



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

September 21, 2017

ALL COUNTY LETTER (ACL) NO. 17-97

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALFRESH PROGRAM SPECIALISTS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH AVERAGING STUDENT WORK HOURS

REFERENCE: CALFRESH WAIVER #2120016; CODE OF FEDERAL REGULATIONS
[\(CFR\) 7 273.5\(b\)\(5\)](#); MANUAL OF POLICY AND PROCEDURES
[63-406.211](#); ALL COUNTY INFORMATION NOTICE (ACIN) [I-66-16](#)

REASON FOR THIS
TRANSMITTAL

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

The purpose of this letter is to transmit implementing instructions to County Welfare Departments (CWDs) regarding regulation changes to the Supplemental Nutrition Assistance Program (SNAP). The United States Department of Agriculture, Food and Nutrition Service recently issued final rule implementing provisions of the Food, Conservation and Energy Act of 2008. The rule amends SNAP regulations at 7 CFR 273.5(b)(5) allowing state agencies the option to average student work hours. The new regulations were effective May 8, 2017. Implementation should have limited impact on CWD operations as these instructions reflect instructions provided under previous authority.

Background

SNAP regulations at 7 CFR 273.5 (b)(5) require an individual enrolled at least half-time in an institution of higher education and “be employed for a minimum of 20 hours per week and be paid for employment, or if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours” to retain SNAP eligibility.

For several years, California applied for and was approved to waive these regulations. The waiver allowed CWDs to average student work hours to at least 80 hours of work per month. On July 15, 2016, the California Department of Social Services (CDSS) received approval for the extension of waiver #2120016, which is set to expire on September 30, 2020. Due to the new federal regulations allowing for the averaging of work hours for students at state option, waiver #2120016 and the expiration becomes obsolete.

Implementation of New Regulations at 7 CFR 273.5(b)(5)

California will adopt the option at 273.5, revised paragraph (b)(5) to average student work hours over a month. Under this option, CWDs will continue to average student work hours for the purpose of determining CalFresh eligibility. Students whose employment hours fluctuate from week to week will be considered to have met the minimum work hour requirement as long as they maintain an average of either 20 hours per week or 80 hours per month. The CWDs must review student work hours at application and recertification. If a student voluntarily reports a change in work hours mid-period and the change is verified, the CWD must act mid period to reassess the student's continuing eligibility. This should not be interpreted to mean that students are required to report a change in work hours mid-period. Under simplified reporting, a change in student work hours is not a mandatory mid-period report and is not considered verified upon receipt. Students certified under this rule will still need to meet all other applicable CalFresh eligibility requirements.

Note that implementation of the new option should have limited impact on CWD operations as these instructions reflect instructions provided under previous waiver authority. For more information regarding the most recent waiver please refer to ACIN I-66-16.

If you have any questions regarding this waiver, please contact your CalFresh county consultant or call the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

TODD BLAND
Deputy Director
Family Engagement and Empowerment Division