

September 01, 2017

ALL COUNTY LETTER (ACL) NO. 17-78

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CALWORKS PROGRAM SPECIALISTS  
ALL WELFARE-TO-WORK COORDINATORS  
ALL COUNTY REFUGEE COORDINATORS  
ALL COUNTY CALFRESH SPECIALISTS  
ALL CONSORTIA REPRESENTATIVES

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO  
KIDS (CalWORKs) PROGRAM: RELEASE OF SEVENTH SET OF  
QUESTIONS AND ANSWERS FOR SENATE BILL (SB) 1041  
(CHAPTER 47, STATUTES OF 2012) CalWORKs WELFARE-TO-  
WORK (WTW) PROGRAM CHANGES

REFERENCE: [SB 1041](#) (CHAPTER 47, STATUTES 2012) and [SB 855](#); CODE OF  
FEDERAL REGULATIONS (CFR) [TITLE 45 PARTS 261.33\(a\) and](#)  
[261.34\(a-e\)](#); FEDERAL REGISTER [VOL. 71 NO. 125 Fed. Reg.](#)  
[37467](#); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS  
[11320.3](#), [11322.8](#), and [11322.85](#); MANUAL OF POLICIES AND  
PROCEDURES (MPP) SECTION [42-708](#), [42-709](#), [42-711](#), [42-712](#),  
[42-713](#), [42-721](#), and [42-749](#), ALL COUNTY LETTERS (ACLs) [12-](#)  
[53](#), [12-67](#), [12-69](#), [12-72](#), [13-01](#), [13-02](#), [13-12](#), [13-15](#), [13-37](#), [13-59](#),  
[13-68](#); [14-10](#), [14-16](#), [15-21](#), [15-62](#), [15-64](#) and [17-08](#); ALL COUNTY  
INFORMATION NOTICE [I-08-13](#); [California's Work Verification](#)  
[Plan](#)

The purpose of this letter is to provide answers to questions that the California Department of Social Services (CDSS) has received about the implementation instructions issued to County Welfare Departments (CWDs) for major changes that were made to CalWORKs Welfare-To-Work (WTW) requirements pursuant to SB 1041, codified in WIC sections 11320.3, 11322.8, and 11322.85. This letter also provides guidance regarding how CalWORKs client participation information is reported federally

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

for calculation of the Temporary Assistance for Needy Families (TANF) work participation rate. The letter addresses technical questions in the following areas:

1. Job Search and the WTW 24-Month Time Clock
2. Hourly Participation Requirements
3. Time Limited Activities and Federal Data Reporting
4. WTW 24-Month Time Clock Extensions
5. Noncompliance
6. Good Cause

#### **PREVIOUS GUIDANCE ON SB 1041**

Initial implementation instructions for SB 1041 program changes are contained in ACLs 12-67 and 12-69. The first through sixth sets of answers to questions relating to these program changes are contained in ACL 13-15, ACL 13-37, ACL 13-59, ACL 13-68, ACL 14-16, and ACL 15-21, respectively. Attached is the seventh set of answers to questions relating to these program changes (Attachment A).

If you have any questions or need further information regarding this letter, please contact the following CDSS representatives:

- CalWORKs Eligibility County Consultant (916) 654-1322
- Employment Bureau County Consultant (916) 654-2137
- Federal Data Reporting and Analysis County Consultant (916) 657-3659

Sincerely,

#### ***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Welfare to Work Division

Attachments

**ATTACHMENT A**  
**Questions (Q) and Answers (A):**

**JOB SEARCH AND THE WTW 24-MONTH TIME CLOCK (WTW 24-MTC):**

1. **Q:** MPP section 42-708.325(c) provides that, if an adult is participating in a WTW plan where job search accounts for 50 percent or more of their participation hours, a condition is met that stops the WTW 24-MTC. What methodology do CWDs use to determine if this condition is met? How do CWDs determine if an adult in a two-parent Assistance Unit (AU) sharing a 35-hour requirement qualifies under this condition?

**A:** To determine if the adult(s) meet(s) this condition to stop the WTW 24-MTC based on job search as described in MPP section 42-708.325(c), the CWD must determine the percentage of the AU's participation hours in job search using the following calculation:

1. **Determine the AU's hours**
  - Total combined scheduled hours in job search in the month and;
  - Total number of required participation hours for the month based on their average per week hourly requirement
2. **Divide** the AU's total number of scheduled participation hours in job search in the month by the AU's total number of required participation hours in the month
3. **Calculate percentage** - Multiply that number by 100 to get a percentage
4. **Round** to the nearest whole number

If the calculated percentage of job search hours is at least 50 percent of the AU's total required participation hours, then the condition provided in MPP section 42-708.325(c) to stop the WTW 24-MTC is met. For two-parent AUs sharing a 35-hour requirement, when combined job search hours of parents sharing hours equals 50 percent or more of the AU's total requirement, both parents' WTW 24-MTCs stop.

Only the parent(s) participating in job search will qualify for the MPP section 42-708.325(c) condition to stop the WTW 24-MTC. A parent in a two-parent AU who has no job search hours will not qualify for this condition to stop the WTW 24-MTC when the 50 percent threshold is met for the AU solely by the other parent. Adults who are excused or exempt from participation and are participating in job search voluntarily do not have months ticking on the WTW 24-MTC, per MPP sections

42-708.321 and 42-708.326, and, therefore, are not subject to this calculation. However, exempt or excused volunteer hours in job search are counted in the calculation and combined with job search hours of the non-exempt parent to determine if that parent's WTW 24-MTC is stopped for the month based on job search.

As a reminder, a client can qualify under this condition to stop the WTW 24-MTC for up to two months in a 12-month period; this condition is only available if all job search hours countable under CalWORKs federal standards are exhausted or will be exhausted in the month (see Question # 2). Lastly, the MPP section 42-708.325(c) condition cannot stop a month from counting on the WTW 24-MTC when a client is in noncompliance with the CalWORKs minimum standards hourly participation requirements.

**Example:** Mary and Lou are in a two-parent AU. They both have WTW plans that meet the combined average 35-hour per week requirement and both have exhausted the maximum allowable job search and job readiness hours for each individual available under CalWORKs federal standards. Neither Mary nor Lou had the WTW 24-MTC stopped based on job search, as provided in MPP section 42-708.325(c) in the preceding 12 months.

Mary participates in 12 job search hours per week, while Lou participates in eight job search hours per week for a total of 20 combined job search hours per week. For one month, their total combined scheduled participation hours in job search is 84 hours, while their total number of combined required hours overall is 152 (average of 35 hours per week). The CWD uses the following calculation to determine if Mary and Lou met the condition in MPP section 42-708.325(c):

1. **Determine the AU's hours for the month:**
  - 84 scheduled participation hours in job search
  - 152 total number of required participation hours
2. **Divide scheduled hours in job search by total hours required in the month:**  

$$\frac{84 \text{ hours (AU's total combined scheduled job search hours)}}{152 \text{ hours (AU's total required monthly participation hours)}} = 0.5526$$
3. **Calculate percentage:**  $0.5526 \times 100 = 55.26$  percent
4. **Round to the nearest whole number:** 55 percent

Here, because Mary and Lou's calculated percentage of combined job search hours are at least 50 percent of the AU's total hourly requirement, both of their WTW 24-MTCs stop for the month, in accordance with MPP section 42-708.325(c).

- 2. Q:** If a client has not exhausted all countable job search and job readiness hours under CalWORKs federal standards, but the hours remaining are insufficient to meet CalWORKs federal standards in a month, can the client qualify under the condition in MPP section 42-708.325(c)?

**A:** Yes. The condition in MPP section 42-708.325(c) provides that the WTW 24-MTC stops, due to 50 percent participation in job search, only after an individual exhausts the job search and job readiness allowance available under CalWORKs federal standards [MPP section 42-708.325(c)(1)]. However, if a client has an insufficient number of federally countable job search and job readiness hours remaining to meet CalWORKs federal standards (e.g., ten hours left), and the client will reach the six-week limit on job search and job readiness in the month, then the client can qualify under the condition provided in MPP section 42-708.325(c) to stop the month from counting on the WTW 24-MTC, provided that the client is participating in a WTW plan where job search accounts for at least 50 percent of their total required participation hours in the month, and the client is meeting CalWORKs minimum standards. In this situation, the month will count against both the two-month limitation provided in MPP section 42-708.325(c) for job search to stop the WTW 24-MTC, as well as exhaust the allowable job search hours available under the CalWORKs federal standards six-week limit in a 12-month period provided in MPP section 42-709.316.

#### **HOURLY PARTICIPATION REQUIREMENTS:**

- 3. Q:** Hourly participation requirements for CalWORKs minimum standards and federal standards are based on a weekly average for the month. As described in MPP sections 42-711.43 and 42-709.53, average weekly requirements are determined by adding the total number of participation hours in the month and dividing by 4.33 (the average number of weeks in a month). If a client participates for a weekly minimum of 20, 30, or 35 hours each week, but does not meet the monthly average per week requirement using the 4.33 methodology, is the client considered noncompliant?

**A:** The passage of SB 855 changed WTW hourly participation requirements from a flat weekly minimum to an average weekly requirement in the month. The CDSS adopted the methodology of dividing the total participation hours in the month by 4.33 to determine compliance with average weekly participation requirements; this is the same methodology California uses to determine average weekly participation hours for federal TANF reporting purposes. However, it has been observed that clients participating at least 20, 30 or 35 hours per week at times do not meet the average hourly requirement using the 4.33 methodology, due to the varying number of days in the calendar month and how weekly work schedules fall across months. It is not the state's intent to penalize clients who participate consistently and in good faith to meet requirements, simply due to how the 4.33 methodology applies to each calendar month. Therefore, clients participating 20, 30, or 35 hours per week or more who fail to meet the average weekly requirement using the 4.33 calculation,

must be tested using one of the other two methodologies allowed by federal rules in 71 Fed. Reg. 37467, commonly known as the “most days” method and the “Friday falls” method. Clients participating for a minimum of 20, 30, or 35 hours per week but who fail to meet the average requirement using the 4.33 methodology will remain in good standing and will not be subject to the noncompliance provisions in MPP section 42-721 if the average requirement is met using one of the two alternate calculations. This applies to clients assigned to CalWORKs minimum standards and CalWORKs federal standards in the determination of compliance with applicable overall and core hourly requirements. As a reminder, any hours for which a client is granted good cause from WTW participation, in accordance with MPP section 42-713, will count as hours of participation for the calculation of average hours in determining compliance.

The 4.33 methodology remains the sole method by which participation hours are calculated for federal TANF purposes and it is the primary method for calculating participation hours under CalWORKs minimum standards and CalWORKs federal standards. The two alternate methodologies in this ACL are provided as a secondary method for determining compliance with CalWORKs participation requirements for the purpose of safeguarding from noncompliance clients who participate a minimum of 20, 30 or 35 hours per week, but fail to meet the weekly average requirement for the month using the 4.33 methodology. Regulatory changes reflecting the state’s determination of compliance with hourly requirements described in this ACL will be available at a later time.

#### Determining compliance with average weekly participation requirements

The calculation of average hours provided in MPP sections 42-709.53 and 42-711.43, known as the “4.33 methodology” remains the primary calculation used to determine compliance with hourly participation requirements. Counties should continue to build WTW plans and base client participation standards around the 4.33 methodology.

- **4.33 Averaging Method**

1. Add the total number of participation hours in the calendar month.
2. Divide the total number of participation hours in the month by 4.33.

This computes the number of average weekly participation hours required (must compute at least 20, 30, or 35 average hours).

However, for clients who participate for a minimum of 20, 30, or 35 hours per week but don’t meet the average weekly requirement for the month, using the 4.33 methodology, the county must determine whether the client meets the average

hourly requirement under one of the two following calculations before initiating the noncompliance process:

- **Most Days Averaging Method**

1. Determine the number of weeks that contain four or more days in the calendar month (four or five weeks).
2. Calculate the total number of verified actual participation hours from all weeks that contain four or more days in the calendar month identified in step number one.
3. Divide the total number of actual participation hours (calculated in step number two) by the total number of weeks that have four or more days in the calendar month (four or five, whichever is applicable).

This calculates an average number of actual weekly participation hours for the client. If the client is meeting the required weekly average of 20, 30 or 35 hours using this method, he or she will not be considered noncompliant.

Or;

- **Friday Falls Averaging Method**

1. Determine the number of weeks that contain a Friday in the calendar month (four or five weeks).
2. Calculate the total number of verified actual participation hours from all weeks that contain a Friday in the calendar month identified in step number one.
3. Divide the total number of actual participation hours (calculated in step number two) by the total number of weeks that contain a Friday in the calendar month (four or five, whichever is applicable).

This calculates an average number of actual participation hours per week for the client. If the client is meeting the required weekly average of 20, 30 or 35 hours using this method, he or she will not be considered noncompliant.

Note: A “week” is defined as Sunday-Saturday for the purpose of determining compliance with the “most days” and “Friday falls” methods.

**Example:** Tom is a single parent with a three-year-old child. He has an average weekly participation requirement of 20 hours to meet CalWORKs minimum standards. Tom is enrolled in community college; he attends class and does his homework four hours per day Monday through Friday, a total of 20 hours each week.

In the month of July, Tom participated in educational activities for a total of 84 hours, failing to meet the average weekly requirement under the 4.33 methodology.

Before initiating noncompliance for failure to meet the average weekly requirement, the CWD performs a second test using the “most days” methodology. Tom’s total participation of 80 hours in the four weeks of July that contain four or more days meets the average weekly requirement under the “most days” methodology, and Tom is determined to be compliant with his participation requirements for the month of July. If the CWD were to apply the “Friday falls” methodology to Tom’s schedule for the month of July, his total participation of 100 hours in the five weeks containing a Friday in the month of July (which includes the last week of June, because the Friday falls in the month of July) meets the average weekly requirement under the “Friday falls” methodology, and Tom is determined to be compliant with his participation requirements for the month.

Tom’s Participation in July 2016

| Sun | Mon         | Tue         | Wed         | Thu         | Fri         | Sat |
|-----|-------------|-------------|-------------|-------------|-------------|-----|
| 26  | 27<br>4 hrs | 28<br>4 hrs | 29<br>4 hrs | 30<br>4 hrs | 1<br>4 hrs  | 2   |
| 3   | 4<br>4 hrs  | 5<br>4 hrs  | 6<br>4 hrs  | 7<br>4 hrs  | 8<br>4 hrs  | 9   |
| 10  | 11<br>4 hrs | 12<br>4 hrs | 13<br>4 hrs | 14<br>4 hrs | 15<br>4 hrs | 16  |
| 17  | 18<br>4 hrs | 19<br>4 hrs | 20<br>4 hrs | 21<br>4 hrs | 22<br>4 hrs | 23  |
| 24  | 25<br>4 hrs | 26<br>4 hrs | 27<br>4 hrs | 28<br>4 hrs | 29<br>4 hrs | 30  |
| 31  |             |             |             |             |             |     |

First Test: 4.33 Methodology

- 84 total participation hours in July
- $84 / 4.33 = 19$  average hours per week
  - Tom failed to meet the average weekly 20-hour requirement

Second Test: Most Days Methodology

- 80 total participation hours during 4 weeks that contain 4 or more days in July
- $80 / 4 = 20$  average hours per week
  - Tom met the average weekly 20-hour requirement

Or;

Second Test: Friday Falls Methodology

- 100 total participation hours during 5 weeks that contain a Friday in July
- $100 / 5 = 20$  average hours per week
  - Tom met the average weekly 20-hour requirement

**Example:** Fiona is a single parent with a five-year-old child. She has an average weekly participation requirement of 20 core hours to meet CalWORKs federal standards. Fiona is employed and works five hours per day Wednesday through Saturday, a total of 20 hours each week. In the month of February, Fiona worked a total of 80 hours, and failed to meet the average weekly requirement under the 4.33 methodology.

Before initiating noncompliance for failure to meet the average weekly requirement, the CWD performs a second test using the “most days” methodology. Fiona’s total participation of 80 hours in the four weeks of February that contain four or more



days, meets the average weekly requirement under the “most days” methodology, and Fiona is determined to be compliant with her participation requirements for the month of February. If the CWD were to apply the “Friday falls” methodology to Fiona’s schedule for the month of February, her total participation of 80 hours in the four weeks containing a Friday in the month of February meets the average weekly requirement under the “Friday falls” methodology and, Fiona is determined to be compliant with her participation requirements for the month.

Fiona’s Participation in February 2016

| Sun | Mon | Tue | Wed         | Thu         | Fri         | Sat         |
|-----|-----|-----|-------------|-------------|-------------|-------------|
| 31  | 1   | 2   | 3<br>5 hrs  | 4<br>5 hrs  | 5<br>5 hrs  | 6<br>5 hrs  |
| 7   | 8   | 9   | 10<br>5 hrs | 11<br>5 hrs | 12<br>5 hrs | 13<br>5 hrs |
| 14  | 15  | 16  | 17<br>5 hrs | 18<br>5 hrs | 19<br>5 hrs | 20<br>5 hrs |
| 21  | 22  | 23  | 24<br>5 hrs | 25<br>5 hrs | 26<br>5 hrs | 27<br>5 hrs |
| 28  | 29  | 1   | 2           | 3           | 4           | 5           |

## First Test: 4.33 Methodology

- 80 total participation hours in February
- $80 / 4.33 = 18$  average hours per week
  - Fiona failed to meet the average weekly 20-hour requirement

## Second Test: Most Days Methodology

- 80 total participation hours during 4 weeks that contain 4 or more days in February
- $80 / 4 = 20$  average hours per week
  - Fiona met the average weekly 20-hour requirement

Or;

## Second Test: Friday Falls Methodology

- 80 total participation hours during 4 weeks that contain a Friday in February
- $80 / 4 = 20$  average hours per week
  - Fiona met the average weekly 20-hour requirement

4. **Q:** Given that hourly participation requirements are based on a weekly average for the month, can CWDs initiate noncompliance when a client fails to participate in one week as scheduled in his or her WTW plan? Or are CWDs required to wait until the month elapses to determine if a client was noncompliant?

**A:** CWDs may initiate noncompliance at any point when a client fails or refuses to participate in assigned activities (MPP section 42-721.221). However, for clients subject to hourly participation requirements in accordance with a WTW plan, noncompliance initiated during the month for failure to attend a work activity may not result in sanction or removal from aid when the weekly average participation requirement is met in the month through participation in assigned activities. For noncompliance with other program requirements, such as attending an appointment or providing documentation, clients may be subject to noncompliance and sanction, regardless of compliance with hourly participation requirements. As a reminder, CWDs must take necessary steps before initiating a sanction by providing the

opportunity to establish good cause for nonparticipation and the opportunity to participate in a compliance plan (MPP section 42-721.23).

**TIME LIMITED ACTIVITIES & FEDERAL DATA REPORTING:**

- 5. Q:** For CalWORKs federal standards and TANF, do activity time limits associated with vocational education and job search and job readiness operate together or separately?

**A:** California has adopted activity time limits for CalWORKs federal standards that mirror TANF activity time limits for vocational education and job search and job readiness (with the exception of the 12-week “needy state” allowance for job search and job readiness, which does not apply under CalWORKs federal standards). Under federal TANF rules, all individuals are limited to 12 months of vocational education, and no more than four consecutive or six total weeks of job search and job readiness in a 12-month period, countable as core activities [CFR 261.33(a) and 261.34(a-e)] for calculation of the Work Participation Rate (WPR). Under CalWORKs federal standards, all individuals are also limited to a 12-month lifetime maximum of vocational education and a maximum of four consecutive and six total weeks of job search and job readiness in a 12-month period as core activities [MPP sections 42-709.315(a) and 42-709.316(a)]. Although identical in feature, the TANF and CalWORKs federal standards time-limited activities are based on separate legal authority and, consequently, operate separately and independently of one another. As a reminder, clients are subject to state CalWORKs rules only for purposes of applying participation requirements and are limited to a maximum of 12 months of vocational education under CalWORKs federal standards once in their lifetime. Clients are not entitled to vocational education for 12 months under CalWORKs federal standards and 12 months under TANF sequentially. To the extent that months are available, clients may continue to access vocational education using the WTW 24-MTC, or continue in education as job skills directly related to employment or education directly related to employment under CalWORKs federal standards after the CalWORKs federal standards 12-month limit is reached. The CalWORKs federal standards 12-month vocational education limit and TANF 12-month limit should elapse simultaneously, in accordance with federal reporting instructions (see Question #8).

- 6. Q:** CalWORKs clients may participate in activities that are time-limited under TANF, but have no time limits during the WTW 24-MTC. Do TANF time limits apply when a client is using the WTW 24-MTC?

**A:** No. The CDSS has designed federal data reporting instructions to prevent counting participation hours against federal TANF time limited vocational education and job search and job readiness activities when federal requirements are not met, such as when a client is using the WTW 24-MTC. This also ensures, to the extent possible, that federal TANF activity time limits are preserved to apply concurrently

with parallel stated time limited activities under CalWORKs federal standards, in effect aligning state and federal activity time limits.

Note: The federal data reporting instructions in ACL 17-08 define how participation data is reported for cases selected in the TANF and E2Lite samples. TANF sample cases are intended to represent California's entire TANF population, and, therefore, rules expressed in the federal data reporting instructions are assumed to apply to all TANF cases, whether or not they are selected for reporting in the sample. Records of all federally countable activities and applicable time limits should be maintained for each client in the case file, consistent with federal reporting instructions and conforming to documentation requirements of California's Work Verification Plan.

**7. Q:** Are TANF and CalWORKs activity time limits misaligned in some situations?

**A:** Yes. While federal data reporting instructions are designed to maximize alignment between state and federal activity time limits, differences between CalWORKs and TANF policy may lead to misalignment of time limits, meaning that the limit is reached under one program and not the other. Activity time limits may become misaligned when activities count on federal TANF time limits in accordance with federal reporting instructions, but not against the corresponding state CalWORKs federal standards time limit, in conformity with state regulations. This may occur when:

1. CalWORKs exempt or excused volunteers participate in vocational education. In accordance with ACL 15-21, the CalWORKs 12-month limit does not tick when an exempt or excused volunteer participates in vocational education, but the TANF 12-month limit will tick if the hours contribute to the AU meeting core requirements for federal data reporting purposes.
2. CalWORKs clients participate in job search and job readiness as an initial engagement activity, in accordance with MPP section 42-711.534. The CalWORKs federal standards four-consecutive- and six-week limits for job search and job readiness do not apply when a client is in initial engagement, because they are not yet subject to hourly participation requirements in accordance with a WTW plan; however, time may be tallied as the TANF four-consecutive- and six-week limits, if hourly requirements are met with job search and job readiness for federal data reporting purposes.

**8. Q:** How are participation hours in vocational education under CalWORKs reported for TANF WPR purposes?

**A:** Clients meeting CalWORKs federal standards generally have education hours reported as core "vocational education" or non-core "job skills training directly related to employment" or "education directly relating to employment" for TANF sample reporting purposes. According to TANF data reporting instructions in ACL 17-08 and

California's Work Verification Plan in ACL 15-64, when federal TANF hourly requirements are met, and the core hourly requirement is met with vocational education alone or in combination with other activities, education hours are reported as "vocational education" and count toward the TANF 12-month vocational education limit. When federal TANF hourly requirements are met with education, but the core hourly requirement is met with other activities, the education hours are reported as non-core "job skills training directly related to employment" or "education directly related to employment" and do not count on the TANF 12-month limit (ACL 17-08, Attachment 3, pgs. 13-14). Lastly, when the federal core and overall TANF hourly requirements are met through activities other than vocational education, education hours are reported as "other work activities" as they are in excess of the core and overall requirements and do not count on the TANF 12-month limit (ACL 17-08, Attachment 3, pg. 13).

Clients meeting CalWORKs minimum standards while using the WTW 24-MTC generally have education hours reported as "other work activities" for TANF sample reporting purposes. The TANF data reporting instructions in ACL 17-08 instruct CWDs to report education hours as "other work activities" when the overall or core hourly requirement is not met in the month (ACL 17-08, Attachment 3, pg. 14). Therefore, counties must report participation in vocational education as "other work activities" when clients identified in the TANF sample are not meeting federal TANF hourly requirements, such as those using the WTW 24-MTC. This prevents time from counting on the TANF 12-month limit when clients are using the WTW 24-MTC and allows education hours to be reported for clients using the WTW 24-MTC after exhausting the TANF 12-month limit.

**Example:** Sarah is in her second year as a full-time community college student. She exhausted her CalWORKs federal standards 12-month limit on vocational education and is using her WTW 24-MTC to meet CalWORKs minimum standards. After exhausting her CalWORKs federal standards 12-month limit (as well as her TANF 12-month limit since the education hours counted as core hours for both CalWORKs and TANF), Sarah was assigned to "vocational education" on the left side of the WTW plan (WTW 2). The following month Sarah is pulled into the TANF sample for the first time and her participation in vocational education while using the WTW 24-MTC is reported as "other work activities" for TANF data reporting purposes. In this situation, Sarah's participation in the sample month is reported as "other work activities" because the case file reflects she already had 12 months of federally countable vocational education while meeting CalWORKs federal standards. However, if the case file reflected that Sarah had previously participated in vocational education while using her WTW 24-MTC and had time left on her CalWORKs federal standards 12-month vocational education time limit, then her participation may be reported as "vocational education" in the TANF sample.

Note: If a client scheduled to use the WTW 24-MTC is determined to have met federal TANF requirements through education in the sample month, the county should report the education hours as core “vocational education” or non-core “education directly related to employment” or “job skills directly related to employment” as described above. This may also qualify the client to have the month unticked on the WTW 24-MTC due to meeting CalWORKs federal standards. If in this situation the core requirement is met through and reported as “vocational education,” the month would count on the TANF 12-month limit as well as the CalWORKs federal standards 12-month limit.

- 9. Q:** Must the 12-month lifetime limit on vocational education as a core activity be exhausted before a client is scheduled to participate in vocational education as a non-core activity?

**A:** No. For purposes of meeting CalWORKs federal standards and for federal data reporting, a client may participate in vocational education as a non-core activity, either “job skills training directly related to employment” or “education directly related to employment,” before or after the 12-month lifetime limit on vocational education is reached, provided the core hourly requirement is met through participation in another activity(ies) (California’s Work Verification Plan, pg. 18). Also, clients may participate in vocational education while using the WTW 24-MTC before or after exhausting the CalWORKs federal standards 12-month vocational education limit. While clients using the WTW 24-MTC, time will count neither on the CalWORKs federal standards 12-month limit nor the TANF 12-month limit as provided by state policy and federal reporting instructions, respectively.

- 10. Q:** Do hours of job search or job readiness during the initial engagement period or while using the WTW 24-MTC count on the four-consecutive- and six-week time limits under CalWORKs federal standards?

**A:** No. Participation in job search and job readiness during the initial engagement period (pre-WTW plan) or while using the WTW 24-MTC to meet CalWORKs minimum standards does not count on the CalWORKs federal standards of ‘four consecutive’ and ‘six-weeks in a 12-month period’ limits specified in MPP section 42-709.316(a). Only job search and job readiness hours used to meet CalWORKs federal standards, in accordance with a WTW plan, count against the CalWORKs four-consecutive- and six-week limits. However, these hours may count toward the TANF job search and job readiness limit for federal reporting purposes (see Question # 7).

- 11. Q:** How are participation hours in job search and job readiness under CalWORKs reported for TANF WPR purposes?

**A:** Under federal reporting instructions, clients meeting CalWORKs federal standards generally have job search or job readiness hours reported as “job search and job readiness assistance,” provided that there is time available on the TANF four-consecutive- and six-week time limits and they meet TANF participation requirements. If the federal TANF overall and core hourly requirements are met through activities other than job search and job readiness, the hours are reported as “other work activities” and do not count on the four-consecutive- or six-week time limits (ACL 17-08, Attachment 3, pg. 9). As a reminder, for federal TANF reporting purposes and CalWORKs federal standards, job search and job readiness may only count as a core activity; there is no countable non-core activity equivalent for job search and job readiness.

Note: Clients participating in job search or job readiness as an initial engagement activity (including orientation, appraisal and assessment) who meet federal TANF core and overall hourly requirements using job search and job readiness hours are reported in the TANF sample as participating in “job search and job readiness assistance” and have time counted on the TANF four-consecutive- and six-week time limits. However, as noted above in Question # 10, the participation cannot count on the client’s CalWORKs federal standards consecutive four- and six-week limits, resulting in a misalignment of the CalWORKs and TANF time limits. Clients are entitled to a full four consecutive weeks and six weeks total of job search and job readiness every 12 months under CalWORKs federal standards, regardless of TANF job search and job readiness time limit status.

Clients meeting CalWORKs minimum standards while using the WTW 24-MTC generally have participation in job search and job readiness reported as “other work activities” for TANF sample reporting purposes. When participation in job search and job readiness is reported as “other work activities” it does not count on the four-consecutive- and six-week limits under TANF (ACL 17-08, Attachment 3, pgs. 9 and 18). Federal reporting instructions specify that job search or job readiness hours are reported as “other work activities” when:

1. The federal TANF overall or core hourly requirements are not met (e.g., while a client is using the WTW 24-MTC);
2. Federal TANF requirements are met through other activities and job search and job readiness hours are in excess of the hourly requirement, and;
3. After a client has exhausted the federal four- and six-week limits in a 12-month period.

**Example:** John is a single-parent with a child under six and an unaided parent in the home who is not in the AU. John signed a WTW plan to meet CalWORKs minimum standards with an average weekly 20-hour requirement. Under CalWORKs federal standards John would have an average weekly 30-hour (20 core) requirement. John is participating in job search for an average of 10 hours per week and adult basic education for an average of 10 hours per week. He has not

exhausted his CalWORKs federal standards four-consecutive- and six-week limit on job search and job readiness, but has elected to use the lower participation requirements provided by the WTW 24-MTC. When John is pulled into the TANF sample his job search hours are reported as “other work activities” because the federal TANF core and overall participation requirements were not met in the month. Since the hours are reported as “other work activities,” time does not count on the federal TANF four- and six-week limits.

- 12. Q:** Does the CalWORKs federal standards six-week limit on job search and job readiness equate to an hourly limit like the TANF job search and job readiness six- week limit?

**A:** Yes. For CalWORKs federal standards the six-week limit is also an hourly limit based on the average number of participation hours required for a family. Thus, the six-week limit equates to 120 hours and 180 hours, respectively [WIC sections 1322.8, 1322.85, and MPP section 42-709.316(a)]. For the limit of four consecutive weeks of job search and job readiness, a week is seven consecutive days.

- 13. Q:** How are CalWORKs exempt and excused volunteer hours in vocational education and job search and job readiness reported for TANF WPR purposes?

**A:** For TANF data reporting purposes, volunteer hours of CalWORKs exempt or excused clients (MPP sections 42-712.511 and 47-712.512) in vocational education and job search and job readiness are reported in the same manner that hours are reported for other individuals, without regard to their exempt or excused status. For all TANF sample cases, hours are reported based upon whether the federal TANF overall and core hourly requirements were met in the sample month. CalWORKs exempt and excused volunteer participation hours in time limited activities, presumably not at the level of meeting federal requirements, are reported as “other work activities” in accordance with federal reporting instructions for TANF sample cases (ACL 17-08, Attachment 3, pg. 18) and consequently not tolled on federal activity time limits. However, when exempt or excused volunteer hours contribute toward a two-parent family’s federal hourly requirements (combined with hours of a non-exempt second parent), volunteer participation is reported as the appropriate core or non-core activity(ies), and counted against applicable TANF time limits.

Note: Under CalWORKs, exempt or excused volunteer participation in vocational education does not count against the CalWORKs federal standards 12-month time limit as per ACL 15-21; this includes when volunteer education hours are combined with hours of a non-exempt second parent to meet the two-parent AU’s hourly requirement. However, two-parent family volunteer vocational education hours counted to meet federal requirements are be reported as “vocational education” as per federal reporting instructions and have months count toward the TANF 12-month

limit. This results in a misalignment between the CalWORKs federal standards and TANF 12-month time limits for vocational education (see question #7).

For job search and job readiness, any participation that counts toward meeting CalWORKs federal standards counts toward the CalWORKs federal standards four- and six-week limits, regardless of exempt or excused status. Consequently, a volunteer parent contributing job search and job readiness hours toward a non-exempt second parent's requirement in a two-parent AU would have time tolled on the job search and job readiness time limit when the AU meets CalWORKs federal standards. In accordance with federal reporting instructions, these hours would be reported as "job search and job readiness" and count toward the TANF four- and six-week limits as well, provided that there is time left on the TANF time limits and TANF requirements are met. If job search and job readiness hours (from an exempt or excused volunteer or after hourly requirements are met through other activities) do not contribute toward meeting CalWORKs federal standards, hours do not count on the CalWORKs federal standards four- and six-week time limits and would be reported federally as "other work activities."

#### **WTW 24-MONTH TIME CLOCK EXTENSIONS**

**14. Q:** If a client in an extension to the WTW 24-MTC moves to another county, must the receiving county initiate a new extension review process?

**A:** No. In accordance with MPP section 42-708.732, a CWD may grant an extension to the WTW 24-MTC when there is evidence presented that the client meets any of the extension criteria under MPP section 42-708.721(a). In addition, in accordance with MPP section 42-708.734, if a CWD is already aware of evidence that a client meets the extension criteria, the extension may be granted without requiring additional information or a formal request. In this scenario, the receiving CWD must review the client's case information and the extension approval determination made by the previous CWD in order to determine whether the extension circumstance still exists and the related evidence presented is still valid, and also that it is consistent with the new CWD's written policies and procedures. The new CWD cannot ask for verification of the extension criteria until it has reviewed information documents from the prior CWD and determined that information and documentation is insufficient. If the circumstance still exists and is consistent with the CWD's policies, the CWD would not need to go through the extension request and determination process again and the client may continue with the remaining extension period. If the circumstance no longer exists and/or the CWD determines that the extension criteria do not apply based on their CWD's written policies, the CWD would proceed with transitioning the client to meet CalWORKs federal standards in accordance with MPP section 42-708.8, or review for another applicable extension to the WTW 24-MTC.



Counties must not base approval of extensions to the WTW 24-MTC, including the continuance of extensions for intercounty transfers, on the county's 20 percent extension target, described in MPP section 42-708.712. The 20 percent calculation is intended to be a target for the county's total number of extensions, not a "cap" on which to base approval of extensions for individuals.

- 15. Q:** If a client receives a CalWORKs 48-month time limit extender, and still has months left on his or her WTW 24-MTC, what are the participation requirements?

**A:** Most conditions that would qualify a client for a CalWORKs 48-month time limit extender would also likely qualify the client for an exemption from WTW participation and stop the WTW 24-MTC from ticking.

A client granted a CalWORKs 48-month time limit extender who has yet to exhaust the WTW 24-MTC, or any existing extension of the WTW 24-MTC, and who is required to participate in WTW (not exempt), must continue to participate in activities that meet CalWORKs minimum standards until his or her WTW 24-MTC or WTW 24-MTC extension is exhausted (MPP section 42-708.152). Once the WTW 24-MTC is exhausted, the CWD would proceed with transitioning the client to meet CalWORKs federal standards in accordance with MPP section 42-708.8, which will apply for the remaining time of his or her CalWORKs 48-month time limit extender.

- 16. Q:** Can a client receiving a CalWORKs 48-month time limit extender also receive an extension of the WTW 24-MTC?

**A:** Yes. Most conditions that would qualify a client for a CalWORKs 48-month time limit extender would also likely qualify the client for an exemption from WTW participation and stop the WTW 24-MTC from ticking. A client receiving a CalWORKs 48-month time limit extender may also qualify for an extension to the WTW 24-MTC in accordance with MPP sections 42-708.72 and 42-708.73. However, a CalWORKs 48-month time limit extender does not automatically qualify a client for a WTW 24-MTC extension. Clients in a 48-month clock extender are subject to the regular process for requesting a WTW 24-MTC extension as provided in MPP section 42-708.72.

- 17. Q:** Does the CWD need to reevaluate a client's extension if the client does not request to continue the extension?

**A:** Yes. According to MPP sections 42-708.734 and 42-708.735, CWDs must reevaluate all extensions at least every six months without a formal request from the client. The reevaluation should include a review of information available to the CWD and/or evidence presented that the client meets one of the extension criteria under MPP section 42-708.721(a).

**NON-COMPLIANCE:**

**18. Q:** What is the difference between “removed from cash aid” and “sanctioned”?

**A:** MPP section 42-711.711 specifies that individuals who have exhausted the WTW 24-MTC and any extension to the WTW 24-MTC and who fail to meet CalWORKs federal standards are subject to the provisions of MPP section 42-721, which describes the CalWORKs compliance process. However, MPP section 42.711.712 explicitly states that these clients must be referred to as “removed from cash aid” instead of “sanctioned.” Because the same set of procedures described in MPP section 42-721 applies to both, CalWORKs sanction and remove from cash aid processes are identical in all ways other than in name.

**19. Q:** When does the “removed from cash aid” process apply?

**A:** According to MPP section 42-711.7, after an individual has exhausted his or her WTW 24-MTC including any WTW 24-MTC extension, the individual must be in the process of developing a WTW plan to meet CalWORKs federal standards described in MPP section 42-709, or be meeting these requirements in accordance with a WTW plan to meet CalWORKs federal standards for the individual to continue receiving cash aid. Individuals who have exhausted the WTW 24-MTC and any extension to the WTW 24-MTC and whose needs have been removed from the family grant calculation due to noncompliance with CalWORKs federal standards are considered to be “removed from cash aid” and must not be referred to as “sanctioned” in accordance with MPP section 42.711.71.

For purposes of applying the “removed from cash aid” terminology identified in MPP section 42-711.712, failure to meet any WTW program requirement after exhaustion of the WTW 24-MTC and any extension to the WTW 24-MTC is considered to be a failure to meet CalWORKs federal standards under MPP section 42-711.711. Therefore, individuals who have exhausted the WTW 24-MTC and any extension are referred to as “removed from cash aid” (not sanctioned) for any form of noncompliance with WTW rules, such as failure to attend a required appointment, provide required documentation, or sign a WTW plan. More information on the “remove from cash aid” process, including revised forms, can be found in ACL 15-62.

**GOOD CAUSE:**

**20. Q:** Can individuals in Family Stabilization (FS) qualify for 50 percent good cause to stop the WTW 24-MTC beyond the six-month limitation?

**A:** No. Per MPP section 42-749.62, an individual in FS may qualify for the 50 percent good cause as a WTW 24-MTC clock stopper described in MPP section 42-708.322 for no more than six cumulative months. Beyond the cumulative six

months, an individual participating in FS may qualify for good cause, but the WTW 24-MTC will tick unless another clock stopping condition provided in MPP section 42-708.3 is met. However, any month in which a client has good cause unrelated to their eligibility for FS should not be considered a month of FS nor counted toward the six-month limitation for good cause to stop the WTW 24-MTC under MPP section 42-749.62.

**Example:** Jane is participating in accordance with an FS plan to address a substance abuse situation and mental health needs. While in FS, Jane gets injured in a minor car accident and must stay home to rest and undergo physical therapy for three weeks, as directed by her doctor. Jane is given good cause during her three-week recovery period. The month in which Jane has good cause should not count as a month of FS and, therefore, not count toward the six-month limitation for good cause to stop the WTW 24-MTC under MPP section 42-749.62. However, because Jane has good cause for over 50 percent of her participation requirement for the month, she does qualify under MPP section 42-708.322 to stop the WTW 24-MTC. Jane's boyfriend and children continue to receive services in accordance with the FS plan while Jane has good cause.