

November 13, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-82

The purpose of this All County Letter (ACL) is to provide instructions on how to best inform applicants and recipients of their workplace rights and available remedies as established by Assembly Bill (AB) 2300 (Chapter 588, statutes of 2022).



JENNIFER TROIA
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

November 13, 2024

ALL COUNTY LETTER NO. 24-82

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY CONSORTIA PROJECT MANAGERS
ALL COUNTY REFUGEE COORDINATORS
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: **CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) AND CALFRESH: INSTRUCTIONS ON INFORMING PARTICIPANTS OF THEIR WORKPLACE RIGHTS AND REMEDIES WHEN THOSE RIGHTS ARE VIOLATED**

REFERENCE: [AB 2300 \(CHAPTER 588, STATUTES OF 2022\)](#); [ALL COUNTY LETTER \(ACL\) 23-30](#); [MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION 42-721](#).

The purpose of this All County Letter (ACL) is to provide instruction on how best to inform applicants and recipients of their workplace rights and available remedies for violations of those rights as established by Assembly Bill (AB) 2300 (Chapter 588, Statutes of 2022). The instructions in this ACL were developed in collaboration with a stakeholder workgroup which satisfied the parameters established by AB 2300. Details about the other effects of AB 2300 on the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) program can be found in [ACL 23-30](#).

Background on CalWORKs WTW Good Cause

As described in ACL 23-30, a recipient should be granted good cause for non-participation in the WTW program when the following circumstances related to employment, an offer of employment, an activity, or other training for employment exist:

- The recipient provides documentation to the county demonstrating the inability to anticipate compliance with program requirements and/or activities in the WTW Plan due to anticipated employment hours being unpredictable or scheduled employment hours exhibiting a pattern of unpredictability.
- The recipient states that the employment or offer of employment fails to comply with the [Healthy Workplaces, Healthy Families Act of 2014](#) (Labor Code Section 245 et seq.).
- The recipient states that they experienced sexual harassment or other abusive conduct at the workplace. For purposes of this good cause exemption, “abusive conduct” has the same meaning as defined in [Government Code Section 12950.1\(h\)\(2\)](#).
- The recipient states that their rights under the [Wage Theft Prevention Act of 2011](#) were violated.
- The recipient states that their rights under the [Domestic Worker Bill of Rights](#) (Labor Code Section 1450 et seq.) were violated.
- The recipient states that their rights under the [CROWN Act](#) ([Education Code Section 212.1](#) and [Government Code Sections 12926\(w\) and \(x\)](#)) were violated.
- The recipient states that their rights under the [California Family Rights Act](#) (Government Code Section 12945.2) were violated.
- The recipient states that their rights under the [Garment Worker Protection Act](#) (Labor Code Sections 1174.1, 2670, 2671, 2673, 2673.1, 2673.2, and 2675.5) were violated.
- The recipient states that their rights under the [Fair Chance Act](#) (Government Code Section 12952) or Section 432.7 of the Labor Code were violated.
- The recipient states that their rights under the Gender Nondiscrimination Act ([Government Code Sections 12926](#), [12940](#), [12949](#), and [12955](#)) were violated.
- The recipient states that their rights under [Labor Code Section 432.6](#) were violated.
- The recipient states that their rights under [Labor Code Sections 230](#) or [230.1](#) were violated.
- The recipient states that their rights under the Family-School Partnership Act ([Labor Code Section 230.8](#)) were violated.
- The recipient states that their rights to [lactation accommodations](#) under Labor Code Sections 1031, 1032, 1033, or 1034 were violated.
- The recipient states that their rights under any federal, state, or local labor or employment law were violated.

Except where documentation is otherwise specified, a recipient is not required to verify their statement regarding any of the above circumstances to receive good cause, nor is the recipient required to reference any specific law when making their statement. Further information about good cause for failure to comply with program requirements can be found in [MPP Section 42-721.31](#).

Background on CalFresh Good Cause

As described [ACL 23-30](#), AB 2300 requires the expansion of good cause for purposes of the general CalFresh work requirements. A sanction must not be applied if a CalFresh applicant or recipient has voluntarily quit a job or reduced work hours because of any of the following reasons:

- The applicant or recipient's workplace rights, listed under [WIC Section 11320.31\(a\)](#), were violated, or
- The recipient provides documentation to the county demonstrating the inability to anticipate compliance with program requirements due to unpredictable employment hours or scheduled employment hours exhibiting a pattern of unpredictability.

As a reminder, the applicant or recipient's statement of workplace rights violation does not require verification or reference to a specific law stating that their rights were violated. Counties must document the household's statement of good cause in the case record.

Informing Individuals of Their Workplace Rights and Available Remedies for Violations

If an applicant or recipient reports refusing any offer of employment, reducing hours, voluntarily quitting any employment, or being discharged from any employment to a county Health and Human Service Agency (HHSA), the HHSA must provide them with general information regarding workplace rights, including information relevant to filing a formal complaint with the appropriate state or federal agency. This information is for informational purposes only and is not legal advice. Moreover, the HHSA is neither obligated, nor expected to provide legal advice or legal services to the applicant or recipient.

Attached to this ACL is a list of web links, with accompanying language for county use when informing individuals of their workplace rights and remedies. The links are to existing publications from the California Department of Civil Rights and the California Department of Industrial Relations, who oversee California's implementation of the relevant sections of state and federal law.

The links and documents must be provided to applicants and recipients who claim good cause due to a violation of workplace rights, either explicitly or implicitly. They must also be provided to any individual placed in noncompliance status due to changes to their employment status. The HHSA has the option of providing documents/links specific to the rights the individual reported were violated or may provide all documents/links in the attached reference sheet, as appropriate.

The documents should also be provided to applicants and recipients at other appropriate times, as determined by the county, to raise awareness of workplace rights and remedies. Examples of such proactive distribution as discussed by the workgroup include at orientation, annual redetermination, when a new or revised WTW Plan is signed, or any other point when the county and participant have contact.

The HHSA may add additional appropriate links to local resources, so long as the attached links and documents are provided in addition to local resources. These resources can include, as an example, contact information for local labor rights or advocacy organizations.

This ACL and other California Department of Social Services (CDSS) Letters and Notices are available on the [CDSS Letters and Notices page](#). If you have any questions or need additional guidance regarding the information in this letter, contact the CalWORKs Engagement Bureau at CWEngagementPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division

Attachment

Suggested Workplace Rights Language and Resources

If you have to leave your job, not take a job, or have your hours at the job reduced for any of the following reasons, you will NOT be penalized under Welfare-to-Work. You are eligible for up to three months of good cause, and you may be able to take legal action against your former employer.

Please notify your Welfare To Work worker if you have experienced any of the following:

You have faced abusive conduct in your workplace.

- Workplace Discrimination and Harassment ([English](#)) ([Chinese](#)) ([Korean](#)) ([Spanish](#)) ([Tagalog](#)) ([Vietnamese](#))

Your rights under any federal, state, or local labor or employment law were violated.

- Brochure: Report a Labor Violation ([English](#)) ([Spanish](#))
- Brochure: Public Works Project ([English](#)) ([Spanish](#))

You are protected by:

The [Healthy Workplaces, Healthy Families Act of 2014](#). This requires your employer to provide paid sick leave if you work more than 30 days in a year.

- Poster: Paid Sick Leave ([English](#))

The [Wage Theft Prevention Act of 2011](#) and the [Garment Worker Protection Act](#). These laws protect you against wage violations made by your employer, including not paying you minimum wage, overtime, or the wages you were promised. Garment workers are also protected from being paid by the piece, instead of by the hour.

- Brochure: Recover Your Unpaid Wages with the Labor Commissioner's Office (LCO) ([English](#)) ([Spanish](#))
- Brochure: Collect Your Award with LCO ([English](#)) ([Spanish](#))
- Handout: Final Pay ([English](#)) ([Spanish](#))
- Handout: Pay Day ([English](#)) ([Spanish](#))
- Posting: Minimum Wage ([English](#)) ([Spanish](#))

The [Domestic Worker Bill of Rights](#). (Labor Code Section 1450 et seq.) If you work as a nanny, child care provider, caregiver, personal attendant, housekeeper, cook, or other work taking care of people in their homes, you are entitled to overtime pay if you work more than 9 hours a day or 45 hours a week.

- [Domestic Worker Bill of Rights FAQ](#).

The [CROWN Act](#) prevents discrimination in school or employment based on your hair texture or protective hairstyles.

- Discrimination is against the law ([English](#)) ([Chinese](#)) ([Korean](#)) ([Spanish](#)) ([Tagalog](#)) ([Vietnamese](#))

The [California Family Rights Act](#) ensures that you have up to 12 weeks of unpaid leave, where your job is protected, if you or a family member have a serious health condition, or if you have a new child.

- Family Care and Medical Leave and Pregnancy Disability Leave ([English](#)) ([Spanish](#))

The [Fair Chance Act](#) prevents most employers from asking about criminal history before making a job offer.

- Fair Chance Act ([English](#)) ([Spanish](#))

The Gender Nondiscrimination Act means that you cannot be discriminated against because of your gender identity or gender expression.

- Sexual Harassment ([English](#)) ([Chinese](#)) ([Korean](#)) ([Punjabi](#)) ([Spanish](#)) ([Tagalog](#)) ([Vietnamese](#))
- Transgender or Gender Nonconforming Rights ([English](#)) ([Spanish](#))

You cannot be required to waive any rights to labor protections in order to accept a job.

- Brochure: Report a Labor Violation ([English](#)) ([Spanish](#))
- Brochure: Public Works Project ([English](#)) ([Spanish](#))

Your boss cannot punish you or discriminate against you if you need time off for jury duty, if you are the victim of a crime, if you are a witness in a court case, or if you need to appear in court for most other reasons.

- [Department of Industrial Relations Reference](#)

Some bosses cannot punish you or discriminate against you if you need to take time off to find or enroll your child in school or child care, to participate in school activities, or for school emergencies, so long as you inform your boss ahead of time.

- [Parent Involvement and Family Engagement](#)

The right to [lactation accommodations](#) means that you are entitled to reasonable break times if you need to express milk.

- Handout: Meal & Rest Periods ([English](#)) ([Spanish](#))