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Regulation Package No. 0315-06

CDSS MANUAL LETTER NO. EAS 16-03

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package # 0315-06

Effective 8/1/16

Section 42-711

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

This manual letter includes final amendments to welfare-to-work regulations to comply with Assembly Bill 74 (Ch. 21, Stats. of 2013). Emergency regulations were adopted effective July 1, 2015 and included in this manual letter are only the final amendments which resulted as a result of public testimony. Those amendments include: 1) consideration for domestic abuse waivers in addition to domestic abuse services to reduce confusion and ensure equitable treatment of participants across the state; 2) clarification that an individual cannot be compelled to answer individual questions in the expanded and standardized appraisal; and 3) aligning the treatment of domestic abuse services as an initial engagement activity with existing regulations governing domestic abuse services. These regulatory amendments are intended to provide employment and training services to the maximum possible number of the CalWORKs population to aid them in achieving economic self-sufficiency.

These regulations were considered at the Department's public hearing held on September 2, 2015.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-16-02.

Page(s)

Replace(s) Page(s)

228.2 through 231

228.2 through 231

Attachment

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

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

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

.523 During the appraisal, the individual shall provide relevant information the CWD requires in order to assign welfare-to-work activities appropriately, which may include, but is not limited to, information relating to all of the following:

- (a) Employment history, interests, and skills;
- (b) Educational history, interests, and skills;
- (c) Learning disabilities as described in Section 42-711.58;
- (d) Housing status and stability;

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

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

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

- (a) If information from the appraisal indicates that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, or Family Stabilization as described in Section 42-749, the CWD shall evaluate the individual before requiring further participation.
- (b) At any time during the appraisal process a recipient may be identified as needing domestic abuse services and/or a waiver of program requirements. This need for services and/or a waiver of program requirements shall be evaluated and services provided pursuant to Section 42-715.2.
- (c) An individual participating in an appraisal shall not be subject to the provisions of Section 42-721 for failure or refusal to answer individual questions during the appraisal interview detailed in Section 42-711.523.

.53 Initial Engagement Activities

.531 Determination of Initial Engagement Activity

- (a) Unless the CWD determines that another initial engagement activity is appropriate all recipients shall participate in job search pursuant to Section 42-711.534.

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- (b) If the individual is evaluated and granted Family Stabilization in accordance with Section 42-711.525(a), he or she may participate in Family Stabilization as the initial engagement activity.
 - (c) If the CWD determines that substance abuse services as described in Section 42-711.57, mental health services described in Section 42 711.56, or domestic abuse services described in Section 42-715 are appropriate for an individual, he or she shall participate in those services as the initial engagement activity.
- .532 Concurrent Initial Engagement Activities
- (a) Initial engagement activities may be assigned in sequence or concurrently within a period of four consecutive weeks and throughout any extension approved by the CWD in accordance with Section 42-711.534(d) or .536(a)(1).
- .533 Immediate Referral to Assessment
- (a) If the CWD determines that job search will not be beneficial and that the individual is not in need of other initial engagement activities in accordance with subdivisions (b) and (c) of Section 42-711.531, he or she shall immediately be referred to assessment and is not required to complete an initial engagement activity.
 - (b) If the CWD determines that the individual would benefit from education or training activities in place of initial engagement activities, he or she shall immediately be referred to assessment and shall not complete an initial engagement activity.
- .534 Job Search
- (a) Except as provided in Sections 42-711.531 and .533, recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:
 - (1) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
 - (2) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.

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- (3) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
 - (A) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.
- (b) Upon completion of the appraisal specified in Section 42-711.52, all participants required to participate in job search as their initial engagement activity shall be assigned to participate for a period of up to four consecutive weeks in job search activities.
 - (1) Job search activities may include use of job clubs to identify the participant's qualifications.
 - (2) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- (c) The period of job search activities may be shortened under the following circumstances:
 - (1) The participant and the CWD agree that further job search activities would not be beneficial; or,
 - (2) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.
- (d) Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.
- (e) Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.535 Family Stabilization as an Initial Engagement Activity

- (a) A recipient who is granted Family Stabilization in accordance with Section 42-749 may participate in the Family Stabilization as his or her initial engagement activity.

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

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

- (a) A recipient may be assigned to substance abuse services as described in Section 42-711.57, mental health services as described in Section 42 711.56, or domestic abuse services as described in Section 42-715, as appropriate, for a period of four consecutive weeks.
 - (1) This four-week period may be extended if the CWD determines that additional services are necessary in order to complete assessment and the welfare-to-work plan development process.
- (b) If, at appraisal, the CWD determines that mental health, substance abuse, or domestic abuse services as an initial engagement activity may be necessary in excess of four consecutive weeks, the CWD shall concurrently refer the individual to assessment and any assignment to additional services shall be part of a welfare-to-work plan as described in Section 42-711.6.
- (c) Domestic abuse services as an initial engagement activity shall be assigned in accordance with Section 42-715.

.54 Self-Initiated Programs (SIPs)

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

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

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(Continued)

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