

May 2, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 19-17

The purpose of this ACL is to implement Senate Bill 282, which provides eligibility for non-custodial parents of children in CalWORKs to participate in Welfare-to-Work employment services.



PAT LEARY
ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

May 2, 2019

ALL COUNTY LETTER (ACL) NO. 19-17

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY CALFRESH SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: IMPLEMENTATION OF SENATE BILL 282, CALIFORNIA WORK
OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
EMPLOYMENT SERVICES FOR NONCUSTODIAL PARENTS
(NCPs)

REFERENCE: [SENATE BILL \(SB\) 282](#) (CHAPTER 355, STATUTES OF 2017); [45 CODE OF FEDERAL REGULATIONS \(CFR\) SECTIONS 260.30](#) and [261.2\(n\)\(1\)](#); [TEMPORARY ASSISTANCE FOR NEEDY FAMILIES INFORMATION MEMORANDA \(IM\) TANF-ACF-IM-2018-01](#); [TEMPORARY ASSISTANCE FOR NEEDY FAMILIES QUESTION AND ANSWER \(Q&A\) : NON-CUSTODIAL PARENTS](#); [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTIONS 10850, 11322.64, 11323.2, and 15204.2](#); [CALIFORNIA FAMILY CODE \(FAM\) SECTIONS 7572\(b\)\(1\) and 7611](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTIONS 19-002.1, 42-711.52, 42-712.5, 42-716.821, 42-721.421](#); [ALL COUNTY LETTER \(ACL\) 18-38, 16-95, 15-09, 14-78, and 97-72](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-59-15.](#)

The purpose of this letter is to issue County Welfare Departments (CWDs) guidance on providing CalWORKs employment services to NCPs, pursuant to the implementation of SB 282.

SB 282 Program Changes

SB 282 authorized CWDs to provide CalWORKs employment services, including the Expanded Subsidized Employment (ESE) program, to NCPs using existing funds from their single allocation (SA) and the ESE allocation pursuant to WIC sections 11320.16 and 11322.64. Effective January 1, 2018, counties have the option of providing employment services to eligible NCPs. An NCP may be eligible if they have a child who is receiving benefits under the CalWORKs program. Previously, NCPs were not eligible to receive CalWORKs employment services.

NCP Eligibility

An NCP is a parent of a minor child who lives in the same state as the minor child but does not reside in the same household as the minor child ([45 CFR section 260.30](#)). To be eligible for CalWORKs Welfare-to-Work (WTW) employment services, the NCP must have established legal parentage for a child who is: 1) receiving aid in a CalWORKs Assistance Unit (AU); or 2) ineligible for aid (e.g., due to receipt of Supplemental Security Income/State Supplementary Payment [SSI/SSP]) and living with a parent or caretaker receiving CalWORKs assistance. The NCP may access CalWORKs WTW employment services until these eligibility criteria are not met. **Note:** An otherwise eligible NCP who is also an undocumented noncitizen, or who is receiving SSI/SSP benefits is ineligible for employment services. NCPs on SSI/SSP may receive free employment services through the [Ticket to Work](#) program offered by the Social Security Administration.

Because the NCP's eligibility for services is based on an active AU of an eligible child and/or custodial parent, extra precautions must be taken to ensure that confidential information regarding the active CalWORKs case is not released to the NCP. To maintain confidentiality and avoid the release of Personal Identifying Information (PII), the custodial parent must be informed of the NCP's application, and the custodial parent must consent to releasing their CalWORKs case status information to the NCP. If a custodial parent does not consent to releasing their CalWORKs status information, the NCP shall not be granted CalWORKs employment services. The county will not share with the NCP any CalWORKs case status information about the custodial parent beyond confirmation that the custodial parent is a participant in the CalWORKs program. All other case status information must be kept confidential.

NCPs may only receive CalWORKs employment services if they live in a county that has opted to provide NCP employment services. The custodial parent and NCP do not have to reside in the same county for the NCP to be eligible. A county that has opted to provide NCP employment services is responsible both financially and administratively for serving NCPs living in that county. This is true regardless of both the county in which the custodial parent receives CalWORKs aid, and whether the custodial parent's county, when different than that of the NCP, has chosen to offer NCP employment services.

An NCP may be eligible for employment services offered through other federal, state, and local organizations, such as the Workforce Innovation and Opportunity Act (WIOA), American Job Centers of California (AJCCs), and CalFresh Employment and Training (E&T) programs. CWDs must ensure that CalWORKs WTW services eligible to NCPs are not duplicative of services received through other programs.

Employment Services

If the county has chosen to provide employment services to eligible NCPs, the county may offer employment services currently funded by the SA, including supportive services, appropriate WTW activities, and subsidized employment opportunities. NCPs are not eligible for family stabilization, mental health and substance abuse services, or the housing support program as these services are not funded by SA. NCPs are also not eligible for the diaper supportive service, as they are not the primary caretaker of an eligible young child in the home per [ACL 18-38](#).

Subsidized Employment

An NCP's participation in subsidized employment must conform to the WTW rules regarding subsidized employment. A CWD may provide CalWORKs subsidized employment to NCPs if it is included in the CWD's CalWORKs County Plan submitted to CDSS. For information on submitting a CalWORKs County Plan amendment, please see ACIN [I-59-15](#). Subsidized employment for NCPs may be funded by the ESE program as described in [WIC section 11322.64](#) or the SA as described in [WIC section 15204.2](#). Subsidized employment funded by the SA does not have statutory time limitations; however, CWDs may set time limitations for SA funded subsidized employment placements.

NCP subsidized employment funded through the ESE program is subject to the same duration limits and extension criteria as for other WTW participants. Participation in the ESE program is limited to a maximum of six months per placement. The CWD may extend placements in the ESE program beyond six months for up to an additional three months at a time, but for no more than a total of twelve months. Placements in the ESE program may only be extended beyond six months if they will increase the likelihood of 1) the participant obtaining unsubsidized employment with the participating employer, or 2) the participant obtaining specific skills and experiences for unsubsidized employment in a particular field ([MPP section 42-716.821](#)). Additionally, ESE program extensions may be granted to an NCP only if ESE funding is available for the extended placement.

NCP Participation

It is optional for the NCP to participate in WTW and receive employment services. An NCP may end participation at any time.

NCPs are treated the same as exempt volunteer participants for purposes of assignment of WTW activities and services. CWDs are encouraged to engage NCPs in orientation and appraisal ([MPP section 42-711.52](#)). An NCP who volunteers to participate in WTW activities must enter into a signed WTW plan in order to receive employment services. NCPs are not required to meet WTW hourly participation requirements.

NCPs who fail to perform the activities in the WTW plan will also be treated the same as volunteer participants for purposes of noncompliance. A Notice of Action (NA) 841, Suspension of Volunteer/Good Cause/Compliance Notice can be used to initiate the noncompliance process for NCPs. An NCP who does not comply with the WTW plan will not be given priority in reassignment to WTW activities ([MPP section 42-721.421](#)).

Administration of NCP Employment Services

Counties that choose to implement SB 282 must update their county plans to include NCPs as a population that are eligible for CalWORKs employment services. Employment services can start immediately and do not require a county to wait until the county's plan is approved.

It is the CWD's responsibility to verify eligibility of the NCP as described above. It is also the CWD's responsibility to track and verify the participation and ongoing eligibility of the NCP to ensure services are being provided and used as intended.

An NCP's decision whether or not to participate in employment services has no impact on the eligibility, participation requirements, services or cash assistance to the child(ren) or other parent or caretaker on CalWORKs, nor do the NCP's hours count toward the aided parent's hourly participation requirement.

If an NCP applies for CalWORKs and is found eligible, the county must begin providing the NCP with employment services in accordance with the normal WTW flow for recipients of CalWORKs aid. An NCP who has applied for CalWORKs and is found ineligible may continue to participate in NCP employment services so long as they continue to meet those eligibility criteria.

It is also the responsibility of the county to protect all CalWORKs recipients' confidential information and PII, including information on an individual's CalWORKs status ([MPP section 19-002.1](#)). All counties must continue to follow the confidentiality rules stated in [WIC section 10850](#) and [MPP section 19-002.1](#).

Neither the WTW 24-Month Time Clock, the 48-month time limit, nor the federal 60-month time limit will apply to or count against the NCP's participation. NCP employment services shall be funded with non-maintenance-of-effort (non-MOE) State General Fund from the SA. Additionally, because the NCPs' participation will be funded with non-MOE, they will not be included in the calculation of the TANF work participation rate (WPR). Fiscal claiming guidance for NCPs will be released under separate cover.

If you have any questions regarding this ACL, please contact the CDSS, CalWORKs Employment Bureau at (916) 654-2137.

Sincerely,

Original Document Signed By:

KIM JOHNSON
Deputy Director
Family Engagement and Empowerment Division