

FINDING OF EMERGENCY
(Readoption)

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1. Further, Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. To determine the Office of Administrative Law five day comment period check <http://www.oal.ca.gov/> often.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted and the Governor signed Senate Bill (SB) 1041 (Chapter 47, Statutes of 2012), which makes substantial changes to the California Work opportunity and Responsibility to Kids (CalWORKs) program Welfare-to-Work (WTW) requirements. 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 Temporary Assistance to Needy Families (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.
2. Delay in the implementation of these regulations would conflict with the statutory directive found in Section 56 of SB 1041 that emergency regulations be adopted:
 - (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made pursuant to Sections 11265.45, 11265.46, 11265.47, 11265.48, 11320.3, 11322.63, 11322.8, 11322.85, 11322.86, 11322.87, 11451.5 and 11454.5 of the Welfare and Institutions Code, as amended or added.
 - (b) Subdivision (a) of Section 56 of SB 1041 provided authority for the State to initially implement the voluminous reforms contained in these provisions by all-county letters or similar instructions until July 1, 2014. This initial filing was delayed by an extensive stakeholder workgroup process required in statute (Welf. & Inst. Code, Sec. 11322.85(g)), and by subsequent changes in state law that affected these provisions. (AB 74 (2013) and SB 855 (2014)).

- (c) Subdivision (b) of Section 56 of SB 1041 provides that this initial filing and one re-adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.
3. These emergency regulations would ensure that the counties are providing current CalWORKs program guidelines and requirements to program participants.
 4. The nonemergency rulemaking process set forth in the Administration Procedure Act is sufficiently lengthy that it is not possible to implement regulations changes on an immediate basis as required by SB 1041.
 5. Therefore, in order to preserve the public peace, health, safety, and general welfare of the State of California, these regulations are to be adopted on an emergency basis.
 6. The need for the emergency is unchanged and due to the large volume of revisions included in these regulations the Department will need more time to allow for the public process to effectively take place. A public notice (Z2015-0210-02) was published on February 20, 2015, with a public hearing held on April 8, 2015.
 7. The original emergency file, OAL Rulemaking File Number 2015-0112-01EFP, is incorporated herein by reference.
 8. Therefore, as permitted in Section 56 of SB 1041, the Department is re-adopting the original emergency regulations to allow additional time to complete the Certificate of Compliance.

INFORMATIVE DIGEST

SB 1041 made substantial changes to the CalWORKs 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 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.

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

These proposed emergency regulations may have substantial duplication of state and/or federal law, where necessary, to provide clear program requirements to the county welfare department(s) (CWDs) that administer the Welfare-to-Work Program at the local level because the CWDs rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 1041, as well as with existing regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: The funding was budgeted at approximately \$3 million in the 2014-15 Appropriation, under the Employment Services and WTW Services/Reengagement premises. There are no known savings to the State.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: There is no impact to the county share of cost for affected programs.
4. Federal Funding to State Agencies: The funding was budgeted at approximately \$86 million in the 2014-15 Appropriation, under the Employment Services and WTW Services/Reengagement premises. There are no known federal savings.

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.

DOCUMENTS RELIED UPON

Senate Bill 1041 (Chapter 47, Statutes of 2012)\
Assembly Bill 1471 (Chapter 439, Statutes of 2012)
Senate Bill 855 (Chapter 29, Statutes of 2014)

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554. Subject regulations implement and make specific Sections 11265.45, 112565.46, 11265.47, 11265.48, 11320.3, 11322.63, 11322.8, 11322.85, 11322.86, 11322.87, 11451.5, and 11454.5 of the Welfare and Institutions Code [SB 1041 (Chapter 47, Statutes of 2012)].