

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 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 42-708.142

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 18th and 21st 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 18th and 21st 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 18th and 21st 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.

Final Modification:

The CDSS corrected the section reference in the regulations from Section 42-711.41 to Section 42-711.544, as referred to in the Specific Purpose statement above.

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 Code 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
Senate Bill 1104, Chapter 229, Statutes of 2004
Senate Bill 68, Chapter 78, Statutes of 2005

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

In developing this regulatory action, CDSS did not consider any other alternatives because no other practical alternatives exist.

The CDSS has determined that no reasonable alternatives were identified or brought to the attention of 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 determined 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), AB 74 (Chapter 21, Statutes of 2013), SB 1104 (Chapter 229, Statutes of 2004) and SB 68 (Chapter 78, Statutes of 2005).

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.

j) Substantive Changes to Regulations with Comments After 15-Day Renotice

Pursuant to Government Code section 11347.1, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing from August 18, 2015, to September 2, 2015. The following testimony was received as a result of the 15-day renotice:

Legal Services of Northern California (LSNC), Stephen Goldberg, Acting Regional Counsel, submitted the following comments (Comments #1 - 3).

Section 42-708.121(a)

1. Comment:

Proposed Manual of Policy and Procedure (MPP) Section 42-708.121(a) continues to include the school attendance penalty as a reason for an adult may be removed from the assistance unit yet have their 24-month clock continue to run. However, the school attendance penalty for adults has now been repealed. (AB 2382 (2014); Welf. & Inst. Code § 11253.5.) This reference to the school attendance penalty should be removed.

To the extent that the proposed regulation refers to the 24 month clock running for 16 and 17 year olds who could be removed from the assistance unit not attending school, the proposed regulation is improper because it conflicts with MPP Section 42-719.111(b) which states that time limits do not apply to 16 and 17 year old removed from the assistance unit for school attendance. This problem would be resolved by removing the school attendance language from the proposed regulation.

Response:

The CDSS thanks the testifier for the comments.

While CDSS agrees that school attendance penalties will no longer be applied to the adults in an assistance unit, the repeal of the adult school attendance penalty in AB 2382 is outside of the authority of SB 1041. Implementation of AB 2382 in regulation will be forthcoming.

The CDSS disagrees with the statement that months could count toward an individual's Welfare-to-Work 24-Month Clock if the individual is a teen who is required to attend school. At no point are teens with compulsory school attendance requirements subject to the Welfare-to-Work 24-Month Time Clock. Non-parent teens, Cal-Learn teens and non-Cal-Learn 19 year old custodial parents are not subject to the Welfare-to-Work 24-Month Time Clock per Section 42-708.13.

No revision to the regulation text is being made to this section.

Sections 42-708.141(a) and .141(b)

2. Comment:

There is a disconnect between the timeframe for a new welfare-to-work plan proposed here and the time frame for a new appraisal proposed in ORD #0315-06. Proposed MPP Section 42-708.141(a) states there should be a new welfare-to-work plan if there is a break in aid of more than 30 days and proposed MPP Section 42-708.141(b) requires a new assessment if there has been a change in circumstances regardless of the length of any break in aid. These timeframes contrast with the six month break in aid timeframe for a new appraisal in proposed MPP Section 42-711.513 contained in ORD #0315-06, the proposed regulations implementing AB 74. Proposed MPP Section 42-711.513 states that a person shall not be treated as a new welfare-to-work participant unless there is a six month break in aid. Although not directly conflicting, the 30 day break in aid for a new welfare-to-work plan compared to the six month break in aid for a new appraisal could cause substantial confusion and conflicting directions for clients. This comment should be considered now because the proposed AB 74 implementing regulations had not yet been released when the initial comment period on the regulations here occurred.

LSNC supports that a WTW participant should not need a new welfare-to-work plan if there has been a break in aid of less than six months because the plan process can be onerous and require clients to take substantial time from work or school that should not be required when an appraisal has been recently done. However, for breaks in aid of less than six months, there should be an evaluation of whether there has been a change in circumstances that requires a plan. For example, if the individual has a new disabling condition, there should be a new appraisal even if there has been a less than six month break in aid. Regardless, the break in aid timeframes for plan and appraisal should be aligned.

Response:

The CDSS thanks the testifier for the comments.

This comment is outside the scope of the 15-day re-notice for these regulations. As stated in Section 42-708.141(b), the CWD shall evaluate whether an individual requires a new assessment before a new plan is drafted, reducing the burden on the participant.

The CDSS believes that further clarification of the effects of a participant returning to aid are more appropriate for Section 42-711.5, which is part of the AB 74 implementing regulations (ORD #0315-06). Therefore, CDSS will consider revisions to Section 42-711.5 as apart of the AB 74 implementing regulations in order to clarify the issue.

No revision is being made to this section.

Section 42-716.61

3. Comment:

Proposed MPP Section 42-716.61 counts study time as welfare-to-work participation time for education, but not for self-initiated programs (SIPs). There is no statutory basis for not counting study time for SIPs in the same manner as for other approved education. A SIP is a valid welfare-to-work activity and it is included in a welfare-to-work plan just like any other approved education.

CDSS attempts to justify not counting study time for SIPs as welfare-to-work participation by claiming that it is necessary to do so to align with federal regulations. CDSS is incorrect for two reasons. First, a SIP can be a federally countable activity when it qualifies as vocational education or education leading to employment. When a SIP is a federally countable activity, study time for a SIP also is federally countable. (45 C.F.R. § 261.60(e).)

Second, there is no legal basis for requiring SIPs to line up with federal requirements, at least during the 24 month time clock and any extensions to that time clock. The purpose of the 24 month time clock is to allow flexibility, which means not necessarily aligning with federal requirements. CDSS' justification is contrary to the purpose of the 24 month time clock.

Response:

The CDSS thanks the testifier for the comments.

The CDSS disagrees with the statement that SIP participants are unable to count non-credit homework time due to alignment with federal participation guidelines. SIP participants may not be assigned non-credit homework time as part of a Welfare-to-Work plan due to Welfare and Institutions Code section 11325.23(a)(3)(C) restricting SIP participation to hours required for classroom, laboratory or internship activities, or a list of specific Welfare-to-Work activities. This section specifies and makes clear that SIPs may only be assigned credited study time that would be considered part of a classroom or laboratory activity.

The CDSS disagrees with the statement that SIP participants must align with federal requirements while participating under the Welfare-to-Work 24-Month Time Clock. The guiding regulations for SIPs in Section 42-711.54 contain no such requirements.

Section 42-716.61 was adopted to provide the ability of CalWORKs participants to count homework time toward their welfare-to-work participation requirements. Without this adoption, welfare-to-work participants would be unable to count homework time toward their welfare-to-work participation requirements. However, this section specifically applies to individuals participating under Sections 42-716.1(k), (l), (m), (o) and/or (p), and does not apply to SIPs participating under Section 42-711.54.

No revision is being made to this section in response to this testimony.