must meet CalWORKs federal standards. Additionally, this section clarifies that hourly participation requirements are determined by the number of parents/caretaker relatives included in the assistance unit, any optional stepparent who is a member of the assistance unit, and the ages of children residing in the home. This is necessary to provide the reader with the most significant components of CalWORKs federal standards for clarity, but has no regulatory impact.

### **Handbook Section 42-709.11**

#### **Specific Purpose/Factual Basis:**

This handbook section is being adopted to inform the reader that CalWORKs federal standards are based on the federal TANF program participation requirements. This adoption is necessary for clarity, but has no regulatory impact.

### **Handbook Section 42-709.12**

#### **Specific Purpose/Factual Basis:**

This handbook section is being adopted to inform the reader that any months in which a recipient meets CalWORKs federal standards do not count toward his or her Welfare-to-Work 24-Month Time Clock. This adoption is necessary for clarity, but has no regulatory impact.

### **Handbook Section 42-709.13**

#### **Specific Purpose/Factual Basis:**

This handbook section is being adopted to inform the reader that an adult recipient must meet CalWORKs federal standards after exhausting his or her Welfare-to-Work 24-Month Time Clock in order to continue receiving cash aid. This adoption is necessary for clarity, but has no regulatory impact.

## **Handbook Section 42-709.14**

### **Specific Purpose/Factual Basis:**

This handbook section is being adopted to inform the reader that CalWORKs federal standards' hourly participation requirements are determined by the number of parents or caretaker relatives in the assistance unit and whether any other adults reside in the household. This adoption is necessary for clarity, but has no regulatory impact.

## **Section 42-709.2**

### **Specific Purpose**

This section is being adopted to introduce the CalWORKs federal standards hourly participation requirements.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b), as adopted by SB 1041, which specifies the hourly participation requirements for different household compositions (including one- and two-parent assistance units) in order to meet CalWORKs federal standards.

## **Section 42-709.21**

### **Specific Purpose:**

This section is being adopted to introduce the CalWORKs federal standards hourly participation requirement for an adult in a one-parent assistance unit that does not include an optional stepparent. CalWORKs federal standards participation requirements for all assistance units that include optional stepparents are included in the proposed regulation at regulation Section 42-709.23.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(b)(1) and (b)(2) in order to clarify the specific participation requirements for one-parent assistance units associated with various household compositions.

Placing all participation requirements for assistance units that include optional stepparents in separate regulations is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-709.211**

**Specific Purpose:**

This section is being adopted to establish that for an adult in a one-parent assistance unit that does not include an optional stepparent, that the CalWORKs federal standards hourly participation requirement is at least 30 hours per week during the month when there is no child under age six and the adult is not living with either 1) a second parent in the home who has exhausted his or her 48-month time limit on cash aid, or 2) a second parent in the home who has been removed from the assistance unit for not complying with welfare-to-work requirements.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041 and amended by SB 855. The statute requires an adult recipient in a one-parent assistance unit to participate for an average of at least 30 hours per week (unless exempt) during the month subject to rules and limitations described in Section 607(c)(1)(A) of Title 42 of the United States Code. This requirement is not being applied when there is another adult in the home who has exhausted his or her 48-month time limit on cash aid and/or has been removed from the assistance unit due to noncompliance, because in both of these situations the basis for cash aid would be unemployment. Welfare and Institutions Code section 11322.8(b)(3) requires a 35-hour participation requirement for adults whose basis for cash aid eligibility is unemployment.

**Final Modification:**

**Corrected grammatical error for ".213,...."**

**Section 42-709.211(a)**

**Specific Purpose:**

This section is being adopted to establish that the minimum CalWORKs federal standards core hourly requirement is an average of 20 hours per week, of the total 30-hour requirement, for an adult in a one-parent assistance unit that does not include an optional adult.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041 and amended by SB 855. Unless otherwise exempt, the statute requires an adult recipient in a one-parent assistance unit to participate for an average of at least 30 hours per week during the month subject to the rules and limitations described in Section 607(c)(1)(A) of Title 42 of the United States Code. This code requires that 20 of the 30 hours required for a recipient to be considered engaged in work must be in specific activities that are commonly referred to as core hours.

**Sections 42-709.212 and .212(a)**

Specific Purpose:

These sections are being adopted to establish that the CalWORKs federal standards hourly participation requirement is an average of at least 20 core hours per week for an adult in a one-parent assistance that does not include an optional adult or other parent or caretaker relative in the household when there is a child under the age of six in the assistance unit.

Factual Basis:

These adoptions are necessary to implement Welfare and Institutions Code section 11322.8(b)(2) as adopted by SB 1041 and amended by SB 855. Unless otherwise exempt, the statute requires an adult recipient in a one-parent assistance unit to participate for an average of at least 20 core hours per week during the month as described in Section 607(c)(2)(B) of Title 42 of the United States Code when there is a child under age six in the assistance unit. These regulations are a substantial duplication of Welfare and Institutions Code section 11322.8(b)(2) and are necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

The restriction for applying the 20-hour participation requirement to one-parent assistance units where no other parent or caretaker relative is residing in the home is necessary to ensure consistency with Section 607(c)(2)(B) of Title 42 of the United States Code. This code allows that, for purposes of determining monthly participation, recipients who are the only parent or caretaker relative in the family of a child who has not attained six years of age are considered to be engaged in work for an average of at least 20 hours per week during the month.

### **Section 42-709.212(b)**

#### **Specific Purpose:**

This section is being adopted to establish that the CalWORKs federal standards hourly participation requirement is an average of at least 20 core hours per week for an adult in a one-parent assistance that does not include an optional adult or other parent or caretaker relative in the household when there is not a child under the age of six in the assistance unit, but the adult recipient exercises day-to-day care and control of a child under six in the home.

#### **Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(b)(2) to all one-parent assistance units where the aided parent is caring for a child under the age of six. The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

### **Section 42-709.213**

#### **Specific Purpose:**

This section is being adopted to establish the CalWORKs federal standards hourly participation requirement of an average of at least 35 hours per week during the month, of which 30 must be in core activities, for an adult who is not exempt from participating in welfare-to-work in a one-parent assistance unit with a second parent in the home who has either exhausted his or her 48-month time limit or has been removed from the assistance unit due to noncompliance with welfare-to-work requirements.

#### **Factual Basis:**

This adoption is necessary to clarify implementation of Welfare and Institutions Code section 11322.8(b)(3) as adopted by SB 1041 and amended by SB 855. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(b)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. Unless otherwise exempt, the statute requires that an adult recipient in a one-parent assistance unit whose basis for cash aid eligibility is unemployment must participate for an average of at least 35 hours per week during the

month, of which 30 must be in core activities. In the situation where there is one parent who is not exempt from welfare-to-work in an assistance and another parent is living in the home who has either exhausted his or her 48-month time limit on cash aid or been removed from the assistance unit due to being sanctioned for not complying with welfare-to-work requirements would have unemployment as the basis for cash aid eligibility. Therefore, the aided parent, whose basis for cash aid is unemployment, must have a 35-hour participation requirement.

**Section 42-709.213(a)**

Specific Purpose:

This section is being adopted to clarify that a parent who has exhausted his or her 48-month time limit on cash aid may contribute toward a 35-hour participation requirement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(2), as adopted by SB 1041. This adoption clarifies that an unaided parent who has been removed from the assistance unit due to reaching his or her 48-month time limit and is living in the home of an aided parent in a one-parent assistance unit may contribute to the 35-hour requirement, as described in regulation Section 709.213(a). The CDSS is allowing a parent who has been removed from the assistance due to the parent exhausting his or her 48-month time limit on cash aid, because the unaided parent has complied with welfare-to-work during his or her time on aid and if he or she is independently completing an activity that meets CalWORKs federal standards, it is appropriate to count the activity toward those standards. In addition, allowing hours of an unaided parent to be combined with the mandatory parent's hours for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents' participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met. This code does not require both parents to be receiving cash aid.

**Section 42-709.213(b)**

Specific Purpose:

This section is being adopted to specify that when a parent who has been removed from the assistance unit due to noncompliance with welfare-to-work requirements successfully completes hours in his or her plan to comply with welfare-to-work requirements, those hours may be considered toward a 35-hour participation requirement solely for determining if the assistance unit is meeting CalWORKs federal standards.

Factual Basis:

The CDSS has determined that it is appropriate to consider hours toward meeting a CalWORKs federal standards 35-hour participation requirement when a noncompliant parent enters into and completes a compliance plan, because the parent is completing activities that are requested of him or her by the CWD. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program. In addition, allowing hours of an the unaided parent to be combined with the mandatory parent's hours for purposes of meeting CalWORKs federal standards establishes consistency with the federal TANF rules in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code establishes that for two-parent families, both parents participation is considered when determining whether the 35-hour work participation requirement for two-parents is being met. This code does not require both parents to be receiving cash aid.

**Section 42-709.22**

Specific Purpose:

This section is being adopted to introduce the CalWORKs federal standards hourly participation requirements for adults in a two-parent assistance unit that does not include an optional stepparent.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(3), as amended by SB 1041, in order to clarify the specific participation requirements for two-parent assistance units (that do not include an optional stepparent) associated with various household compositions. The CDSS has excluded assistance units that include optional stepparents from this section as all participation requirements for assistance units that do include an optional stepparent are regulated in Sections 42-709.23 through .23(d)(3). Separating these participation requirements is necessary for clarity as there are differences for these two types of assistance units' CalWORKs federal standards participation requirements.

**Section 42-709.221**

Specific Purpose:

This section is being adopted to establish that the CalWORKs federal standards hourly participation requirement for adults in a two-parent assistance unit whose basis for aid is unemployment is an average of at least 35 hours per week during the month, of which 30 must be in core activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(3) as adopted by SB 1041 and amended by SB 855. Unless otherwise exempt, the statute requires that an adult recipient in a two-parent assistance unit must participate for an average of at least 35 hours per week during the month, of which 30 must be in core activities. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(b)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-709.221(a)**

Specific Purpose:

This section is being adopted to specify that both parents in a two-parent assistance unit that does not include an optional stepparent may contribute toward the assistance unit's CalWORKs federal standards 35-hour participation requirement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(3), as adopted by SB 1041, that allows both parents in a two-parent assistance unit where the basis for aid is unemployment to contribute to the assistance unit's CalWORKs federal standards 35-hour participation. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(b)(3) and is necessary to provide clear program requirements to CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-709.222**

Specific Purpose

This section is being adopted to establish that the CalWORKs federal standards minimum hourly participation requirement is an average of at least 30 hours per week during the month, of which 20 hours must be in core activities, for an adult in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability.

### Factual Basis

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(b), as adopted by SB 1041 and amended by SB 855, to two-parent assistance units in which a parent is exempt from participating in welfare-to-work due to a disability. The 35-hour requirement in Section 11322.8(b)(3) for two-parent assistance units cannot be applied to these assistance units as the basis for cash aid eligibility would not be unemployment. Instead, the basis for aid would be incapacity due to a disabled parent. Further, the participation requirements in Sections 11322.8(b)(1) and (b)(2) cannot be applied to these assistance units, as they are not one-parent assistance units. Therefore, CDSS is applying the federal rules in Section 607(b)(2)(C) of Title 42 of the United States Code, which specifies that a two-parent family that includes a disabled parent shall not be considered a two-parent family for purposes of calculating a states work participation rate requirements. Instead, such families are included in the all-family rate pursuant to Section 607(b)(1)(i) and Section 607(c)(1)(A) of Title 42 of the United States Code, that require participation in work activities for at least the minimum average of 30 hours per week, not fewer than 20 hours per week in specified core activities.

### **Section 42-709.222(a)**

#### Specific Purpose:

This section is being adopted to specify that a disabled exempt parent may not contribute to the participation requirements of a mandatory parent.

#### Factual Basis:

This adoption is necessary to follow TANF work participation requirements for families that include a disabled parent pursuant to Section 607(b)(2)(C) of Title 42 of the United States Code, which specifies a family with a disabled parent is not treated as a two-parent family, and Section 607(c)(1)(A) of Title 42 of the United States Code, which requires all other families to engage in work for a month in a fiscal year for at least the minimum average number of 30 hours per week, not fewer than 20 hours per week in specified activities that are commonly known as core activities. Allowing recipients to share hours is only specified for meeting the 35-hour requirement for two-parent families pursuant to Section 607(c)(1)(B)(i) of Title 42 of the United States Code, not all other families.

### **Sections 42-709.23 and .231**

#### Specific Purpose:

These sections are being adopted to introduce the CalWORKs federal standards minimum hourly participation requirements for optional stepparents who opt into the assistance unit.

Factual Basis:

This adoption is necessary to implement Section 11322.8(b) of the Welfare and Institutions Code, which establishes hourly participation requirements for CalWORKs federal standards, and to comply with Welfare and Institutions Code section 11320.3 that specifies all aided individuals, unless exempt, are required to participate in welfare-to-work as a condition of eligibility.

**Section 42-709.231(a)**

Specific Purpose:

This section is being adopted to introduce the CalWORKs federal standards minimum hourly participation requirements for an optional stepparent who has opted into an assistance unit that has a parent or caretaker relative residing in the household who is not in the assistance unit.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(b)(1) and (b)(2) to clarify the hourly participation requirement for meeting CalWORKs federal standards for an optional stepparent who resides in a household with another parent or caretaker who is not in the assistance unit.

**Section 42-709.231(a)(1)**

Specific Purpose:

This section is being adopted to establish that the minimum CalWORKs federal standards hourly participation requirement is a minimum average of 30 hours per week during the month, of which 20 hours must be in specified core activities, for an assistance unit that includes an optional stepparent and there is another parent or caretaker relative residing in the household who is not in the assistance unit.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041 and amended by SB 855, that requires an adult recipient in a one-parent assistance unit (in this case, an optional stepparent), unless exempt, to participate for an average of at least 30 hours per week during the month, of which 20 must be in core activities subject to the special rules and limitations described in Section 607(c)(1)(A) of Title 42 of the United States Code, to meet CalWORKs federal standards. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(b)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-709.231(b)**

Specific Purpose:

This section is being adopted to introduce the CalWORKs federal standards minimum hourly participation requirements for optional stepparents who opt into an assistance unit that includes only one natural or adoptive parent.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b), as adopted by SB 1041, to clarify hourly participation requirements for an assistance unit that has an optional stepparent and only one natural or adoptive parent.

**Section 42-709.231(b)(1)**

Specific Purpose:

This section is being adopted to establish that the minimum CalWORKs federal standards hourly requirement is an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities, for an assistance unit that includes only one natural or adoptive parent and an optional stepparent. This section further specifies that either the natural or adoptive parent or the stepparent may fulfill this requirement.

Factual Basis:

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(b) to assistance units that include a natural or adoptive parent and an optional stepparent. The 35-hour participation requirement in Section 11322.8(b)(3) cannot be applied to these assistance units as the basis for aid would never be unemployment. Instead, it would be absence of a natural or adoptive parent in the home. The 20-hour participation requirement in Section 11322.8(b)(2) is not being applied to these assistance units as there is another parent in the home to take care of the child(ren) while the other parent participates in welfare-to-work. Therefore, the participation requirements in Section 11322(b)(1) are being required of these assistance units. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-709.231(b)(2)**

Specific Purpose:

This section is being adopted to clarify that only one adult in the assistance unit that includes a natural or adoptive parent and an optional stepparent can fulfill the assistance unit's minimum 30-hour per week requirement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041, which is being applied to these assistance units to clarify that only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement. The only statutory allowance for two parents to share participation hours required by welfare-to-work and meeting CalWORKs federal standards is contained in Section 11322.8(b)(3), which only applies to assistance units where the basis for aid is unemployment. These assistance units would never have unemployment as the basis for aid. Instead, it would be absence of a natural or adoptive parent in the home. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-709.231(b)(3)**

Specific Purpose:

This section is being adopted to specify that when an adult in an assistance unit that includes both a natural or adoptive parent and an optional stepparent and one of the parent's is exempt from participating in welfare-to-work, the other parent must fulfill the minimum average 30-hour per week requirement.

Factual Basis:

This adoption is necessary to clarify how to apply Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041 and amended by SB 855, to assistance units that include a natural or adoptive parent and an optional stepparent. This adoption clarifies that if one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

**Section 42-709.231(c)**

Specific Purpose

This section is being adopted to introduce the CalWORKs federal standards minimum hourly participation requirements for an assistance unit that includes an optional stepparent and two natural or adoptive parents.

Factual Basis

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(3), as adopted by SB 1041 and amended by SB 855, which establishes welfare-to-work participation requirements for adult recipients whose basis for aid is unemployment.

**Section 42-709.231(c)(1)**

Specific Purpose

This section is being adopted to establish that the CalWORKs federal standards minimum hourly participation requirement is a minimum average of at least 35 hours per week during the month, of which an average of 30 must be in specified core activities, for an assistance unit that includes an optional stepparent and two natural or adoptive parents. Further, this requirement can be met by one or both adults in the assistance unit.

### Factual Basis

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(3), as adopted by SB 1041 and amended by SB 855, which requires an adult recipient whose basis for aid is unemployment to participate for a minimum average of 35 hours per week during the month, subject to the special rules and limitations described in Section 607(c)(1)(B)(i) of Title 42 of the United States Code. This code requires two-parent families to be engaged in work activities for an average of at least 35 hours per week during the month, of which 30 must be in specified core activities, and allows these hours to be shared by both parents. As Welfare and Institutions Code section 11322.8(b)(3) does not address assistance units with more than two parents, the CDSS is clarifying hourly participation requirements for such cases for effective and efficient statewide administration of the Welfare-to-Work Program.

### **Section 42-709.231(c)(2)**

#### Specific Purpose

This section is being adopted to specify that only two adults in an assistance unit that includes an optional stepparent and two natural or adoptive parents can combine hours to fulfill the assistance unit's 35-hour participation requirement.

### Factual Basis

This adoption is necessary to clarify implementation of Welfare and Institutions Code section 11322.8(b)(3), as adopted by SB 1041 and amended by SB 855, which requires an adult whose basis for aid is unemployment to participate for an average of at least 35 hours per week during the month, subject to the special rules and limitations described in Section 607(c)(1)(B) of Title 42 of the United States Code. This code allows an individual and the other parent - not parents - in the family to engage in work activities for a total of at least 35 hours per week during the month.

### **Section 42-709.231(c)(3)**

#### Specific Purpose:

This section is being adopted to specify that if one or more adults are exempt from participating in welfare-to-work and they are in an assistance unit that includes two natural or adoptive parents and an optional stepparent, that the other non-exempt adult or adults must fulfill the assistance unit's participation requirements.

Factual Basis:

This adoption is necessary to clarify implementation of Welfare and Institutions Code section 11322.8(b)(3), as adopted by SB 1041 and amended by SB 855, which requires nonexempt adults who basis for cash aid eligibility is unemployment to participate in welfare-to-work activities for an average of at least 35 hours per week subject to the special rules and limitations described in Section 607(c)(1)(B) of Title 42 of the United States Code. The basis for cash aid eligibility is unemployment for an assistance unit with two natural or adoptive parents. As Welfare and Institutions Code section 11322.8(b)(3) does not address assistance units with more than two parents, the CDSS is clarifying hourly participation requirements for such cases when one or more of the adults are exempt from welfare-to-work for effective and efficient statewide administration of the Welfare-to-Work Program.

**Section 42-709.231(d)**

Specific Purpose:

This section is being adopted to introduce the CalWORKs federal standards minimum hourly participation requirements for an assistance unit that includes two natural or adoptive parents and an optional stepparent and at least one is exempt from welfare-to-work requirements due to a disability.

Factual Basis:

This adoption is necessary to implement Section 11322.8(b) of the Welfare and Institutions Code, which establishes hourly participation requirements for CalWORKs federal standards, and to comply with Welfare and Institutions Code section 11320.3 that specifies all aided individuals, unless exempt, are required to participate in welfare-to-work as a condition of eligibility.

**Section 42-709.231(d)(1)**

Specific Purpose:

This section is being adopted to establish that the CalWORKs federal standards minimum hourly participation requirement is a minimum average of at least 30 hours per week during the month, of which an average of 20 must be in specified core activities, for an assistance unit that includes an optional stepparent and two natural or adoptive parents and at least one of the natural or adoptive parents is exempt from welfare-to-work due to a disability.

Factual Basis:

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(b) to assistance units that include two natural or adoptive parents and an optional stepparent when at least one of the natural or adoptive parents is exempt from welfare-to-work participation requirements due to a disability. Section 11322.8(b)(3) cannot be applied in this situation, because with one of the natural or adoptive parent's being exempt due to a disability, the assistance unit would not have the basis for aid of unemployment. Instead, the basis for aid would be incapacity. The 20-hour participation requirement in Section 11322.8(b)(2) is not being applied to these assistance units as there is another parent in the home to take care of the child(ren) while the other parent participates in welfare-to-work. Therefore, the participation requirements in Section 11322.8(b)(1) are being required of these assistance units. In addition, this adoption is necessary to establish consistency with TANF rules in Section 607(b)(2)(C) of Title 42 of the United States Code. This code establishes that families will not be treated as a two-parent family (which would have a 35-hour per week participation requirement) when one of the parent's is disabled. Instead, they would have a 30-hour requirement of which 20 must be in core activities. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-709.231(d)(2)**

Specific Purpose:

This section is being adopted to clarify that only one adult in an assistance unit that includes two natural or adoptive parents and an optional stepparent can fulfill the assistance unit's minimum 30-hour per week requirement when at least one of the natural or adoptive parents is exempt from welfare-to-work requirements due to a disability.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b)(1), as adopted by SB 1041, which is being applied to these assistance units. It is necessary to allow only one parent to meet the assistance unit's participation requirements as the only statutory allowance for two parents to share participation hours to meet CalWORKs federal standards is contained in Section 11322.8(b)(3), which only applies to assistance units where the basis for aid is unemployment. These assistance units would never have unemployment as the basis for aid. Instead, it would be incapacity of a disabled natural or adoptive parent. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-709.231(d)(3)**

**Specific Purpose:**

This section is being adopted to specify that if two adults are exempt for participating in welfare-to-work and they are in an assistance unit that includes two natural or adoptive parents and an optional stepparent, the nonexempt parent must fulfill the assistance unit's participation requirements.

**Factual Basis:**

This adoption is necessary to implement Section 11322.8(b)(1) of the Welfare and Institutions Code, which is being applied to assistance units that include two natural or adoptive parents and an optional stepparent when two of the parents are exempt due to disability. It is also necessary to comply with Welfare and Institutions Code section 11320.3 that specifies all aided individuals, unless exempt, are required to participate in welfare-to-work as a condition of eligibility.

**Section 42-709.3**

**Specific Purpose:**

This section is being adopted to introduce the CalWORKs federal standards core and non-core welfare-to-work activities.

**Factual Basis:**

This adoption is necessary to implement Section 11322.85(a)(3), as adopted by SB 1041, which establishes the participation requirements for CalWORKs federal standards.

**Section 42-709.31**

**Specific Purpose:**

This section is being adopted to introduce the CalWORKs federal standards core welfare-to-work activities for CalWORKs federal standards.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(3), as adopted by SB 1041, which establishes core and non-core hourly participation requirements by applying the TANF participation rules in Sections 607(c) and (d) of Title 42 of the United States Code to CalWORKs federal standards. Sections 607(c)(1)(A) and (B) of the code require that a recipient must engage in a minimum number of hours, of the total required hours, in nine specific work activities defined in Section 607(d) to be considered engaged in work activities. These nine activities are commonly referred to as core hours.

**Sections 42-709.311 and .311(a)**

Specific Purpose:

These sections are being adopted to establish unsubsidized employment, including self-employment, as core CalWORKs federal standards welfare-to-work activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(3)(A), as adopted by SB 1041, and to clarify that self-employment, an activity listed in Welfare and Institutions Code section 11322.6 as a welfare-to-work activity and that is also described in California's federally approved TANF Work Verification Plan as a component of unsubsidized employment, is considered unsubsidized employment for purposes of meeting CalWORKs federal standards. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(a)(3)(A) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-709.312 through .312(c)**

Specific Purpose:

These sections are being adopted to establish subsidized employment, including grant-based on-the-job training, on-the-job training that is not grant based, and work study as core CalWORKs federal standards welfare-to-work activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(3)(B), as adopted by SB 1041, that lists subsidized employment as a CalWORKs federal standards activity. It is also necessary to clarify that all on-the-job training and work study, activities listed in Welfare and Institutions Code section 11322.6 as welfare-to-work activities and that are also described in California's federally approved TANF Work Verification Plan as a components of subsidized employment, are considered subsidized employment for purposes of meeting CalWORKs federal standards.

**Sections 42-709.313 and .314**

Specific Purpose:

These sections are being adopted to establish work experience and community services as core CalWORKs federal standards welfare-to-work activities.

Factual Basis:

These adoptions are necessary to implement Welfare and Institutions Code sections 11322.85(a)(3)(D) and (G), as adopted by SB 1041, that list work experience and community services as CalWORKs federal standards welfare-to-work activities. These regulations are a substantial duplication of Welfare and Institutions Code sections 11322.85(a)(3)(D) and (G) and are necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-709.315 and .315(a)**

Specific Purpose:

These sections are being adopted to establish vocational education as a core CalWORKs federal standards welfare-to-work activity and that participation in a vocational education program is countable as a core activity is limited to a lifetime limit of 12 months for an individual.

Factual Basis:

These adoptions are necessary to implement Welfare and Institutions Code section 11322.85(a)(3)(H), as adopted by SB 1041, which lists vocational education as a CalWORKs federal standards welfare-to-work activity and specifies that such participation must not exceed 12 months with respect to any individual. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(a)(3)(H) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-709.316 and .316(a)**

Specific Purpose:

These sections are being adopted to specify that job search and job readiness are core CalWORKs federal standards activities if the activity(ies) is no more than four consecutive weeks, not to exceed six weeks in a 12-month period.

Factual Basis:

These adoptions are necessary to implement Welfare and Institutions Code sections 11322.85(a)(3) and (3)(F), as adopted by SB 1041, which establish CalWORKs federal standards welfare-to-work activities and lists job search and job readiness assistance as CalWORKs federal standards activities.

Regulation Section 42-709.316 is a substantial duplication of Welfare and Institutions Code section 11322.85(3)(F) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

The limitation of no more than four consecutive weeks, not to exceed six weeks in a 12-month period in regulation Section 42-709.316(a), is being adopted to comply with Section 11322.85(a)(3), which applies Sections 607(c) and (d) of Title 42 of the United States Code to CalWORKs participation requirements. Section 607(c)(2)(A)(i) limits the time an individual who is participating in job search or job readiness to four consecutive weeks, not more than six weeks in a 12-month period.

### **Sections 42-709.316(b) through (b)(4)**

#### **Specific Purpose:**

These sections are being adopted to specify that participation in mental health services, substance abuse services, domestic abuse services, and welfare-to-work program assessment is considered a job readiness activity.

#### **Factual Basis:**

These adoptions are necessary to implement Welfare and Institutions Code section 11322.85(a)(3)(F) that lists job search and job readiness assistance as a core CalWORKs federal standards activity and to clarify that participation in mental health services, substance abuse services, domestic abuse services, and assessment are each considered a job readiness activity as established in California's approved TANF Work Verification Plan as components of California's job readiness assistance program.

### **Section 42-709.317**

#### **Specific Purpose:**

This section is being adopted to specify that providing child care to a community service program participant is a core CalWORKs federal standards activity.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(3)(L), as adopted by SB 1041, that lists the provision of child care services to an individual who is participating in a community services program as a CalWORKs federal standards activity. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(a)(3)(L) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-709.32**

#### **Specific Purpose:**

This section is being adopted to introduce the CalWORKs federal standards noncore welfare-to-work activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(3), which establishes core and noncore hourly participation requirements by applying the TANF participation rules in Section 607(c) and (d) of Title 42 of the United States Code to CalWORKs federal standards. Sections 607(c)(1)(A) and (B) of the code require that a recipient must engage in a minimum number of hours, of the total required hours, in nine specific work activities defined in Section 607(d) to be considered engaged in work activities. These nine activities are commonly referred to as core hours. Three of the activities in Section 607(d) are not included in this minimum hourly requirement and are commonly referred to as noncore activities.

**Sections 42-709.321 through Section 42-709.323**

Specific Purpose:

These sections are being adopted to establish the CalWORKs federal standards noncore welfare-to-work activities to be job skills training directly related to employment, education directly related to employment when an individual has not achieved a high school diploma or its equivalent, and satisfactory attendance in a secondary school or in a GED course.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(3)(I) through 11322.85(a)(3)(K). These regulations provide references to definitions for these specific activities. Citing a reference to the definitions of the terms instead of repeating complicated definitions each time the terms are referred to is the most effective and efficient way to implement relevant statute.

**Final Modification:**

**The limitation that job skills training directly related to employment is for individuals who have not achieved a high school diploma or its equivalent has been deleted from regulation Section 42-709.321, because it is not a limitation for individuals participating in job skills training. Instead, it is a limitation for individuals who are participating in education directly related to employment. As a result, 42-709.322 has been revised to limit education directly related to employment to individuals who have not achieved a high school diploma or its equivalent. This is necessary to correctly implement Welfare and Institutions Code sections 11322.(a)(3)(I) and (J).**

#### **Section 42-709.4**

##### **Specific Purpose:**

This section is being adopted to introduce the regulations for deeming core hours for community service and/or unpaid work experience for CalWORKs federal standards.

##### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(b), which established welfare-to-work participation requirements for CalWORKs federal standards.

#### **Section 42-709.41**

##### **Specific Purpose:**

This section is being adopted to allow individuals to be deemed as meeting the CalWORKs federal standards' core hourly requirement when participating in community services and/or unpaid work experience for the maximum number of hours allowed during any month in the welfare-to-work program.

##### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(b) and 11322.85(3) that establish the participation requirements for meeting CalWORKs federal standards and apply Section 607(c) and (d) of the United States Code to these requirements. This is also necessary to establish consistency with the TANF rules that deem individuals to be meeting the TANF 20 or 30 core hourly requirements when they are participating for the maximum number of hours per month a State requires by dividing the combined cash aid grant and food stamp allotment by the higher of the federal or state minimum wage. These rules are included in federal regulations at 45 CFR 261.31(d)(1) and 261.32(d).

#### **Section 42-709.42**

##### **Specific Purpose:**

This section is being adopted to require individuals who are deemed to be meeting the CalWORKs federal standards core activity requirement to participate, in addition to the actual participation hours in community service or unpaid work experience, in additional core or noncore hours to meet the total number of hours required to meet CalWORKs federal standards.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Codes section 11322.8(b), as adopted by SB 1041 and amended by SB 855, which establishes the CalWORKs federal standards participation requirements of an average of 20, 30 or 35 hours per week during the month, depending on the composition of an assistance unit and age of the children. The CDSS is allowing the deeming of the core activity requirement but not the hourly requirement, as Section 11322.8(b) does not provide for deeming hours toward meeting the CalWORKs federal standards. The primary participation requirement difference between CalWORKs minimum standards and CalWORKs federal standards is the type of activity(ies) individuals may participate in, not the number of hours they are required to meet.

**Section 42-709.5**

Specific Purpose:

This section is being adopted to introduce regulations that specify how CalWORKs federal standards are met.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(b) and 11322.85(a)(3) that establish CalWORKs federal standards participation requirements and to provide clear guidance to counties to ensure accurate determinations for meeting CalWORKs federal standards by having all requirements in one section (Section 42-709.5 through .53).

**Section 42-709.51**

Specific Purpose:

This section is being adopted to introduce regulations for determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet those standards.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(b) and 11322.85(a)(3) that establish CalWORKs federal standards participation requirements and to provide clear guidance to counties to ensure accurate determinations for meeting CalWORKs federal standards.

## **Section 42-709.511**

### **Specific Purpose:**

This section is being adopted to require the use of scheduled hours when determining whether a participant who has time remaining on his or her Welfare-to-Work 24-Month Time Clock with a welfare-to-work plan designed to meet CalWORKs federal standards is meeting those standards, unless the CWD receives verification that those standards were not met.

### **Factual Basis:**

This adoption is necessary to establish statewide consistency for determining when CalWORKs federal standards are met for a participant who has time remaining on his or her Welfare-to-Work 24-Month Time Clock and who has a welfare-to-work plan that is designed to meet those standards. The use of scheduled hours, instead of requiring actual hours be obtained every month, is necessary to reduce administrative burden on CWDs. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-709.512**

### **Specific Purpose**

This section is being adopted to require that when a county receives verification that a participant who has time remaining on his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards did not meet those standards, the county will begin counting months toward the participant's Welfare-to-Work 24-Month Time Clock the first of the month following receipt of the verification.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(2), as adopted by SB 1041, which requires months to not count toward a recipient's Welfare-to-Work 24-Month Time Clock when he or she is meeting CalWORKs federal standards. Therefore, when a CWD receives verification that a recipient who is scheduled to meet CalWORKs federal standards is not actually meeting those standards, months must start counting toward the recipient's 24-month clock.

**Section 42-709.52**

Specific Purpose:

This section is being adopted to introduce regulations for determining whether a month meets CalWORKs federal standards for participants who are required to meet those standards due to exhausting their Welfare-to-Work 24-Month Time Clock and for participants who have time remaining on their 24-month clock and have a welfare-to-work plan that is designed to meet CalWORKs minimum standards but provide verification that CalWORKs federal standards have been met.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and (a)(3), as adopted by SB 1041.

**Section 42-709.521**

Specific Purpose:

This section is being adopted to clarify the number of participation hours in specified activities for meeting CalWORKs federal standards for recipients who are required to meet those standards due to exhausting their Welfare-to-Work 24-Month Time Clock and for recipients who have time remaining on their 24-month clock and have a welfare-to-work plan that is designed to meet CalWORKs minimum standards but provide verification that they meet the hourly participation requirements for meeting CalWORKs federal standards in a month.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and (a)(3), as adopted by SB 1041, that 1) specifies that any month in which a recipient meets CalWORKs federal standards will not count as a month of activities for purposes of the Welfare-to-Work 24-Month Time Clock limit, and 2) establishes the participation requirements for recipients who have exhausted their 24-month time clock, respectively.

## **Section 42-709.522**

### **Specific Purpose:**

This section is being adopted to establish that verification of actual hours of participation is required in order to determine if CalWORKs federal standards are met in the month for an individual who has time remaining on his or her Welfare-to-Work 24-Month Time Clock who was not originally scheduled to meet those standards and for an individual who is required to meet CalWORKs federal standards due to exhausting his or her 24-month time clock.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and (a)(3), as adopted by SB 1041, that 1) specifies that any month in which a recipient meets CalWORKs federal standards will not count as a month of activities for purposes of the Welfare-to-Work 24-Month Time Clock limit, and 2) establishes the participation requirements for recipients who have exhausted their 24-month time clock, respectively. Verification of actual participation hours is necessary for recipients who have exhausted their Welfare-to-Work 24-Month Time Clock or are not in a welfare-to-work plan designed to meet CalWORKs federal standards to ensure compliance with federal law.

## **Section 42-709.53**

### **Specific Purpose:**

This section is being adopted to specify that the average number of participation hours per week in the month is determined by dividing the total number of hours for the month by 4.33 in order to determine if CalWORKs federal standards have been met.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(2) and (3), as adopted by SB 1041, that specify the participation requirements for meeting CalWORKs federal standards within the Welfare-to-Work 24-Month Time Clock period and after the 24-month period is exhausted. California is applying the federally approved method for calculating the number of hours an individual has participated in during the month when determining whether the individual has met the TANF work participation rate requirements. This method is included in California's approved TANF Work Verification Plan. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Sections 42-711.112(b) through (b)(3)**

**Specific Purpose:**

These sections are being amended to repeal the reference to core and noncore welfare-to-work participation requirements and to adopt language to instruct counties to provide general information when an individual applies for aid about recipients' welfare-to-work participation requirements during and after the Welfare-to-Work 24-Month Time Clock period.

**Factual Basis:**

These amendments are necessary to comply with Welfare and Institutions Code sections 11322.8 and 11322.85(a)(1) and (a)(3) as adopted by SB 1041. The requirement that recipients must participate in specified core and non-core activities during their Welfare-to-Work 24-Month Time Clock period has been repealed in Section 11322.8 by Welfare and Institutions Code section 11322.8(g) in Section 15 of SB 1041. The adoption of Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3) created the Welfare-to-Work 24-Month Time Clock period during which recipients have flexibility on the activities they can participate in during the 24-month period and established stricter participation requirements after the 24-month period. Therefore, the requirement to inform recipients of core and noncore requirements is being replaced with information about the Welfare-to-Work 24-Month Time Clock period, and the hourly participation requirements they must meet after the Welfare-to-Work 24-Month Time Clock is expired.

**Section 42-711.41**

**Specific Purpose:**

This section is being adopted to introduce CalWORKs minimum standards regulations for CalWORKs recipients who have months remaining on their Welfare-to-Work 24-Month Time Clock.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a), as adopted by SB 1041, which establishes hourly participation requirements for meeting CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks in different types of household compositions.

## **Section 42-711.411 Renumbered from Section 42-711.41**

### **Specific Purpose:**

This section is being renumbered from 42-711.41 to 42-711.411 due to the adoption of new section 42-711.41, and to specify that the regulations in 42-711.411(a) and (b) apply to an adult in a one-parent assistance unit that does not include an optional stepparent. Participation requirements for all assistance units that include optional stepparents are included in the proposed regulation at 42-711.413.

### **Factual Basis:**

Renumbering this section is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact.

The CDSS has excluded assistance units that include optional stepparents from this section as all participation requirements for assistance units that do include an optional stepparent are regulated in Section 42-711.413. Separating these participation requirements is necessary for clarity as there are differences for these two types of assistance units CalWORKs minimum standards participation requirements. Placing all participation requirements for assistance units that include optional adults is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-711.411(a)**

### **Specific Purpose:**

This section is being adopted to establish CalWORKs minimum standards to be an average of at least 30 hours per week during a month for an adult in a one-parent assistance unit that does not include an optional stepparent and when there is no child under six years of age.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(A), as adopted by SB 1041 and amended by SB 855, which established the participation requirements for a one-parent assistance unit during the Welfare-to-Work 24-Month Time Clock period. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(a)(1)(A) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-711.411(b) Renumbered from Section 42-711.411; and Section 42-711.411(b)(1)**

Specific Purpose:

Section 42-711.411 is being renumbered to 42-711.411(b) and amended to remove reference to a 32-hour per week participation requirement. Sections 42-711.411(b) and .411(b)(1) establish that CalWORKs minimum standards are based on an average of at least 20 hours per week during the month for an adult recipient in a one-parent assistance unit that does not include an optional stepparent when there is a child under six in the assistance unit.

Factual Basis:

Renumbering Section 42-711.411 to 42-711.411(b) is necessary to maintain proper numerical sequencing, but has no regulatory affect.

Amending this section to change the number of hours from 32 to 20 hours per week is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(B) as adopted by SB 1041, which established a 20-hour per week requirement for one parent assistance units with a child under age six.

Amending language in this section specifying that an adult in a one-parent assistance unit shall participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week is necessary to accurately reflect statutory language in Welfare and Institutions Code section 11322.8(a)(1)(B), as amended by SB 855.

These regulations are a substantial duplication of Welfare and Institutions Code section 11322.8(a)(1)(B) and are necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-711.411(b)(2)**

Specific Purpose:

This section is being adopted to establish a 20-hour participation requirement for a one-parent assistance unit when there is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041 and amended by SB 855. The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

**Repealed Section 42-711.411(a)**

Specific Purpose:

This section is being repealed to remove the requirement that recipients in a one-parent assistant unit must participate in a minimum average of 20 hours per week in specified core welfare-to-work activities during their Welfare-to-Work 24-Month Time Clock period.

Factual Basis:

This repeal is necessary to implement Welfare and Institutions Code section 11322.8(g) in Section 15 of SB 1041, which made the requirement in Welfare and Institutions Code section 11322.8(c) for all individuals in welfare-to-work to participate in at least 20 hours each week in specified core activities inoperative on January 1, 2013. The requirement for core activities now only applies to individuals who have exhausted their Welfare-to-Work 24-Month Time Clock or for individuals who have time remaining on their Welfare-to-Work 24-Month Time Clock and choose to meet CalWORKs federal standards and is regulated in 42-709.2 in this proposed regulation package.

**Repealed Section 42-711.412**

Specific Purpose:

This section is being repealed to remove the requirement that adult recipients must not participate in welfare-to-work activities less than the hours required under federal law for their entire time on cash aid.

Factual Basis:

The repeal is necessary to implement Welfare and Institutions Code section 11322.85(a)(1) that allows individuals in welfare-to-work to participate in the number of hours specified in Section 11322.8(a) during their Welfare-to-Work 24-Month Time Clock period. In some situations, the number of hours required in Section 11322.8(a) is less than is required by the federal government. For example, Section 11322.8(a)(2) applies a 35 hour weekly average only for two parent assistance units where the basis for cash aid is unemployment. Assistance units that include a natural or adoptive parent and a stepparent would never have their basis for cash aid be unemployment and would have a 30-hour per week requirement in the Welfare-to-Work Program. Under federal law, an average of 35 hours per week is required for many families in which two parents live in the home, regardless of their basis of cash aid eligibility.

**Section 42-711.412 Renumbered from Section 42-711.42**

Specific Purpose:

This section is being renumbered from Section 42-711.42 to Section 42-711.412 and revised to introduce regulation sections for two-parent assistance units that do not include an optional stepparent. The participation requirements for all assistance units that include an optional stepparent are included in Section 42-711.413

Factual Basis:

Renumbering this section is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact.

Placing all participation requirements for assistance units that include optional adults is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-711.412(a) Renumbered from Section 42-711.421**

Specific Purpose:

This section is being renumbered from Section 42-711.421 to Section 42-711.412(a) and revised with clarifying the wording regarding the average number of hours a recipient must participate in welfare-to-work.

Factual Basis:

Renumbering this section is necessary to maintain numerical sequencing for clarity and consistency. Further, amending language in this section specifying that an adult in a two-parent assistance unit shall participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week is necessary to accurately reflect statutory language in Welfare and Institutions Code section 11322.8(a)(1)(B), as amended by SB 855.

**Repealed Section 42-711.421(a)**

Specific Purpose:

This section is being repealed to remove the requirement that recipients in a two-parent assistance unit must participate in a minimum average of 20 hours per week in specified core welfare-to-work activities during their Welfare-to-Work 24-Month Time Clock period.

Factual Basis:

This repeal is necessary to implement Welfare and Institutions Code section 11322.8(g) in Section 15 of SB 1041, which made the requirement in Welfare and Institutions Code section 11322.8(c) in that Section for all individuals in welfare-to-work to participate in at least 20 hours each week in specified core activities inoperative on January 1, 2013. The requirement for core activities now only applies to individuals who have exhausted their Welfare-to-Work 24-Month Time Clock or for individuals who have time remaining on their Welfare-to-Work 24-Month Time Clock and choose to meet CalWORKs federal standards and is regulated in Section 42-709.2 of this regulation package.

**Section 42-711.412(a)(1) Renumbered from Section 42-711.421(b)**

Specific Purpose:

This section is being renumbered from Section 42-711.421(b) to Section 42-711.412(a)(1) and amended to remove the requirement that at least one parent in a two-parent assistance unit must participate for a minimum average of 20 hours per week.

Factual Basis:

Renumbering this section is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact. Removing the requirement that at least one parent in a two-parent assistance unit must participate for a minimum average of 20 hours per week is necessary to implement Welfare and Institutions Code section 11322.8(g), as amended by SB 1041 in Section 15, that made the requirement in Section 11322.8(c) that one parent in a two-parent assistance unit must meet the federal one-parent work requirement (20 hours per week) inoperative on January 1, 2013.

### **Repealed Section 42-711.421(b)(1)**

#### **Specific Purpose:**

This section is being repealed to remove the requirement that if both parents in a two-parent assistance unit are contributing to meet the 35-hour weekly average participation requirement that the parents may split the 20-hour per week core welfare-to-work activities requirement.

#### **Factual Basis:**

Removing the requirement that parents in a two-parent assistance unit may split the 20-hour core activity participation requirement is necessary to implement Welfare and Institutions Code section 11322.8(g), as amended by SB 1041 in Section 15, which made the requirement in Section 11322.8(c) that recipients must participate in core welfare-to-work activities inoperative on January 1, 2013. This repeal is also necessary to implement Section 11322.85(a)(1) that established the Welfare-to-Work 24-Month Time Clock period, during which recipients can participate in any welfare-to-work activities that are in consistent with their assessments.

### **Section 42-711.412(b)**

#### **Specific Purpose:**

This section is being adopted to establish that CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock period is at least an average of 30 hours per week during the month for a parent in a two-parent assistance unit where there is a second parent who is exempt from welfare-to-work due to a disability.

#### **Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(A), as adopted by SB 1041 and amended by SB 855, to a two-parent assistance unit where there is a parent who is exempt from welfare-to-work due to a disability. The 35-hour requirement in Section 11322.8(a)(2) for two-parent assistance units cannot be applied as the basis for cash aid eligibility would not be unemployment. Instead, the basis for aid would be incapacity due to a disabled parent. Therefore, the CDSS is applying the hourly participation requirements of Welfare and Institutions Code section 11322.8(a)(1) to these assistance units.

**Section 42-711.412(b)(1)**

**Specific Purpose:**

This section is being adopted to establish that CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock period is at least an average of 20 hours per week during the month for a two-parent assistance unit where there is a second parent who is exempt from welfare-to-work due to a disability, when certain conditions exist.

**Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041 and amended by SB 855, to a two-parent assistance unit where there is a parent who is exempt from welfare-to-work due to a disability. The 35-hour requirement in Section 11322.8(a)(2) for two-parent assistance units cannot be applied as the basis for cash aid eligibility would not be unemployment. Instead, the basis for aid would be incapacity due to a disabled parent. Therefore, the CDSS is applying the hourly participation requirements of Welfare and Institutions Code section 11322.8(a)(1) to these assistance units.

**Sections 42-711.412(b)(1)(A) and (b)(1)(B)**

**Specific Purpose:**

These sections are being adopted to clarify that for a 20-hour participation requirement to be applied to a two-parent assistance unit where there is a second adult in the home who is exempt due to a disability, there must be 1) a child under six who is in the assistance unit or 2) there is a child in the home under six who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

## Factual Basis

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041 and amended by SB 855, to a two-parent assistance unit where there is a parent who is exempt from welfare-to-work due to a disability. The 35-hour requirement in Section 11322.8(a)(2) for two-parent assistance units cannot be applied as the basis for cash aid eligibility would not be unemployment. Instead, the basis for aid would be incapacity due to a disabled parent. Therefore, the CDSS is applying the hourly participation requirements of Welfare and Institutions Code section 11322.8(a)(1) to these assistance units.

The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

### **Section 42-711.412(c) Renumbered from Section 42-711.422**

#### Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-711.422 to Section 42-711.412(c) to maintain numerical sequencing. This is necessary for clarity and consistency, but has no regulatory impact.

### **Section 42-711.412(c)(1) Renumbered from Section 42-711.422(a)**

#### Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-711.422(a) to Section 42-711.412(c)(1) to maintain numerical sequencing. This is necessary for clarity and consistency, but has no regulatory impact.

### **Section 42-711.413**

#### Specific Purpose:

This section is being adopted to introduce CalWORKs minimum standards for assistance units that include optional stepparents.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8 for assistance units that include optional stepparents in various household compositions.

**Section 42-711.413(a)**

Specific Purpose:

This section is being adopted to introduce CalWORKs minimum standards for an assistance unit that includes an optional stepparent with no natural or adoptive parent.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11322.8(a)(1)(A) and (B) to clarify hourly participation requirements for an assistance unit that has no natural or adoptive parent but includes an optional stepparent.

**Section 42-711.413(a)(1)**

Specific Purpose:

This section is being adopted to establish that CalWORKs minimum standards are an average of at least 30 hours per week during a month for an assistance unit that includes an optional stepparent with no natural or adoptive parent when there is no child under six living in the home.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(A), as adopted by SB 1041, to clarify the hourly participation requirements for the optional stepparent (unless otherwise exempt). This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(a)(1)(A) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-711.413(a)(2) and (a)(2)(A)**

Specific Purpose:

This section is being adopted to establish that CalWORKs minimum standards are an average of at least 20 hours per week during a month for an assistance unit that includes an optional stepparent with no natural or adoptive parent and a child under six.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(B), as amended by SB 1041 to clarify that unless otherwise exempt, the optional stepparent may participate in welfare-to-work activities for an average of at least 20 hours per week during the month when there is a child under six in the assistance unit. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.8(a)(1)(B) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Sections 42-711.413(a)(2)(B)**

Specific Purpose:

This section is being adopted to establish that the CalWORKs minimum standards are an average of at least 20 hours per week for an assistance unit that includes an optional stepparent with no natural or adoptive parent when there is a child under six living in the home, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

Factual Basis:

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041, to an assistance unit that includes an optional stepparent with no natural or adoptive parent when there is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control. The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

**Section 42-711.413(b)**

Specific Purpose:

This section is being adopted to introduce CalWORKs minimum standards for an assistance unit that includes an optional stepparent and only one natural or adoptive parent.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a) to clarify the participation requirements for assistance units that include an optional stepparent and that has only one natural or adoptive parent.

**Section 42-711.413(b)(1)**

Specific Purpose:

This section is being adopted to establish that CalWORKs minimum standards are an average of at least 30 hours per week during the month for an assistance unit that includes an optional stepparent and only one natural or adoptive parent.

Factual Basis:

This adoption is necessary to apply Welfare and Institutions Code section 11322.8 to assistance units that include an optional stepparent and only one natural or adoptive parent. The 35-hour participation requirement in Section 11322.8(a)(2) cannot be applied to these assistance units as the basis for aid would never be unemployment. Instead, it would be absence of a natural or adoptive parent in the home. Therefore, the participation requirements in Section 11322.8(a)(1) are being required of these assistance units. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-711.413(b)(2)**

Specific Purpose:

This section is being adopted to establish that CalWORKs minimum standards are an average of at least 20 hours per week during the month for an assistance unit that includes an optional stepparent and only one natural or adoptive parent when certain conditions are met.

Factual Basis:

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041, to an assistance unit that includes an optional stepparent, only one natural or adoptive parent and a child under six in the home

**Sections 42-711.413(b)(2)(A) and (b)(2)(B)**

**Specific Purpose:**

These sections are being adopted to establish that the 20-hour per week participation requirement for an assistance unit that includes an optional stepparent and only one natural or adoptive parent applies when there is 1) a child under six in the assistance unit, or 2) a child who is not in the assistance unit living in the home, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

**Factual Basis:**

This adoption is necessary to apply Welfare and Institutions Code section 11322.8(a)(1)(B), as adopted by SB 1041, to an assistance unit that includes an optional stepparent, one natural or adoptive parent and a child under six in the home. The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

**Section 42-711.413(b)(3)**

**Specific Purpose:**

This section is being adopted to specify that only one adult in the assistance unit that includes an optional stepparent and one natural or adoptive parent can fulfill the 20- or 30-hour per week participation requirement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(1)(A) and (B), as amended by SB 1041, which is being applied to these assistance units. Specifically, this adoption clarifies that in an assistance unit with an optional stepparent that has only one natural or adoptive parent, only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement. The only statutory allowance for two parents to share participation hours required by welfare-to-work is contained in Section 11322.8(a)(2), which only applies to assistance units where the basis for aid is unemployment. These assistance units would never have unemployment as the basis for aid. Instead, it would be absence of a natural or adoptive parent in the home. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-711.413(b)(4)**

Specific Purpose:

This section is being adopted to specify that for an assistance unit that includes an optional stepparent and one natural or adoptive parent and one of the parents is exempt, the other non-exempt parent must fulfill the minimum average of 30 hours per week requirement.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11320.3 that specifies all aided individuals, unless exempt, are required to participate in welfare-to-work as a condition of eligibility for aid and to implement Section 11322.8(a), as adopted by SB 1041 and amended by SB 855. Specifically, this adoption is necessary to clarify that for an assistance unit with an optional stepparent and only one natural or adoptive parent, if one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 20- or 30-hour per week requirement. This is also necessary to provide specific guidance for all counties to follow and is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Final Modification:**

**This section has been revised to include reference to the potential 20-hour per week participation requirement.**

**Section 42-711.413(c)**

**Specific Purpose:**

This section is being adopted to introduce CalWORKs minimum standards for an assistance unit that includes an optional stepparent in an assistance unit that also includes two natural or adoptive parents.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(2) to clarify the hourly participation requirements for an assistance unit with an optional stepparent and two natural or adoptive parents.

**Section 42-711.413(c)(1)**

**Specific Purpose:**

This section is being adopted to establish CalWORKs minimum standards of at least an average of 35 hours per week during the month for an assistance unit that includes an optional stepparent and two natural or adoptive parents.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(2) and clarify that in an assistance unit with an optional stepparent and two natural or adoptive parents, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month. As the relevant statute does not acknowledge assistance units with two natural or adoptive parents and an optional stepparent, CDSS is clarifying the participation requirements of such assistance units.

**Section 42-711.413(c)(2)**

**Specific Purpose:**

This section is being adopted to establish that only two adults in an assistance unit that includes an optional stepparent and two natural or adoptive parents can fulfill the 35-hour per week requirement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.8(a)(2), as adopted by SB 1041, to clarify that in an assistance unit with an optional stepparent and two natural or adoptive parents, only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement. The limitation on allowing only two parents in the assistance to fulfill the 35-hour requirement is necessary to comply with the wording in Section 11322.8(a)(2) that allows “both parents” in a two-parent assistance unit to contribute to the 35-hour per week requirement.

**Section 42-711.413(c)(3)**

Specific Purpose:

This section is being adopted to specify that for an assistance unit that includes an optional stepparent and two natural or adoptive parents and one of the parent’s is exempt from participating in welfare-to-work, that the other parents must fulfill the 35-hour participation requirement.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11320.3 that specifies all aided individuals, unless exempt, are required to participate in welfare-to-work as a condition of eligibility for aid and to implement Section 11322.8(a)(2), as adopted by SB 1041. This adoption provides clarity for CWDs to ensure statewide consistency in the Welfare-to-Work Program.

**Section 42-711.42**

Specific Purpose:

This section is being adopted to specify that for recipients who choose to meet CalWORKs federal standards and not have months count toward their Welfare-to-Work 24-Month Time Clock and for those who have exhausted their 24-month time clocks, their participation requirements are contained in regulation Section 42-709.2.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(a)(2) and to provide CWDs the specific regulation to refer to when assigning the hours of participation to recipients who chose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks and recipients who have exhausted their 24-month time clocks. The CDSS has determined that including this guidance in this section of the regulations will assist CWDs in understanding all of the participation requirements of the Welfare-to-Work Program.

### **Section 42-711.43**

#### **Specific Purpose:**

This section is being adopted to specify that the average number of hours per week in the month for Section 42.711.4 is determined by dividing the total number of hours for the month by 4.33.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.8, as amended by SB 855, which changed the participation requirement from a weekly requirement to an average weekly requirement during the month. Dividing the total number of hours for the month by 4.33 is California's federally approved method for determining the average number of participation hours and is contained in California's TANF Work Verification Plan. This is also necessary to provide specific guidance for all counties to follow and is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Sections 42-711.544 through .544(b)(1)**

#### **Specific Purpose:**

These sections are being amended to remove the requirement that participants in Self-Initiated Programs (SIPs) are required to participate for 32 hours each week and, instead, require SIP participants to participate for an average of 30 hours each week when there is no child under six in the assistance unit. When there is a child in the assistance unit under six, this section allows an average of 20 hours per week.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11325.23(a)(3)(C), as amended by Assembly Bill (AB) 1471 (Chapter 439, Statutes of 2012) that reduced the number of participation hours for SIP participants to 20 or 30 hours based on the age of the children in the home. This regulation is a substantial duplication of Welfare and Institutions Code section 11325.23(a)(3)(C) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-711.544(b)(2)**

**Specific Purpose:**

This section is being adopted to allow a SIP participant in a one-parent assistance unit to participate for at least an average of 20 hours per week during the month when there is a child under six in the home who is not in the assistance unit, but the parent is responsible for the day-to-day control of the child.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11325.23(a)(3)(C) as amended by AB 1471, which establishes the hourly participation requirements for SIP participants. The CDSS is applying the 20-hour participation requirement to assistance units that do not include a child under six in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home to establish equal treatment of all aided parents who are caring for a child under six in the home, regardless of whether the child is actually in the assistance unit. For example, an aided parent may be caring for a child under six who is receiving Social Security Disability benefits and, as a result, the child has to be excluded from the assistance unit according to CalWORKs eligibility rules. This parent has the same parenting responsibility as a parent with a child under six in the home who is in the assistance unit and must be allowed to have a 20-hour, versus a 30-hour, participation requirement in the Welfare-to-Work Program.

**Section 42-711.545(b)**

**Specific Purpose:**

This section is being adopted to clarify the rights and responsibilities of a SIP participant who chooses to end his or her SIP prior to the program completion, or an individual who qualifies for a SIP and chooses to participate in a non-SIP welfare-to-work plan. This section is designed so that an individual who chooses to end or not participate in a SIP is first made aware of what his or her non-SIP welfare-to-work plan would require.

Factual Basis:

With the new regulations proposed in 42-716.61 of this package, individuals who are not in a SIP have the ability to participate in supervised or unsupervised homework time without the requirement that any of this time be included as part of their credited classroom time. SIPs, however, can only be assigned hours of actual classroom, laboratory, or internship activities as part of the educational program pursuant to Welfare and Institutions Code section 11325.23(a)(3)(C). Due to the flexibility of the Welfare-to-Work 24-Month Time Clock participation requirements, some recipients will choose to end their SIP and continue their educational program to be allowed to include homework time in the hours specified in their welfare-to-work plan. This adoption is necessary to ensure that such individuals are fully informed of their welfare-to-work options considering the flexibility of the activities they may participate in under the Welfare-to-Work 24-Month Time Clock rules and have an assessment conducted prior to choosing to end the SIP.

**Section 42-711.552**

Specific Purpose:

This section is being amended to revise the cross reference to reflect the revised numbering in Section 42-711.4 in this regulation package and remove the requirement that employed recipients who opt out of assessment will only receive necessary supportive services.

Factual Basis:

This amended is necessary to maintain accurate cross references and remove redundant references to necessary supportive services, as reference to supportive services has been placed in Section 42-711.552(b) in this regulation package.

**Section 42-711.552(a)**

Specific Purpose:

This section is being amended to require all employed participants to sign a welfare-to-work plan.

Factual Basis:

This amendment is necessary to ensure that all employed welfare-to-work participants are required to sign a welfare-to-work plan as required in Welfare and Institutions Code section 11325.21, as the proposed regulation at Section 42-708.22 of this package begins a recipient's Welfare-to-Work 24-Month Time Clock the month after the plan is signed.

**Section 42-711. 552(b)**

**Specific Purpose:**

This section is being amended to specify that for employed participants who opt out of an assessment, their welfare-to-work plans shall only provide for unsubsidized employment and supportive services.

**Factual Basis:**

With the implementation of the Welfare-to-Work 24-Month Time Clock rules, this amendment is necessary to clarify what welfare-to-work plans must include for employed participants who opt out of an assessment. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-711.552(c)**

**Specific Purpose:**

This section is being adopted to specify that if an employed participant who opted out of assessment does not meet his or her minimum hours of participation, the participant shall be referred to assessment.

**Factual Basis:**

With the implementation of the Welfare-to-Work 24-Month Time Clock rules, this adoption is necessary to ensure that participants, who opted out of assessment because they were employed for a sufficient number of hours to meet their participation requirements, receive an assessment when they are no longer meeting their participation requirement. This ensures that individuals who are unable to meet their assigned minimum hours through unsubsidized employment are referred to assessment in order to determine if any barriers to employment exist, or if additional training is necessary for the individual to become employed. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-711.557**

#### **Specific Purpose:**

This section is being amended to remove the specific requirement for SIPs to participate for 32 hours a week and replace it with a reference to the new hourly requirement detailed in Section 42-711.544, which requires participation for 20 or 30 hours, depending on assistance unit composition.

#### **Factual Basis:**

This section is being amended to implement Welfare and Institutions Code section 11325.23(a)(3)(C), as amended by AB 1471, that removed the requirement for SIPs to participate in 32 hours and established a 20- or 30-hour participation requirement, depending on assistance unit composition.

### **Section 42-711.581(a)**

#### **Specific Purpose/Factual Basis:**

This section is being amended to conform to the renumbering of Section 42-716.31 to Section 42-716.1. This amendment is necessary for clarity and consistency, but has no regulatory impact.

### **Section 42-711.581(d)**

#### **Specific Purpose:**

This section is being amended to remove references to reappraisal in accordance with Section 42-711.7.

#### **Factual Basis:**

This amendment is necessary to comply with the repeal of a reappraisal requirement in this regulation package at Section 42-711.7 through .712(e). See the Factual Basis for regulation Section 42-711.1 for the justification for repealing the reappraisal requirements.

### **Section 42-711.621(a)**

#### **Specific Purpose/Factual Basis:**

This section is amended to correct a spelling error. This is necessary for clarity, but has no regulatory impact.

#### **Final Modification:**

**This spelling error correction is being removed from the regulation package due to the sentence being deleted through the ORD #0315-06 titled AB 74 CalWORKs Regulation Changes Emergency Regulations that became effective on July 1, 2015 (OAL File Number 2015-0619-05E).**

### **Repealed Handbook Sections 42-711.626 through .628**

#### **Specific Purpose:**

These handbook sections examples are being repealed as they are no longer applicable. All employed individuals are now required to sign a welfare-to-work plan.

#### **Factual Basis:**

This repeal is necessary to maintain consistency in this regulation package which requires all welfare-to-work participants to sign welfare-to-work plans.

### **Section 42-711.63**

#### **Specific Purpose:**

This section is being amended to require recipients to participate in either CalWORKs minimum standards or CalWORKs federal standards as provided in their welfare-to-work plans.

#### **Factual Basis:**

These amendments are necessary to implement Welfare and Institutions Code sections 11322.8 and 11322.85(a) and (b), as adopted by SB 1041, that 1) establish participation requirements during the Welfare-to-Work 24-month Time Clock period, and 2) establish the requirement to meet CalWORKs federal standards when the 24-month period is exhausted.

## **Sections 42-711.631 through .631(c)**

### **Specific Purpose:**

These sections are being adopted to ensure that recipients are fully informed of the participation requirements of the Welfare-to-Work Program during the development of their welfare-to-work plans. This section specifically identifies the requirements for participating in welfare-to-work activities in accordance with the Welfare-to-Work 24-Month Time Clock, adopted in regulation Section 42-708, conditions that make months not count toward the Welfare-to-Work 24-Month Time Clock, and CalWORKs federal standards adopted in Section 42-709, for those that have exhausted their Welfare-to-Work 24-Month Time Clock. This section clarifies that CWDs must work with the participant to select the most appropriate activities based on the participant's assessment. Participants are given options and choices, but welfare-to-work plans must be consistent with the assessment.

### **Factual Basis:**

These amendments are necessary to implement Welfare and Institutions Code sections 11322.8 and 11322.85(a) and (b), as adopted by SB 1041, and ensure recipients are fully informed of 1) the participation requirements during the Welfare-to-Work 24-Month Time Clock period, 2) the criteria for not counting months toward the 24-month period and 3) the participation requirements when the 24-month period is exhausted. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-711.632**

### **Specific Purpose:**

This section is being adopted to require CWDs to consult with welfare-to-work participants in developing welfare-to-work plans that meet CalWORKs minimum standards or CalWORKs federal standards that are consistent with their assessments.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3), as adopted by SB 1041, that establish participation requirements during the Welfare-to-Work 24-Month Time Clock (CalWORKs minimum standards) and for CalWORKs federal standards, respectively, that are consistent with individuals' assessments.

### **Sections 42-711.633 through .634**

#### **Specific Purpose:**

These sections are being adopted to provide that the criteria for developing welfare-to-work plans are 1) a participant's need for barrier removal and educational activities, 2) the extent to which educational activities are countable under CalWORKs federal standards and 3) the circumstances and career goals of the participant.

#### **Factual Basis:**

These adoptions are necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (3), as adopted by SB 1041, that require development of welfare-to-work plans to meet either CalWORKs minimum standards or CalWORKs federal standards. The CDSS developed specific criteria to use when developing activities to be included in the welfare-to-work plan to ensure the need for barrier removal, education activities and career goals are considered in order help recipients achieve self-sufficiency. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Handbook Section 42-711.635**

#### **Specific Purpose/Factual Basis:**

These handbook examples are being added to provide counties with examples in the application of regulation Sections 42-711.63 and .64. These sections are necessary to provide guidance to counties in the implementation of Welfare and Institutions Code section 11322.85(a)(1) and (a)(2).

### **Section 42-711.642(a)**

#### **Specific Purpose/Factual Basis:**

The reference to Sections 42-711.411, 42-711.421 and 42-716.22 are being renumbered to Section 42-711.4 to accommodate the amendments in Section 42-714.4 and the deletion of Section 42-716.22. This amendment is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact.

**Section 42-711.642(b)**

Specific Purpose:

This section is being amended to repeal the reference to core and non-core requirements and adopt language regarding a participant's plan being written to either meet CalWORKs minimum standards or CalWORKs federal standards.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code sections 11322.85(a)(1) and (a)(3), as adopted by SB 1041, which require individuals to meet CalWORKs minimum standards during their Welfare-to-Work 24-Month Time Clock period or to meet CalWORKs federal standards either when they are not utilizing the flexibility of their Welfare-to-Work 24-Month Time Clock or when their Welfare-to-Work 24-Month Time Clock is exhausted.

**Section 42-711.642(c)**

Specific Purpose:

This section is being adopted to require that when a participant who is in a welfare-to-work plan intended to meet CalWORKs federal standards does not comply with those standards during his or her Welfare-to-Work 24-Month Time Clock period, that a welfare-to-work plan shall be developed to meet CalWORKs minimum standards.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code sections 11322.85(a) and (b), as adopted by SB 1041, that establish participation requirements for recipients during their Welfare-to-Work 24-Month Time Clock period and specifies that when such recipients meet CalWORKs federal standards during that period, that months will not count toward their Welfare-to-Work 24-Month Time Clocks.

**Section 42-711.644**

Specific Purpose/Factual Basis:

The reference to Section 42-716.31(k) is being renumbered to 42-716.1(k) to accommodate the repeal of Section 42-716.11 through 42-716.31. This amendment is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact.

## **Section 42-711.7**

### **Specific Purpose:**

This section is being amended to repeal reappraisal regulations and to introduce the participation requirement regulations for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock.

### **Factual Basis:**

The repeal of reappraisal from the welfare-to-work flow is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, that established the Welfare-to-Work 24-Month Time Clock period during which recipients can participate in any of the welfare-to-work activities that are consistent with their assessments. With implementation of the Welfare-to-Work 24-Month Time Clock, the increased participant choice in their individual welfare-to-work plans will result in situations where an individual completes his or her current plan while time still remains on his or her Welfare-to-Work 24-Month Time Clock. In this case the individual's activities must be reevaluated and additional activities assigned without subjecting the individual to the restrictions of reappraisal. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

The introduction of the participation requirement regulations for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock is necessary to implement Welfare and Institutions Code section 11322.85(a)(3), which requires individuals to meet CalWORKs federal standards after they exhaust their 24-month clock.

## **Section 42-711.71**

### **Specific Purpose:**

This section is being amended to continue the repeal of reappraisal regulations in the flow of the Welfare-to-Work Program and to establish the participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock. Such individuals must meet CalWORKs federal standards in order to continue receiving cash aid.

Factual Basis:

The adoption of participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock is necessary to implement Welfare and Institutions Code section 11322.85(a)(3), as adopted by SB 1041, and to implement Welfare and Institutions Code section 11322.85(f) that specifies, in part, that for these individuals who do not meet CalWORKs federal standards the provisions of Welfare and Institutions Code section 11327.5 (welfare-to-work noncompliance provisions) shall apply. This regulation is a substantial duplication of Welfare and Institutions Code sections 11322.85(a)(3) and 11322.85(f) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-711.711**

Specific Purpose:

This section is being amended to continue the repeal of reappraisal regulations and to establish that an individual who fails to meet CalWORKs federal standards is subject to the welfare-to-work noncompliance provisions.

Factual Basis:

The adoption that an individual who fails to meet CalWORKs federal standards is subject to the welfare-to-work noncompliance provisions is necessary to implement Welfare and Institutions Code section 11322.85(f), as adopted by SB 1041. This regulation is a substantial duplication of Welfare and Institutions Code section 11322.85(f) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

## **Section 42-711.712 and Repealing Subsections 42-711.712(a) through (e)**

### **Specific Purpose:**

This section is being amended to make clear and specific the requirement that the term "removed from cash aid" must be used instead of the term "sanctioned" for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock and are in the welfare-to-work noncompliance process; and repeal reappraisal regulations, which includes Sections 42-711.712(a) through (e).

### **Factual Basis:**

This amendment is necessary to implement Welfare and Institutions Code section 11322.85(f), as adopted by SB 1041, which established the requirement that the term "removed from cash aid" must be used instead of the term "sanctioned" for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock and are in the welfare-to-work noncompliance process; and repealed reappraisal regulations.

## **Section 42-711.72**

### **Specific Purpose:**

This section is being adopted to specify that an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is not required to participate in welfare-to-work and remain on aid when the other parent is meeting all of the assistance unit's participation requirements.

### **Factual Basis:**

This adoption is necessary to establish consistency with a two-parent assistance unit's welfare-to-work participation requirements pursuant to the existing regulation Section 42-712.12, which excuses one parent in a two parent assistance unit from participating in welfare-to-work when the other parent is fully meeting the assistance unit's participation requirements in welfare-to-work. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-712.1**

#### **Specific Purpose:**

This section is being amended to cite the adoption of regulation Section 42-712.14, which allows for a parent in an assistance unit that includes an optional parent to be excused from participation and not required to participate in welfare-to-work activities if the other parent is meeting the required participation hours for the entire assistance unit.

#### **Factual Basis:**

This adoption is necessary to ensure equitable treatment of parents in assistance units that include stepparents, whose basis for cash aid eligibility would be absence of a natural or adoptive parent in the home, and assistance units who have two natural or adoptive parents, whose basis for cash aid eligibility is unemployment and who are excused from participation if the other parent is meeting the assistance unit's hourly participation requirements pursuant to regulation Section 42-712.12. This is also adopted under the provisions of Welfare and Institutions Code section 10533, which provides the Director of the CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-712.12**

#### **Specific Purpose/Factual Basis:**

This section is being amended to change the cross reference from Section 42-711.42 to Section 42-711.412, which contains the hourly participation requirements for two-parent assistance units in this regulation package. This is necessary to provide accurate references for clarify, but has no regulatory impact.

### **Section 42-712.14**

#### **Specific Purpose:**

This section is being adopted to establish that a parent in an assistance unit that includes an optional parent is excused from participation and is not required to participate in welfare-to-work activities if the other parent is meeting the required participation hours for the entire assistance unit.

Factual Basis:

This adoption is necessary to ensure equitable treatment of parents in assistance units that include stepparents, whose basis for cash aid eligibility would be absence of a natural or adoptive parent in the home, and assistance units who have two natural or adoptive parents, whose basis for cash aid eligibility is unemployment and who are excused from participation if the other parent is meeting the assistance unit's hourly requirements pursuant to regulation Section 42-712.12. This is also adopted under the provisions of Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Final Modification:**

**This section was revised to include reference to a participant who is meeting CalWORKs federal standards.**

**Section 42-712.474**

Specific Purpose:

This section is being revised to change the inoperative date of the welfare-to-work exemption for providing care to one child from 12 to 23 months or two or more children under six years of age from July 1, 2012 to January 1, 2013.

Factual Basis:

This revision is necessary to comply with Welfare and Institutions Code section 11320.3(g)(1), as amended by SB 1041, which made the young child exemption from participation in welfare-to-work activities under Welfare and Institutions section 11320.3(b)(7) inoperative on January 1, 2013.

**Section 42-712.475**

Specific Purpose:

This section is being adopted to implement a new exemption from participation in welfare-to-work activities based on the care of a child for a parent or other relative that has primary responsibility for personally providing care to a child from birth to 23 months that SB 1041 put into effect on January 1, 2013.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.3(b)(6)(A)(iv), as amended by SB 1041, that established a new exemption from participation in welfare-to-work activities based on the care of a child from birth to

23 months of age that became effective on January 1, 2013. This regulation is a substantial duplication of Welfare and Institutions Code section 11320.3(b)(6)(A)(iv) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-712.475(a)**

**Specific Purpose:**

This section is being adopted to specify that an individual is eligible only one time for the new exemption from participation in welfare-to-work activities based on the care of a child for a parent or other relative that has primary responsibility for personally providing care to a child from birth to 23 months that SB 1041 put into effect on January 1, 2013, under the CalWORKs Program.

**Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11320.3(b)(6)(A)(iv), as amended by SB 1041, which established that an individual in the CalWORKs Program may be exempt only once from participation in welfare-to-work activities based on the care of a child from birth to 23 months of age that became effective on January 1, 2013. This regulation is a substantial duplication of Welfare and Institutions Code section 11320.3(b)(6)(A)(iv) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-712.64**

**Specific Purpose:**

This section is amended to change the inoperative date from July 1, 2012 to January 1, 2013, for a CalWORKs 48-month time limit exemption due to being exempt from welfare-to-work for a parent or caretaker relative caring for a child who is 12 to 23 months of age or caring for two or more children under the age of six.

**Factual Basis:**

This revision is necessary to comply with Welfare and Institutions Code section 11454.5(c), as amended by SB 1041, which altered the inoperative date of the 48-month time limit exemption for recipients who had been exempt from participating in the Welfare-to-Work Program due to caring for a child 12 to 23 months of age or two or more children under the age of six and to maintain consistency with changes to Section 42-302.21(b)(3).

## **Section 42-712.66**

### **Specific Purpose:**

This section is being adopted to implement a new CalWORKs 48-month time limit exemption that SB 1041 put into effect on January 1, 2013. This exemption allows for a parent or other relative who is exempt from participating in welfare-to-work based on the primary responsibility for personally providing care to a child from birth to 23 months to be exempt from the CalWORKs 48-month time limit.

### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11454.5(a)(7) in Section 28 in SB 1041, which established the new exemption from the CalWORKs 48-month time limit for individuals who are exempt from welfare-to-work based on having responsibility for personally providing care to a child from birth to 23 months, inclusive. This regulation is a substantial duplication of Welfare and Institutions Code section 11454.5(a)(7) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

## **Section 42-712.7**

### **Specific Purpose:**

This section is being adopted to specify that individuals whose exemption from welfare-to-work participation ended on January 1, 2013, for caring for a child from 12 to 23 months of age or for caring for two or more children under the age of six will not have months counted toward their CalWORKs 48-month time limit as a month of receipt of cash aid until they have been reengaged in the welfare-to-work program.

### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11454.5(a)(6), as amended by SB 1041, that requires that for recipients who were exempt from welfare-to-work participation based on care for a child from 12 to 23 months of age or for two or more children under the age of six, months will not count toward a his or her CalWORKs 48-month time limit on cash aid until he or she has been reengaged in the welfare-to-work program. This regulation is a substantial duplication of Welfare and Institutions Code section 11454.5(a)(6) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-712.8**

#### **Specific Purpose:**

This section is being adopted to introduce regulations for reengagement of individuals in the Welfare-to-Work Program who were exempt from participation based on providing care for a child 12 to 23 months of age, or two or more children under age six.

#### **Factual Basis:**

This is necessary to comply with Welfare and Institutions Code section 11320.3(h), as amended by SB 1041, which established criteria for reengaging recipients who were exempt for caring for specified young children.

### **Section 42-712.81**

#### **Specific Purpose:**

This section is being adopted to specify that an individual whose exemption ended on January 1, 2013, due to caring for specified young children is not required to participate in welfare-to-work activities until the CWD reengages him or her in the Welfare-to-Work Program.

#### **Factual Basis:**

This is necessary to comply with Welfare and Institutions Code section 11320.3(h)(1), as amended by SB 1041, which specifies that recipients who were exempt due to caring for specified young children prior to December 31, 2012, shall not be required to participate in the welfare-to-work program until they are reengaged in the program by the CWD. This regulation is a substantial duplication of Welfare and Institutions Code section 11320.3(h)(1) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

### **Section 42-712.82**

#### **Specific Purpose:**

This section is being adopted to specify that an individual is considered reengaged in welfare-to-work activities the first of the month following the date he or she signs a welfare-to-work plan and supportive services have been provided.

Factual Basis:

This is necessary to comply with Welfare and Institutions Code section 11320.3(h)(2), as amended by SB 1041, which specifies that reengagement of exempt recipients includes development of a welfare-to-work plan and the provision of supportive services. The CDSS is delaying the date to use when determining when a recipient has been reengaged to the month following the date he or she signs a welfare-to-work plan to ensure recipients receive a full 24-months of the participation flexibility provided during the Welfare-to-Work 24-Month Time Clock period.

**Section 42-712.83**

Specific Purpose:

This section is being adopted to specify that CWDs have until January 1, 2015, to reengage individuals in the Welfare-to-Work Program unless an individual is eligible for other welfare-to-work participation exemptions.

Factual Basis:

This is necessary to comply with Welfare and Institutions Code section 11320.3(h)(3), as amended by SB 1041, which requires CWDs to reengage individuals who had been exempt for caring for specified young children by January 1, 2015. This regulation is a substantial duplication of Welfare and Institutions Code section 11320.3(h)(3) and is necessary to provide clear program requirements to the CWDs that administer the Welfare-to-Work Program at the local level. The CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

**Section 42-713.43**

**Final Modification:**

**Specific Purpose:**

**This section is being revised to change the inoperative date of the CalWORKs 48-month time limit exemption for recipients who are excused from participation for good cause due to lack of supportive services, as specified in current Section 42-713.21, from July 1, 2012 to January 1, 2013.**

**Factual Basis:**

**This revision is necessary to comply with Welfare and Institutions Code section 11454.5(c), as amended by SB 1041 in Section 27, which made the CalWORKs 48-month time limit exemptions in Welfare and Institution Code section 11454.5 inoperative on January 1, 2013. The CalWORKs 48-month time limit exemptions were added back into statute in Section 28 of SB 1041 (Welfare and Institutions Code**

**section 11454.5) effective January 1, 2013. The time-limit exemptions in Section 11454.5 (Section 28) do not include the time limit exemption specified in Welfare and Institutions Code section 11454.5(a)(6) (Section 27). This revision is being made after the public notice for these emergency regulations.**

**Handbook Section 42-714.3(b)**

Specific Purpose:

This Handbook section is being amended to clarify the wording of the "Subsidized Private Sector Employment" welfare-to-work activity as Subsidized Employment that is performed in the private sector."

Factual Basis:

This amendment is necessary because the "Subsidized Private Sector Employment" welfare-to-work activity requires additional, clarifying wording in order to implement the CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards in compliance with Welfare and Institutions Code section 11322.85(a)(1) and (a)(3) as adopted by SB 1041. This amendment clarifies that subsidized employment that is performed in the private sector is a form of a subsidized employment as defined in Section 42-701.2(s)(2). This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Handbook Section 42-714.3(c)**

Specific Purpose:

This Handbook section is being amended to clarify the wording of the "Subsidized Public Sector Employment" welfare-to-work activity as "Subsidized Employment that is performed in the public sector."

Factual Basis:

This amendment is necessary because the "Subsidized Public Sector Employment" welfare-to-work activity requires additional, clarifying wording in order to implement the CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards in compliance with Welfare and Institutions Code section 11322.85(a)(1) and (a)(3) as adopted by SB 1041. This amendment clarifies that subsidized employment that is performed in the public sector is a form of a subsidized employment as defined in Section 42-701.2(s)(2). This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of

CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-716.1**

#### **Specific Purpose:**

This section is being amended to remove the reference to Section 42-716.31 due to the repeal of Section 42-716.2 and to specify that the activities in the renumbered Sections 42-716.1(a) through (s) are activities that individuals can participate in during the Welfare-to-Work 24-Month Time Clock period as specified in regulation Section 42-708.

#### **Factual Basis:**

This amendment is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which established the activities individuals may participate in during the Welfare-to-Work 24-Month Time Clock period.

### **Repealed Sections 42-716.11 through Handbook Section 42-716.263**

#### **Specific Purpose:**

These sections are being repealed to remove the requirement the recipients must participate in core and noncore activities in the CalWORKs Welfare-to-Work Program during the Welfare-to-Work 24-Month Time Clock period.

#### **Factual Basis:**

This repeal is necessary to implement Welfare and Institutions Code section 11322.85(a)(1), which established the Welfare-to-Work 24-Month Time clock. The requirement for recipients to participate in core activities was repealed through Welfare-and Institutions Code section 11322.8(g) in Section 15 of SB 1041, which made the core hourly requirements contained in Welfare-and Institutions Code section 11322.8(c) inoperative on January 1, 2013.

### **Repealed Sections 42-716.3 and .31**

#### **Specific Purpose:**

These sections are being deleted so that the list of welfare-to-work activities, Sections 42-716.31(a) through (s), inclusive, will be renumbered as subsections to Section 42-716.1.

Factual Basis:

This repeal is necessary to remove redundancy with Section 42-716.1, as revised in this regulation package, and to implement Welfare and Institutions Code section 11322.85(a)(1), as adopted by SB 1041, which established the Welfare-to-Work 24-Month Time Clock. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-716.1(a) Renumbered from Section 42-716.31(a)**

Specific Purpose:

Section 42-716.31(a) is renumbered to Section 42-716.1(a) for restructuring purpose and to maintain proper numerical sequencing for clarity, but has no regulatory impact. This section is being amended to reference the definition for "Unsubsidized Employment" in Section 42-701.2(u)(2).

Factual Basis:

This amendment is necessary to provide clarity to readers by directing them to the definition of subsidized employment that is being adopted in this regulation package. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-716.1(b) Renumbered from Section 42-716.31(b)**

Specific Purpose:

Section 42-716.31(b) is renumbered to Section 42-716.1(b) for restructuring purpose and to maintain proper numerical sequencing for clarity, but has no regulatory impact. This section is being amended to clarify the wording of the "Subsidized Private Sector Employment" welfare-to-work activity as "Subsidized Employment that is performed in the private sector" to include this activity as a form of subsidized employment as defined in 42-701.2(s)(2) and reference the definition of subsidized employment in Section 42-701.2(s)(2).

Factual Basis:

This amendment is necessary because the "Subsidized Private Sector Employment" welfare-to-work activity requires additional, clarifying wording and a reference to the subsidized employment definition in Section 42-701.2(s)(2) in order to implement the CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards in compliance with Welfare and Institutions Code section 11322.85(a)(1) and (a)(3) as adopted by SB 1041. This amendment clarifies that subsidized employment that is performed in the private sector is a form of a subsidized employment as defined in 42-701.2(s)(2). Renumbering this section is necessary for clarity and consistency but has no regulatory impact. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt and amend regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-716.1(c) Renumbered from Section 42-716.31(c)**

Specific Purpose:

Section 42-716.31(c) is renumbered to Section 42-716.1(c) for restructuring purpose and to maintain proper numerical sequencing for clarity, but has no regulatory impact. This section is being amended to clarify the wording of the "Subsidized Public Sector Employment" welfare-to-work activity as "Subsidized Employment that is performed in the public sector" to include this activity as a form of subsidized employment as defined in 42-701.2(s)(2) and reference the definition of subsidized employment in Section 42-701.2(s)(2).

Factual Basis:

This amendment is necessary because the "Subsidized Public Sector Employment" welfare-to-work activity requires additional, clarifying wording and a reference to the subsidized employment definition in Section 42-701.2(s)(2) in order to implement the CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards in compliance with Welfare and Institutions Code section 11322.85(a)(1) and (a)(3) as adopted by SB 1041. This amendment clarifies that subsidized employment that is performed in the public sector is a form of a subsidized employment as defined in 42-701.2(s)(2). This section is also being renumbered from Section 42-716.31(c) to Section 42-716.1(c). This renumbering is necessary for clarity and consistency but has no regulatory impact. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt and amend regulations to ensure consistency in the administration of the CalWORKs Program.

**Sections 42-716.1(d) through 42-716.1(d)(2) Renumbered from Sections 42-716.31(d) through 42-716.31(d)(2)**

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-716.31(d) through 42-716.31(d)(2) to Sections 42-716.1(d) through 42-716.1(d)(2), respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.1(d)(3) Renumbered from Section 42-716.31(d)(3)**

Specific Purpose/Factual Basis:

This section is being revised to renumber Section 42-716.31(d)(3) to Section 42-716.1(d)(3) and to correct the cross reference from Sections 42-716.31(d)(2)(A) and (B) to Sections 42-716.1(d)(2)(A) and (B). This is necessary for clarity and consistency, but has no regulatory impact.

**Section 42-716.1(e) Renumbered from Section 42-716.31(e)**

Specific Purpose:

This section is being amended to reference the "On-the-job Training" definition of this activity in Section 42-701.2(o)(2), and renumber the section from Section 42-716.31(e) to Section 42-716.1(e).

Factual Basis:

This amendment is necessary to provide clarity to readers by directing them to the definition of on-the-job training that is being adopted in this regulation package. This section is also being renumbered from Section 42-716.31(e) to Section 42-716.1(e) due to the restructuring of Section 42-716. This renumbering is necessary for clarity and consistency but has no regulatory impact. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt and amend regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-716.1(f) Renumbered from Section 42-716.31(f)**

#### **Specific Purpose/Factual Basis:**

This section is being renumbered from existing Section 42-716.31(f) to Section 42-716.1(f) and the cross reference in this section is being renumbered from Section 42-716.7 to Section 42-716.5 due to the restructuring of Section 42-716. This renumbering is necessary for clarity and consistency but has no regulatory impact.

### **Section 42-716.1(g) Renumbered from Section 42-716.31(g)**

#### **Specific Purpose/Factual Basis:**

This section is being renumbered from existing Section 42-716.31(g) to Section 42-716.1(g) and the cross reference in this section is being renumbered from Section 42-716.7 to Section 42-716.5 due to the restructuring of Section 42-716. This renumbering is necessary for clarity and consistency but has no regulatory impact.

### **Section 42-716.1(h) Renumbered from Section 42-716.31(h)**

#### **Specific Purpose:**

Section 42-716.31(h) is renumbered to Section 42-716.1(h) due to the restructuring of Section 42-716. This section is being amended to reference the "Work Study" definition of this activity in Section 42-701.2(w)(5) and renumber the section from Section 42-716.31(h) to Section 42-716.1(h).

#### **Factual Basis:**

The renumbering is necessary for clarity and consistency, but has no regulatory impact. This amendment is necessary to provide clarity to readers by directing them to the definition of work study that is being adopted in this regulation package. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt and amend regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-716.1(i) Renumbered from Section 42-716.31(i)**

#### **Specific Purpose:**

This section is being amended to reference the definition for "Self-Employment" in Section 42-701.1(s)(1) and renumber it from Section 42-716.31(i) to Section 42-716.1(i).

Factual Basis:

This amendment is necessary to provide clarity to readers by directing them to the definition of self-employment that is being adopted in this regulation package. This section is being renumbered from Section 42-716.31(i) to Section 42-716.1(i) for clarity and consistency, but has no regulatory impact. This section is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-716.1(j) Renumbered from Section 42-716.31(j)**

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.31(j) to Section 42-716.1(j) due to the restructuring of Section 42-716 and to renumber the cross reference from Section 42-701.2(c)(3) to Section 42-701.2(c)(5). This is necessary for clarity and consistency, but has no regulatory impact.

**Sections 42-716.1(j)(1) through 42-716.1(j)(2) Renumbered from Sections 42-716.31(j)(1) through 42-716.31(j)(2)**

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-716.31(j)(1) through 42-716.31(j)(2) to Sections 42-716.1(j)(1) through 42-716.1(j)(2), respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.1(j)(2)(A) Renumbered from Section 42-716.31(j)(2)(A)**

Specific Purpose/Factual Basis:

This section is being revised to change the reference from existing Section 42-716.31(f) to Section 42-716.1(f) due to restructuring of Section 42-716 and renumber it from Section 42-716.31(j)(2)(A) to Section 42-716.1(j)(2)(A). This is necessary for clarity and consistency, but has no regulatory impact.

**Section 42-716.1(j)(2)(B) Renumbered from Section 42-716.31(j)(2)(B)**

Specific Purpose/Factual Basis:

This section is being revised to change the reference from existing Section 42-716.31(f) to Section 42-716.1(f) due to restructuring of Section 42-716 and renumber it from Section 42-716.31(j)(2)(B) to Section 42-716.1(j)(2)(B). This is necessary for clarity and consistency, but has no regulatory impact.

**Section 42-716.1(j)(3) Renumbered from Section 42-716.31(j)(3)**

Specific Purpose/Factual Basis:

This section is being revised to change the reference from existing Sections 42-716.31(j)(2)(A) and (B) to Section 42-716.1(j)(2)(A) and (B) due to restructuring of Section 42-716 and renumber it from Section 42-716.31(j)(3) to Section 42-716.1(j)(3). This is necessary for clarity and consistency, but has no regulatory impact.

**Sections 42-716.1(j)(4) through 42-716.1(k)(1) Renumbered from Sections 42-716.31(j)(4) through 42-716.31(k)(1)**

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-716.31(j)(4) through 42-716.31(k)(1) to Sections 42-716.1(j)(4) through 42-716.1(k)(1), respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.1(l) Renumbered from Section 42-716.31(l)**

Specific Purpose:

This section is being renumbered from Section 42-716.31(l) to Section 42-716.1(l) due to the restructuring of Section 42-716 and to provide a reference to the definition of job skills training directly related to employment.

Factual Basis:

This amendment is necessary to provide clarity to readers by directing them to the definition of job skills training directly related to employment that is being adopted in this regulation package. Renumbering this section is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with

the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Section 42-716.1(m) Renumbered from Section 42-716.31(m)**

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.31(m) to Section 42-716.31(m) due to the restructuring of Section 42-716 to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.1(n) Renumbered from Section 42-716.31(n)**

Specific Purpose/Factual Basis:

This section is being renumbered from 42-716.31(n) to Section 42-716.1(n) due to the restructuring of Section 42-716, and the cross references to Sections 42-701.2(j)(2) and (3) are being revised to Sections 42-701.2(j)(3) and (4), respectively, due to the new addition of a definition under Section 42-701(j). These revisions are necessary to maintain accurate cross references and numbering, but have no regulatory impact. This revision was made after the public notice for these emergency regulations.

**Final Modification:**

**Text was modified to remove reference to Section 42-701.2(j)(2) and add reference to Section 42-701.2(j)(4).**

**Sections 42-716.1(o) through 42-716.1(s) Renumbered from Sections 42-716.31(o) through 42-716.31(s)**

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-716.31(o) through 42-716.31(s) to Sections 42-716.1(o) through 42-716.1(s), respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but have no regulatory impact.

**Section 42-716.11 Renumbered from Section 42-716.32**

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.32 to Section 42-716.11 and the cross reference to Section 41-716.31 is renumbered to Section 42-716.1 to accommodate the restructuring of Section 42-716 to maintain accurate numerical sequencing for clarity, but has no regulatory impact.

### **Section 42-716.12 Renumbered from Section 42-716.33**

#### **Specific Purpose/Factual Basis:**

This section is being renumbered from Section 42-716.33 to Section 42-716.12 and the reference to Section 42-716.31 has been revised to Section 42-716.1 due to the restructuring of Section 42-716. This amendment is necessary to maintain numerical sequencing for clarity and consistency, but has no regulatory impact.

### **Sections 42-716.2 through 42-716.4 Renumbered from Sections 42-716.4 through 42-716.6**

#### **Specific Purpose/Factual Basis:**

These sections are being renumbered from existing Sections 42-716.4 through 42-716.6 to Section 42-716.2 through 42-716.4, respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but have no regulatory impact.

### **Section 42-716.41 Renumbered from Section 42-716.61**

#### **Specific Purpose/Factual Basis:**

This section is being renumbered from existing Section 42-716.61 to Section 42-716.41 and the cross-reference to Section 42-716.31 is being corrected to Section 42-716.1 to maintain proper numerical sequencing for clarity, but has no regulatory impact.

### **Sections 42-716.42 through 42-716.515 Renumbered from Sections 42-716.62 through 42-716.715**

#### **Specific Purpose/Factual Basis:**

These sections are being renumbered from existing Sections 42-716.62 through 42-716.715 to 42-716.42 through 42-716.515, respectively, due to the restructuring of Section 42-716 for restructuring purposes to maintain proper numerical sequencing for clarity, but have no regulatory impact.

### **Section 42-716.516 Renumbered from Section 42-716.716**

#### **Specific Purpose/Factual Basis:**

This section is being renumbered from Section 42-716.716 to Section 42-716.516 and is amended to correct the cross reference from Section 42-716.742 to Section 42-716.542 due to restructuring of Section 42-716 to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Sections 42-716.52 through 42-716.532 Renumbered from Sections 42-716.72 through 42-716.732**

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-716.72 through 42-716.732 to Sections 42-716.52 through 42-716.532, respectively, due to the restructuring of Section 42-716. This is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.533 Renumbered from Section 42-716.733**

Specific Purpose/Factual Basis:

This section is being amended to renumber Section 42-716.733 to Section 42-716.533 and to change the cross reference from existing Section 42-716.73 to Section 42-716.53 due to the restructuring of Section 42-716. The renumbering is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Sections 42-716.54 through 42-716.564 Renumbered from Sections 42-716.74 through 42-716.764**

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-716.74 through 42-716.764 to Sections 42-716.54 through 42-716.564, respectively, due to the restructuring of Section 42-716. This renumbering is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Section 42-716.565 Renumbered from Section 42-716.765**

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.765 to Section 42-716.565 and amended to change the cross reference from Section 42-716.771 to Section 42-716.571 due to the restructuring of Section 42-716. This renumbering is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact.

**Sections 42-716.57 through 42-716.58 Renumbered from Sections 42-716.77 through 42-716.78**

These sections are being renumbered from Sections 42-716.77 through 42-716.78 to Sections 42-716.57 through 42-716.58, respectively, due to the restructuring of Section 42-716. This renumbering is necessary to maintain proper numerical sequencing for clarity, but has no regulatory impact.

## **Section 42-716.6**

### **Specific Purpose:**

This section is being adopted to introduce regulations for homework time and distance learning for participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment.

### **Factual Basis:**

This amendment is necessary for clarity and consistency when assigning CalWORKs participants to education activities as described in Welfare and Institutions Code section 11322.6. Since many education and training providers offer distance learning courses, and require significant investments of time outside of the classroom or laboratory, this section is developed to provide guidance regarding the effect distance learning and homework time have on the assignment of welfare-to-work education and training activities. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-716.61**

### **Specific Purpose:**

This section is being adopted to specify that hours of homework time can be included in an individual's welfare-to-work plan. This applies to all CalWORKs participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment.

### **Factual Basis:**

This amendment is necessary as CDSS has determined it is appropriate to align homework time to federal TANF program rules for homework time. The federal TANF program allows up to one hour of unsupervised homework time for every hour the participant is in class. The total homework time, supervised and unsupervised, cannot exceed the amount recommended by the education or training provider. This rule is in federal regulations at 45 CFR 261.60(e). This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-716.611**

#### **Specific Purpose:**

This section is being adopted to clarify the treatment of homework time in CalWORKs education activities can include supervised homework time and up to one hour of unsupervised homework time for every hour of classroom time. This applies to all CalWORKs participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment.

#### **Factual Basis:**

This amendment is necessary to continue the alignment of homework time with the TANF program for clarity and consistency. The federal TANF program allows up to one hour of unsupervised homework time for every hour the participant is in class. The total homework time, supervised and unsupervised, cannot exceed the amount recommended by the education or training provider. This rule is in federal regulations at 45 CFR 261.60(e). This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

### **Section 42-716.612**

#### **Specific Purpose:**

This section is being adopted to clarify the treatment of homework time in CalWORKs education activities. The total homework time assigned cannot exceed the hours required or advised by the individual's education program. This applies to all CalWORKs participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment.

#### **Factual Basis:**

This amendment is necessary to continue the alignment of homework time with the TANF program for clarity and consistency. The federal TANF program allows up to one hour of unsupervised homework time for every hour the participant is in class. The total homework time, supervised and unsupervised, cannot exceed the amount recommended by the education or training provider. This rule is in federal regulations at 45 CFR 261.60(e). This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-716.62**

### **Specific Purpose:**

This section is being adopted to specify that distance learning may be included in an individual's welfare-to-work plan for some or all of his or her classroom hours. This applies to all CalWORKs participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development and education directly related to employment.

### **Factual Basis:**

This amendment is necessary for clarity and consistency when assigning CalWORKs participants to education activities as described in Welfare and Institutions Code section 11322.6 and to prevent unequal treatment of participants in education or training programs due to the way their programs are delivered. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-716.621**

### **Specific Purpose:**

This section is being adopted to clarify the treatment of distance learning in CalWORKs education activities. Distance learning is allowable for CalWORKs education activities and is treated identically to conventional classroom courses. No additional burden of reporting or verification will be imposed on CalWORKs recipients engaged in distance learning compared to those in other education activities. This applies to all CalWORKs participants in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment or participants in Self-Initiated Programs.

### **Factual Basis:**

This amendment is necessary for clarity and consistency when assigning CalWORKs participants to education activities as described in Welfare and Institutions Code section 11322.6, and to prevent unequal treatment of participants in education or training programs due to the way their programs are delivered. This section is also developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-716.7 Renumbered from Section 42-716.8**

### **Specific Purpose/Factual Basis:**

This section for AB 98 subsidized employment is renumbered from Section 42-716.8 to Section 42-716.7 due to the restructuring of Section 42-716. The renumbering is necessary to maintain proper numerical sequencing for clarity, but has no regulatory effect.

## **Section 42-716.71**

### **Specific Purpose:**

This section is being adopted to specify that AB 98 subsidized employment program shall be used to place participants in only in subsidized employment that is performed in the private sector and subsidized employment that is performed in the public sector as described in regulation Sections 42-716.1(b) and (c).

### **Factual Basis:**

This adoption is necessary to ensure that the cost neutrality requirement for the AB 98 subsidized employment program contained in Welfare and Institutions Code section 11322.63(c) is maintained considering the adoption of new language established for Welfare and Institutions Code section 11322.63(a) in Section 14 of SB 1041. Previously, Welfare and Institutions Code section 11322.63(a) referenced subdivisions (b) and (c) of Section 11322.6 that are subsidized employment in the private and public sectors, respectively. The new language made a technical change that replaced reference to state-specified Welfare and Institutions Code sections with generalized reference to subsidized employment to align the language with federal regulation language for subsidized employment in 45 CFR 261(c) and (d). The AB 98 subsidized employment program is a federally allowable activity that can be counted toward California's TANF work participation rate and, as such, the state-only reference was revised to accommodate both state and federal terminology. The change, however, did not make any change to the types of subsidized employment that AB 98 subsidized employment can be used for. Because certain types of subsidized employment can never establish cost neutrality, CDSS is clarifying which types of subsidized employment are eligible for AB 98 subsidized employment funding. Cost neutral means that the cost for the AB 98 employment subsidies is offset by equal savings specifically from reductions to cash assistance due to the income from AB 98 subsidized employment.

### **Final Modification:**

**The wording was modified to refer to subsidized employment that is performed in the private sector or subsidized employment that is performed in the public sector for clarity.**

## **Section 42-716.711**

### **Specific Purpose:**

This section is being adopted to introduce the specific types of subsidized employment that participants in the AB 98 subsidized employment program cannot participate in due to incompatible funding requirements which are in conflict with the cost neutrality of this program.

### **Factual Basis:**

This adoption is necessary to ensure that the cost neutrality requirement for the AB 98 subsidized employment program contained in Welfare and Institutions Code section 11322.63(c) is maintained considering the adoption of new language established for Welfare and Institutions Code section 11322.63(a) in Section 14 of SB 1041. See the factual basis for regulation Section 42-716.71 for additional information.

## **Section 42-716.711(a)**

### **Specific Purpose:**

This section is being adopted to specify that participants in the AB 98 subsidized employment program cannot participate in grant-based on-the-job training, which is a type of subsidized employment.

### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.63(a), as amended by SB 1041, because participants in the AB 98 subsidized employment program cannot be placed in grant-based on-the-job training, which is a type of subsidized employment, as described in Welfare and Institutions Code sections 11322.6(f)(1) through 11322.6(f)(4) inclusive. This is to ensure the AB 98 subsidized employment program is cost neutral to the state budget as indicated in Welfare and Institutions Code section 11322.63(c). Cost neutral means that the cost for the AB 98 employment subsidies is offset by comparable savings specifically from reductions to cash assistance due to the income from AB 98 subsidized employment. Previously, Welfare and Institutions Code section 11322.63(a) referenced subdivisions (b) and (c) of Section 11322.6 which are subsidized employment in the private and public sectors respectively. SB 1041 amended 11322.63(a) to refer to subsidized employment generally so that subsidized employment can refer to both CalWORKs and TANF subsidized employment. To ensure the cost neutrality of the AB 98 subsidized employment program, Section 42-716.711(a) specifies that CalWORKs welfare-to-work AB 98 subsidized employment participants cannot participate in grant-based on-the-job training because this activity uses part or all of the CalWORKs cash assistance to provide a subsidy for employment instead of the cash assistance being reduced to achieve cost neutrality.

### **Section 42-716.711(b)**

#### **Specific Purpose:**

This section is being adopted to specify that participants in the AB 98 subsidized employment program cannot participate in supported work and transitional employment, which are types of grant-based on-the-job training, which is a type of subsidized employment.

#### **Factual Basis:**

This adoption is necessary to implement Welfare and Institutions Code section 11322.63(a), as amended by SB 1041, because participants in the AB 98 subsidized employment program cannot be placed in supported work and transitional employment, which are forms of grant-based on-the-job training, which is a type of subsidized employment, as described in Welfare and Institutions Code section 11322.6(g). This is to ensure the AB 98 subsidized employment program is cost neutral to the state budget as indicated in Welfare and Institutions Code section 11322.63(c). Cost neutral means that the cost for the AB 98 employment subsidies is offset by comparable savings specifically from reductions to cash assistance due to the income from AB 98 subsidized employment. Previously, Welfare and Institutions Code section 11322.63(a) referenced subdivisions (b) and (c) of Section 11322.6 which are subsidized employment in the private and public sectors, respectively. SB 1041 amended 11322.63(a) to refer to subsidized employment generally so that subsidized employment can refer to both CalWORKs and TANF subsidized employment. To ensure the cost neutrality of the AB 98 subsidized employment program, Section 42-716.711(b) specifies that CalWORKs welfare-to-work AB 98 subsidized employment participants cannot participate in supported work or transitional employment because they are forms of grant-based on-the-job training, which uses part or all of the CalWORKs cash assistance to provide a subsidy for employment instead of the cash assistance being reduced to achieve cost neutrality.

### **Section 42-716.711(c)**

#### **Specific Purpose:**

This section is being adopted to specify that participants in the AB 98 subsidized employment program cannot participate in work study, which is a type of subsidized employment.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.63(a), as amended by SB 1041, because participants in the AB 98 subsidized employment program cannot be placed in work study, which is a type of subsidized employment, as described in Welfare and Institutions Code section 11322.6(h). This is to ensure the AB 98 subsidized employment program is cost neutral to the state budget as indicated in Welfare and Institutions Code section 11322.63(c). Cost neutral means that the cost for the AB 98 employment subsidies is offset by comparable savings specifically from reductions to cash assistance due to the income from AB 98 subsidized employment. Previously, Welfare and Institutions Code section 11322.63(a) referenced subdivisions (b) and (c) of Section 11322.6 which are subsidized employment in the private and public sectors respectively. SB 1041 amended 11322.63(a) to refer to subsidized employment generally so that subsidized employment can refer to both CalWORKs and TANF subsidized employment. To ensure the cost neutrality of the AB 98 subsidized employment program, Section 42-716.711(c) specifies that CalWORKs welfare-to-work AB 98 subsidized employment participants cannot participate in work study, which is considered financial aid for the purposes of income determination. Financial aid cannot be considered income when determining CalWORKs cash assistance, thus there are no savings from cash assistance to achieve cost neutrality.

**Sections 42-716.72 through 42-716.741 Renumbered from Sections 42-716.81 through 42-716.831**

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-716.81 through 42-716.831 to Sections 42-716.72 through 42-716.741 due to the restructuring of Section 42-716. This renumbering is necessary for clarity and consistency, but has no regulatory impact.

**Section 42-717.7**

**Final Modification:**

**Specific Purpose/Factual Basis:**

**The cross reference in this section for the AB 98 subsidized employment program is being renumbered from Section 42-716.8 to Section 42-716.7 due to the restructuring of Section 42-716. The renumbering of this cross reference is necessary for clarity and consistency but has no regulatory impact. This revision is being made after the public notice for these emergency regulations.**

**Section 42-720.1**

Specific Purpose/Factual Basis:

The cross reference in this section is being renumbered from Section 42-716.31 to Section 42-716.1 due to the restructuring of Section 42-716. The renumbering of this cross reference is necessary for clarity and consistency but has no regulatory impact.

**Section 42-720.311**

Specific Purpose/Factual Basis:

The cross reference in this section is being renumbered from Section 42-716.31 to Section 42-716.1 due to the restructuring of Section 42-716. The renumbering of this cross reference is necessary for clarity and consistency but has no regulatory impact.

**Section 42-721.313(b) Supporting Paragraph Numbered to Section 42-721.313(c)**

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference from Section 42-716.31(j)(2) to Section 42-716.1(j)(2) due to revisions in Section 42-716.1 and numbered into the outline as Section 42-721.313(c) to make clear that it is a supporting paragraph of the entirety of Section 42-721.313. The amended change has no regulatory impact and is necessary for clarity and consistency.

**Sections 42-721.42 and .421**

Specific Purpose:

These sections are being revised and adopted to move language from Section 42-721.42 to Section 42-721.421 regarding 1) sanctions not applying to individuals who are exempt from but volunteering to participate in welfare-to-work, and 2) if their conduct would bring about the sanction procedures they would not be given priority over other participants who are seeking to participate.

Factual Basis:

This revision is necessary to restructure Section 42-721.42 to accommodate the addition of Section 42-721.422, which is a new reason for a sanction to not be imposed as a result of the implementation of the Welfare-to-Work 24-Month Time Clock by SB 1041.

## **Final Modification**

**Section 42-721.421** was revised to specify the regulation sections counties are to refer to regarding the sanction procedures that apply to this regulation.

## **Section 42-721.422**

### **Specific Purpose:**

This section is being adopted to ensure that, except for certain employed participants, recipients who choose to participate in more hours than they are required to are not subject to a financial sanction when they do not complete all of the hours specified in their welfare-to-work plan but do meet CalWORKs minimum standards during the Welfare-to-Work 24-Month Time Clock period.

### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code sections 11322.8(a), 11322.85(a)(1), as adopted by SB 1041, which together, establish the Welfare-to-Work 24-Month Time Clock period and the minimum number of required hours of participation in welfare-to-work during that time period. Many individuals will choose to include more hours in their welfare-to-work plans while they have time remaining on their 24-month clock in order to meet CalWORKs federal standards and not have months count toward their 24-month clocks. In these situations, it would be inappropriate to impose a financial sanction if the individual is unable to meet CalWORKs federal standards but is able to meet CalWORKs minimum standards during their Welfare-to-Work Time Clock period.

## **Section 42-721.422(a)**

### **Specific Purpose:**

This section is adopted to maintain the requirement that employed participants who fail to continue employment, or continue employment at the same level of earnings without good cause, are subject to noncompliance procedures.

### **Factual Basis:**

This adoption is necessary to comply with Welfare and Institutions Code section 11327.4 that requires individuals who fail to accept employment, terminate employment, or reduce earnings without good cause to be subject to sanction.

## **Handbook Section 42-721.422(a) Examples A and B**

### **Specific Purpose/Factual Basis:**

This handbook is added to provide counties examples of the application of Sections 42-721.422 and .422(a). This is necessary to provide clear guidance to counties and is developed under the provisions of Welfare and Institutions Code section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

## **Section 42-721.453**

### **Specific Purpose:**

This section is being amended to clarify that all CalWORKs exemptions relating to caring for young children, not just the care of a child under six months of age, cannot be utilized by the second parent in a two-parent assistance unit if he or she is participating in order to avoid sanction of the first parent.

### **Factual Basis:**

SB 1041 amended Welfare and Institutions Code section 11320.3(b)(6) to include a new once in a lifetime young child exemption which allows parents to be exempt from participation and time limits if they are caring for a child who is birth to 23 months of age as indicated in Welfare and Institutions Code section 11320.3(b)(6)(A)(iv). As a result, this adoption is necessary to comply with Welfare and Institutions Code section 11327.5(c)(2)(B) which specifies that exemptions found under Welfare and Institutions Code sections 11320.3(b)(5) and (6) cannot be utilized by the second parent in a two-parent assistance unit if he or she is participating in order to avoid sanction of the first parent.

## **Section 42-722.61**

### **Specific Purpose:**

The cross-references in this section for hourly participation requirements for welfare-to-work participants with a learning disability in Sections 42-711.411 and 42-711.421 are being renumbered to a single cross-reference: Section 42-711.41.

Factual Basis:

This cross reference for hourly participation requirements for welfare-to-work participants with a learning disability is being changed from Sections 42-711.411 and 42-711.421 to Section 42-711.41 because Section 42-711.41 includes the subsections with all of the hourly requirements that 42-722.61 needs to reference. Also, Section 42-711.421 has been eliminated as a result of the restructuring of Section 42-711.

**Final Modification**

**This section is revised to also provide a cross-reference to participation in CalWORKs federal standards (Section 42-709.2).**

**Section 42-802.2**

Specific Purpose/Factual Basis:

This section is being amended to change the cross from Section 42-716.31(d) to Section 42-716.1(d) due to the restructuring of Section 42-716. This is necessary for clarity, but has no regulatory impact.

**Section 42-1009.112**

Specific Purpose/Factual Basis:

This section is being amended to change the cross from Section 42-716.32 to Section 42-716.11 due to the restructuring of Section 42-716. This is necessary for clarity, but has no regulatory impact.

**Section 42-1010.1**

Specific Purpose/Factual Basis:

This section is being amended to change the cross reference from Section 42-716.31 to Section 42-716.1 due to the restructuring of Section 42-716. This is necessary for clarity, but has no regulatory impact.

**Section 44-111.233**

Specific Purpose/Factual Basis:

This section is being amended to change the cross from Sections 42-716.31(f) and (g) to Sections 42-716.1(f) and (g) due to the restructuring of Section 42-716. This is necessary for clarity, but has no regulatory impact.

b) Identification of Documents Upon Which Department Is Relying

Senate Bill 1041, Chapter 47, Statutes of 2012  
Senate Bill 855, Chapter 29, Statutes of 2014  
Assembly Bill 1471, Chapter 439, Statutes of 2012  
Assembly Bill 74, Chapter 21, Statutes of 2013

c) Local Mandate Statement

These proposed CalWORKs regulations changes do impose a mandate on local agencies, but not on school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of these regulations will, if anything, result in negligible savings.

d) Statement of Alternatives Considered

No other alternatives were identified or brought to the attention of the CDSS that would be more effecting in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Additionally, the Legislature mandated that regulations be adopted for these amendments by SB 1041.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

f) Economic Impact Assessment [Government Code section 11346.3(b)]

In accordance with Government Code section 11346.3(b), CDSS has made the following assessments regarding the proposed SB 1041 (Chapter 47, Statutes of 2012) emergency regulations. The CDSS has made an initial determination that there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

### ***Creation or Elimination of Jobs Within the State of California***

The proposed regulations include changes to the CalWORKs recipient time clock and work requirements, among other changes, with the goal of engaging recipients in more intensive work activities as early as possible, while also providing more flexibility in work activity options and increased financial incentives as recipients move toward self-sufficiency. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate jobs in the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs Welfare-to-Work Program. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

### ***Creation of New or Elimination of Existing Businesses Within the State of California***

The proposed regulations include changes to the CalWORKs recipient time clock and work requirements, among other changes, with the goal of engaging recipients in more intensive work activities as early as possible, while also providing more flexibility in work activity options and increased financial incentives as recipients move toward self-sufficiency. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate existing businesses within the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs Welfare-to-Work Program. The proposed regulations only affect current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

### ***Expansion of Businesses or Elimination of Existing Businesses Within the State of California***

The proposed amendments will neither expand nor eliminate businesses in the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs Welfare-to-Work Program. The proposed regulations affect only current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

### ***Benefits of the Regulations***

The proposed regulation will improve the health and welfare of California's CalWORKs participants by helping improve the well-being and outcomes for this group by contributing towards their success to becoming self-sufficient through access to stable employment. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals participating in the CalWORKs program.

### ***Documents Relied Upon***

The documents relied upon in proposing this regulatory action is SB 1041 (Chapter 47, Statutes of 2012), SB 855 (Chapter 29, Statutes of 2014), AB 1471 (Chapter 439, Statutes of 2012) and AB 74 (Chapter 21, Statutes of 2013).

#### g) Benefits Anticipated from Regulatory Action

The amendments to the CalWORKs regulations as required by SB 1041 will establish a 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. The amendments will also establish participation requirements that are more closely aligned with the requirements of the federal TANF. These regulations 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.

#### h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment. The proposed regulations will make technical and conforming changes in order to comply with SB 1041.

#### i) Testimony and Response

These regulations were considered as Item # 1 at the public hearing held on April 8, 2015, in Sacramento, California. No testimony was received from the following during the 45-day comment period from February 20, 2015, to 5:00 p.m. April 8, 2015. Even though testimony was presented, regulation text has been modified and the Statement of Reasons updated. Therefore, CDSS is making the complete text of modifications available to the public for a 15-day period pursuant to Government Code section 11347.1.