

October 1, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-65

This All County Letter (ACL) provides County Welfare Departments with policy guidance regarding the provision of reasonable accommodations for California Work Opportunity and Responsibility to Kids (CalWORKs) applicants/recipients and highlights best practices to implement these policies effectively and ensure equal and meaningful access for individuals with disabilities. This ACL is part of a series of letters on providing reasonable accommodations and is specifically tailored to the administration of CalWORKs.



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October 1, 2024

ALL COUNTY LETTER NO. 24-65

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY CIVIL RIGHTS COORDINATORS
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: POLICY GUIDANCE FOR ENSURING EQUAL AND
MEANINGFUL ACCESS FOR INDIVIDUALS WITH DISABILITIES
IN CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY
TO KIDS (CALWORKS)

REFERENCE: [TITLE II OF THE AMERICANS WITH DISABILITIES ACT \(ADA\)](#)
[OF 1990 \(42 U.S.C. SECTION 12101, ET SEQ.\)](#);
[SECTION 504 OF THE REHABILITATION ACT OF 1973 \(29](#)
[U.S.C. SECTION 794\)](#);
[TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 \(42 U.S.C.](#)
[SECTION 2000d, ET SEQ.\)](#);
[28 CODE OF FEDERAL REGULATIONS \(CFR\) PART 35 ET](#)
[SEQ.](#);
[36 CFR PART 1194 ET SEQ.](#); [45 CFR PART 84 ET SEQ.](#);
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTIONS 10824.5](#)
[AND 11320.3](#);
[CALIFORNIA GOVERNMENT CODE \(GOV. CODE\) SECTION](#)
[11135 ET SEQ.](#),
[GOV. CODE SECTION 12926](#); [GOV. CODE SECTION 7405](#);
[CALIFORNIA CODE OF REGULATIONS \(CCR\) SECTION 14000](#)
[ET SEQ.](#);
[CDSS MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#)
[DIVISION 21](#);
[MPP DIVISION 42](#); [ALL COUNTY LETTER \(ACL\) 15-08](#);
[ACL 19-45](#); [ACL 19-13](#); [ACL 20-113](#) [ACL 21-78](#);
[DUVALL V. COUNTY OF KITSAP, 260 F.3d 1124, \(9TH CIR. 2001\)](#)

This All County Letter (ACL) provides County Welfare Departments (CWDs) with policy guidance regarding the provision of reasonable accommodations for California Work Opportunity and Responsibility to Kids (CalWORKs) applicants/recipients and highlights best practices to effectively implement the policy on reasonable accommodations, ensuring equal and meaningful access for individuals with disabilities.

Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and California Government Code Section 11135 and their implementing regulations require the CWD to make reasonable accommodations to their policies, practices, and procedures whenever necessary to provide equal access to individuals with disabilities.

([28 CFR Section 35.130\(b\)\(7\)\(i\)](#); [45 CFR Section 84](#); [CCR Section 14000 et seq.](#))

Reasonable accommodations may be necessary to allow a qualified individual with a disability to access a program or service, comply with program requirements, participate fully in programs, services and activities, or avoid potential sanctions for disability-related noncompliance with program rules. A reasonable accommodation may take the form of a waiver of a program rule or policy in order to help a person with a disability, or a change in the way that the CWD carries out a policy or practice affecting a person with a disability.

SCOPE OF THIS LETTER

This ACL is part of a series of letters about providing equal access for individuals with disabilities. [ACL 19-45](#), the first letter in the series, describes the reasonable accommodation framework in detail and is applicable to all CWD-administered, California Department of Social Services (CDSS)-funded programs. This ACL builds on the framework described in ACL 19-45 and is specifically tailored to the administration of the CalWORKs program, including CalWORKs Welfare-to-Work (WTW). This letter references [ACL 21-78](#), which is the second letter in the ACL 19-45 series. ACL 21-78 is tailored to the administration of the CalFresh program but contains some broadly applicable information that is referenced in this letter.

The responsibilities discussed in this ACL apply to CWDs and contractors administering CalWORKs, including WTW. This information may be helpful to other CDSS programs but must not be used as a substitute for program-specific guidance. The scope of this ACL excludes discussion of reasonable accommodation in the provision of housing and/or shelter by housing providers.

This letter is not a comprehensive restatement of all CalWORKs or WTW rules and requirements regarding services to individuals with disabilities and should not be relied upon as a substitute for CalWORKs and WTW regulations and guidance.

Note Regarding Procedural Similarities and Differences

Certain program procedures in CalWORKs related to disabilities or determination of exemption from program requirements due to these disabilities may appear similar to reasonable accommodation procedures required under the ADA. However, the performance of required CalWORKs procedures does not equate to compliance with the

ADA. For example, approving a CalWORKs WTW exemption for a participant with disabilities does not relieve the CWD of the obligations described in this letter around offering, documenting, and providing a reasonable accommodation if one is requested. More information is provided in the Exemptions portion of section IX of this letter.

Furthermore, complying with ADA Title II requirements may necessitate making changes or exceptions to CalWORKs program rules to fulfill reasonable accommodation requests. The CWD must therefore train staff on how to comply with both CalWORKs program rules and nondiscrimination laws based on disability, and what to do when requirements conflict.

WHO IS PROTECTED FROM DISABILITY DISCRIMINATION?

CalWORKs applicants/recipients with disabilities are protected against discrimination under the above referenced federal and state laws. Under California law, the definition of disability is broad and protects individuals who have a condition that limits one or more major life activities. ([Gov. Code Section 11135](#); [Gov. Code Section 12926\(j\)](#); [Gov. Code Section 12926\(m\)](#); see section III of [ACL 19-45](#).)

The definition of disability under the ADA and Rehabilitation Act is not the same as the definition of disability in CalWORKs regulations for determining WTW exemptions (see [MPP Section 42-712.44](#)) or exceptions to the 60-month time limit (see [ACL 20-113](#)). For example, an individual may be considered disabled under the ADA and Rehabilitation Act and require accommodation but not qualify for a WTW disability exemption. It should also be noted that the right to reasonable accommodation under the ADA or Rehabilitation Act is not contingent upon qualifying for a WTW exemption or 60-month time limit exception; they are different and analyzed separately.

Based on statistical data, CWDs serve a significant number of applicants/recipients with disabilities in the CalWORKs program. Prior research estimates that 20-40 percent of adult Temporary Assistance to Needy Families (TANF) participants nationwide have a mental or physical disability.¹ In 2021, 30 percent of WTW exemptions in California were granted due to a disability, and 16 percent were granted because the individual was caring for an ill or incapacitated household member.² The CWD should therefore anticipate significant ADA accommodation needs in their client population.

NOTICE TO INDIVIDUALS WHO MAY REQUEST A REASONABLE ACCOMMODATION

The CWD must notify all CalWORKs applicants/recipients and other interested parties (such as community groups) of the right to request reasonable accommodation, the existence and location of services, activities, and facilities available to persons with disabilities, information about the disability discrimination complaint procedure, and that

¹ [Loprest, Pamela, and Elaine Maag. 2009. Disabilities Among TANF Recipients: Evidence from the NHIS. The Urban Institute.](#)

² [CalWORKs Annual Summary November 2022.](#)

the CWD does not discriminate on the basis of disability. ([45 CFR Section 84.8](#); see also [MPP Section 21-107.24](#).) Notice of this information may be given verbally in face-to-face interviews or group presentations, in written communications, or in published materials such as posted notices and outreach materials in newspapers. (45 CFR Section 84.8(a); [MPP Section 21-107.25](#).) Notice should always be given in plain language. The following are specific ways a CWD must notify CalWORKs applicants/recipients of their rights and the CWD's policy on nondiscrimination:

1. Posters: Posters on nondiscrimination, including CDSS Publication 86 "Everyone is Different, but Equal Under the Law" (PUB 86), must be prominently displayed in all CWD waiting rooms and reception areas. The PUB 86 must include the name, telephone number, and address of the CWD representative who processes discrimination complaints. ([MPP Section 21-107.211](#).)
2. PUB 13: The CWD must make CDSS Publication 13 "Your Rights Under California Public Benefits Programs" (PUB 13) available in all CWD waiting rooms and reception areas. The PUB 13 must also be distributed and verbally explained to applicants in their primary language at the time of initial application and to recipients at recertification. ([MPP Section 21-107.221](#).) The requirement to explain the PUB 13 applies whether serving the applicant/recipient in person or over the phone. Dissemination and explanation must be documented in CalSAWS. ([MPP Section 21-116.1](#).)

The PUB 13 must also be available in alternate formats to be accessible to individuals with disabilities, which may include providing the PUB 13 in large print, Braille accessible electronic format for use with a screen reader, or via audio recording. (MPP Section 21-107.221; see also Section VIII of this letter for more information about auxiliary aids.) The CWD must provide pamphlets and their alternate formats upon request at each location open to the public and to clients accessing services remotely.

3. Printed notification: CWD-generated recruitment materials and materials with general information for CalWORKs applicants/recipients must include, or be disseminated with, a notification that, pursuant to Section 504 of the Rehabilitation Act, the CWD does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities. This notification must identify the County employee responsible for handling the disability grievance procedure. The notification may be incorporated into the CWD-generated materials or achieved through use of a separate insert. (45 CFR Section 84.8.)

To the extent that the CWD maintains a website with program information for CalWORKs, all webpages with general information about CalWORKs must also contain a nondiscrimination statement. (45 CFR Section 84.8(b).) It is also recommended that CWD websites provide a link to the PUB 13 in all languages translated by CDSS (or at a minimum, in all program threshold languages). It is also recommended that websites

explain in plain language the definition of reasonable accommodation and how to request an accommodation. (See section II of [ACL 21-78](#) for illustrative language for CWD websites.)

The CWD must consider the needs of individuals with visual, hearing, motor, and cognitive disabilities in designing and maintaining their websites, including webpages related to CalWORKs. ([28 CFR Section 35.160\(a\)\(1\)](#); [36 CFR Section 1194](#); see also [ADA Web Guidance](#).) Note that although 36 CFR Section 1194 requires website compliance with Web Content Accessibility Guidelines (WCAG) 2.0, these guidelines have been updated with the publication of [WCAG 2.1](#).

IDENTIFICATION OF DISABILITIES

When a disability is known or obvious, the CWD has an affirmative obligation to determine whether a CalWORKs applicant/recipient needs additional assistance due to a disability and, if applicable, to provide a disability-specific accommodation.³ (See [Duvall v. County of Kitsap, 260 F.3d 1124, 1139 \(9th Cir. 2001\)](#).) The following is a non-exhaustive list of scenarios when a disability is known or obvious:

- The individual uses a mobility device or is assisted by a service animal.
- The individual requests an auxiliary aid, such as large print or ASL interpretation.
- The individual's case history indicates a disability. For example, they are receiving or have a history of receiving disability-based services such as In-Home Supportive Services (IHSS), disability-linked Medi-Cal, or regional center services.
- The individual reports receipt of an income source for people with disabilities, such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), State Disability Insurance (SDI), or Cash Assistance Program for Immigrants (CAPI).
- The individual verbally states they have a disability.
- The individual indicates they have trouble with a major life activity, even if they don't use the word "disability." (Examples: "I have trouble remembering things people tell me", or "I have trouble moving around.")
- The individual indicates on an application, redetermination, or other form that they have a disability or need assistance.⁴
- The individual requests a disability-based exemption from WTW.

³ For more general information regarding "Identification of Disabilities" see paragraph 2 of section IV of ACL 19-45.

⁴ Program forms elicit information about potential disabilities in numerous ways. The following questions on the SAWS 2 Plus may alert the CWD to an applicant's disability, triggering the CWD's obligation to ask if an accommodation is required: Do you have a disability and need help applying? (Section 1); Is any adult in the household disabled? (Section 6a); Does anyone in the household have a physical, mental, emotional, or developmental disability that causes limitations in activities? (Section 6); Information about each person with disabilities in the home (Section 6j); Unearned Income from sources such as Social Security Disability, SSI/SSP, State Disability Insurance (SDI), Worker's Comp, Private disability or retirement (Section 7); Special Needs Expenses (Section 14); Is anyone getting IHSS? (Section 20).

- The individual submits a good cause request due to a disability-related reason.
- The CWD receives medical verification or health records reflecting a disability.
- A contracted service provider alerts the CWD that the individual disclosed a disability and/or made a reasonable accommodation request.
- The individual requests a referral for mental health or learning disability screening or services.
- Results from the learning disability screening, learning disability evaluation, Online CalWORKs Appraisal Tool (OCAT), or mental health evaluation reveal a disability or potential disability.
- The individual discloses a disability in another context, such as sponsor deeming.
- Notes from the Inter County Transfer (ICT) sending county reflect a disability.

Given that there are fewer observable cues during remote service delivery than are present during in-person service delivery (such as observing that an individual is having difficulty hearing, seeing, writing, comprehending, completing forms, etc.), the CWD may benefit from enhancements to screening for disabilities during remote service delivery. The CWD may choose to establish phone screen questions for all intakes and redeterminations, such as “Do you need any extra help to do anything we have asked you to do?” or “Do you have any condition that makes it hard to do any of the things we have asked you to do?” Deliberate screening questions may assist in identifying individuals with visible or invisible disabilities, defined as disabilities that are not immediately apparent, and determine the best method to serve an individual with a disability.

The CWD should inform applicants/recipients that, although disclosure of disability is not required, individuals can alert the agency to a disability. (See [Summary of Policy Guidance: Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF, Department of Health and Human Services Office for Civil Rights.](#))

OFFERING REASONABLE ACCOMMODATIONS

Once a disability is known or obvious (see section III, above), the CWD must ask whether an accommodation is needed, whether or not the applicant/recipient requested an accommodation.⁵ This obligation is unchanged whether service delivery occurs in-person or by phone/remotely. The obligation to offer reasonable accommodation when a disability is known or obvious begins at first contact and is continuous throughout the individual's participation in CalWORKs services. For tips on communicating respectfully when offering assistance or reasonable accommodation, see section IV of ACL 21-78.

Any difficulty meeting CalWORKs program requirements or complying with reporting requirements could indicate the presence of a disability affecting an individual's ability to comply. If a disability is already on file, the CWD must ensure that accommodations are

⁵ For more general information regarding when to provide reasonable accommodations see paragraph 5 of section IV of ACL 19-45.

offered and, if needed, provided. If accommodations are already being provided, the CWD should explore the need for additional and/or different accommodations. If the individual does not have a disability on record, but is having difficulty meeting program requirements, the CWD should again inquire whether the individual would like to request an accommodation.

The CWD should use plain language when offering accommodations. It may also be beneficial to use descriptive language. For example, a survivor of domestic abuse is having trouble meeting WTW participation requirements. Instead of asking, “Do you need a reasonable accommodation” or “Do you have a disability that makes it hard for you to participate in WTW?” CWD staff may consider asking, “Sometimes when we are harmed, everyday activities become more difficult. For example, some people who have been through difficult situations have trouble remembering things. Is it difficult for you to do anything that we have asked you to do?” For further examples, see “Scenarios for Providing Reasonable Accommodations” on page 17.

REQUESTS FOR REASONABLE ACCOMMODATIONS

CalWORKs applicants/recipients may make requests for reasonable accommodations at any time during their interaction with the CWD or contracted service provider. Reasonable accommodation requests may be made in person, by telephone, or in writing by the applicant/recipient or another individual acting on their behalf, such as an authorized representative. Applicants/recipients may also request to modify or remove their requested accommodation at any time. No special forms or procedures are required for accommodation requests.

Reasonable accommodations may be needed at various points of program participation and/or to various program components, including but not limited to (1) the application and redetermination process; (2) procedures related to notifying applicants/recipients of their rights; (3) WTW requirements; (4) policies and practices concerning exemptions, extensions, and sanctions; (5) policies and practices that aid individuals in sustaining program participation; (6) appeal process; and (7) welfare fraud investigations.

There are no specific words or phrases an applicant/recipient must use to initiate a reasonable accommodation request. The individual does not have to use the words “disability” or “reasonable accommodation.” CWD staff should listen closely to applicants/recipients for reasonable accommodation requests that may use descriptive or indirect language. Any request for extra assistance or for a modification to a rule or policy could be a reasonable accommodation request. If the individual does not refer to a disability when asking for help or for a modification to a rule or policy, the CWD should ask the applicant/recipient whether they are making the request because of a disability, condition, or impairment and what type of help is needed. For example, an applicant may ask, “Do I have to stand in line when I visit the office for my appointment?” The individual may have a physical disability and be concerned about experiencing discomfort caused by standing. Staff should ask whether they have trouble standing and explain the accommodations available at reception.

An applicant/recipient may also request an accommodation that is needed due to the disability of another person with whom they are associated. For example, an applicant may request to conduct an eligibility interview or WTW appointment over the phone because they provide primary care for a family member who cannot leave home because of their disability.

The ADA does not require that an individual have a medical diagnosis of a specific disability or medical condition to be entitled to a reasonable accommodation. Likewise, an applicant/recipient does not need to disclose a specific diagnosis or condition before requesting an accommodation, and the CWD must not ask for verification to request reasonable accommodation. An applicant/recipient only needs to disclose a disability-related need for the accommodation being requested. A CWD staff member must not challenge the legitimacy of the disability or question the applicant's/recipient's need for accommodation. A CWD staff member may, however, ask the applicant/recipient to clarify the type of help they need or the link (or nexus) between the disability-related need and the requested accommodation. For example, the CWD may ask the individual to explain the nature of their disability-related limitation ("What activities are difficult for you?") or how the requested accommodation will facilitate their participation ("Please explain how the accommodation will help you.").

If an accommodation is not immediately agreed upon between the CWD and the applicant/recipient, the CWD must initiate a discussion to further clarify the individual's needs and ways to meet them (the "interactive process"). (See [section IV of ACL 19-45](#) and [section V of ACL 21-78](#) for example questions that may be asked to initiate conversation.) All reasonable accommodation requests must be considered as described in ACL 19-45 and this letter and must be granted as requested or as agreed upon via the interactive process unless permissible grounds exist for denial. ([CCR Section 14327](#); see also [ACL 19-45](#) for a description of the interactive process.)

Reasonable Accommodation Denials

As explained in ACL 19-45, a CWD may only deny a reasonable accommodation request when the requested accommodation would either: fundamentally alter the nature of the program, service, or activity; or impose an undue financial or administrative burden on the program as a whole. ([28 CFR Section 35.150](#); 45 CFR Section 84.81; see also [section IV of ACL 19-45](#).) The determination to deny a request based on these grounds must be made by the CWD Director or their designee. The fact that a requested accommodation is outside usual program rules is not in itself sufficient basis to deny the request.

DOCUMENTING DISCLOSURES OF DISABILITY-RELATED NEEDS AND REASONABLE ACCOMMODATION REQUESTS

The CWD must document all disclosures of disability-related needs, requests for and offers of reasonable accommodation, and subsequent actions taken by the CWD in the applicant's/recipient's case file. ([WIC Section 10824.5](#); paragraph 4. of section IV of

ACL 19-45.) Further guidance about how and where to document this information in CalSAWS will be forthcoming in a separate ACL.

TRAINING TO ENSURE EQUAL AND MEANINGFUL ACCESS FOR INDIVIDUALS WITH DISABILITIES

The CWD is required to provide civil rights training to public contact staff, including but not limited to eligibility workers, employment specialists, domestic abuse service providers, supervisors, program managers, receptionists, clerical/triage staff, appeals specialists, and civil rights staff. ([MPP Section 21-117.1.](#)) CDSS encourages all CWDs to provide civil rights training annually; at a minimum, it should occur every other year.

The CWD is also required to train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on providing reasonable accommodations to people with disabilities. (Section I of ACL 19-45.) The training must include the information presented in this ACL, ACL 19-45, and relevant portions of ACL 21-78. Specifically, the CWD must train eligibility workers, program managers, and supervisors on how to notify CalWORKs applicants/recipients of their right to reasonable accommodations. Public contact staff, especially intake workers, must be trained in how to identify whether an applicant/recipient has or may have a disability and how to offer and respond to a request for a disability-specific accommodation. Public contact staff must also be trained in how to document information related to reasonable accommodations. Public contact staff must be familiar with where and how reasonable accommodation needs are noted within a case file, so that they can quickly check and provide the accommodation whenever communicating with or serving an applicant/recipient. It is recommended that during training, all CWD staff members practice giving verbal notice of the right to reasonable accommodation as well as offering reasonable accommodations in a range of scenarios.

The obligation to train public contact staff on civil rights and reasonable accommodation apply to the CWD as well as the CWD's contractors and vendors that provide program benefits and services directly to applicants/recipients. ([MPP Section 21-103.4](#); ACL 19-45.) Special training that goes beyond standard civil rights and reasonable accommodation training should be given to staff whose job duties include more specialized disability-related activities, such as administering learning disability screenings. It is recommended that WTW caseworkers and those administering the OCAT complete training about implicit bias towards people with disabilities. It may be beneficial to also incorporate trauma-informed services and approaches, which emphasize being mindful of interactions with applicants/recipients that may inadvertently make them feel unsafe, either physically or emotionally, or cause them to relive prior traumatic experiences. Appropriate training can prepare staff to recognize

signs of trauma and respond in a way that avoids re-traumatization and promotes a sense of trust and safety.⁶

AUXILIARY AIDS AND SERVICES

The CWD is obligated, pursuant to the ADA and the Rehabilitation Act, to ensure effective communication with individuals who have vision, hearing, or speech disabilities. This obligation extends to applicants, recipients, members of the public, and companions, where *companion* means a family member, friend, or associate of the applicant/recipient who, along with the applicant/recipient, is an appropriate person with whom the CWD should communicate. (28 CFR Section 35.160(a); [45 CFR 84.77](#).) A companion could be an authorized representative or a non-aided parent or caregiver who is excluded from the assistance unit (AU) and does not need to have power of attorney privileges.

Auxiliary aids and services are devices or services that enable effective communication. The CWD must provide auxiliary aids and services to individuals with disabilities when necessary to ensure effective communication. (28 CFR Section 35.160(b)(1); 45 CFR Section 84.52(b)(1); [MPP Section 21-115.41](#); see [section V of ACL 19-45](#).) Primary consideration must be given to the type of auxiliary aid or service requested. (28 CFR Part 35.160(b)(2); 45 CFR 84.77(b)(2).) The CWD must ensure they can provide effective communication through all methods of service delivery (e.g., phone, digital services, in-person) and that staff understand and can access these auxiliary aids to serve applicants/recipients.

DISABILITY ACCESS IN WTW

The CWD must offer individuals with disabilities an equal opportunity to participate in and benefit from the WTW program pursuant to MPP Section 21-115.3. Individuals with disabilities are not automatically exempted from WTW participation requirements. ([MPP Section 42-712.44](#).) Many participants with disabilities are capable of participating in productive work activities and are entitled to the opportunity to become self-sufficient through work.

The ADA covers individuals who vary widely in the nature and severity of their disabilities, their degree of impairment, and their interests, capabilities, and skills. The CWD is encouraged to explore the capabilities of each CalWORKs recipient to learn their strengths and skills. Appropriate services for individuals with disabilities must be assessed on an individualized basis for all CalWORKs participants.

A disability may interfere with an individual's ability to meet or comply with program requirements such as job training or obtaining a GED. Similarly, individuals with disabilities may face challenges in completing certain work requirements, maintaining

⁶ [The Administration for Children and Families webpage on Trauma-Informed Human Services](#) identifies resources for agencies to train staff and build an understanding of trauma and trauma-informed approaches.

employment, and/or fulfilling some program requirements within CalWORKs time limits.⁷ A person with disabilities can receive exemptions from participation, time on aid limits, or extensions to time on aid limits, and also voluntarily participate in some WTW activities. The CWD can and must provide reasonable accommodations as needed, such as adjustments to the number of hours and types of WTW activities they require of individuals with disabilities. The CWD is encouraged to inform participants with disabilities of their right to reasonable accommodation in the workplace.

The CWD must provide programs in the most integrated setting appropriate to the needs of individuals with disabilities and ensure that individuals with disabilities can readily access its programs and services for CalWORKs recipients, not just those programs and services that are designed solely for individuals with disabilities. ([MPP Section 21-111.13](#); MPP Section 21-111.1.) The CWD is encouraged to explore new ways to implement work activities for individuals with disabilities, like specialized work experience sites that help individuals attain necessary work skills. Engaging rehabilitation agencies, regional centers, independent living centers, and disability rights groups may help the CWD remove barriers for individuals with disabilities to enter the workforce.

Learning Disabilities and Mental Health in WTW

Under the ADA, reasonable accommodations may be requested as described in section V of this letter, and the duty to offer and provide reasonable accommodations begins at first contact with an applicant/recipient. The CWD must not wait until completion of a learning disability screening or evaluation, OCAT, or mental health assessment to offer a reasonable accommodation if a disability is known or obvious.

Under the CalWORKs regulations, reasonable accommodations may also be recommended or suggested as a part of the CalWORKs learning disability screenings and evaluations ([MPP Section 42-722.1](#); MPP Section 42-722.4) as well as the mental health evaluations ([MPP Section 42-711.56](#)) to address factors that may interfere with WTW participation. The information gathered during the evaluation may be used as a basis for offering an accommodation to the individual. The CWD must discuss the appropriate reasonable accommodations with the participant before providing those accommodations. (MPP Section 42-722.532(b).) Any reasonable accommodations included in the participant's WTW plan shall be included in the learning disability evaluation reports. (MPP Section 42-722.516(f); MPP Section 42-711.563(a).)

Despite areas of similarity and overlap, CalWORKs screening and evaluation procedures for requesting and providing reasonable accommodations differ from, and are not a substitute for, the requirements to offer, provide, and document reasonable accommodation under the ADA. The right to reasonable accommodation under the ADA is not contingent upon participation in, or the outcome of, any screening or evaluation and is therefore not invalidated by screening or evaluation declination or

⁷ U.S. Department of Health and Human Services Office for Civil Rights. 2007. [Ignorance of Disability is No Excuse: Screening TANF Customers for Hidden Disabilities to Ensure Equal Opportunity](#).

results. This is true even when a CalWORKs evaluation indicates an individual does not have a learning or other disability that interferes with participation and will therefore not be provided with WTW-specific accommodation under [MPP Section 42-722.531](#). A recipient may request an ADA reasonable accommodation at any time, and the CWD must consider and analyze the request under the processes described in this letter.

Substance Abuse in WTW

Pursuant to MPP Section 42-711.57, the CWD must refer participants for substance abuse assessments if there is a concern that a substance abuse problem exists that will impair the individual's ability to obtain or retain employment. If an evaluation determines that the participant has a substance abuse problem, the county drug and alcohol program or the CWD must connect the individual with available treatment services. Individuals who are not currently using illegal drugs and who have successfully completed a rehabilitation program or are currently participating in a supervised rehabilitation program are entitled to protections under the ADA and may require reasonable accommodations as described in ACL 19-45 and this letter. ([28 CFR Section 35.131](#).) Individuals with alcoholism are also considered qualified individuals with disabilities. (28 CFR Section 35.108(b)(1)(ii)(2).) An individual's current illegal use of drugs does not qualify the individual as disabled and is therefore not protected under the ADA. (28 CFR Section 35.104.)

CWD staff must offer reasonable accommodations to participants in recovery from illegal drug abuse problems and participants with alcoholism. WTW accommodations which may be needed for individuals in recovery or with a history of substance abuse could include adjustment of work schedule for treatment or permission to refuse a job where the individual would encounter alcohol or controlled substances.

Good Cause for WTW Noncompliance

Under CDSS CalWORKs regulations, the CWD may determine that an individual has "good cause" for noncompliance with WTW program requirements. In determining whether good cause exists, the CWD must consider whether the participant has a mental disability or learning disability that caused or substantially contributed to the refusal or failure to comply with program requirements. ([MPP Section 42-721.32](#); MPP Section 42-722.72.) Good cause may also be granted if the employment, offer of employment, activity, or other training for employment discriminates on the basis of age, sex, race, religion, national origin, or physical or mental disability. (MPP Section 42-721.311.)

A good cause request may require consideration of both the ADA and CalWORKs regulations. A good cause request based on a stated disability, illness, or medical condition shall function as notice of a potential ADA-qualifying disability and/or notice of a need for reasonable accommodation, meaning the CWD's obligation to offer and document reasonable accommodation is prompted even if the participant does not frame their need for accommodation as such. A participant expressing difficulty in

performing the tasks required of the work-related activity based on a stated disability, illness, or medical condition would also prompt these ADA obligations.

Approving a good cause request fulfills a program requirement but does not fulfill the CWD's ADA Title II compliance obligation. If a disability-related issue is raised in the good cause setting, the CWD must also ensure it meets its ADA obligations by offering, documenting, and providing, if needed, reasonable accommodation. A good way to initiate a conversation is to ask the participant, "Does this issue affect your ability to participate in CalWORKs or WTW in any other way?" This inquiry and response from the participant will help the CWD identify needed accommodations in and/or beyond the WTW context.

Sanctions

A participant's failure to meet program requirements (resulting in a sanction) could possibly stem from a CWD's failure to offer or provide needed reasonable accommodation. For this reason, the CWD must recognize their ADA Title II obligations at the outset of engagement with an applicant or recipient. An individual may file a disability discrimination complaint on the grounds that they were sanctioned due to an unmet reasonable accommodation need, separate and apart from requesting a hearing if they disagree with the CWD's sanction. ([MPP Section 21-203.1.](#))

Exemptions Based on a Disability

Individuals with physical or mental disabilities that significantly impair their ability to be regularly employed or participate in WTW activities may request an exemption based on disability from WTW participation. (MPP Section 42-712.44.) The CWD must handle exemption requests in accordance with applicable regulatory requirements and the process outlined in [ACL 15-08](#). At the same time, an exemption request based on a disability shall serve as notice of a disability and/or notice of a potential need for reasonable accommodation, even if the participant does not frame it as such. The existence of the above-referenced regulatory procedure for addressing an exemption request does not relieve the CWD of its ADA Title II obligations to offer, document, and provide, if needed, reasonable accommodation when it learns of a disability-related basis for the exemption request.

Relatedly, individuals with WTW exemptions based on disability may require reasonable accommodations in other aspects of CalWORKs participation (e.g., assistance with communicating or completing redeterminations). This serves to underscore that the CWD must offer and make reasonable accommodations available regardless of an individual's participation in or exemption from WTW.

Individuals with disabilities who are exempt from participation must be informed of their option to voluntarily participate in the WTW program and receive all necessary supportive and ancillary services to participate, as well as be provided any reasonable accommodations they need to enable them to participate. (MPP Section 42-712.5.)

LANGUAGE ACCESS AND REASONABLE ACCOMMODATION

Applicants/recipients with limited English proficiency (LEP) and disabilities may need both language services and reasonable accommodations, such as auxiliary aids, to effectively participate in CalWORKs and WTW.

The CWD must be prepared to identify the need for, and offer accommodation to, all applicants/recipients, regardless of language. (MPP Section 21-115.) The CWD may provide bilingual services via qualified bilingual staff and/or contracted interpreters. (MPP Section 21-115.1; Section 21-115.15.) Qualified bilingual staff must be certified and must have “the language skills and cultural awareness necessary to communicate fully and effectively and provide the same level of service to non-English speaking applicants/recipients as is provided to the client population at large.” (MPP Section 21-115.1.) “Language skills” include awareness of medical and disability-related terms (or their equivalents if there is no direct translation). “Cultural awareness” includes familiarity with attitudes, beliefs, and behaviors around disability within various language/cultural groups, including awareness of disability stigmas and barriers. Bilingual staff should utilize this awareness to educate applicants/recipients about their rights, assist with self-identification of disabilities, and discuss accommodations in a culturally competent way. Adequate time must be allocated for interpretation, especially when slow or repeated speech is requested as an accommodation.

When speaking to applicants/recipients with LEP, CWD staff should consider using descriptive language in addition to and/or instead of using the terms “disabled” or “disability.” Those terms may have narrower connotations in the target language or be easily misconstrued (e.g., “disability” may only refer to physical disabilities in some languages). Staff should also expect that reasonable accommodation requests may be formulated using descriptive or indirect language. A participant whose language lacks a translation for “reasonable accommodation” may say, “The worker speaks too quickly and will not slow down,” to mean, “I need more time to process information and I need the worker to slow down as an accommodation.”

Applicants/recipients with LEP may be unaware that they can request accommodations and bilingual services simultaneously. For instance, an individual with LEP with low vision may need large-print brochures in their primary language, while an individual with LEP with memory challenges may need telephonic interpreters to speak slowly so that the individual can take notes.

WRITTEN POLICIES ON DISABILITY DISCRIMINATION

ACL 19-45 requires the CWD to adopt written policies detailing how they will comply with the requirements set forth in that letter. The CWD must update their program’s and/or department’s written policies as needed to comply with the requirements in this letter.

If you have any questions or need additional guidance regarding the information in this letter, contact the Civil Rights Section at crb@dss.ca.gov. For questions regarding CalWORKs eligibility, contact the CalWORKs Eligibility Bureau at CWEligibilityPolicy@dss.ca.gov. For questions regarding WTW, contact the CalWORKs Engagement Bureau at CWEngagementPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

KATHY YANG
Deputy Director
Office of Equity Division

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment
Division

Attachment

ATTACHMENT

Frequently Asked Questions (FAQ) About Reasonable Accommodation Requests:

1. **Who is entitled to reasonable accommodation?** All “qualified individuals with a disability” have the right to reasonable accommodation. See [section III of ACL 19-45](#). The definitions of “disability” under the ADA and California law are much broader than that which is found in certain program regulations (such as [MPP Section 42-302.113](#)) and is not limited to those who qualify for and/or receive federal, state, or private disability benefits.
2. **Are applicants entitled to reasonable accommodation before program eligibility is determined?** Yes.
3. **Do special words or phrases need to be used to request a reasonable accommodation?** No.
4. **Can we require applicants/recipients to complete a reasonable accommodation request form?** No. The CWD may provide a reasonable accommodation request form to applicants/recipients. However, the CWD must not require applicants/recipients to use or sign the form in order to request an accommodation.
5. **When can a reasonable accommodation request be made?** Requests for reasonable accommodations may be made at any time, including, but not limited to, during the application process, during the redetermination period, after a denial of or approval for benefits, at termination of benefits, or when addressing a fraud referral. Individuals do not forfeit the right to reasonable accommodation because they did not fill out a specific reasonable accommodation form or request it initially. Even if the applicant/recipient stated that they do not need reasonable accommodation on the application or an appeal form, they may request it later without prejudice.
6. **How many reasonable accommodation requests are allowed?** There is no limit to the number of reasonable accommodation requests a person may make, and requests may change over time. Each request must be afforded individualized analysis under the law.
7. **What is the timeline for responding to a reasonable accommodation request?** Although the ADA does not state a specified time period for responding to a request for accommodation, the response should be made promptly so the applicant’s/recipient’s application or benefits are not adversely affected.
8. **Can a program rule or requirement be changed or waived as a reasonable accommodation?** Yes. All program rules and requirements are subject to reasonable accommodation requests, including the regulatory requirement to provide medical verification to support a WTW exemption request. Each such request from a qualified individual with a disability must be considered under ADA Title II requirements and may only be denied on limited specified grounds. See [section IV of ACL 19-45](#).
9. **Can a WTW participant request, as a reasonable accommodation, a reduction in the number of work activity hours per week?** Yes. The CWD must analyze

the request based on ADA Title II requirements. The request cannot be denied on the grounds that the CWD will be unable to count the individual in the federal work participation rate.⁸

10. **Does a reasonable accommodation need to be provided in every interaction?** If an individual has requested a reasonable accommodation for a disability-related need, or the need for accommodation is obvious, the accommodation must be provided in all interactions where that need would arise. The CWD must not require the individual to repeatedly request an accommodation in every interaction. For example, if the individual's disability keeps them from being able to read and understand written notices, and an accommodation is granted to read notices aloud to them, this accommodation should be provided with all notices.
11. **Can the CWD require supervisor approval for all reasonable accommodation requests?** The CWD is strongly discouraged from requiring supervisor approval for accommodation requests as a general business practice. Doing so may create a bottleneck and undue delay in the provision of accommodations. Processing of reasonable accommodation requests should be routine, and all public contact staff must be trained to handle the routine steps of offering, providing, and documenting reasonable accommodations. Supervisor involvement may be appropriate for more complex or unique accommodation requests.
12. **What is the process for an applicant/recipient to appeal a CWD's decision to deny a reasonable accommodation request?** There is no appeal process for reasonable accommodation denials. If an individual believes they were wrongfully denied, they may file a disability discrimination complaint with the county employee responsible for handling the disability discrimination complaint process.
13. **Can a request be denied because it is too burdensome on a single employee (such as the caseworker)?** No. The CWD must consider all resources available to the program. For example, an employee may receive a request to read all notices aloud to a participant with low vision. This request cannot be denied on the grounds that it would be too burdensome on the individual employee. A CWD must consider all program resources, which in this case could mean shifting some of the employee's tasks to another employee or assigning another employee to read the notices.

Scenarios for Providing Reasonable Accommodations

1. A CWD has instituted time limits for completing WTW education and training programs. A client with a learning disability has difficulty completing the education and training program within the required time limit. As a reasonable accommodation, the CWD could grant an extension to the time limit if the extension would not fundamentally alter the nature of the program.
2. A CalWORKs recipient with a Traumatic Brain Injury has trouble with memory and multi-step instructions. As a reasonable accommodation, the CWD could provide

⁸ See [HHS Civil Rights FAQs](#).

extra assistance with completing forms and call the recipient to remind them of deadlines for filling out reports. To ensure the accommodation is continuous, the CWD may need to establish a system for calendaring tasks to call the recipient with reminders and to offer assistance whenever the Semi-Annual Report (SAR) is due.

3. A CalWORKs applicant with post-traumatic stress disorder (PTSD) experiences anxiety in crowded rooms. As a reasonable accommodation, the CWD could offer phone or video appointments or in-person meetings in alternate, less crowded locations.
4. A CalWORKs participant with a disabled child misses their redetermination appointment twice. Six weeks after discontinuance, the participant contacts the CWD and reports that they were unable to attend the redetermination appointments because their child was in the hospital. The participant asks the CWD to retroactively reinstate their benefits as a reasonable accommodation. The participant provides the information requested by the CWD to demonstrate continued program eligibility. As a reasonable accommodation for the child's hospitalization, the CWD could rescind the discontinuance and determine eligibility based on the late reporting.
5. A CalWORKs recipient experiences migraines as a side effect of a newly prescribed medication. In the past they have complied with WTW hours, but in the current period they have been repeatedly short of hours due to the new medication. As a reasonable accommodation, the CWD could reduce the number of WTW hours required each month for the duration of the medical condition, provide additional supportive services, or allow the participant to switch to volunteer status with an exemption from minimum hours. The CWD should initiate an interactive process with the participant to determine which solution(s) they prefer and would best respond to their needs.
6. An Eligibility Worker sees a conflict between a signed SAR 7, which reflects no income, and an Income and Eligibility Verification System (IEVS) match showing income. The worker reviews the client's file history, which indicates the client has a severe developmental disability revealed by a WTW evaluation. The worker contacts the client and inquires as to whether the client had difficulty understanding and completing their SAR 7. The client states they were unable to understand most of the SAR 7. As a reasonable accommodation, the worker could assist the client in filling out and submitting a new SAR 7.
7. A CalWORKs participant requested a learning disability screening because they had trouble learning to read in school, and they suspected their difficulty was related to a disability. After this admission, it is appropriate for the CWD WTW staff to offer a reasonable accommodation to the participant. Aside from needing accommodations to meet the requirements of WTW, the individual may need assistance with reading notices, brochures, and hearing documents. After the individual completes the

learning disability screening, which concludes the individual is likely dyslexic, it is appropriate for the CWD staff to offer reasonable accommodation again. CWD staff should ask if, based on the new information from the screening, the individual wants to modify any existing reasonable accommodations and/or explore new reasonable accommodations.