

August 31, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY WELFARE DIRECTORS LETTER**

The purpose of this letter is to provide County Welfare Departments with guidance to implement the provisions of Executive Order N-75-20 signed by Governor Newsom on August 24, 2020, pertaining to California Work Opportunity and Responsibility to Kids (CalWORKs) time on aid.



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DIRECTOR

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**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

August 31, 2020

ALL COUNTY WELFARE DIRECTORS LETTER

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF EXECUTIVE ORDER N-75-20  
REGARDING CALIFORNIA WORK OPPORTUNITY AND  
RESPONSIBILITY TO KIDS (CALWORKS) TIME ON AID

REFERENCE: [EXECUTIVE ORDER N-75-20](#), [EXECUTIVE ORDER N-69-20](#),  
[AND EXECUTIVE ORDER N-29-20](#); [TITLE 45, CODE OF](#)  
[FEDERAL REGULATIONS \(CFR\) SECTION 264.1](#), [WELFARE](#)  
[AND INSTITUTIONS CODE SECTION 11454](#); [ALL COUNTY](#)  
[WELFARE DIRECTORS LETTER \(ACWDL\) DATED](#)  
[MARCH 27, 2020](#), AND [ACWDL DATED JUNE 16, 2020](#)

The purpose of this All County Welfare Directors Letter is to provide County Welfare Departments (CWDs) with guidance on implementing the provisions of Executive Order N-75-20 signed by Governor Newsom on August 24, 2020, regarding CalWORKs time on aid. This guidance is effective immediately and will expire on June 30, 2021, or when the State of Emergency is terminated, whichever occurs sooner.

Executive Order N-75-20 extends the provision related to time on aid in Executive Order N-29-20, signed by the Governor on March 17, 2020, and extended by Executive Order N-69-20, signed by the Governor on June 15, 2020. In further response to COVID-19 and to ensure that Californians are able to continue meeting their basic needs and receiving CalWORKs benefits, Executive Order N-75-20 extends the authority for the Department to temporarily exempt months or partial months of CalWORKs aid from being counted on the 48-month time clock to the extent consistent with the federal time limit set forth in 45 CFR Section 264.1 and other applicable provisions of federal law.

This exemption is not to be applied if it will exceed the federal time limits set forth in Title 45 of the CFR, Section 264.1. The Statewide Automated Welfare Systems (SAWS) have stopped all discontinuances set to occur that are tied to exceeding the 48-month time limit for those cases not currently with a clock stopper or extender, as they will need to be evaluated on a case-by-case basis.

This directive applies to all current CalWORKs recipients (not just those approaching the 48-month time limit), so exemptions must be applied to all CalWORKs recipients' 48-month time-on-aid clocks for the foreseeable future until directed otherwise, unless they have already exceeded the federal time-on-aid limit or otherwise have another clock stopper or time-on-aid extender in place. The CalWORKs Time Limit Good Cause Exemption related to a "Lack of Supportive Services available from the county" will continue to be used during this period for the 48-month time clock (see Attachment 1). Additional guidance will be released if the provisions of Executive Order N-75-20 are revoked earlier than June 30, 2021, due to termination of the State of Emergency.

Please note that Executive Order N-75-20 only extended the time-on-aid exemption provision of Executive Order N-29-20 (as extended by Executive Order N-69-20), which suspended any month in which CalWORKs aid or services *are received* from counting towards the CalWORKs 48-month time limit. Therefore, any former CalWORKs recipient who was discontinued due to reaching 48 countable months of aid must meet a CalWORKs exception (time limit extender) in order to be added back to an assistance unit (AU). Attachment 2 provides different case examples illustrating when the time-on-aid exemption is applicable and when it is not.

CWDs are reminded to review whether the recipient's time limit exemption for this period was properly applied at application, redetermination, and when the 42nd and 46th month was reached.

### **Case Comments**

When implementing this exemption, adequate case documentation is essential. Case narration, including a reference to "COVID-19" will allow case reviewers to determine whether all CalWORKs requirements have been met under Executive Order authority.

If you have questions or need additional guidance regarding the CalWORKs information in this letter, contact the Early Engagement and Eligibility Bureau at (916) 654-1322.

For the RCA, ECA, and TCVAP programs, contact the Refugee Programs Bureau at (916) 654-4356.

**ATTACHMENT 1**

<b>PGME XC CD</b>	<b>PGME XC RSN CD</b>	<b>START DATE</b>	<b>END DATE</b>	<b>PROG RAM EXCE PTION REAS ON NAME</b>	<b>PROG RAM EXCE PTION REAS ON TEXT</b>	<b>PGM EXC TANF 60 FG</b>	<b>PGM EXC CW 48 FG</b>	<b>PGM EXC WTW 24 FG</b>	<b>PGM EXC END</b>
04	407	03/01/2020	06/30/2021**	Time Good Cause – CalWORKs 48 Month Limit	CalWORKs 48-Month Clock - Lack of Supportive Services available from the county.	Y	N	N3	Y

N3 – This Exemption only apply to the 48-month CalWORKs Time Clock per Executive Order N-75-20 and the 24-month WTW Time Clock, and not to the 60-month TANF Time Clock.

\*\* This exemption will end either 06/30/2021 or the month the Governor announces the end of the State of Emergency, whichever is sooner.

## **ATTACHMENT 2**

### **CalWORKs and TANF Time Clocks Examples**

#### **Example 1: CalWORKs and TANF time clocks are aligned and under respective limits**

An individual was receiving CalWORKs in February 2020 for 28 countable and cumulative CalWORKs and TANF months and continues to maintain eligibility. Pursuant to Executive Orders N-29-20, N-69-20, and N-75-20, the CalWORKs clock is stopped at 28 months while the TANF clock continues to tick. In October 2020, their time on aid (TOA) is shown as:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	28	28	28	28	28	28	28	28	28
<b>TANF TOA in months</b>	28	29	30	31	32	33	34	35	36
<b>State of Emergency Exemption Applied</b>	N	Y	Y	Y	Y	Y	Y	Y	Y

#### **Example 2: CalWORKs and TANF time clocks are and under respective limits with prior exemptions**

An individual was receiving CalWORKs in February 2020 for 30 countable CalWORKs months and 54 cumulative TANF months due to a prior exemption. Pursuant to Executive Orders N-29-20, N-69-20, and N-75-20, the CalWORKs clock is stopped at 30 months while the TANF clock continues to tick. In September 2020, the individual is transferred to state-funding as the 60th month of the TANF time limit was reached in August 2020. In October 2020, their TOA is shown as:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	30	30	30	30	30	30	30	30	30
<b>TANF TOA in months</b>	54	55	56	57	58	59	60	TANF timed-out	TANF timed-out
<b>State of Emergency Exemption Applied</b>	N	Y	Y	Y	Y	Y	Y	Y	Y

**Example 3: CalWORKs time clock is under respective limits with prior exemptions**

An individual was receiving CalWORKs in February 2020 for 42 countable CalWORKs months and is TANF timed-out. This individual continues to maintain eligibility for state-funded CalWORKs. Pursuant to Executive Orders N-29-20, N-69-20, and N-75-20, the CalWORKs clock is stopped at 42 months. In October 2020, their TOA is shown as:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	42	42	42	42	42	42	42	42	42
<b>TANF TOA in months</b>	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out	TANF timed-out
<b>State of Emergency Exemption Applied</b>	N	Y	Y	Y	Y	Y	Y	Y	Y

**Example 4: CalWORKs time clock is under respective limits; Recipient is not eligible for TANF**

An individual was receiving CalWORKs in February 2020 for 36 countable CalWORKs months and is not eligible for TANF-funded assistance due to the five-year ban on federal benefits for qualified noncitizens, but is eligible for state-funded CalWORKs. Pursuant to Executive Orders N-29-20, N-69-20, and N-75-20, the CalWORKs clock is stopped at 36 months. In August 2020, the individual became eligible for TANF and transitioned to federal funding. In October 2020, their TOA is shown as:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	36	36	36	36	36	36	36	36	36
<b>TANF TOA in months</b>	No TANF clock	No TANF clock	No TANF clock	No TANF clock	No TANF clock	No TANF clock	1	2	3
<b>State of Emergency Exemption Applied</b>	N	Y	Y	Y	Y	Y	Y	Y	Y

**Example 5\*\*:** Recipient's TANF time clock is over the federal limit with prior CalWORKs exemptions

An individual was receiving CalWORKs in February 2020 for 42 countable CalWORKs months and 61 cumulative TANF months. This individual continued to maintain eligibility for state-funded CalWORKs from February through August and is not eligible for the time limit exemption due to the State of Emergency as a consequence of exceeding the federal time limits. The individual reached their 48<sup>th</sup> month of countable aid in August 2020. Unless eligible for another CalWORKs exemption, their TOA is shown:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	42	43	44	45	46	47	48	Removed from AU	CalWORKs timed-out
<b>TANF TOA in months</b>	61	61	61	61	61	61	61	61	61
<b>State of Emergency Exemption Applied</b>	N	N	N	N	N	N	N	N	N

**Example 6\*\*:** Recipient's TANF time clock is over federal limit with current CalWORKs exemption

An individual was receiving CalWORKs in February 2020 for 42 countable CalWORKs months and 61 cumulative TANF months. This individual continues to maintain eligibility for state-funded CalWORKs and is not eligible for the time limit exemption due to the State of Emergency as a consequence of exceeding the federal time limits. However, they became eligible for a disability exemption that stopped their clock effective June 2020, stopping the CalWORKs clock at 45 months. In October 2020, their TOA is shown:

	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20	10/20
<b>CalWORKs TOA in months</b>	42	43	44	45	45	45	45	45	45
<b>TANF TOA in months</b>	61	61	61	61	61	61	61	61	61
<b>State of Emergency Exemption Applied</b>	N	N	N	N	N	N	N	N	N
<b>Disability Exemption Applied</b>	N	N	N	N	Y	Y	Y	Y	Y

\*\* NOTE: Exceeding the 60-month Federal TANF limit is rare and may be the result of a TOA data entry/system error or receipt of out-of-state TANF/Tribal TANF assistance that exceeded 60 TANF months.

### Example 7: Recipient is receiving a CalWORKs time limit extender

An individual was receiving CalWORKs in February 2020 due to eligibility for a CalWORKs time limit extender for previously reaching 48 months of countable aid and had 58 months of cumulative aid. This individual is not eligible for the time limit exemption due to the State of Emergency because the 48<sup>th</sup> month of aid was reached. However, their aid continues due to the time limit extender. The individual transitions to state-funded aid in May 2020 and as of October 2020 their TOA is shown:

[illegible]



