

November 13, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 20-120**

This All County Letter implements policy changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) program due to passage of Assembly Bill (AB) 79, including the repeal of the Welfare-to-Work (WTW) 24-Month Time Clock (24-MTC) and changes to WTW program hourly participation requirements.



**KIM JOHNSON**  
DIRECTOR

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**DEPARTMENT OF SOCIAL SERVICES**  
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**GAVIN NEWSOM**  
GOVERNOR

November 13, 2020

ALL COUNTY LETTER (ACL) NO. 20-120

**TO:** ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CAL-LEARN COORDINATORS  
ALL COUNTY WELFARE TO WORK COORDINATORS  
ALL COUNTY CALWORKS PROGRAM SPECIALISTS  
ALL COUNTY CONSORTIA REPRESENTATIVES  
ALL COUNTY REFUGEE COORDINATORS  
ALL TRIBAL TANF ADMINISTRATORS

**SUBJECT:** **REPEAL OF THE WTW 24-MTC AND CALWORKS FEDERAL STANDARDS AND ESTABLISHMENT OF THE CALWORKS HOURLY PARTICIPATION REQUIREMENTS**

**REFERENCE:** [WELFARE AND INSTITUTIONS CODE \(W&IC\) ARTICLE 3.2 \(W&IC 11320.3, W&IC 11322.6, W&IC 11325.21\); ASSEMBLY BILL \(AB\) 79 \(CHAPTER 11, STATUTES OF 2020\); SENATE BILL \(SB\) 1041 \(CHAPTER 47, STATUTES OF 2012\); MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTIONS 42-708, 42-709, 42-711.55, 42-711.7, AND 42-713, MPP SECTIONS 42-716.1, 42-721, AND 42-749.11; ALL COUNTY LETTER \(ACL\) 14-12 AND ACL 18-70](#)

The purpose of this ACL is to provide guidance for County Welfare Departments (CWDs) pertaining to the adoption of CalWORKs minimum standards as the sole standard for hourly participation throughout clients' time on aid in accordance with [AB 79](#). This change is effective May 1, 2022, or at such time that the California Department of Social Services (CDSS) notifies the Legislature that the Statewide Automated Welfare Systems (SAWS) can perform the necessary automation, whichever is later.

## **BACKGROUND**

Passage of [SB 1041](#) (Chapter 47, Statutes of 2012) created a cumulative 24-month period, known as the WTW 24-MTC, for increased flexibility of services and activities during recipients' time on CalWORKs aid. This 24-month period of increased flexibility was implemented through a new set of hourly participation requirements called the

CalWORKs minimum standards. CalWORKs minimum standards required a lower number of hours per week, had no core hourly requirement, and no time-limits on education or barrier removal services for the duration of the WTW 24-MTC. While using the WTW 24-MTC, clients could access the full array of CalWORKs activities, including vocational education and training, job search/job readiness, and family stabilization services.

The law also established CalWORKs federal standards, hourly participation requirements aligned with federal Temporary Assistance for Needy Families (TANF) Work Participation Rate (WPR) reporting guidelines, which clients must meet after exhausting the WTW 24-MTC.

## **AB 79: UPDATED CALWORKS HOURLY PARTICIPATION REQUIREMENTS**

[AB 79](#) repeals both the WTW 24-MTC and CalWORKs federal standards and establishes the CalWORKs minimum standards as the sole set of CalWORKs hourly participation requirements throughout a client's time on aid, referred to henceforth as *CalWORKs Hourly Participation Requirements*. These changes are effective May 1, 2022, or at such time that the California Department of Social Services (CDSS) notifies the Legislature that the Statewide Automated Welfare Systems (SAWS) can perform the necessary automation, whichever is later. Regulations associated with these standards are currently provided in [MPP section 42-711.41](#) and allowable activities are provided in [MPP section 42-716](#). See attachment summarizing these requirements.

Regulatory areas repealed with this change include all of the WTW 24-MTC regulations in [MPP section 42-708](#), including clock stoppers ([MPP section 42-708.3](#)), extensions ([MPP section 42-708.7](#)), ticking months ([MPP section 42-708.2](#)), and transitioning off of the WTW 24-MTC ([MPP section 42-708.6](#) and [MPP section 42-708.8](#)), as well as the post-WTW 24-MTC participation requirements ([MPP section 42-709](#) and [MPP section 42-711.7](#)).

Regulations related to CalWORKs federal standards provided in [MPP section 42-709](#) are also repealed, along with other regulations pertaining to these requirements, including noncompliance and *removed from aid* provisions for failing to meet CalWORKs federal standards provided in [MPP section 42-711.71](#).

## **CALWORKS POLICY AREAS IMPACTED**

The repeal of the WTW 24-MTC will affect the following aspects of the CalWORKs program.

1. **WTW 24-MTC** – As stated above, all WTW 24-MTC regulations contained in [MPP section 42-708](#) will be stricken.

2. **CalWORKs federal standards** – The CalWORKs federal standards will no longer apply. CWDs shall use the CalWORKs Hourly Participation Requirements for clients throughout their time on aid.
3. **CalWORKs Hourly Participation Requirements** – As stated above, following the repeal of the WTW 24-MTC, clients will be subject to the participation requirements currently called the *CalWORKs minimum standards* throughout time on aid. After the repeal of the WTW 24-MTC, these standards will be known as the CalWORKs Hourly Participation Requirements. Please see the attachment for a summary of requirements and a list of allowable activities.
4. **Good Cause** (50 percent clock stopper) – The repeal of the WTW 24-MTC and application of the new CalWORKs Hourly Participation Requirements throughout a recipient's time on aid will make [MPP section 42-708.322](#) obsolete, since there will no longer be a WTW 24-MTC to stop due to good cause. Previously, in accordance with [MPP section 42-708.322](#) a month would not tick on the WTW 24-MTC if the individual was in a WTW plan designed to meet the CalWORKs minimum standards and was excused by their CWD from participation in WTW activities for at least 50 percent of their hourly participation requirement for the month for good cause. All other provisions related to Good Cause will be unaffected by this policy change. Refer to [MPP section 42-713](#) for guidance around continued application of good cause for WTW recipients.
5. **Family Stabilization (FS)** – FS services will be provided at any point in the WTW continuum if a county determines a family is experiencing an identified situation and/or crisis that is destabilizing the family that would interfere with an adult clients' ability to participate in WTW activities and services. Prior to [AB 79](#), availability of FS services was dependent upon recipients having time remaining on their WTW 24-MTC (see [MPP section 42-708.11](#) and [MPP section 42-749.11](#)). [AB 79](#) does not impact any other aspects of the FS program or procedures.
6. **Noncompliance/Removed From Aid** – *Removed from aid* terminology tied to the WTW 24-MTC ([MPP section 42-711.71](#)) will be repealed. The noncompliance and sanction processes will be unchanged and will apply throughout a client's time on aid.
7. **Self-Initiated Plan (SIP)** – Individuals participating in a SIP will be able to do so throughout their time on aid, as their SIP will no longer be tied to having time remaining on the WTW 24-MTC. All other SIP policy as described in [MPP section 42-711.54](#) will be unchanged by the repeal of the WTW 24-MTC.

8. **Vocational Education** – Vocational Education will be an allowable activity throughout a client's time on aid. CWDs have discretion as to whether to move a client into Job Skills or other appropriate categories in order to comply with WPR requirements. However, a CWD may not preclude a client's participation from vocational education in an effort to meet WPR.
9. **Job Search/Job Readiness** – Both of these activities are allowable throughout clients' time on aid without time limits under the CalWORKs Hourly Participation Requirements (see [MPP section 42-716.1\[n\]](#)).

### **FEDERAL REPORTING**

The TANF federal reporting requirements are unchanged by this new state policy. Although CalWORKs clients are provided significant flexibility to engage in and receive WTW services with comparison to what is federally countable, counties must continue to track and report hours in the RADEP and E2Lite samples based on federal regulations and in accordance with federal reporting instructions provided in [ACL 18-70](#).

### **FORMS IMPACTED**

**Form Updates** – The following WTW Forms will be adjusted to reflect the application of the CalWORKs Hourly Participation Requirements and will be released on a flow basis with the goal of releasing all impacted forms prior to the implementation of this policy.

1. CW 2186 A: CW Exemption Request
2. CW 2186 B: CW Exemption Determination
3. CW 2205: New Rules for CW WTW Activities
4. FSP 2: Family Stabilization Program Denial Notice
5. WTW 2: WTW Plan Activity Assignment
6. WTW 5: WTW Program Notice - Tell the County if You Need Help Reading or Understanding this Notice
7. WTW 51: WTW Noncompliance Checklist Tool

**Form Removals** – The following WTW 24-MTC forms will be deleted as a result of the WTW 24-MTC repeal:

1. CW 2208: Your WTW 24-MTC
2. WTW 38: WTW 24-MTC Notice
3. WTW 43: Notice of Your WTW 24-MTC Ending Soon
4. WTW 44: WTW 24-MTC Extension Request Form
5. WTW 45: WTW 24-MTC Extension Determination
6. WTW 46: End of WTW 24-MTC Review Appointment Letter

## **IMPLEMENTATION**

The repeal of the WTW 24-MTC and CalWORKs federal standards and application of the CalWORKs Hourly Participation Requirements shall become operative on May 1, 2022, or whenever the SAWS can perform the necessary automation to implement it, whichever date is later. Counties must continue to operate the WTW 24-MTC until this date, even if there are no operational or automation barriers impeding the change. An official informing notice of this policy change will be released under separate cover for counties to send to clients.

## **WTW PLANS**

Counties must notify all clients of the WTW Hourly Participation Requirements as soon as appropriate prior to May 1, 2022, to allow time to transition clients into new WTW plans, as necessary. As a reminder, the county must provide all necessary supportive services for clients to participate in the activities agreed upon in their WTW plans.

If, after being informed of the policy change and the additional flexibilities it allows, a client chooses to remain in their existing plan, and complies with CalWORKs federal standards, the client will not need to sign a new WTW 2 form and can remain in their existing plan, since CalWORKs federal standards exceed CalWORKs Hourly Participation Requirements. Once the CalWORKs Hourly Participation Requirements are in effect, clients continuing in a WTW plan based on CalWORKs federal standards who fail to participate in accordance with that plan will not be put in noncompliance or sanctioned as long as the CalWORKs Hourly Participation Requirements are met.

## **CLIENTS IN NONCOMPLIANCE OR REMOVED FROM AID**

On the date that this policy becomes effective, no client shall be sanctioned if they are found to be meeting the CalWORKs Hourly Participation Requirements. This includes clients who are assigned to a compliance or curing plan aligned with the CalWORKs federal standards at the time of the implementation of this policy. As a best practice, CWDs should begin working with clients prior to the implementation date to successfully transition clients to the new requirements and avoid noncompliance and the imposition of sanctions to the extent possible.

For clients in the noncompliance process for failing to meet CalWORKs federal standards, CWDs must:

1. Inform clients of the policy change and end noncompliance for clients found to be meeting the CalWORKs Hourly Participation Requirements,
2. Determine if an exemption applies,

3. Provide good cause, as appropriate, and
4. Attempt to reengage the client in the WTW program and follow established procedures to develop a compliance plan per [MPP section 42-721.2](#) that reflects the CalWORKs Hourly Participation Requirements for clients who are not meeting those requirements.

The policy set forth in [MPP section 42-711.7](#), requiring that clients be *removed from aid* for failing to meet CalWORKs federal standards, will be inoperative. Counties must inform clients who are *removed from aid* of the policy change, the effective date of the change, and the opportunity to meet lower WTW hourly participation requirements in order to receive aid.

Clients who have been *removed from aid* will have aid restored upon implementation of this policy without the requirement of a Curing Plan, provided all other factors of CalWORKs eligibility are met. For clients who are *removed from aid*, CWDs must first restore aid effective from the implementation date of this policy and additionally must:

1. Determine if an exemption applies,
2. Provide good cause as appropriate, and
3. Engage the client in the WTW flow, including the signing of a WTW plan, unless otherwise inappropriate.

Clients who are restored to aid, and who are neither exempt nor have good cause, will be subject to the CalWORKs Hourly Participation Requirements. Following the restoration of aid, CWDs must ensure that formerly *removed from aid* clients have all necessary supportive services ([MPP section 42-750.1](#)), barrier removal services, and any appropriate family stabilization services ([MPP section 42-749](#)) to support their successful participation in WTW.

If you have any questions or need additional guidance regarding the information in this letter, contact the CalWORKs Engagement Bureau at (916) 654-2137.

Sincerely,

**Original Document Signed By**  
JENNIFER HERNANDEZ  
Deputy Director  
Family Empowerment and Engagement Division

## **CalWORKs Hourly Participation Requirements**

### **Participation Hours (Note: No Core Hourly Requirements)**

<b>AU Type</b>	<b>Average Weekly Hourly Requirement (Divide monthly hours by 4.33)</b>
Single-parent or optional stepparent	30 hours (or 20 hours if caring for child under 6)
Two parents* see note below	35 hours
Two parents, one disabled	30 hours (or 20 hours if caring for child under 6)
Two parents, one ineligible	30 hours (or 20 hours if caring for child under 6)

\*Note: Includes 2-parent (2P) AUs with one parent exempt for reasons other than disability and 2P AUs with one parent sanctioned, and 2P AUs with one parent timed out of aid.

### **CalWORKs WTW Activity List**

- Unsubsidized employment
- Self-employment
- Subsidized private or public sector employment
- Grant-based on-the-job training
- Work study
- Work experience
- Community service
- Vocational education
- On-the-job training
- Job search and job readiness
- Mental health services
- Substance abuse services
- Domestic abuse services
- Supported work and transitional employment
- Job skills training directly related to employment
- Satisfactory attendance in a secondary school or in a course leading to certificate of general educational development
- Education directly related to employment
- Self-Initiated Plans
- Adult basic education
- Participation required by school to ensure child's attendance
- Other family stabilization activities
- Other activities necessary to assist in obtaining employment