

August 05, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 19-68**

This letter informs county welfare departments (CWDs) of the requirement to consider a California Work Opportunity and Responsibility to Kids (CalWORKs) program recipient in compliance with welfare-to-work (WTW) hourly participation requirements if the recipient reports and the CWD verifies, or otherwise discovers, that the recipient is meeting the federally required minimum hours per week of WTW participation. Recipients may provide notice to the CWD that he or she wishes to have sanctions imposed.



**KIM JOHNSON**  
DIRECTOR

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

August 05, 2019

ALL COUNTY LETTER (ACL) NO. 19-68

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 1446 CALIFORNIA WORK  
OPPORTUNITY AND RESPONSIBILITY TO KIDS RECIPIENTS  
NOT SANCTIONED WHEN MEETING FEDERALLY REQUIRED  
WORK PARTICIPATION HOURS

REFERENCE: [SENATE BILL 1446, GOVERNMENT CODE TITLE 2 DIVISION 4  
PART 7 SECTION 17500, UNITED STATES CODE TITLE 42  
SECTION 607, 45 CODE OF FEDERAL REGULATIONS \(CFR\)  
261.30, ADMINISTRATIVE PROCEDURE ACT CHAPTER 3.5  
SECTION 11340, WELFARE AND INSTITUTIONS CODE \(WIC\)  
11322.81, 11323.2, 11323.4 AND MANUAL OF POLICIES AND  
PROCEDURES \(MPP\) 42-750, MPP 42-714.3\(a\)-\(l\), 42-721, 42-  
721.19, 42-721.43, 42-721.48 and 42-721.49, ALL COUNTY  
LETTER NOS. \(ACL\) 07-04, 06-27 and 03-59](#)

The purpose of this letter is to provide guidance to County Welfare Departments (CWDs) effective July 1, 2019, California Work Opportunity and Responsibility to Kids (CalWORKs) recipients meeting Temporary Assistance for Needy Families (TANF) participation requirements for inclusion in the federal work participation rate (WPR) numerator are not subject to sanction and are eligible for necessary supportive services without a Welfare-to-Work (WTW) plan.

## **Background**

The CalWORKs program is supported through TANF funding and therefore is subject to federal WPR requirements. The WPR measures the rate at which TANF recipients are meeting federally specified work participation requirements. Pursuant to SB 1446, recipients meeting TANF hourly participation requirements and contributing positively toward the WPR numerator(s) are not subject to sanction.

This applies to recipients both in the noncompliance process and in sanction status. Any CalWORKs recipient found to be meeting TANF hourly participation requirements who is in sanction status should have their sanction lifted as described below.

## **TANF Work Participation Levels**

Code of Federal Regulations (CFR) 45 §261.31 provides the number of hours per week recipients must engage in work activities to meet TANF hourly participation requirements.

## **Federal Work Activities**

Recipients must be participating in federal work activities as described in [45 CFR §261.60](#) for the minimum average number of hours per week described above to meet TANF hourly participation requirements.

## **Sanctions**

In accordance with WIC Section 11322.81, CalWORKs recipients who are meeting TANF hourly participation requirements, including those in noncompliance status, are deemed in compliance with WTW requirements and will not be sanctioned unless otherwise requested by the recipient. If the recipient is already sanctioned, the recipient's sanction is to be considered cured. Sanction-curing procedures provided in [Manual of Policies and Procedures \(MPP\) 42-721.43](#) and [42-721.48](#) will not apply to federally compliant recipients; however, aid will be restored in accordance with [MPP 42-721.49](#), following documentation that the recipient is meeting federal requirements. Below is guidance on how to apply this policy to recipients who are already sanctioned and recipients who are in the noncompliance process.

## **Sanctioned Recipients**

For a recipient who is in sanction status and found to be meeting TANF hourly participation requirements, the sanction is deemed to be cured and aid shall be restored the first of the following month in accordance with [MPP 42-721.19](#). The recipient can choose to remain in sanction status by providing written or electronic notification to the CWD per [WIC 1322.81](#).

### Recipients in Non-compliance

A recipient who is not meeting the WPR and is also not meeting their WTW program requirements will be considered in non-compliance with WTW program requirements. The CWD shall initiate the non-compliance process until the recipient starts meeting TANF hourly participation requirements again or they are in compliance with all their WTW program requirements. CWDs can review the non-compliance process outlined in [MPP 42-721](#) and the sanction process explained in [ACL No. 07-04](#).

A recipient found to be meeting TANF hourly participation requirements at any stage of the noncompliance process shall be found compliant with the WTW program and the CWD shall discontinue the non-compliance process. The recipient may choose to remain in the noncompliance process in which case they will eventually be sanctioned. The recipient may request this option by providing written or electronic notification to the CWD per [WIC 1322.81](#).

### **Supportive Services**

Necessary supportive services must be provided to recipients who are meeting TANF hourly participation requirements whether they have completed a WTW plan or not. Supportive services are defined in [MPP 42-750](#).

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

Sincerely,

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

NATASHA NICOLAI  
Acting Deputy Director  
Family Engagement and Empowerment Division