

September 1, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY WELFARE DIRECTORS LETTER

The purpose of this All County Welfare Directors Letter is to provide an extension of previous guidance to County Welfare Departments regarding the provision of CalWORKs Employment Services in response to the 2019 coronavirus disease (COVID-19).



KIM JOHNSON
DIRECTOR

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

September 1, 2020

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) GUIDANCE FOR EMPLOYMENT SERVICES (WELFARE-TO-WORK, OR WTW) IN RESPONSE TO THE 2019 CORONAVIRUS DISEASE (COVID-19)

REFERENCE: [ALL COUNTY WELFARE DIRECTORS LETTER \(MARCH 13, 2020\)](#); [ALL COUNTY WELFARE DIRECTORS LETTER \(MARCH 30, 2020\)](#); [ALL COUNTY INFORMATION NOTICE \(ACIN\) I-55-20](#).

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide continued guidance regarding the provision of Employment Services in order to prevent the spread of COVID-19, alleviate the stress and economic strain experienced by families during this time of emergency, and provide flexibility to counties in light of the impacts of this emergency situation on their workforce and communities.

As COVID-19 mitigation strategies are increasing the economic vulnerability of low- income families, County Welfare Departments (CWDs) are encouraged to creatively and with maximum flexibility continue to provide WTW services and supports that protect families from additional hardship or reduced benefits resulting from COVID-19.

Specifically, this letter instructs counties to:

- **Utilize county discretion regarding optional documentation and verification practices** in order to continue providing WTW services and supports, including WTW Plans ([WTW 2 form](#)).

- **Provide WTW Good Cause and/or WTW Exemptions** when efforts to engage clients in services are not feasible.
- **Cure Sanctions** (in-process or existing) by means of good cause.
- **Continue to provide Expanded Subsidized Employment (ESE) and CalWORKs Work Study subsidies**, even when students are prevented from fulfilling their work study obligations due to reduced hours or worksite closure.

WTW Good Cause

The recent [ACWDL dated March 13, 2020](#) advised that existing statutory and regulatory provisions allow counties to implement county-wide policy and procedures to issue good cause for not following CalWORKs WTW requirements ([Manual of Policies and Procedures \(MPP\) Section 42-713](#)), in addition to issuing good cause or exemptions from WTW participation ([MPP Section 42-712](#)) on a case-by-case basis. This is intended to reduce face-to-face interactions and help navigate the impacts on clients and counties surrounding COVID-19. This includes issuing good cause or exemptions for non-participation in all initial engagement activities (e.g. Online CalWORKs Appraisal Tool, Job Search/Job Club, Family Stabilization), all assessments and evaluations, completion/maintenance of a WTW plan, and participation in WTW activities. Clients in good cause or exemption status are not subject to a WTW sanction for non-participation and continue to receive the full family grant based on the size of the Assistance Unit, including the adult(s) portion.

The extensive provision of good cause and exemptions could run the risk of negatively impacting counties' work participation rates (WPR). However, the Department considers the response to COVID-19 to be good cause for counties not to meet their WPR and will not pass-on any potential federal WPR penalty ([MPP Section 91-140](#)) that could be imposed for waiving WTW requirements during this crisis. Additionally, the federal Administration for Children and Families (ACF) released [Temporary Assistance for Needy Families \(TANF\) guidance March 24, 2020 \(TANF-ACF-PI-2020-01\)](#) indicating that while they have no authority to waive the work participation rate itself, they do have authority to grant relief from the resulting penalty in the face of natural disasters and other calamities and will exercise this authority to the maximum extent possible. For more information, ACF references [45 Code of Federal Regulations \(CFR\) §§ 262.5](#) and [45 CFR §§ 286.225](#) for the regulations on reasonable cause applicable to states and tribes, respectively.

Distance Learning

The pandemic has been particularly devastating for low-income families and communities. WTW services and supports can be an important part of helping families deal with the impacts and prepare for the upcoming economic recovery. Serving clients remotely through distance learning activities is encouraged. CDSS has recently partnered with [Cell-Ed](#) to provide customizable distance learning opportunities for CalWORKs participants. More information on how your county can participate in the Cell-Ed program can be found in [ACIN I-55-20](#).

Sanction Curing and Noncompliance

CalWORKs WTW clients cannot not be required to participate in activities that are not: 1) available, 2) appropriate, or 3) required, including due to good cause. Currently, state law requires the establishment of an individual cure plan to resolve a WTW sanction.

For sanctioned clients who would now have good cause not to participate in activities as described above, or whose cure plan contains activities that are no longer available or appropriate, CWDs should implement cure plans documenting that the activity the client failed to perform is not available or appropriate due to the COVID-19 emergency.

The cure plan may specify an alternative, appropriate activity (or activities) for the client to perform, which should be compliant with directives and public health guidance related preventing the spread of COVID-19. This may include, but is not limited to, reviewing orientation materials or conducting job search online in lieu of attending orientation. However, in instances where assigning another appropriate activity is not practical or feasible due to restrictions surrounding COVID-19, CWDs may implement cure plans reflecting the lack of appropriate activities, stating that the client temporarily has good cause not to participate.

For clients who are in the noncompliance process but are not yet sanctioned, CWDs should make all attempts to avoid imposing the sanction by offering other available and appropriate (online or alternate) activities, or applying good cause as appropriate either on a case-by-case basis or in accordance with a blanket good cause policy.

[Guidance documents](#) with information about prevention and mitigation efforts across a number of settings, employment sectors and activities can be found on the California Department of Public Health website.

In accordance with the [ACWDL dated March 13, 2020](#), CWDs should use the most effective practices available to streamline and expedite the execution of cure plans, including the use of phone interviews, mail-in plans, digital signatures and all electronic means available. See [All County Letter \(ACL\) 16-119](#) and [ACIN I-56-18](#) for guidance on telephonic and electronic interviews. CWDs are also encouraged to use flexibilities in existing policies to further expedite the curing process and maximize the number of sanctions cured, where possible.

CWDs are encouraged to issue pre-populated sanction cure plans for clients to sign, without solicitation from the client. Although each sanctioned individual must sign a cure plan to resolve their sanction, CWDs should consider telephonic, electronic or mail-in signatures to reduce in-person interactions and issue benefits as quickly as possible. See [ACL 17-57](#) for guidance on electronic signatures and expanded customer service over the phone and online (also applicable to WTW forms, including the WTW Plan). For CWDs that do not have the capability to accept electronic signatures or record telephonic signatures, the CWD shall enter a case journal entry stating the individual attested to the information provided.

Expanded Subsidized Employment (ESE) and Work Study

Counties have the flexibility to continue subsidizing wages in the ESE program, even in cases where worksites are closed because of COVID-19. Counties choosing to do so must update their ESE plan to reflect this new policy pursuant to [Welfare and Institutions Code \(WIC\) Section 11322.64\(d\)](#), and notify the Department that the plan was amended to address COVID-19 concerns. Counties may begin implementing this flexibility prior to notifying the Department of any such plan changes. However, counties do need to submit an updated plan to the CDSS as soon as administratively possible after implementation by following the guidance issued in the ACWDL ESE Follow-up Question and Answer (Q&A) 1. ESE Plans are on the CDSS website at: [ESE County Plans](#)

Work Study is a CalWORKs WTW activity, and a type of subsidized employment as described in [MPP Section 42-701.2\(w\)\(5\)](#). As a reminder, unlike other types of subsidized employment, income from Work Study does not impact eligibility or grant determination as stated in [MPP Section 44-111.24](#); this policy is also discussed in [ACL 98-85](#).

Pursuant to [34 CFR §§ 675.18\(i\)](#), educational institutions have the authority to make Federal Work Study payments to disaster-affected students when students are prevented from fulfilling their work study obligation for all or part of the award period because of a major disaster, and they could not be reassigned to another job. Similar to ESE subsidies, and in alignment with federal guidance, CalWORKs Work Study subsidies may continue in cases where work hours are reduced, worksites are closed, or where students are otherwise unable to fulfill their work study obligation because of COVID-19. For example, the subsidy may continue when students are unable to work

due to lack of supportive services, such as when the student's child care provider is closed due to COVID-19. The subsidized payment can be made directly to the CalWORKs recipient, or through the employer or third-party payor if they are able to issue the subsidized wages to the recipient. This guidance applies to all wages lost due to disruptions caused by COVID-19, including those lost prior to the issuance of this ACWDL.

Term of Flexibilities and Program Modifications

The flexibilities and program modifications in this ACWDL are in effect as long as there is Governor's Declared State of Emergency related to the pandemic, or earlier upon written notice from the Department. Once all flexibilities and guidance in this ACWDL have expired, all requirements modified herein shall be reinstated, unless further extended by the Department.

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

Sincerely,

Original Document Signed By:

JENNIFER HERNANDEZ, Deputy Director
Family Engagement and Empowerment Division